

# GRAND JURY REPORT



2013 - 2014

# 2013 / 2014 PLUMAS COUNTY GRAND JURY FINAL REPORT

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## 2013/2014 Plumas County Civil Grand Jury Final Report June 5, 2014

## WORKING TOWARD A BETTER PLUMAS COUNTY

We the members of the 2013/2014 Civil Grand Jury are proud to have served during the current term. This was a valuable opportunity to learn about our local government and how it functions. We hope the information contained within this final report will be found valuable in making Plumas County a better place to live and work.

The Plumas County Grand Jury selects topics to investigate each year and these investigations become reports. The entities the Grand Jury may investigate are various aspects of county government. There are

fifty-eight different departments, agencies, and programs in Plumas County. Sources for topics to investigate come from citizen complaints, newspaper articles, fellow jurors, the previous jury, and the "Final Report Subject Index" which is included in the Plumas County Grand Jury Manual. "Final Report Subject Index" is a record of Grand Jury Investigations dating back to 1995. In addition, the Grand Jury is required to file a report documenting an annual Jail inspection.

The 2013/2014 Grand Jury noticed on first review, many subjects had been investigated many times, but eighteen of the fifty-eight departments, agencies, and programs, had not been investigated from 1995 till 2013. Plumas County Mental Health Services (PCMH) and Plumas County Clerk/Recorder, including Elections, were two of those eighteen.

Several of the investigations conducted by the 2013-2014 Grand Jury appeared to overlap county programs, specifically the Alcohol and Other Drug Program (AOD), the Plumas County Mental Health Program, and the County Jail. The commonality appeared to be tied to implementation of AB 109. AB 109 was implemented to reduce overcrowding in California State Prisons, and its impact on Plumas County's ecosystem of services is beginning to show. As a result of 2013-2014 Grand Jury investigations, it is obvious that AB 109 has created more demands on Plumas County Jails, the Sheriff Department, Plumas County Mental Health and Alcohol and Other Drug Programs.

During the Grand Jury's investigation of AOD, we discovered problems in communication among agencies that serve people with alcohol and other substance abuse problems. In addition, we believe that insufficient resources are having a negative impact on AOD's ability to offer sufficient treatment options for AOD clients. A solution that would alleviate both concerns would be to integrate AOD into a Behavioral Health Services Department with Department Managers who report to a Behavioral Health Administrator who will then be the liaison with the Board of Supervisors. This recommendation is in alignment with a new California state mandate calling on counties to integrate stand-alone alcohol and drug departments into behavioral health services models.

Some of the investigations conducted by the 2013-2014 Grand Jury resulted in some difference of opinion regarding the need for a county Administrative Officer (CAO). The need for a CAO, which has not been filled since spring of 2012, was not fully looked at enough by this year's Grand Jury to make a recommendation, but investigations did suggest that the lack of a designated county point person was a perceived weakness for efficiently and consistently running government programs in Plumas County. In a recent article published in "The Feather River Bulletin", the Board of Supervisors is confident that, in lieu of a CAO, they are putting out fires as needed and county government, without a CAO is running fine. An internal investigation to monitor the BOS and evaluate the pros and cons of the CAO position should be conducted to determine whether a change is needed.

As the 2013/2014 Grand Jury term comes to an end, we, the members, would like to thank the Presiding Judge, Ira Kaufman, for this opportunity to see the county government with a fresh set of eyes. We'd also like to thank the numerous members of the Plumas County departments for their candor and cooperation during our investigations, hopefully allowing us to provide worthwhile recommendations.

## PLUMAS COUNTY ALCOHOL AND OTHER DRUG SERVICES

*On the Road to Recovery*

### SUMMARY

Many Plumas County residents have either heard about or been directly impacted by problems with the Alcohol and Other Drug Services (AOD). In addition to frequent changes in its administration over the years, the AOD completely shut down in 2008 and lost all state funding for the next three years. It wasn't revived until a new interim Director was hired in the summer of 2012 when the AOD was placed under the Department of Public Health. After going to considerable lengths to create a viable alcohol and drug program, this Director attempted to turn in their resignation last September, 2013. The Board of Supervisors rejected the resignation

until they found a permanent replacement in February 2014. This new permanent Director was hired to heal the troubled program. At the time of the completion of this Grand Jury report this new Director had recently been hired. It is our understanding that the new AOD Director was one of the original architects of the AOD Strategic Plan meant to overhaul the department after its closure in 2008. The Grand Jury is confident that the current AOD administration represents continuity in the leadership of AOD over the past three years and is, therefore, highly capable of maintaining the positive direction AOD set forth three years ago when the overhaul first began. We also understand that there is no quick fix to the problems that have surfaced within AOD over the years. Our purpose is to highlight the issues that remain and stress that we believe that the current AOD administration is well aware of the problems mentioned below and in the process of creating an outstanding AOD Department for the residents of Plumas County.

Today AOD is a stand-alone department. The AOD's instability over the years has occurred simultaneously with an increase in drug and alcohol addiction among Plumas County residents. To date, our county has some of the highest numbers of reported drug addicts and alcoholics in need of treatment in the state of California. There has also been a rise in misdemeanors and felonies that may be attributed to this rise in addiction rates. Yet with a new administration in charge with plans to revamp the AOD, there is renewed hope that the AOD will recover from its previous black eye and become a state-of-the-art agency.

The 2013/2014 Plumas County Grand Jury wanted to determine why the AOD was riddled with problems and unable to maintain a permanent Director, and what, if anything could be done about it. Our decision to conduct this investigation was prompted not only by our personal knowledge of the AOD's well-publicized closure but also by articles in the Feather River Bulletin that announced the resignation of the AOD Director back in September 2013.

During our investigation, we found that the problems plaguing the AOD were due in

part to a lack of sufficient personnel resources. At the time of the writing of this Grand Jury report, there are only two clinicians serving our county. However, after our investigation was completed, the Grand Jury put to rest the notion that the source of the problem was strictly monetary. AOD receives a \$750,000 dollar block grant from the state that should be sufficient enough to cover operational costs. There is a clear commitment on the part of the new administration to hire two more licensed AOD clinicians.

During our investigation we found a lack of a unified vision by Plumas County Department Managers and Board of Supervisors for the AOD and its clients. There is disagreement among past and present administrators about the best way to organize the AOD. Some believe that it should be under the Department of Public Health, while others feel it should be under the Department of Mental Health. Still others think it should be integrated with the Departments of Mental and Public Health into a Behavioral Health Department. Some believe it should remain a stand-alone department.

There are also some questions about the organization of the Alternative Sentencing Program (ASP) where 70% of their clients have issues with alcohol and drugs. Our investigation discovered that many of these concerns stem from a limited understanding of the District Attorney's role in reducing recidivism and piloting reentry programs. Traditionally, AOD clients who were convicted of a crime would either be put in jail or on probation. However, with the passage of Assembly Bill 109, meant to reduce overcrowding in prisons, AOD clients who committed a punishable misdemeanor and would traditionally be prosecuted and punished through the office of the District Attorney are now able to go into an Alternative Sentencing Program run by the District Attorney. Typically, these Alternative Sentencing Programs are run by Probation Departments. Plumas County is in a unique position to house its Alternative Sentencing Program under the District Attorney's Office rather than Probation. Plumas County is not the only county in the state to house its ASP under the District Attorney's office. San Francisco's District Attorney's Office became the first office to hire an Alternative Sentencing

Planner in the State of California. The unique position has stirred up some concerns from other agencies that would expect an Alternative Sentencing Program to be housed in the Probation Department. The Grand Jury believes that these misunderstandings stem from a lack of positive communication between the District Attorney's Office and the Probation Department.

In addition, the Grand Jury found a lack of coordination and cooperation among Plumas County's other agencies that serve clients with alcohol and other drug issues. Administrators at the Plumas District Hospital claimed not to have an on-call number to reach anyone at AOD in the event a patient under the influence requests detoxification. Instead they are sent to the jail, "the drunk tank" for "treatment" rather than driven to an out-of-county detoxification hospital by the on-call 24 hour AOD van.

The Probation Department has less contact with AOD because most alcohol and other substance abusers who break the law and are on probation are now part of the Alternative Sentencing Program. There is an AOD clinician who assists the ASP in offering regular workshops at the Community Resource Center but AOD clients who are not ASP clients may not attend those workshops. This lack of cooperation ties into a resource issue because the ASP clients make up 100% of the caseload of one of only two clinicians at AOD, leaving only one clinician to treat non ASP Plumas County clients. We found it problematic that the Board of Supervisors does not have a point person delegated to handle these issues.

Our investigation found that the Department's lack of a public profile also poses a problem for those seeking treatment. When one searches the Board of Supervisors web site and types in Alcohol and Other Drug Services he or she gets a list of Alcoholics and Narcotics Anonymous contact information. When we conducted our on-site investigation, none of the employees in the Plumas County Annex knew where the AOD offices were, even though the AOD offices had been there for over a year. When a clinician arrived and motioned us into the AOD offices we noted that there was not an AOD sign or hours of

operations sign on the outer locked door. Although it is not a walk-in clinic, we thought it unusual that the office was closed during business hours. In addition, there are virtually no pamphlets placed for public perusal that the Grand Jury could find anywhere in the County. There is no advertisement for the Department in the Feather River Bulletin. We also find it problematic that given the physical proximity of the Mental Health Department, many with alcohol and drug issues who are unaware of AOD services, could end up entering the Mental Health Department by mistake.

In summation of all of the above, the 2013/2014 Plumas County Grand Jury finds that the AOD Department has significant challenges ahead as it grapples with the rising number of individuals with alcohol and drug issues seeking treatment. A lack of a unified vision by administrators, a lack of coordination among the various agencies that serve AOD clients, a problem with allocation of personnel resources, and a lack of public outreach will continue to pose problems for this department. At the time of the writing of this report we did have a chance to interview the new administration and feel confident that their plans towards integration of services with Mental Health and Public Health may alleviate much of the problems cited in this report.

The Grand Jury feels that AOD should be integrated into a Behavioral Health Services Department with Department Managers who report to a Behavioral Health Administrator who will then be the liaison with the Board of Supervisors or CAO, should that position be filled in the future. In addition the Managers of the various integrated services from AOD, Mental Health, and the Public Health Department should meet monthly with; the Board of Supervisors, hospitals in Plumas County, the Sheriff's Office, the Alternative Sentencing Program, and Probation to help come up with a unified vision and to strategize on how to improve communication and coordination of agencies serving AOD clients. Moreover, we hope that AOD immediately launches a public relations campaign to repair its public image and increase its profile. Finally, we suggest that Administrators from Department of Probation and the

Alternative Sentencing Program (ASP), both serving individuals with alcohol and drug issues, should meet regularly to discuss positive ways to support each other in their common goal of promoting successful reentry of offenders into the community.

## BACKGROUND

Last fall the Feather River Bulletin ran an article about the Board of Supervisor's request that the acting Director of the Alcohol and Drug program defer their resignation until a new Director could be hired. That article led the Grand Jury to wonder why the interim Director would resign after one year tenure. Most residents may have been surprised to hear that there was a Director to resign from the post given the Department's highly-publicized closure four years earlier. The resignation of a newly appointed interim Director in the wake of the Department's closure in 2008, coupled with years of revolving AOD Directors, posed a shock to the community, many in the community did not know if Plumas County still had a Drug and Alcohol Department. Plumas County was the only county in the state without a Drug and Alcohol Department during the years it shut down.

A second article titled, "Supervisors Split on How to Run Alcohol and Drug" ran in the Feather River Bulletin on September 2nd, 2013 and caused the Grand Jury to wonder, not only about the revolving leadership and previous closure, but the overall direction of the program, particularly since reported incidents of alcohol and drug related crimes has been on the rise in Plumas County.

The Grand Jury decided that there were enough questions concerning the state of the Alcohol and Drug Department that had been brewing for years to launch a full investigation.

## METHOD OF APPROACH

**The Grand Jury reviewed the following documents:**

- Plumas County Public Health Agency Alcohol and Other Drug Programs, Policies

and Procedures, Revision Date: June 27, 2013

- Alcohol and Drug Program Comprehensive Review, 2013
- Alcohol Drug Program 2013 Budget Allocations
- Alcohol and Drug Program 2013 Budget Expenses
- Alcohol and Drug Department Poly Substance Dependent Statistics, 2013
- Plumas County Alcohol Tobacco & Other Drug Program Continuum of Services Strategic Plan: Moving Towards a Continuum of Services
- Request for Proposals (RFP), issued July 18, 2012

#### We also reviewed:

- Plumas County Adult Substance Abuse Treatment Court Policies and Procedures Manual
- District Attorney's Budget for Drug Court, 2013
- Alternative Sentencing Program Budget 2013
- Standard Group Rules: Day Reporting Center (Facilitator Agreement)
- Plumas County, index of minutes of Board of Supervisors meetings, 2010-2014

#### The following articles were reviewed from the Feather River Bulletin:

- "Audience Members Object to How Board Conducts Business," 14, Feb., 2014
- "Supervisors Share Week's Experiences" (The County Departments of Public Health, Mental Health, and Alcohol and Drug...have their own officers, but county must have an officer that oversees all Departments) 09, Sept., 2013
- "Supervisor's Split on How to Run Alcohol and Drug," 09 Feb., 2013
- "County Public Health Director Withdraws Her Resignation," 25 April, 2013

#### Site Tours:

The Grand Jury spent 10 hours inspecting offices and centers in Plumas County utilized by administrators of alcohol and drug programs for residents seeking treatment for alcohol and drug issues. The Grand Jury conducted site tours of the Department of Alcohol and Drug, Plumas District Hospital (Quincy), The Plumas County Jail, The Resource Center, and Probation office.

#### Interviews:

During this investigation the Grand Jury interviewed 14 people, including administrators and employees of the

Alcohol and Drug Program/Department, some members of the Plumas County Board of Supervisors, employees from the Sheriff's Office, Probation Department, Alternative Sentencing Program (ASP), District Attorney's Office, Resource Center and Plumas District Hospital.

#### Glossary:

Adult Substance Abuse Treatment Court (ASATC).

Alcohol and Drug Department (A&D)

Alcohol and Other Drug Services Department (AOD)

Alcohol, Tobacco and Other Drugs (ATOD)

California Department of Alcohol and Drug Programs (ADP)

Plumas County Public Health Association (PCPHA)

Alternative Sentencing Program (ASP)

Board of Supervisors (BOS)

Mental Health (MH)

Negotiated Net Agreement (NNA)

Plumas County Public Health Agency (PCPHA)

Proposition 36, the Substance Abuse and Crime Prevention Act of 2000, was an initiative statute that permanently changed state law to allow qualifying defendants convicted of non-violent drug possession offenses to receive a probationary sentence in lieu of incarceration.

Request for Proposals (RFP)

Realignment - Assembly Bill 109 (AB-109) Passed in 2011 enacted to reduce overcrowding in

California State prisons by housing specific high risk offenders in local jails.

Substance Abuse, Prevention, and Treatment (SAPT)

## DISCUSSION

### Recent History of the Alcohol and Drug Department:

Three years after the County Alcohol and Drug Department closed in October 2008, Plumas County Public Health Association (PCPHA) was tasked with re-starting publicly-funded Alcohol and Other Drug Services. From 2008 to 2012 there was no

stand-alone county Alcohol and Drug Department. The County Alcohol Tobacco and Other Drug Programs were organized within the Plumas County Public Health Agency. The County Alcohol and Drug Administrator was also an Administrator of Public Health. At the time PCPHA had no experience in running state-funded alcohol and drug services and received guidance from Alcohol and Drug Programs (ADP) Analysts. In a Request for Proposals (RFP), the PCPHA wrote up a strategic plan "to build a solid infrastructure of fiscal accountability, programmatic policies and procedures, federal and state regulatory compliance, standards and practices, and a quality assurance plan that would meet the state's minimum requirements and standards and at the same time, develop a robust continuum of services that will serve our residents to our fullest ability." The RFP named the general population, perinatal women, and targeted youth as those populations most in need of outpatient treatment services. The process also involved a strategic planning process that involved partnering with other agencies. The Strategic Directions sought to:

- Move from a public health-oriented service delivery and toward a more client-centered service.
- Maximize current resources and position the county to leverage additional resources.
- Streamline service delivery to improve efficiencies and enhance client needs.
- Ensure a collaborative and integrated approach.
- Move toward a more strategic, sustainable and evidence-based approach to service design and delivery.
- Align with and influence local, statewide, and federal initiatives related to the design and delivery of a comprehensive and integrated continuum of services.

*The following chart was created for the 2012 Request for Proposals (RFP) and summarizes treatment services, program description, and duration.*

Intensive Outpatient Treatment Services Program Design				
Treatment Service	Program Description	Duration		
Assessment	Performed by Centralized Assessment/Case Management	Within 72 hours of a referral		
Intensive Outpatient Program	Applicant performs an intake, financial assessment (and secondary assessment for suitability if desired)	Within 72 hours of the referral from Centralized Assessment/Case Management		
	Group - 3 hours per session	3 times per week for 3 months 36 sessions		
	Individual - 50 minutes per session	2 sessions per month for 3 months 6 sessions		
Continuing care	One Group per week for 90 days	4 sessions per month for 90 days (can be ongoing)		
Urinalysis	One UA per week for 3 months	12 UA's		
	Two UA's per month	6 UA's		
Recovery Monitoring	Applicant to follow-up	Follow-up 30-days post discharge		
	Centralized Assessment/Care Management to follow-up	Follow-up at 3, 6 and 12 month intervals post-discharge		
Total Per Client		1 client for 3 months		
Total Program		Up to 40 clients annually		

The re-opening of the Alcohol and Drug Department under Plumas County Public Health Association (PCPHA) afforded an opportunity for administrators to begin anew and create alcohol and drug services based on current needs of Plumas County residents and in alignment with state and federal initiatives. Based on a needs assessment the PCPHA identified the following priority problem areas:

- Alcohol, Tobacco and Other Drugs (ATOD) abuse causes high family dysfunction and intergeneration parental role failure.
- Treatment is not universally accessible/affordable/available.
- High rates of relapse and/or criminal recidivism.
- Service & Health Care Providers need training regarding addiction science.
- Services provided in silos and isolation without coordination resulting in duplication of services/resources.
- Different ages have different problem substances and all ages lack awareness of inherent dangers.
- Families with 0-5 year olds are not aware of inherent dangers to children from alcohol, tobacco and other drug abuse.
- K-12 use and access to alcohol, tobacco and other drugs on campus.
- High rates of crime rooted in alcohol, tobacco and other drugs use/abuse.
- Few positive activities for kids after school.
- Alcohol, tobacco and other drug use has become acceptable. Social norms and learned/observed behavior.

Plumas County Public Health Association (PCPHA) Administrators called the planning document the "Plumas County Alcohol Tobacco & Other Drug Program Continuum of Services Strategic Plan: Moving toward a Continuum of Services". The purpose of the plan was to:

- Develop a Public Health model that embraces an "upstream" approach
- Streamline service delivery, improve efficiencies, and enhance client outcomes while maximizing resources.
- Recognize the preponderance of co-occurring conditions and ensure a collaborative systems approach that

maintains focus on client outcomes.

- Move toward a strategic, sustainable and outcome/evidence-based approach.
- Align with federal and state initiatives that deliver a comprehensive and integrated continuum of services.

In February 2014, the Board of Supervisors (BOS) hired a Director to replace the interim AOD Director. The shift in leadership signaled a shift away from the Department being an agency within Public Health to becoming the stand-alone Alcohol and Other Drug Services Department (AOD). The change in leadership does not, however, necessarily mean a change in the strategic directions outlined above. Current AOD administrators seem aware of similar problems, priorities, and solutions. The new AOD Director was one of the originators of the strategic initiatives listed above.

#### **Timeline:**

##### **October 2008**

- County Alcohol and Drug Department closes down.

##### **July 2011**

- County accepted Negotiated Net Agreement (NAA) with California Department of Alcohol and Drug Programs (ADP). Plumas County Public Health Agency (PCPHA) worked with state Alcohol and Drug Programs (ADP) to clear audit exceptions from FY 2008-2009

##### **August 2011**

- Plumas County Public Health Agency (PCPHA) began Continuum of Services Strategic Planning Process for publicly-funded alcohol and drug services.
- Plumas County Public Health Agency (PCPHA) requested technical assistance and training from Alcohol and Drug Programs (ADP) and began developing administrative infrastructure to administer, plan, and implement programs and services that meet Negotiated Net Agreement (NNA) requirements.

##### **September – December 2011**

- Plumas County Public Health Agency

(PCPHA) staff and consultants worked through regular meetings with strategic planning subcommittees and conducted a comprehensive needs assessment.

- Plumas County Public Health Agency (PCPHA) Administrative team, with guidance from Alcohol and Drug Programs (ADP) Analysts, developed administrative infrastructure for ADP-funded program implementation including: departmental and program-specific standards, policies, procedures, and guidelines to meet state and federal requirements outlined in Negotiated Net Agreement (NNA).
- Plumas County Public Health Agency (PCPHA) received notification from Plumas Rural Services, the Drug Court Treatment Provider, that it withdrew interest in continuing contract-for-services to provide substance use disorder services to Drug Court participants effective November 18, 2011.

##### **January – March 2012**

- Plumas County Public Health Agency (PCPHA) requested site visit from Alcohol and Drug Programs (ADP) Monitoring Branch to review program administrative and operational infrastructure developed for implementing Alcohol and Drug Programs (ADP) funded services under the Negotiated Net Agreement (NNA).
- Alcohol and Drug Programs (ADP) Monitoring Branch provided Plumas County Public Health Agency (PCPHA) with a list of Corrective Actions to be addressed by June 30, 2012.
- Strategic planning partners utilized findings from the Needs Assessment to rank planning priorities.
- Plumas County Public Health Agency (PCPHA) worked with Drug Court Team (Superior Court, District Attorney's Office, Probation Department), with direction from the Community Corrections Plumas County Alcohol Tobacco & Other Drug Program Continuum of Services Strategic Plan Partnership Executive Committee, to develop and release Requests for Proposal for Drug Court Treatment Provider; the review team with members from Health and Human Services, Superior Court, Probation, and Strategic Planning Advisory Committee did not select a successful applicant.

##### **April – June 2012**

- Plumas County Public Health Agency (PCPHA) completes requirements for all elements of Corrective Action Plan provided by Alcohol and Drug Programs (ADP) Monitoring Branch, setting the foundation for implementing treatment services
- Strategic Prevention Subcommittee and Plumas County Public Health Agency (PCPHA) Prevention staff finalize Strategic Prevention Plan for 2012-2015 and internal Scope of Work and submit to state by May 31, 2012 due date.

##### **July 2012**

- Plumas County Public Health Agency (PCPHA) issues Requests for Proposals for general population, perinatal and youth treatment services.
- Plumas County Public Health Agency (PCPHA) re-issues Drug Court Treatment Provider Request for Proposal as part of a larger Drug Court re-design effort.

##### **August 2012**

- Alcohol and Drug Continuum of Services Strategic Plan to be finalized and approved by strategic planning stakeholders and Board of Supervisors (BOS).
- Requests for Proposals reviewed and selection of treatment providers.

##### **September 2012 – 2013**

- Plumas County Alcohol, Tobacco, and Other Drug Program offers outpatient treatment services.

##### **September 2013**

- Director of Plumas County Alcohol, Tobacco, and Other Drug Program offers resignation but BOS does not accept until they find a new permanent Director.
- An interim Director is assigned to oversee Program until a permanent Director is hired.
- Becomes a stand-alone department with the name Alcohol and Other Drug Services.

##### **February 2014**

- Plumas County Board of Supervisors hires permanent Director to replace interim Director

## Current Condition of the Alcohol and Other Drug Services Department (AOD)

The Grand Jury believes that the retooled Alcohol and Other Drug Services Department is on the road to recovery. At the time of the drafting of this report in early March 2014, there appears to be a continuity of vision between the outgoing and the incoming AOD administration. The current administration seems well aware of the resource issues and structural problems cited in the Grand Jury's assessment of the current state of AOD below. Nevertheless, the Grand Jury has concerns that unless resources are added and there is better integration among agencies that serve AOD clients, problems will remain and treatment priorities mentioned previously will remain unresolved.

The Alcohol and Other Drug Services Department does not have a Case Manager and has only two certified Substance Abuse Counselors to serve all of Plumas County. According to the Department's records, over 160 people received an alcohol and drug intake assessment last year. Clinician #1 has over 30 clients and Clinician #2 has over 36 clients in their case load file. There is no supervising clinician. Most of the \$750,000 (spread out over a 22 month period) that the County receives for alcohol and drug related services comes from federal funding. AOD receives \$423,000 from a Substance Abuse, Prevention, and Treatment (SAPT) block grant, much of which goes to six resident in-patient service facilities in Paradise, Chico, Reno, and a few others. \$170,000 goes toward Realignment (Assembly Bill 109 (AB-109) Passed in 2011 enacted to reduce overcrowding in California state prisons by housing specific low-level (non-violent, non-sexual, non-gang) offenders in local jails. \$97,000 of the Realignment monies is managed by the District Attorney's office mostly for salaries and \$80,000 of the Realignment monies goes to Probation.

Most of the Alcohol and Drug Department's clients are what treatment providers call, Poly Substance Dependent. This means that they meet the criteria for

abuse or dependence on more than one substance. As one individual we interviewed described, "Those combinations can be meth with alcohol, or meth with marijuana, alcohol with marijuana, alcohol with opiates, meth with opiates (Not as prevalent)...and clients (who) are becoming more dependent on prescribed drugs." Approximately 160 individuals have completed AOD Assessments since 09/11/2012. The following partial list represents a further breakdown of the various programs and number of individuals served by AOD since January 2013.

- Drug Court Graduates since January, 2013 - 1
- Prop 36 (Substance Abuse and Crime Prevention Act of 2000) Graduates since Jan. 2013 - 6
- Completed AOD Assessments since 09/11/2012—Approximately 160
- Number of clients on caseload for Clinician #1 - 30 +
- Number of clients on caseload for Clinician #2 - 36+
- Number of clients who are currently in residential treatment - 8
- Number of clients currently in Drug Court receiving AOD services - 7
- Number of clients in Prop 36 – unknown

Under the supervision of the AOD Director, who reports directly to the Board of Supervisors, the two Clinicians are responsible for all intake assessments and transportation needs. In addition, to their regular client case load cited above, they work with representatives from the offices of District Attorney, Sheriff, and Probation, the Contract Public Defender, The Departments of Public Health, Mental Health, Social Services, the Superior Court of California, and the County of Plumas as part of a management team for the Adult Substance Abuse Treatment Court (ASATC). According to the ASATC Policies and Procedures Manual they are required to:

- conduct a clinical assessment to determine severity of dependency in a timely manner
- establish treatment and develop Individualized Treatment Plan for all

program participants

- provide a comprehensive drug treatment program, consisting of intensive out-patient treatment, individual counseling as needed/recommended, group counseling as needed/recommended
- submit a regular progress report on each participant in a manner acceptable to the court
- make recommendations to the court
- ensure that participants receive the highest level of care
- develop post-program services, client outreach, mentor programs and Alumni Associations
- assist in providing advanced training in substance abuse, addiction and treatment methodologies
- participate as an active member of the Plumas County Court Operations Team (ASATC)

Separate from their work with clients in Drug Court, Clinician #1 works with clients in the Alternative Sentencing Program (ASP) under the supervision of the District Attorney's Office. This work entails developing and running alcohol and drug treatment groups that meet three times a week at the Day Reporting Center currently housed in The Resource Center.

After having investigated the enormous duties expected of the two Clinicians, the Grand Jury has determined that at least two more full time certified Substance Abuse Counselors are needed to adequately perform services. With their current case load and other duties previously listed, there is little time remaining for Clinicians to focus on public relations. Clinicians barely have time to look up from their heavy caseloads to consider marketing ideas to bring in more clients. The understaffing makes it difficult to raise and improve AOD's profile to attract more clients. The work load could also help explain why there has been a revolving door in the directorship position. The last interim Director was expected to manage all of the above, in addition to his or her duties managing another county department, without a salary increase. A reporter from the Feather River Bulletin notes that one Plumas County Superior Court Judge believes that the Director has

done an “outstanding job” resurrecting the AOD program. Without those vital services, judges have not been able to render alternative split sentences that are an essential component of the Assembly Bill 109 Inmate Realignment. Nevertheless, that Director has now joined the growing ranks of ex AOD Directors in Plumas County.

### **Alcohol and Drug Department's Relationship to Other County Agencies**

The Grand Jury found deeper problems than limited resources impacting the AOD Department. Upon interviewing and/or conducting site visits of the Board of Supervisors, the Plumas County Jail, Plumas District Hospital, and the Alternative Sentencing Program (ASP) we found that coordination and communication must improve to avoid any negative impact in treatment. The Board of Supervisors has worked diligently to find a well-qualified Alcohol and Drug Administrator to fill the outgoing interim Director's shoes. After multiple interviews, they believe they have found that person within the Department of Public Health and feel confident that this person will move AOD in a positive direction.

Although the BOS may have found the best person to lead AOD, many people who we, the Grand Jury, spoke with stated that they felt a lack of support from the BOS when it came to solving problems at AOD. Symptomatic of this is the fact that the BOS does not have any information about AOD on its website. Yet, all of the people we spoke with have strongly urged that a client-centered preventative approach to growing addictions in Plumas County is needed. In the absence of a County Administrative Officer (CAO) the Grand Jury finds that the Board of Supervisors needs to have a clearer strategic plan to guide the implementation of an approach on prevention. The BOS does not have a point person to work with AOD. Instead the BOS handles each issue as it comes up and then doles it out to any given Supervisor at any given time. This approach makes sense when a Department is stable, but given

AOD's sketchy past, we would suggest that at least one person be delegated to assist the new Director in revamping AOD. There have also been numerous calls for a Chief Administrative Officer who could oversee all of the departments in Plumas County, but budget concerns, among other issues, have put the BOS presently on a course to go without refilling that position.

Our visit of the County Jail revealed that Officers are providing the best services possible given the limitations of their facilities and training, but the inadequate facilities, coupled with inconsistent coordination with AOD, could result in an accidental death from withdrawal from alcohol, other drugs or a suicide. The jail currently has two, approximately 8 by 10, private cells to detain individuals who are intoxicated. One of the cells is padded for individuals who may be at risk of harming themselves. The jail cell does not have any type of surveillance system. Each detention cell has a window that allows Officers to observe the individual, but its location does not allow for 24 hour observation by anyone. Individuals who pose a risk to themselves are stripped to prevent a suicide attempt. The lack of 24 hour surveillance could result in a suicide attempt for those individuals who were initially deemed not at risk. In addition, there is a risk of death by drug and/or alcohol overdose and/or withdrawal, and the lack of 24 hour surveillance increases this possibility. There is a 24 hour on call AOD driver person who has access to the AOD van to transport the individual to a detox center outside the area. Limited AOD resources make this coordination between jail officials and AOD staff ineffective at best. Most of the time individuals are left in his/her cell to detox.

Our visit with Plumas District Hospital staff and administrators revealed that there is a lack of communication between AOD and emergency room professionals. Although AOD staff assured us that the emergency room does have the 24 hour on call AOD phone number, the medical staff we interviewed, some of whom work regularly in the ER, indicated that they did not have an AOD number to call. Their

current procedure is to send individuals to the county jail to sober up. The medical staff did explain that most individuals who arrive under the influence of alcohol and/or drugs to the ER do not wish to go to a detox. However, the lack of 24 hour observation rooms at the jail, brings the Grand Jury to the conclusion that there needs to be a clearly visible phone number for ER staff to call when a patient is willing to go to a detox facility. The lack of coordination between Plumas District Hospital and AOD staff has resulted in the Plumas County Jail often functioning as a detox facility. The jail is not equipped to provide the necessary medications for alcohol and/or drug withdrawal. Many are unaware that it is actually much more dangerous to withdraw from alcohol without medication than heroine. Alcohol withdrawal can result in seizures and death. The lack of a medical detoxification facility in Plumas County and insufficient coordination between Plumas District Hospital and AOD puts Officers in the position of overseeing individuals who may be at risk of dying from alcohol or drug overdose and/or withdrawal. The Grand Jury believes that the Plumas County Jail should not be the only option for individuals in need of detoxification. Given that the American Medical Association recognizes alcoholism as a disease, a medical treatment facility rather than a jail should be the rule rather than the exception so long as the patient is willing to be transported.

Other concerns about coordination between agencies that service AOD clients came up when the Grand Jury interviewed personnel from the Alternative Sentencing Program (ASP). The ASP was created last year in response to Assembly Bill 109. This bill created a need for realignment with the state for agencies serving the individuals convicted of a crime. AB 109 allows for non-violent offenders to serve their time in the county jails rather than state prisons. To make room for this potential flood of state prisoners, the DA's office, in coordination with other Plumas County agencies, created an alternative to incarceration. The District Attorney and other agencies created a holistic program

for non-violent offenders. These individuals would be allowed to remain out of jail as long as they followed the rules of the Alternative Sentencing Program.

The Alternative Sentencing Program has created a Day Reporting Center located at the Resource Center, diagonally across from the Courthouse, where ASP clients are required to attend Mondays and Wednesdays from 1:00PM-3:00PM. During the time that clients are there, they get psychological and alcohol and drug counseling. In addition, they are able to attend a number of groups focused on anger management and other self-help therapies. ASP is given significant operational resources and has a team of administrators from the courts, the Sheriff's Office, Mental Health, AOD, Probation, and Public Health who meet bi-monthly to coordinate the program. Under the supervision of what many interviewed describe as a highly capable and dynamic leadership, the ASP continues to grow. However, there are misunderstandings emerging from county treatment and rehabilitative agencies who are traditionally not accustomed to working on rehabilitation plans with Alternative Sentencing Programs, let alone one in the unique positions of being housed in the District Attorney's Office. Seventy percent of ASP's clients are individuals with alcohol and drug abuse issues. To avoid complaints regarding issues of ASP's role in the treatment plans of AOD clients there needs to be a clearer understanding of the ASP rehabilitative mission and the renewed and important energy the District Attorney's Office is placing on lowering recidivism by providing rehabilitative programming to offenders with alcohol and drug issues.

#### **Cooperating Not Competing Missions: AOD Hangs in the Balance**

The Grand Jury finds that a problem arises as the Alternative Sentencing Program's success leads it to increasingly expand into treatment areas that are traditionally served by agencies put in place to monitor and treat alcohol and drug addiction. We find that the ongoing complaints about

ASP are more of a turf war between the agencies than any conflict between the missions of the District Attorney's Office, the Probation Department and AOD. Before, the role of the District's Attorney's Office was only to prosecute. Now thanks to the passage of Assembly Bill 109 and the agreement of the District Attorney to house the ASP under its Office it shares a mission with the Probation Department to monitor and rehabilitate individuals with alcohol & other drug issues. To prevent misunderstandings, open discussions between the two Departments concerning clinical licensing issues and confidentiality laws need to be addressed. Both agencies can learn a great deal about best practices from each other.

The Grand Jury finds that the Probation Department has a good working relationship with AOD. 34% of Probation Department clients are also AOD clients and the Probation Department routinely refers its clients to AOD. The Probation Department conducts needs assessments on persons coming into Probation from the courts after verifying their status. A licensed counselor with a degree in social work refers clients to AOD services, DUI classes, and the Day Reporting Center as needed. People that the Grand Jury interviewed stated that AOD was doing an amazing job servicing their referrals. The Probation Department offers bus passes for DUI classes and testing which is done by the Probation Department because of the past closure of AOD. They have testing clinics for the county in Quincy and Chester. The Probation Department Officials consider random testing for alcohol and drug use as fundamental and a deterrent. They are a client-focused agency in support of a sober living environment and intensive outpatient services. They see it as high priority that parolees going back into the community get these services that they need. Their clients have a regular time to call in. There are concerns about understaffing.

They have only four Officers in the Department of Probation. At the time of the Grand Jury's investigation, two of these Officers were at core training for six

weeks which left only one in charge of the 150 adult cases because the other Probation Officer, not at the training, is in charge of youth. The Probation Officers create a Bio Psycho-social report for each of their clients where they look at their pre-sentencing and all prior convictions and their probability to reoffend.

Youth offenders are sent to Juvenile Hall in Susanville where Plumas County has a contract for services with Lassen County. They are sent there for marijuana and alcohol abuse as well as burglary, defacing property, and other crimes. The Plumas County Probation Officers do progress reports every six months on these juveniles.

Contact with Probation involves at least one face-to-face meeting per month that can be deferred in and out of the county. Drug Court and high-risk individuals on probation involves a face-to-face meeting two times per month. Telephone check-ins are also required. Those interviewed stated that there is a tremendous need for Probation Officers to get back out into the field and just show up at the house with no notice. They can't do that right now because of inadequate staffing issues.

A concern was voiced that with fewer Probation Officers in the field, there is a concern for public safety. According to PC Code §1170 (h), the rule is to get the individual out of jail and right back into community. Some people are given GPS monitoring and phone call check-ins. The demand for more Probation Officers in the field has increased since AB109 became the law of the land in 2011. Now that the law allows for those convicted of lesser crimes to remain on the streets and have an ankle monitor rather than be sentenced to jail, there is a risk of an increase in crime if these people are not in an individualized treatment program and closely monitored by the Probation Department. The Probation Department believes that Mental Health and AOD needs more support. Under the new Director of the Probation Department, they also are looking forward to more cooperative relationships with all health service organizations that treat

AOD clients, including the Alternative Sentencing Program.

The assessment from AOD is a vital component in the processing of individuals at the Probation Department. Any orders that come from court and the Day Reporting Center require an AOD intake to receive services. There were no professional assessments prior to AOD's restart. Probation Officers interviewed by the Grand Jury commented on the excellent working relationship they share with Plumas County Sheriff's Deputies. The Probation Officers stated that communication between the two agencies was good. Probation Officers reiterated their excellent working relationship with AOD but claimed that AOD does so much and thus needs more licensed Clinicians. There was an AOD coalition set up in Portola of private volunteers but that is now defunct.

Probation Officers believe that if more treatment for alcohol and other substance abuse issues was done at the onset of a person being put on probation, he or she would not be set up to fail. The interviewees felt that Probation needed to be more, not less, individualized. The Alternative Sentencing Program is not set up for individualized treatment and they voiced concerns about the lack of individualized services for individuals with alcohol and drug issues. In addition, there was concern of a conflict and bias for specialized programs such as Drug Court, under Proposition 36. California Proposition 36, the Substance Abuse and Crime Prevention Act of 2000, was an initiative statute that permanently changed state law to allow qualifying defendants convicted of non-violent drug possession offenses to receive a probationary sentence in lieu of incarceration. Overall, there was a general fear by the Probation Department that AOD was being overshadowed by a program not set up for individualized treatment and that this could impact the Probation Department's mission to work towards an individualized treatment model to prevent recidivism of offenders on probation.

Although there have been concerns articulated by administrators in various Plumas County agencies about the Alternative Sentencing Program's role in treating individuals with alcohol and other substance abuse issues, many of whom are on probation, there are others who recognize that the District Attorney's Office, in creating the Alternative Sentencing Program was filling a much needed service that other agencies such as AOD and the Probation Department simply couldn't provide. When the DA's office set up the ASP, AOD was opening its doors after having been closed since 2008. The Probation Department was operating under an interim Director with the permanent Chief of Probation still on an extended leave of absence. Recently, the Chief Probation Officer on leave resigned making way for the hiring of a new Chief of Probation. Many people that the Grand Jury spoke with stated that the District Attorney's office deserves credit for filling the vacuum in leadership.

At the writing of this Grand Jury report, we find the unusual situation in Plumas County that those afflicted with alcohol and drug abuse issues are more likely to withdraw from those drugs in the county jail than in a medical detoxification facility, and, if they have been convicted of a misdemeanor crime, they are more likely to enter a treatment program run by the District Attorney's Office, rather than one run by probation officials. In other words, we have Correctional Officers overseeing individuals detoxing from alcohol and other drugs while prosecutors are running rehabilitation programs. The vacuum in our rehabilitative programs has been filled by our criminal justice departments. On the one hand, the county jail is not a safe place to undergo detoxification from alcohol and other drugs. On the other hand, the Grand Jury finds that although this paring of the District Attorney's Office with a rehabilitative program, like the Alternative Sentencing Program and the unique rehabilitative emphasis of our criminal justice agencies, may be a sign of positive change, Away from their traditionally punitive role. The pairing could represent a move away from

penalizing and a move toward rehabilitating those with alcohol and other substance abuse issues. A renewed focus by the District Attorney's Office on successful reentry and lower recidivism rates can only be a positive contribution to Plumas County residents. Now that a new Director is at the helm of AOD and the Probation Department, and the potential of an increase to the personnel resources of AOD and the Probation Department all agencies, including the District Attorney's Office, are in an excellent and unique position to work together towards helping people with alcohol and drug issues.

## In Conclusion:

In the process of our investigation the Grand Jury found that our county administrators are well intended and doing their utmost to provide services to persons in need of help because of alcohol and other substance abuse issues. These efforts have proven themselves insufficient to solve the ongoing problems with Alcohol and Other Drug Services Department. In conclusion, the Grand Jury's investigation of the AOD believes that inadequate resources, insufficient coordination and poor communication among agencies treating AOD clients, and conflicts arising from misunderstandings about the complimentary missions to serve individuals with alcohol and drug issues have resulted in inadequate AOD services in Plumas County. We remain hopeful that the vision and planning of the new AOD administration is consistent with its Strategic Plan. Both outgoing and incoming administrators believe that an increase in clinical resources and better integration among the agencies that serve persons with alcohol and other substance abuse issues is necessary. However, it will take more than a plan on paper and correct intentions. We believe that our recommendations to improve resources, coordination, and infrastructure, listed below, are the best way to ensure that the AOD is indeed on the road to recovery.

## FINDINGS

F1 The Alcohol and Other Drug Services Department has a lack of sufficient personnel resources to effectively handle case load and public outreach.

F2 While the Alcohol and Other Drug Services Department has a good working relationship with the Office of Probation, there is insufficient coordination and communication between AOD and other governing agencies.

F3 Competitive turf wars among agencies that serve individuals with alcohol and drug issues have created obstacles to creating an integrated behavioral health services model therefore inhibiting their ability to serve these clients.

F4 It is dangerous, and potentially life threatening, to have Correctional Officers overseeing individuals withdrawing from alcohol and other drugs at the County Jail rather than in a medical detoxification facility.

F5 The Grand Jury finds that the Alcohol and Other Drug Services Department closure for three years and fluctuating Directors (3 in three years) has made it difficult to maintain consistent treatment services and thus resulted in a negative public image.

## RECOMMENDATIONS

R1 The Grand Jury recommends that the Alcohol and Other Drug Services Department hire one more Substance Abuse Counselor and a Case Manager. The money could come from Federal Grants assisting rural counties in substance abuse treatment programs.

R2 The Grand Jury recommends that AOD be integrated into a Behavioral Health Services Model.

R3 The Grand Jury recommends that program Directors meet monthly with the AOD Director to come up with a unified

vision and strategize how to improve communication and coordination of entities serving the alcohol and other substance abuse population. The monthly meetings would include a designated point person from the Board of Supervisors, Plumas District Hospital, The Sheriff's Office, the Alternative Sentencing Program, and the Office of Probation.

R4 The Grand Jury recommends that AOD and Plumas District Hospital administrators get together and come up with a plan to transport intoxicated individuals who are willing to go to a medical detoxification facility rather than the County Jail.

R5 The Grand Jury recommends that AOD immediately launch a public relations campaign to repair its public image and increase its profile.

R6 The Grand Jury recommends that at least one person be delegated from the Board of Supervisors to assist the new Director in revamping AOD.

## REQUEST FOR RESPONSES

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

From the following individuals:

The Director of Alcohol and Other Drug Services Department should respond to F1-F5 and R1-R6

The Director of the Department of Probation should respond to F3, R3, and

The Director of the Alternative Sentencing Program should respond to F3, R3

Plumas County Sheriff should respond to F4, R3, and R5

Plumas County District Attorney should respond to F3, R3

From the following governing bodies:

The Board of Supervisors should respond to F1-F5 and R1-R6

## INVITED RESPONSES

Presiding Judge may respond to the entire report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## PLUMAS COUNTY MENTAL HEALTH SERVICES

### *Challenges and Changes*

## SUMMARY

Plumas County Mental Health Services (PCMH) had a year of challenges and changes. Multiple changes of Directors and a community tragedy created some public concern over PCMH's ability to serve Plumas County's mental health needs. The Plumas County 2013/14 Grand Jury (PCGJ) found that several significant changes in the mental health community are impacting PCMH. The new Affordable Care Act was launched January 2014, which means more people are now able to access mental health and substance abuse care because both can be covered by insurance and Medi-Cal. As a result, since January, the average weekly new client numbers have doubled, adding to demands on Plumas County Mental Health Services' already stretched staff and resources. In addition, County Administrators are in discussion about the best way to integrate mental health services with other entities

to come into alignment with current California state standards under the Behavioral Health Model.

Yet another important change and challenge this year for PCMH is Telepsych, Plumas County Mental Health Services' new psychiatric care program, where patients are treated through video conferencing that was introduced in August 2013. At the time of this report, the Satisfaction Survey being used to evaluate Telepsych was too general. An improved survey is needed to better serve the needs of users. Last, and far from least, is a deep concern in the established way that PCMH handles 5150 clients—high risk individuals with possible safety risks to themselves or others in coordination with the Sheriff's Department (PCSD).

The Plumas County 2013/2014 Grand Jury wanted to know how well Plumas County Mental Health Services serve Plumas County. At the heart of the matter, is a concern about how well PCMH communicates with their clients, staff, and other department Directors. Another concern is how they communicate with outside entities, such as the community, other programs, and other departments. Given the changes and challenges PCMH is facing, the Grand Jury wanted to know the strengths and weaknesses of the Plumas County Mental Health Services.

In our investigation of PCMH, we started to see clear strengths and weaknesses within Plumas County Mental Health Services. The 2013/14 Plumas County Grand Jury is impressed with the personal level of commitment of the PCMH's employees, who are staunch advocates for a population that suffers from discrimination and are often stigmatized. PCMH employees demonstrate a profound respect for the individual's unique perspectives, problems, and solutions, in spite of being under tremendous pressure to meet the needs of the mental health community with inadequate staff and resources. Currently, PCMH is experiencing a rising number of people with mental health-related issues seeking treatment. There are long waiting lists

that operate as a triage: those with the highest needs are served, while others wait for services. There needs to be an increase of mental health Therapists and staff to meet the increasing needs of Plumas County.

The Grand Jury found that PCMH's greatest weakness is the "siloing" of services, a lack of integration of services that creates difficulties serving all the clients' needs. In communication with other entities, it is very difficult to recognize clients with multiple issues, such as alcohol and substance abuse, physical health and mental health issues, and come up with common goals and treatment plans. The state of California is making macro changes in the restructuring of services in mental health, public health, social services, and alcohol and other drug programs. The state is organizing these services under one umbrella using the Behavioral Health Model. In Plumas County, there are multiple stand-alone services operating under new Directors, who are starting to figure out the steps of PCMH reorganizing their departments into a Behavioral Health Model. The Plumas County Grand Jury sees this integrated approach as essential for these services to pull together to best serve their clients.

Plumas County Mental Health Services are supervised by the Plumas County Board of Supervisors (BOS). The Plumas County Grand Jury found lack of structure and procedure in place for consistent communication between PCMH with the Board of Supervisors. In some cases the BOS relied on the exchange of emails and personal relationships for exchange of information. The system in place was that PCMH should come to the BOS with any problems or concerns. The concern of the PCGJ is, is this enough? Is this adequate supervision and guidance during what appears to be some incredibly challenging times for Plumas County Mental Health Services?

Plumas County Mental Health Services' new Telepsych program is a change from importing a Psychiatrist monthly to come to the county at high cost and with

inadequate time to do much more than write prescriptions. Telepsych allows for many more opportunities to interface via a screen with support staff present for psychiatric services. At the end of the session, clients complete a Satisfaction Survey, which is not specific enough to the Telepsych user and needs improvement to accurately track satisfaction and recognize needed improvements to Telepsych to best serve the client. Telepsych is the new trend for affordable care in small counties statewide, and statewide mental health departments and clients are adjusting to a completely different form of psychiatric care.

The Plumas County Grand Jury recognizes that public safety is not an easy task. The Plumas County Sheriff's Department (PCSD) and Plumas County Mental Health Services are following proper protocol in the management of 5150s; however, this protocol doesn't seem to be taking care of business. The Plumas County Sheriff's Department has stated frustration with PCMH's lack of support in the handling of 5150s. There needs to be a re-evaluation of the 5150 hospitalization and release procedures. PCMH needs to implement measures to improve communication and trust by creating mental health trainings for the PCSD.

Plumas County Mental Health Services is making a tremendous effort to align with California's state mission of not only treatment being available for individuals with mental health challenges, but full recovery. This can only happen by working well with other entities, identifying challenges, and making appropriate changes.

## BACKGROUND

The 2013/2014 Plumas County Grand Jury Investigations were underway and Plumas County Mental Health Services was not one of them. However, the topic of PCMH continued to come up. During the investigation on the Alcohol and Other Drugs Department the PCGJ kept hearing about a lack of coordination with many other departments, including PCMH.

There were newspaper articles on multiple changes of Directors, a heartbreaking tragedy in our community that seemed to have something to do with Plumas County Mental Health Services, and a member of the BOS interviewed on television regarding a teen suicide questioning if PCMH is serving Plumas County with timely service. All of the above demonstrated a need to open an investigation into how well Plumas County Mental Health Services is serving our community.

The Plumas County Grand Jury interviewed members of the Board of Supervisors, and administration and staff at Plumas County Mental Health Services, the Sheriff's Office, Plumas County Jail, and Alcohol and Other Drugs Services Department. We also toured several facilities, reviewed many documents, and researched current hot topics for mental health in the state. We wanted to find out how effectively PCMH communicates within its own organization and with other entities.

## METHOD OF APPROACH

### Documents

The Grand Jury reviewed the following documents from the Mental Health Department:

- Plumas County Mental Health Service Policy and Procedures Manual, (Revised 7-17-2013)
- State of California – Health and Human Services Agency Department of Health Care Services Final Report FY 2012-13
- 2013 Triennial Audit – Plan of Correction
- Jail Protocol, Mental Health Notification / Response Agreement (11-5-2007)
- Patrol, Memorandum of Understanding between Plumas County Mental Health Services and Plumas County Sheriff's Office (7-13-10)
- Emergency Room, Psychiatric Emergency (Non-Drug / Non-Dementia) (5-

11-10)

- Mental Health's Internal Auditing Results
- Alzheimer's Protocol and Community Action Plan (1-13-12)

### We also reviewed:

<http://sacramento.cbslocal.com/video/9513658-plumas-county's-mental-health-system-faces-major-scrutiny-following-teens-suicide/>

The following articles were reviewed from <http://www.plumasnews.com>:

- Investigation Concludes Deputy Shooting was Justified
- Board Names New Interim Mental Health Director
- Family and Friends Sought Help Before Teen Suicide
- County Terminates Contract with Mental Health Chief
- Therapist Takes Over Mental Health Department - Interim Removed from Job Title

### Site Tours

The Plumas County Grand Jury conducted site tours of the Mental Health Department, Health and Human Services Building, the Sierra House, the Drop-In Center, and the Plumas County Jail.

### Interviews

The Plumas County Grand Jury conducted 11 interviews. We interviewed members of the BOS, PCMH Directors, Administration, Therapists, and staff, concerned citizens, and the Sheriff's Department Administration and Deputies.

### Glossary

Plumas County Mental Health – PCMH

Plumas County Grand Jury—PCGJ

Alcohol and other Drug Services – AOD

Plumas County Sheriff's Office- PCSO

Plumas County Sheriff's Department – PCSD

Board of Supervisors – BOS

California Highway Patrol – CHP

Electronic Health Records—HER

Assembly Bill 1467—AB1467—Assembly Bill 1467 was the omnibus trailer bill that was passed as part of the Governor's Fiscal Year 2012-13 state budget. AB 1467 made additional changes to the Mental Health Service Act (MHSA) in the following areas: funding distributions, submission and approval of County MHSA Program Plans, Stakeholder Engagement Provisions, and state-level education.

Assembly Bill 109 – AB109-- This Public Safety Realignment allows non-violent, non-serious, and non-sex offenders to serve their sentences in county jails instead of state prisons. However, counties can contract back with the State to house local offenders.

Mental Health Services Act Proposition 63—MHSA—Passed by California voters in November 2004 as Proposition 63, authorized a tax increase on millionaires to develop and expand community-based mental health programs, MHSA's goal is to reduce the long-term impact on individuals and families resulting from untreated serious mental illness.

Mental Health and Substance Use Disorders – MHSUD—Mental Health problems and substance use disorders sometimes occur together. This is because: certain illegal drugs can cause people with an addiction to experience one or more symptoms of a mental health problem, mental health problems can sometimes lead to alcohol or drug use, as some people with a mental health problem may misuse these substances as a form of self-medication, and mental and substance use disorders share some underlying causes,

including changes in brain composition, genetic vulnerabilities, and early exposure to stress or trauma.

**Health Insurance Portability and Accountability Act – HIPAA**—The Privacy Rule, a Federal law, gives individual's rights over their health information and sets rules and limits on who can look at and receive your health information. The Privacy Rule applies to all forms of individual's protected health information, whether electronic, written, or oral. The Security Rule is a Federal law that requires security for health information in electronic form.

**Mental Health Services Oversight and Accountability Commission – MHSOAC**—This Commission shares responsibility with the Department of Mental Health, among others, for oversight of landmark 2004 legislation that shifted the focus for how the state takes care of people with severe mental illness. As a result, most government-connected mental health services are now administered by the counties but are under the supervision of the state. At its core, the Mental Health Services Act provides community-based mental health services to California residents by emphasizing collaboration.

**California Institute for Mental Health/California Mental Health Directors Association-CMHSA/CiMH**—Joint Powers Agreement—CMHSA/CiMH will be leaders in developing and advocating for best practices for those with mental health issues by working together via a Joint Powers Agreement, called California Mental Health Service Agency—Cal MHSAA. California Mental Health Authority - Section 5150 is a section of the California Welfare and Institutions Code (specifically, the Lanterman-Petris-Short Act or "LPS") which allows a qualified officer or clinician to involuntarily confine a person deemed to have a mental disorder that makes him or her a danger to self, a danger to others, and/or gravely disabled. A qualified officer, which includes any California peace officer, as well as any specifically designated county clinician, can request the confinement after signing a written

declaration. When used as a term, 5150 (pronounced "fifty-one-fifty") can informally refer to the person being confined or to the declaration itself, or (colloquially) as a verb, as in 'Someone was 5150ed'.

**CALIFORNIA WELFARE AND INSTITUTIONS CODE, SECTION 5150**, second paragraph, "... an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, member of the attending staff, or professional person, and stating that the officer, member of the attending staff, or professional person has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled."

## DISCUSSION

### *Current State of Plumas County Mental Health Services*

Many small counties in California have challenges similar to those of Plumas County Mental Health Services. Limited funds and fast changing times create unique problems. Proposition 63, The Mental Health Services Act (MHSA) approved November 2, 2004, establishes the continuously appropriated Mental Health Services fund to various county mental health programs. Other funding sources include private insurance and Medi-Cal. Currently, PCMH is on probation, due to numerous protocol items found out of compliance for the second year in a row in their Consolidated Specialty Mental Health Services' Plumas County Review. Regulatory requirements not being met, the Consolidated Specialty Mental Health Services has suggested Plans of Correction for Plumas County Mental Health Services. Not coming into compliance will result in loss of funds for PCMH. Plumas County Mental Health receives no funds from the county, but is supervised by the Board of Supervisors.

Some facts about the stigma of mental

illness and resulting discrimination follow: one in five California adults report needing help with a mental or emotional health problem; approximately nine million children in the U.S. have serious emotional problems, but only one in five of these children are receiving appropriate treatment; providing services that give people who are living with mental health challenges what they, just like anyone else, truly deserve—a job, a lease, a public service or simply a respectful conversation—that helps them live a full and productive life; collaboration with other Plumas County services needs to improve in order to provide that level of service. Statewide, several small county mental health programs are weathering macro changes in structuring, struggles in collaboration with other entities, challenges with their county's Sheriff's Department in management of 5150s, and experiencing growing pains with newly implemented Telepsych programs. Plumas County Mental Health Services is no exception.

The Director of PCMH manages the Adult Programs, Child Programs, Sierra House (Mental Health Residential Care Facility), Drop-In Center, Fiscal and Office Administration, Quality Assurance, Telepsych, Nursing, and Mental Health Services Act Programs. There has been over a decade of anonymity with the Plumas County Mental Health Services. PCMH acted like a silo during all that time. PCMH changed Directors five times in two years. Numerous newspaper articles addressing the continual changes in Directors since May 2012 have kept PCMH leadership in the public eye, increasing public concern over its ability to meet Plumas County's mental health needs.

Clients seeking services are placed on a waiting list based on level of need. Last summer, new clients in Portola experienced wait times of three months to see a Therapist on an individual basis, while those with high level of need went to the front of the line. These long wait times are undoubtedly due to a lack of adequate personnel. Right now it is difficult to fill the multiple job vacancies in PCMH. No

one is applying for these jobs at the salaries offered in Plumas County. Plumas County Mental Health Services will continue to be unable to meet the needs of its clients and community without the right amount of staff.

There have been decades-long historical problems concerning the Sheriff's Department in the coordination of 5150s (individuals at risk of harming themselves or others), in determining that an individual's problem is not alcohol or drug related, and insufficient therapy for inmates at the jail with mental health related problems. Assembly Bill 109 (AB 109) was implemented to reduce overcrowding in California state prisons and its impact on Plumas County's ecosystem of services is beginning to show. AB 109 has created more demands on Plumas County Jail, PCSD, PCMH, and AOD. Also, PCMH is adapting to a new psychiatric care program, which changed from a Psychiatrist driving to Plumas County once a month to meet with clients/patients. That meant one day each in Quincy, Portola, Chester, and Taylorsville. If someone missed a session, they had to wait until the following month. Clients were only able to get medical prescriptions once a month during these visits. This system has changed to Telepsych, which has improved availability of psychiatric services, but is new to users and lacks good evaluations to continue to improve Telepsych to serve clients.

In November, 2013, a new Director, who was hired from within Plumas County Mental Health Services, began with new ideas for organization, a lot of enthusiasm, and an excellent rapport already in place with the PCMH staff. This Director has to find ways to reduce the wait times for services. The long wait times continue for new clients at the Portola clinic, in addition to the Quincy office. At the time of this report, thirty-one were on the wait list for Portola and twenty-five were on the wait list for Quincy. Those with critical needs automatically go to the head of the list. A primary factor to the ever-increasing wait list is the new Affordable Care Act that took effect January 1, 2014, in addition to the lack of

sufficient PCMH personnel.

## Plumas County Mental Health 2013 - APPOINTMENT RESPONSE TIME

### *Trends in Response Time to Service Requests*

The response time in number of days during 2013 was compared to response time in 2010-2012. Responses to requests for services within 1-3 days has declined by 5% over the past three years, while responses taking more than 10 days have increased by 7% over the past year. This change is due to a significant decrease in available staff and increased demand of crisis responses and transition to the Electronic Health Records (EHR) system initiated in 2011.

Intake in 1-9 Days	Intake in 10+ Days	No Action Needed	Unreported	Total
99	104	126	130	459

**TOTAL REQUESTS FOR ALL LOCATIONS=459**

## Plumas County Mental Health - INITIAL CONTACT AND RESPONSE SUMMARY

For purposes of uncovering access trends, an analysis of the Request for Service Logs for FY2013 was completed. Requests for mental health services are logged at the Courthouse Annex, Chester, and Portola offices. The completed logs are placed in long-term storage at the main office of PCMH's records room. Requests may be made by phone, in writing, or in person. The lengths of time from initial contact until first appointment are recorded. The requestor's Medi-Cal status and assigned clinician are also indicated for tracking purposes.

Initial Contact 1-3 Days	Initial Contact 4-10 Days	Initial Contact 10+ Days	Un-reported	Total
208	79	58	114	459
45%	17%	13%	25%	100%

## Plumas County Mental Health - Number of Complaints 2010-2013

When the Plumas County Grand Jury began this investigation, in October 2013, the meetings between the BOS and PCMH were set up as any problems arose. PCMH could always set up a meeting anytime they wanted or needed. With the arrival of the newest Mental Health Director, we have seen immediate improvements in communication with the BOS beginning with the meetings that were set up at the Director's request. The frequency of meetings has improved. There are now regularly scheduled meetings between the BOS and PCMH. So, things are going in a positive direction.

During the same time period of nonscheduled meetings between the BOS and PCMH (meetings as needed), there were numerous articles in the newspaper concerned with the frequent change in Directors and the PCMH's ability to adequately serve Plumas County. Possibly there could be a correlation to heading off problems with the use of improved and frequent communication between the BOS and PCMH.

## Macro Changes

### *From Stand Alone to Behavioral Health Model*

In order to serve the individuals, Plumas County Mental Health Services must be able to communicate effectively with many other entities to accomplish this goal of service. This seems straight forward but has some embedded complications. Bound by the Health Insurance Probability and Accountability Act (HIPAA) laws, transparency is not always possible. Right now PCMH is a stand-alone department. In order to better serve individuals who are often seeking multiple services, the current trend is to restructure PCMH under a Behavioral Health Model.

California mental health is experiencing a climate change; the change is toward

behavioral health. Plumas County Mental Health Services' new mission statement presented January 2014 to the BOS is:

*"To provide quality Mental Health Services that are easily accessible to both clients and customer, and to do so in a manner that establishes a strong local presence, is compatible with a Behavioral Health Model, reduces risk and liability to both the county and citizens, is self-funded and fiscally sustainable, and will position Plumas County Mental Health well to meet current and potential future changes in the delivery of mental health services."*

The state recognizes the Behavior Health Model as an efficient means to organize multiple services: social services, public health, alcohol and other drugs, and mental health under one umbrella. Presently, many of these services operate as stand-alone services in Plumas County and struggle with communication and cooperation with other Plumas County entities. Under one umbrella, collaboration would be easier and the individual seeking services could be better served using the Behavioral Health model. Typically, an individual seeking one service is also seeking other services, so grouping these services together makes sense. Plumas County is starting to embrace this idea and in doing so is aligning with the State Department of Health Care Services which is "mandating Mental Health and AOD to be combined into Mental Health and Substance Abuse Disorder Services (MHSAD) under California law Assembly Bill 1467. PCMH is in the process of joining 54 of 58 California counties who are joining together in a Joint Powers Agreement referred to as Cal MHSA. Cal MHSA utilizes the power of group-sourcing to develop educational programs regarding mental health issues that can be applied across the state and also applied uniquely by each individual county as is appropriate to its complexion (population, demographic, needs, etc.)

PCMH believes that the Behavioral Health Model will improve PCMH client services. With a new Director leading Alcohol and

Other Drug Services there is a new level of cooperation being forged between the two departments and it is anticipated that such will be the case going forward with mutually beneficial collaboration emerging from which citizens of the county will be better served. In our Grand Jury investigation, we discovered that PCMH intends to request permission to present the Joint Powers Agreement to the BOS sometime in April, 2014. California Mental Health Services Authority (MHSA) offers a good suicide prevention program that could be provided to each geographical area of the county. The suicide prevention program is conducted in a medium-size group format that would involve leaders and stake holders from each community. Cal MHSA also has programs that address bullying in the schools and the stigmatization of mental illness. In regards to stigma, many people with mental health challenges say that stigma and discrimination can be a bigger challenge to their quality of life than their mental health challenges are.

Although the Grand Jury feels confident in PCMH's intention to align with the state law concerning the Behavioral Model, we have concerns about Telepsych and management and coordination with the Sheriff's Department with regard to 5150's.

#### **Communication with the Board of Supervisors (BOS) Improving with the Hope of Continued Improvements**

The Plumas County Grand Jury has seen a great amount of improvement with the communication between the PCMH and the BOS. At the time this investigation began, the recurring theme was that meetings between the BOS and PCMH were set up as any problems arose. Back in the Fall of 2013, during discussions on hiring more Therapists, it was noted that one of the hindrance's to the employment of more Therapists was that the BOS previously had been unaware of the fact that the PCMH Therapists were funded by Medi-Cal, Medi-Care, State funding through the Mental Health Services Act, and private insurance and does not rely on the Plumas

County budget. This led to wondering what else had not been communicated to the BOS that might be important for them to be aware of in order to head off future problems in the PCMH. There was concern as to whether or not there were consistently scheduled monthly meetings with the BOS and PCMH in order for this important communication to take place.

We saw that the new PCMH Director immediately made requests for meeting with the BOS to discuss a new way to organize the department. Beginning in 2014, we have seen marked improvement with regularly scheduled meetings between PCMH and the BOS.

Now that we've begun to see these regularly scheduled meetings, the Plumas County Grand Jury continues to wonder if these have a designated date/time. Do these meetings occur at the first, second, and/or third BOS meetings of the month? Is there regular content presented at these meetings, such as: State Compliance, Probation, review of audits, Therapist applicants, monthly number of 5150s, number of after-hours call-outs, monthly wait list average?

#### **The Pros and Cons of Telepsych**

Since Telepsych, was introduced in August, 2013, clients now have a weekly opportunity to visit with the Physician's Assistant specializing in Psychiatry using the Telepsych program. All sessions are face-to-face via a screen with a Telepsych Nurse present and are taped, giving the Psychiatrist the opportunity to review. Before Telepsych was introduced, psychiatric care was at a high-cost with an imported Psychiatrist being paid to stay and travel from site-to-site in Plumas County, with little time for much more than writing prescriptions. There are more opportunities for therapy sessions for clients now. However, the no-show rate continues to be 20% for psychiatric services. No-shows can often be contributed to problems with a client's difficulties in managing their own transportation. Telepsych has reduced the

difficulty of not being able to get a prescription filled. Previously, if the client missed their monthly appointment with the traveling Psychiatrist, or if weather prevented the traveling Psychiatrist from being able to provide services, they would have to wait and sometimes go without their medication. Now, there is no problem getting medical prescriptions written. Telepsych has the potential to serve Plumas County's mental health needs well, but right now the current Satisfaction Survey is not specific enough to gather information to continue to improve this new service for clients.

The Grand Jury initially became concerned about PCMH's use of Telepsych after receiving a written complaint from a member of the community about the service. The biggest problem articulated was the concern with the PCMH's generic evaluation form, which does not include a category for Telepsych. The BOS and PCMH administrators are aware of the need for the form's revision. A legitimate evaluation process would evaluate every single person rather than a blanket evaluation process. In short, the evaluation process needs to be more specific. Several PCMH administrators mentioned improved Satisfaction Surveys are in the works, but at the time of this report, were not in use or available to view. The Grand Jury recommends that the PCMH institute an evaluation system that specifically targets each individual that uses the Telepsych service and use the information for continued improvements to Telepsych.

#### **Conflict and Resolution with 5150**

The Grand Jury found that current protocol is insufficient to handle the challenges that occur while managing individuals at risk to themselves or others. California Code section 5150 refers to a person exhibiting behavior that is a danger to themselves and others. Currently, all concerned: Plumas County Mental Health Services, Plumas County Hospital, and the Plumas County Sheriff's Department are following appropriate protocol, but with the increases in incidents, inadequate

facilities to place 5150 individuals, and dissatisfaction with coordination with PCMH from the Sheriff's Department on 5150 management, Plumas County Mental Health Services needs to get proactive and plan for increased needs and step up in support.

In accordance with 5150's protocol, a Sheriff's Deputy must stay with any detainee identified as a 5150. PCMH's protocol is that they will only treat an individual at risk to themselves if they are sober and not under the influence of drugs. The problem arises because Plumas County does not have sufficient resources or facilities to manage 5150s. When these individuals are brought in by law enforcement it takes Officers away from other assigned duties. Officers can be detained for extended periods of time in small communities where there are few Officers. This can leave the general community with less service for several hours. In addition, Deputies are not sufficiently trained to handle the severity of mental health issues that may arise in these cases. The hospital is also not equipped to monitor at-risk individuals under the influence of alcohol and other drugs. The re-evaluating of existing 5150 hospitalization protocol and release is needed. More mental health training is needed. The one week of mental health training provided during Sheriff's Officer's training at the academy needs to be built upon by continued training from Plumas County Mental Health Services for the Plumas County Sheriff's Department.

#### **The following 5150 numbers come from PCMH:**

2012/2013 .....	22
2013/2014 (8 ½ mos) .....	12

It is possible that a change in protocol will alleviate some of the existing tension between PCMH and the PCSD. According to the Plumas County Sheriff's Department, PCMH is not available when these 5150s occur. They are only available over the phone. PCMH states that the drug and alcohol clearance must happen first by the hospital before they can come to the

jail and treat the 5150s, which is protocol. These can be very stressful circumstances. The Plumas County Grand Jury believes that there is a need for more mental health resources to serve persons who are deemed to be at risk to themselves and are under the influence of alcohol or other substances. In addition, there needs to be more coordination and communication between Plumas County agencies that deal with 5150 individuals.

The Plumas County Grand Jury found that some of these efforts are currently underway. According to PCMH, in March, three representatives from PCMH attended a joint California Integrated Mental Health (CIMH) and California Mental Health Department Administration (CMHDA) conference titled, *And Justice for All—How Mental Health, Substance Use, and Justice Systems Collaboration Can Transform Lives*. Also in attendance were the AOD Administrators, Jail Commander, and Alternative Sentencing Coordinator (ASP). It is hoped that the joint attendance by a cross-section of county departments at this conference will foreshadow a new era of cooperation and collaboration that PCMH will be an instrumental participant in. PCMH is actively participating in efforts to increase the chances of achieving such goals

The Grand Jury believes that this conference represents a big step in the right direction toward reassessing outdated protocols that keep barriers up between the agencies at the expense of the individuals at risk of being a danger to themselves and others. In short, a change in protocol could prevent threats to public safety.

#### **In Conclusion**

The newspaper articles have been prolific concerning the changing of Directors, the heart breaking tragedy of a teen suicide, and the television news interview of a member of the BOS questioning how well Plumas County Mental Health Services is providing timely service to our community. PCMH has much work ahead: finding

sufficient qualified staff to serve the growing needs of the mental health community, the challenges ahead restructuring with other services under the Behavioral Health Model, adding more specific user questions to the Telepsych Satisfaction Survey, and improving the management and coordination of 5150s with the Sheriff's Department and Plumas District Hospital.

In summation, Plumas County Mental Health Services is making a tremendous effort to align with the state's mission that not only is treatment available, but full recovery is possible. Today, we are learning how to prevent mental illness and promote mental wellness with support and treatment. Between seventy and ninety percent of individuals have a significant reduction in symptoms and improved quality of life with effective support and treatment. Plumas County Mental Health Services are a vital part of caring for all Plumas County citizens. The Plumas County Grand Jury wants the best future for our county. The results of the work of this investigation are reflected in the following findings and recommendations:

## FINDINGS

**F1** The Plumas County Grand Jury finds that the Plumas County Mental Health Department has insufficient personnel to effectively handle case load and public outreach.

**F2** Plumas County Mental Health Services should consider changing how it is structured from a stand-alone service to an integrated service under the Behavioral Health Model to be able to best serve Plumas County.

**F3** Plumas County Mental Health Services' current process of evaluating the new Telepsych program needs improvement.

**F4** Plumas County Mental Health Services needs to improve communication and build trust with the Plumas County

Sheriff's Department in regard to management and coordination of 5150 individuals.

**F5** The Plumas County Mental Health Department needs to continue improving communication with the Board of Supervisors in order to head off future problems in PCMH.

**F6** The Plumas County Grand Jury finds that the Plumas County Mental Health Department has a poor public image.

## RECOMMENDATIONS

**R1** The Plumas County Grand Jury recommends that the County hire a sufficient number of Clinicians and/or Therapists to cover the case load to be funded from the current operating budget. The county should consider recruiting from the northern California universities and take interns into the system. It is recommended that there be the consideration of tiered Therapist salaries to attract job applicants, Therapist 1, Therapist 2, and Therapist 3, having the increasing job requirements attached.

**R2** The Plumas County Grand Jury recommends Plumas County Mental Health Services continues to working toward an alignment with other services under the Behavioral Health Model by the end of 2014.

**R3** The Plumas County Grand Jury recommends Plumas County Mental Health Services create a new evaluation process for Telepsych that reflects the experiences of each user.

**R4** The Plumas County Grand Jury recommends that the Plumas County Mental Health Services implement measures to increase trust and communication by creating mental health and HIPAA trainings with the Sheriff's Department and re-examine the 5150 hospitalization and release procedure.

**R5** The Plumas County Mental Health

Department needs to continue improving communication with the BOS to make the department a stable, dependable department that the Plumas County citizens can rely upon.

**R6** The Grand Jury recommends that the Mental Health Department immediately launch a public relations campaign to repair its public image and increase its profile.

## REQUEST FOR RESPONSES

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

From the following individuals:

Plumas County Sheriff should respond to F4, R4  
The Director of Plumas County Mental Health Services should respond to F1-F6, and R1-R6

From the following governing bodies:

The Board of Supervisors should respond to F1-F6 and R1-R6

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

## INVITED RESPONSES

Presiding Judge may respond to the entire report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## PLUMAS COUNTY JAIL INSPECTION

### SUMMARY

Plumas County needs a new jail. This is no surprise as it has been well documented in past Grand Jury Reports. Citizens of Plumas County who have read these reports have become aware that the Plumas County Jail is an older cinder block facility that has been piecemealed together to try to stay in compliance with current jail reform measures and implement state-of-the-art security measures. Over the years the facility has become inadequate and overcrowded. The physical limitations of the facility have created great challenges for the Sheriff's Department and the Correctional Officers in charge of providing for community security, inmate well-being, and officer safety.

With the passage of Assembly Bill 109 (AB-109) in 2011, enacted to reduce overcrowding in California state prisons by housing specific low-level offenders (non-violent, non-gang related, and non-sex offenders) in local jails, more overcrowding in the already inadequate facility is anticipated and requires action to ensure safety and security for both inmates and Officers, as well as, a need to comply with all penal codes regarding inmate rights. Non-Compliance opens up Plumas County to potential lawsuits, which could have the negative affect of shifting needed monetary resources for newer facilities to potential court fees and settlements.

Despite the antiquated facilities, during our investigation we found that the Sheriff's Department continues to provide, to the best of their ability, professional staffing of the jail and civilized treatment of the inmates, exemplified by the Commanding Officer and the Correctional Officers that deal with a diverse classification of inmates. Correctional Officers, already taxed in their overall duties for providing for essential inmate's needs as mandated by law, are challenged

daily to perform all necessary duties due to understaffing. In spite of this, the Sheriff's Department has created an opportunity, with Correctional Officer oversight, to improve inmate morale while at the same time providing a county labor workforce. The inmate work program, where inmates are given the opportunity to provide hands-on labor to essential county work tasks, accomplishes necessary services while saving the county money otherwise spent on such services. This inmate work program seems to currently suffer from a lack of knowledge from the local communities that this work program exists; with more awareness, more opportunities could be identified to increase services provided by this program. Approximately 27 to 31 percent of the total inmates at the Plumas County Jail participate in the inmate work program.

### BACKGROUND

California law mandates that the Grand Jury visit correctional facilities within the county each year. This is covered within section 919 of the California Penal Code sub section (b) "The Grand Jury shall inquire into the condition and management of the public prisons within the county".

The Plumas County Sheriff's Office is the primary law enforcement agency for the county. In addition to patrol and investigations, the Sheriff's Office is also responsible for serving civil papers. It has divisions including Animal Control, Search and Rescue, Coroner's Bureau, Court Security, Victim Witness, Law and Fire Dispatch, and Corrections (jail). The Plumas County Jail was designed to house both male and female inmates, some awaiting trial and some convicted and sentenced up to a year of incarceration for misdemeanor and specific felony offenses. With the passage of AB-109 in 2011, persons convicted of specific felonies within Plumas County are now serving multiple-year sentences in County Jail rather than State Prison.

The 2012-2013 Grand Jury Report found

several physical inadequacies existing in the jail, including failed electronic systems, plugged drains, insufficient number of electrical outlets resulting in overloading the electrical systems, and an outdated Policy and Operations [Procedure] Manual reported in the 2010-2011 and 2011-2012 Grand Jury Reports. Several recommendations from the 2012-2013 Grand Jury were provided, including 1) the Board of Supervisors support the Sheriff in the acquisition of a new correctional facility, 2) the Board of Supervisors increase the Sheriff's jail budget when requested by the Sheriff, specifically targeting staffing and essential inmate needs, and 3) provide additional funding for additional staffing to enable the jail's Policy and Procedure Manual be updated and in place by December 2013.

### APPROACH

#### Documents

The Grand Jury reviewed the 2012-2013 Grand Jury Report and the following documents submitted to us by the Plumas County Sheriff:

- Plumas County Health Agency Environmental Health Inspection Report for the Plumas County Correctional Facility, April 3, 2012.
- Quincy Fire Protection District Report, Plumas County Jail, May 30, 2012.
- Corrections Standards Authority Biennial Inspection – Penal Code 6031 Plumas County Adult Detention Facility, July 31, 2012.
- Biennial Inspection report for 2012-2014 – Penal Code Section 6031; Welfare and Institutions Code Section 209, regarding the October 2013 inspection of the Plumas County Jail, December 23, 2013.
- A December 17, 2013 letter from the Plumas County Sheriff which was a response to a December 10, 2013 follow-up letter from the Grand Jury to the Plumas County Sheriff requesting some additional information.
- Several inmate grievance forms submitted by inmates between June and August 2013.

## Site Tours

On September 11, 2013 seven members of the Grand Jury visited the Plumas County Jail in Quincy, California and were given a tour of the entire facility. This tour was conducted by both the Plumas County Sheriff and the Commanding Officer of the Plumas County Jail. The tour consisted of observing holding facilities, male and female cell rooms, maximum and minimum security wings, work-release inmate dorm, kitchen, electronic surveillance room, recreation facilities, and work areas including the inmate gardening area where inmates had built raised garden plots and planted various species of vegetables and plants.

On October 23, 2013 five members of the Grand Jury conducted a second site visit to Plumas County Jail and conducted interviews. This tour was led by one of the Correctional Officers.

In addition to inspecting the Plumas County Jail facility, the Grand Jury also conducted a site visit to the Plumas County Animal Shelter, a division of the Plumas County Sheriff's Department. The Grand Jury members were led on a tour of this facility by two Animal Control Officers and an Animal Shelter Assistant.

## Interviews

During the investigation, the Grand Jury interviewed nine people, including the Plumas County Sheriff, the Plumas County Jail Commanding Officer, a Plumas County Deputy Correctional Officer, two Animal Control Officers, one Animal Shelter Assistant, and three inmates (one female and two males). All three inmates were participants in the inmate work program.

## DISCUSSION

### Condition of Plumas County Jail

The Plumas County Jail is an older facility that does not possess state of the art technology and is a potential security risk

to the community, Correctional Officers and inmates.

On October 23, 2013 the Average Daily Population (ADP), which represents a current and accurate representation of the jail population, for the Plumas County Jail showed that there were 40 male inmates and 8 female inmates. Of the 40 males, five were on electronic monitoring (meaning inmates wear ankle bracelets and are under house arrest at their home). Of the 48 inmates that were in custody, ten were sentenced under AB-109. An additional five that were housed on October 23, 2013 were sent to state prison to finish their commitments. The ADP for non-sentenced inmates was 10.55, and 22.71 were sentenced. ADP for non-sentenced misdemeanors was 4.29 and 8.52 were sentenced.

In April 2013, the capacity of the facility was administratively allowed to increase capacity of inmates from 37 to 67. No additional physical improvement in space was provided to allow for this increase, nor was any additional staffing provided. Thus as a result, inmate population could increase while there remains a lack of staffing and funding to adequately house, feed, and medically provide for the increase, resulting in a decrease of inmate and Officer safety.

On site investigation, as well as interviews with the Plumas County Sheriff, the jail Commanding Officer, and a Correctional Officer, revealed the Plumas County Jail facility, built in the mid 1970's, does not possess the state-of-the-art jail layout and design that most current jails support. It is one of only 3 linear, cinderblock jail structures remaining in the state. This antiquated type of design and construction is inefficient, costly to maintain, and has numerous safety and liability issues. The linear nature of the jail is inefficient for proper staff observation of inmates and it also makes it difficult to totally segregate inmates.

The 2012-2013 Grand Jury Report listed several facility problems, including an inefficient heating and air conditioning

system, an exercise yard in close proximity to a youth sports field, and location of public right-of-way within five-feet of the building's perimeter. Portions of the jail were never designed or built for housing inmates and as a result of increased capacity, the jail lacks segregation between sentenced and un-sentenced inmates. As the female inmate population has increased, segregation from male inmates is challenging and a growing problem. Our investigation (2013-2014) revealed that these situations are still ongoing problems.

The heating/air conditioning unit has been worked on with some internal parts replaced and the system works better, but air goes through the same duct system and is inefficient and antiquated. This has resulted in some slight improvement but distribution of healthy air throughout the facility is still problematic and inmates are issued extra blankets to compensate for the poor heat distribution.

A new control panel has been installed for the fire emergency sprinkler system to improve the situation reported by the Fire Marshall in 2012, and there are designated fire evacuation areas to take inmates to, although the fire exits are not pointed out to the inmates (for practical reasons).

The jail was found to have freshly painted interior walls and newly painted door jams. The facility was clean and had no unpleasant odors. All electrical/computer improvements and outlets have been added to the exterior of the interior cinderblock walls, making some of these outlets subject to access by inmates.

Based on the December 23, 2013 Board of State and Community Corrections Report, the Plumas County Jail continues to be non-compliant in specific sections of Title 24 and Title 15 of the California Code of Regulations. These non-compliant issues are in the same areas identified in previous findings of non-compliance reported documented in the 2012-2013 Grand Jury Report resulting from the Corrections Standards Authority (CSA) Report dated July 31, 2012. These areas of non-compliance include:

- CSA Title 24: Sobering Cells are required to have padded partitions located next to toilet fixtures to provide support pads. No such partition is present.
- CSA Title 15: Use of Sobering Cell still non-compliant. The Safety Cell in the jail facility is not used because the line of sight into the cell is restricted, often requiring Officers to enter the cell to perform required safety checks. As a result, a decision has been made to not use the cell for its intended purpose and thus is not used at all. By restricting use of the Safety Cell, inmates are often placed in the Sobering Cells for observation purposes. A Sobering Cell is also often used for general holding because the facility only has one holding cell. Anytime an inmate is placed in a Sobering Cell when not intoxicated the agency is non-compliant with Title 15, Section 1056, Use of the Sober Cell.
- CSA Title 15: Staff, safety checks still non-compliant. Inmate safety checks are required hourly by Officers; the December 23, 2013 report documented that there are “significant gaps in the hourly requirement” at the jail. In the Maximum South Male Housing, often times inmates cannot be observed in their cells from the corridor, requiring Officer entry into the dayroom to conduct the safety check. Entering the dayroom without two Officers present is not done due to safety concerns. A second Officer is often not available. Thus non-compliance is a result of not having sufficient personnel on duty at all times to ensure implementation and operations required by the regulations (Title 15, Section 1027, Number of Personnel).

The 2013-2014 Grand Jury is pleased to report that action has been taken on the Jail Policy & Procedure Manual. It has been updated following a model from Merced County. At the time of this writing, this updated version is currently being reviewed with the Sheriff's Office attorney. It will then be reviewed by County Counsel and conferred with the employee's association. It is anticipated to be adopted in early 2014.

## Jail Safety and Security

The jail can be considered staffed with as few as 3 Correctional Officers (CO's) on site, which is the minimum staffing. Through interviews and site visits by the Grand Jury, this is barely adequate for the current number of inmates based on the overall responsibilities of the CO's in tending to security, providing essential rights and needs of the inmates, as well as protection of fellow Officers. An understaffed facility does not allow the staff to perform all necessary duties, including monitoring surveillance cameras and conducting routine hourly life safety checks. During an emergency, this shortage could result in an escalation of safety and security measures. The jail currently is too crowded (about 48 inmates, projected to have about 60 with implementation of AB-109). Safety of Officers is an issue. With the potential for only 3 staffing the jail, there is often a lack of back-up when one of the CO's has to transfer a prisoner, or a new prisoner has to be processed, or if some disturbance occurs.

Some inmates are on what is called a work release program, meaning they are allowed to leave the jail facility in the morning to go to their job and then return to the jail facility in the evening. This program is advantageous to the inmate, allowing the inmate to keep working while serving time, but it is labor intensive for the CO's. The CO's have to inspect the inmate in the morning, inspect the inmate upon their return to the jail and make sure the inmate gets dressed in the proper jail clothing.

The 2013-2014 Grand Jury is pleased to report that some action has been taken on increasing the staffing of Correctional Officers with the hiring of 2 female CO's in early 2014. To be considered fully staffed, at least six female Officers are needed to cover all shifts. This gives the jail a total of seven female Officers. This still leaves the jail six Officers short of being fully staffed.

A nurse is not permanently present at the jail, thus another CO responsibility is

dispensing medications to the inmates. This is not viewed favorably by the inmates as there are often disagreements with the type and quantity of medications being dispensed. These types of disagreements with the CO's are often resolved favorably for both parties, but leads to resentment of the CO's by the inmates.

The lack of segregation is a big problem. This includes extra effort to keep male and female inmates segregated within the same hallways; female inmates are currently segregated from male inmates by sight, but not by sound. Segregation issues are also challenging when a second level of segregation is required amongst female inmates (isolate a different class of female inmate from the dorm type room). Lack of segregation by having sentenced and non-sentenced inmates within the same cell, a potential violation of the penal code, is also problematic. It was suggested that a better screening process of inmates needs to occur before putting inmates into the dorm type facility – there are some “scary guys” that get put into these rooms that do not fit in with the rest of the inmates. This is symptomatic of the older jail facility not having the space to segregate the various classifications of prisoner (felon, misdemeanor, sentenced, non-sentenced) that is stretching the penal code. With implementation of AB-109, this can only be fixed by providing a new jail facility.

The jail was originally built for fewer females than it currently houses. This takes away from male inmate space as more males arrive than females so the demand for male space is compromised by additional females. This lack of space between sexes could be a factor in the jail not being able to comply with the ideals of AB-109 and reaching the 60 inmate level. These overcrowding issues and lack of segregation of sentenced and non-sentenced inmates celled together leaves Plumas County vulnerable to the possibility of an inmate suing the County for non-compliance with penal codes.

The 2012-2013 Grand Jury Report concluded that a new jail facility is needed in Plumas

County because it is in a bad location, due to public access; it is “a linear facility that lacks segregation and that it is a threat to public safety.” Therefore, “any monies put forth for the existing jail is putting good money after bad”. Discussions with jail personnel provided a mixed response to this ‘good monies after bad” statement. All agreed that the best investment was a new facility, but they also agreed that some expenditure on the existing facility would improve safety and security. The 2013-2014 Grand Jury acknowledges that in the long term a new facility is in the best interest of Plumas County. We also realize that based on the County’s funding issues, and despite efforts by the Sheriff and the County to secure funding opportunities, a new facility may not be in the immediate future.

Based on site visits and interviews with jail personnel regarding investing money into short term improvements, some low cost structural improvements could be installed that could physically improve the facility making it less vulnerable than its existing condition (details which may compromise the safety of inmates, Correctional Officers and the public are not disclosed to the public). An additional investment that would improve safety and security within the facility would be to replace existing faulty video equipment and staff a full-time equivalent position for 24-hour video surveillance monitoring.

## Inmate Work Program

The Plumas County Sheriff and Correctional Officers are providing the inmates with the opportunity to contribute to the community through an inmate work program. Thirteen to fifteen inmates are participating in this program, which is 27-31 percent of the inmate population at the jail. Inmates are used to perform various essential labor tasks within the facility, outside on the facility grounds, and elsewhere in the County. These tasks include janitorial services at the Sheriff’s Office and at the courthouse, construction

of various items in the wood working facility, watering, cooking (within the jail), cleaning the outside of various other facilities, including cleaning up the Little League fields prior to the beginning of the season, and working at the Animal Shelter, cleaning and tending to the animals.

The inmate work program, because it is providing a county function, is something the Sheriff and the Commanding Officer are proud of and both want the opportunity to expand the program to other areas of Plumas County. This inmate work program seems to currently suffer from a lack of knowledge from the local communities that this work program exists; with more awareness, more opportunities could be identified to increase services provided by this program. There was an offer that the inmate work program could be made available to local non-profit projects in the community. All inmates interviewed for this investigation agreed that the work program was to their benefit, a “blessing” and “a reward that they did not want to screw up”. Inmates enjoy this benefit because they get to be outside, making the day, as well as the time spent in jail, go faster. It provides each inmate with some stability in their routine, improves inmate morale, and makes inmates feel useful. When asked what could be done to improve the work program, broadening the selection of jobs, making more jobs available, and assigning inmates full-time to a particular job would be welcome. The work program also allows inmates a way to help pay off their fines. Expanding the program would save taxpayer money being spent on certain county functions, and contribute to improved inmate morale and better use of time than lying in bed in their cell.

It was pointed out to the Grand Jury during inmate interviews that lack of segregation between sentenced inmates and non-sentenced inmates was problematic, especially in areas where inmates share a dormitory facility. Sentenced inmates got priority for work program assignments, including outside

tasks, while fellow inmates in the dorm, that had been there longer, but had not been sentenced yet, could only work inside the facility. Thus there was jealousy between these two categories of inmates that caused friction.

## FINDINGS

F1 The existing Plumas County jail facility is inadequate for future foreseeable use and is vulnerable to penal code violations.

F2 The jail facility could be better secured for both Officers and inmates with some minor low cost improvements. Security systems and cameras are not working as intended due to equipment replacement needs and staffing.

F3 Staffing of Correctional Officers needs to be increased to allow for safe performance of all necessary duties CO’s must perform.

F4 The jail Policy and Procedure Manual has been updated and is currently with the Sheriff’s Office attorney for review.

F5 The inmate work program contributes to improved inmate morale and wellbeing, making for a better behaved inmate. This program provides a means for the County to save money.

F6 The dormitory cells are housing different classifications of inmates which contribute to inmate jealousies, fear, and the potential for conflict amongst inmates.

## RECOMMENDATIONS

R1 The County Board of Supervisors and the Sheriff need to make it a priority to continue to explore and secure funding for a new state-of-the-art jail facility which is consistent with newer facilities which provide for increased community security

and Officer and inmate safety.

R2 During the interim of providing a new facility, there are certain lower cost improvements that should be funded to strengthen the safety and security of the existing facility. Some of these improvements cannot be divulged in this record, but funding to replace video equipment and funding to allow staffing of 24 hour monitoring of video surveillance is part of this recommendation.

R3 Complete the review and implement the updated jail Policy and Procedure Manual in early 2014 and train all jail personnel in the contents of this manual, including any new General Orders, within 2 months of issuance.

R4 The County should expand the inmate work program to provide increased opportunities through implementation. This includes designating more and varied tasks. This program could be used to construct/install physical security measures at the jail to better protect the facility.

R5 It is recommended that one of these expansions of the inmate work program be that there are two inmates at the Animal Shelter 5-7 days a week to 1) clean the facility and 2) spend time with animals to help socialize dogs and cats, making them more adoptable.

R6 At a minimum, the jail facility should better screen inmates prior to placing inmates in dormitory cells. The dormitory rooms should separate the sentenced inmates from the non-sentenced to reduce inmate conflicts and not be subject to penal code violations.

## REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

Plumas County Sheriff: R1 through R6

From the following governing bodies:

Plumas Board of Supervisors: R1, R2, R4.

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

## INVITED RESPONSES

Presiding Judge may respond to the entire report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## PLUMAS COUNTY REAL ESTATE ASSETS UNCLEAR

### SUMMARY

During a discussion at an initial Grand Jury plenary session the topic of the proposed Chester 'Sports Complex', along with media coverage of the proposed relocation of the County Probation Department to the Annex building, several references to school closures/consolidation, and the potential future relocation of the Sheriff's office and

jail were brought up. It was the general belief by Grand Jury members that should all of these proposals take place, there would likely be several county buildings left vacant and unused.

It was decided that we would access the list of county-owned buildings and assets to evaluate, by district, any potential liabilities and possible revenue-generating properties and make recommendations accordingly.

However, it quickly became apparent that such a comprehensive list of county-owned buildings does not exist, at least not in a manner that is easily retrievable and/or understandable. We also learned that various county departments were unsure if such a list existed, who was responsible for maintaining/updating it, and what, if any, value there was in referring to it for any reason.

Our full investigation of county-owned properties was hampered by the incomplete and outdated information that was available. We were not able to properly identify, by district, what the county owned, how a building was being used, potential environmental hazards, or if buildings were being adequately utilized, let alone, if there were buildings available for potential business use.

## BACKGROUND

It was considered possible that as county departments relocated or built new facilities, communities could be left with several outdated, unusable, and in some cases, unsafe buildings. Grand Jury members were able to identify buildings within their communities that had been sitting empty or underused for extended periods of time, but no one was completely sure what was county-owned and what was privately-owned.

The question of whether county-owned buildings were in fact an asset or a liability was asked. If buildings were out dated and

contained potential contaminates, such as asbestos and lead, would they be too costly to renovate and bring up to current codes? What happens to them? Do they become expensive storage facilities? If they were vacated and left empty, did they pose a potential liability hazard, not to mention an eye sore in the community? Were usable buildings being made available to non-county entities for potential lease by local business owners, thus creating viable revenue for the county? How would anyone looking for available spaces in Plumas County learn what county-owned facilities might be available?

Looking at the county's list of owned buildings, their current and projected use, state of repair, and potential market value, and identifying any potential environmental hazards or building code limitations could potentially lead to better decision-making when evaluating proposals for new construction or relocation of county departments. It was also possible we could identify buildings that would be suitable for renting to local businesses to generate revenue rather than sit empty or be underutilized.

In addition to identifying county-owned properties, we also wanted to understand the procedures and process by which the Board of Supervisors or department Directors might reallocate facilities as needs change, requiring expansion or relocation, and in some cases, new buildings. We wanted to ensure that all existing properties were being properly evaluated prior to building expensive new buildings.

## APPROACH

The Grand Jury set out to locate documentation of county-owned properties to see what information was currently being collected and updated.

The Grand Jury conducted interviews with personnel from numerous departments within the County, as well as most of the

County Supervisors, to evaluate their familiarity with documentation and evaluation policies and procedures.

We compared the information received from document review and personal interviews in an attempt to understand the current procedures and evaluate their effectiveness.

## DISCUSSION

The Grand Jury wished to determine the current inventory of all county-owned buildings, facilities and grounds. We also wished to determine which facilities, not owned by the county, are currently being rented or leased by individual departments in order to provide services in outlying communities. The Grand Jury interviewed members of the Tax Assessor's Office, the Auditor's Office, and the Facilities Department. The Grand Jury also requested information from all members of the Boards of Supervisors and conducted interviews with most of them; however, not all Supervisors provided information or responded to our request for interviews.

The members of the Board of Supervisors who did respond to the Grand Jury's request for information indicated they were well aware of the properties in their respective districts. The Grand Jury felt that this knowledge was due to their personal experience as a resident of their community and tenure on the Board, rather than access to a list of such properties. It appeared most of the Supervisors had not seen a list of county-owned properties for their district.

We began our voyage at the Plumas County Assessor's Office where we were referred to the Plumas County Auditors' Office and Facility Services to see if such a list existed. We also tried to obtain a list from the Plumas County Treasurer's Office and were referred back to the County Assessor and Facility Services.

When we received two lists from separate

departments, the lists were not consistent with each other. The properties were not described adequately enough on either list for the Grand Jury to cross-reference or easily identify properties.

One of the lists was sorted by parcel numbers; it did not easily identify their location. The other list was sorted by name; however, the data entry was inconsistent, so some properties were listed as Plumas County, others as county, others by an entirely different name, i.e. "facility" or "special district".

Some of the properties indicated a market value of the property (though when it was calculated was not documented), but the list did not indicate current use, i.e. vacant/storage. It was impossible to determine if the properties had any potential environmental hazards or if the building was currently up to current building codes.

The Grand Jury became very interested in understanding the extent of county liability for some of the properties. We became aware of properties that were frequently being vandalized, being used as shooting ranges, and some that were vacant and "unusable" due to outdated heating systems and/or environmental hazards.

Unfortunately, the Board of Supervisors did not agree on their responses to our inquiry regarding county liability. Some said the county had liability insurance, "just like any other property owners", others thought the county was "immune to most liability".

We were unable to accurately assess how special district buildings are handled by the county and how those buildings that are owned by the state, i.e. schools, were addressed by the county. What happens when we consolidate schools and leave one sitting empty? Does that property belong to the county or not? Who is liable should injury occur at an unused property? The Grand Jury found the answers to these questions were left unclear.

## FINDINGS

F1 The Grand Jury was unable to obtain a comprehensive and descriptive list of county-owned property (land and buildings).

F2 The County Supervisors who responded to the Grand Jury inquiry indicated they were knowledgeable of the county-owned property in their individual districts.

F3 Not all perceived county-owned properties are under the county's jurisdiction/control, some are under the control of other entities.

F4 A comprehensive list of local government-owned properties is advantageous to the public, new employees or existing staff looking to expand or relocate in other areas.

F5 Facility Services Department is currently in the process of updating a list.

## RECOMMENDATIONS

R1 Facility Services Department should build a comprehensive list of county-owned properties sortable by Supervisorial District and entity/Special District "ownership" to include description/current use, value and condition by September 30, 2014.

R2 Representatives from the following departments: Public Works, Assessor, Auditor, Treasurer, Facility Services, and the Board of Supervisors should review this comprehensive list for accuracy and ease of use, and approve by December 31, 2014.

R3 The location of the completed list should be well-known to all county staff and made readily available to all staff and public (possibly in hard copy and on the county website).

R4 This comprehensive list should be regularly updated at a minimum of once per year.

## REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:  
Director of Facilities/Airports should respond to R1-R4

Directors of Public Works, Assessor, Auditor, Treasurer, should respond to R2 and R3

From the following governing bodies:  
The Plumas County Board of Supervisors should respond to R2-R4

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

## INVITED RESPONSES

Presiding Judge may respond to the entire report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## PLUMAS COUNTY ELECTIONS PROCESS

### *A Vote for Change*

## SUMMARY

As voters in Plumas County, we all make our democracy stronger by participation in

each election, both local and state-wide. We make our voices heard by addressing important issues which affect our future and by electing representatives who actively work within the political system to improve our daily lives.

The 2013/2014 Plumas County Grand Jury wanted to experience first-hand the election process in Plumas County. With the 2014 Primary Election scheduled for June 2014 and the 2014 State Election coming up in November, the investigation seemed very timely.

Did you realize that your signature on your mail-in ballot is verified, every time? Did you know that the ballots are counted, not only by electronic machine, but also manually by a volunteer non-partisan panel, regardless of the outcome or closeness of the race? Did you ever think that little Plumas County has one of the highest ballot return percentages in the State? Voter turnout for the November 2013 election was 65% compared to 29.3% in San Francisco County and 37.8% in Marin County.

The Uniform District Election (UDEL) held in November 2013 in Plumas County was a 100 percent Vote by Mail (VBM) election. This means that all votes cast resulted from the Elections Office sending ballots out in the mail to those registered voters in the Districts that were participating in the election, and those votes were returned to the Registrars Office either by mail or handed directly to the Registrar's Office. No voting polls were available; yet 65% voter turnout was realized. As it turns out, Vote by Mail ballot returns have exceeded 50 percent in the 2010, 2012, and now the 2013 elections, while voting at the polls (precincts) has resulted in only 8 percent voter turnout.

The Grand Jury learned that although Vote-by Mail (VBM) has been demonstrated to be more effective in generating voter turnout and less expensive for the County to run, the California State Legislature needs to modify their current interpretation of calculating the precinct voter population, thereby allowing Plumas

County to have only 4 precincts requiring polling locations, rather than the current 21 precincts.

It's great to know that here in Plumas County your Vote by Mail ballot is accurately counted; your vote always counts! The Elections Office is well run, efficient and always looking for improvements in their organization, including going to all Vote by Mail.

## GLOSSARY

Help America Vote Act or **HAVA**

Vote by Mail or **VBM**

Uniform District Election or **UDEL**

Fair Political Practices Act or **FPPC**

For ease of writing, we have used the terms Elections Office, Registrar's Office, and Elections Officials to mean the same group of employees located in Plumas County's Recorder's and Registrar of Voters' Office.

## BACKGROUND

The Elections Office invited the Grand Jury to witness the vote counting, equipment testing, and canvassing of the count. Although information was provided to other Grand Juries within the past 10 years from the Elections Office, those Grand Juries did not choose to include any findings regarding the Elections Office in their reports. The 2013/2014 Grand Jury decided to include information which would be timely for the upcoming elections.

The 2013/2014 Plumas County Grand Jury wanted to learn about the election process in Plumas County. With the Primary Election scheduled for June 2014 and the 2014 State Election coming up in November, the investigation would give us an opportunity to explain the process to voters and encourage active participation in the upcoming elections.

On November 5, 2013, a Uniform District Election (UDEL) was held for four districts in the county; this election was entirely Vote by Mail (VBM). The Grand Jury investigated this special election, as well as, all standard practices of the Elections Office.

The State of California Legislature interprets the California Elections Codes which set the requirements used for each election. The Election Schedule developed by the Elections Office can take more than 6 months to prepare. This allows time for candidates to complete their statements to be included in the sample ballots, have their statements printed in the local papers, and provide time for rebuttals. Ballot layouts are also set by code, including font sizes and "randomized alphabetizing". Write-in candidates must officially file with the Elections Office in order for any write-in's to be counted.

It is always the objective of each election to include all votes cast correctly and with clear intent. In a district where you are asked to vote for a specific number of candidates, a voter may cast a vote for less than the requested number but not more. Any over-votes must be discarded.

The Elections Office actively encourages voter participation through a variety of methods, including holding a mock election with high school students, registration drives, and other community actions. The Elections Office continues to apply for state grants which provide funding to encourage voter participation.

## APPROACH and METHODOLOGY

### Documents

The 2013/2014 Grand Jury reviewed the process description documents held in the Elections Office which included:

- *"The Uniform Vote Counting Standards", 5/2006*
- *"The Help America Vote Act of 2002" Manual*

- *"The Plumas County Elections Plan" prepared by the County Clerk, 1/2008*
- *"Guidelines for Processing Provisional or "Fail-Safe" Ballots in an election", last revised 9/1998*
- *"The Fair Political Practices Commission Act" or FPPC*

Procedural manuals reviewed included chapters located within the Diebold Premier Election Procedure Manual, Inc. 2004:

- *Accuvote-OS Central Count 2.00 User's Guide, Revision 4.0 dated Sep 17, 2004. This documented the ballot verification process as well as ballot processing/counting*
- *Accuvote-OS Ballot Specifications Revision 3.0, July 6, 2006. This gave direction on how to set up a ballot, including colors, timing marks, text, weight and physical dimensions*
- *GEMS (Global Election Management System) 1.18, Election Administrative Guide Revision 10.0, May 15, 2006. This discussed the process for absentee (ballot by mail) management: inputs, verification and preparation*

### Interviews

The Grand Jury met and interviewed members of the Elections Office. During these interviews, we reviewed budgetary and cost documents with the Elections personnel. A member of the independent panel verifying the vote count was also interviewed by the Grand Jury.

### Site Visits

Members of the Grand Jury visited the Plumas County Elections Office four times during the investigation. In addition, two members of the Plumas County Grand Jury observed the Plumas County Registrar of Voters elections process on November 5, 2013. This election was a Uniform District Election (UDEL), Vote by

Mail (VBM) Ballot-only election. This election was very small, including only four precincts in the balloting: 13th, 14th, 27th, and 29th. We witnessed the opening, sorting, verifying, counting and report writing during this election.

The next day the 2013/2014 Grand Jury witnessed the canvass or the manual verification of the previous day's counts.

## Website Visits

- California Secretary of State, Elections & Voter Information - [www.sos.ca.gov](http://www.sos.ca.gov)
- Plumas County, Department of County Recorder and Registrar of Voters - [www.countyofplumascom](http://www.countyofplumascom)
- California Elections Codes - [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

## DISCUSSION

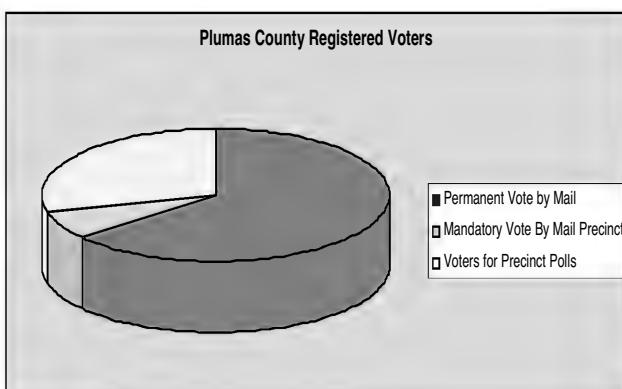
The Plumas County Recorder's and Registrar of Voters Office currently employ six employees including one elected official. Two employees work solely in the Recorder's function and the remaining members of this group apportion their time between departments. All members of the department have worked in the Elections function between 6 and 26 years in various roles.

### Maintenance of Registered Voters Lists

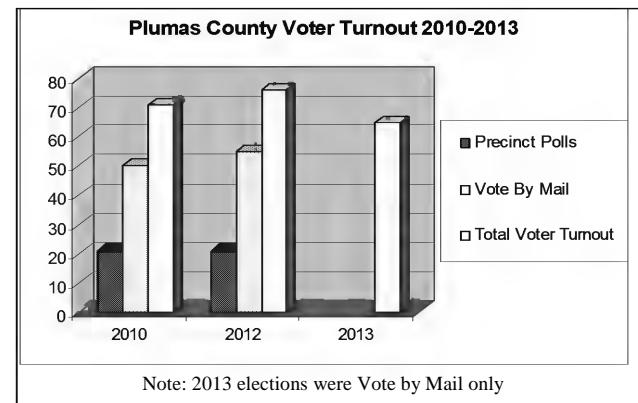
Updating of the Voter's registration List is a continuous process for the Elections Office. On a daily basis, the Elections Office checks death records in the local newspapers and adjusts registration as needed. The state-wide database for all of California, CalVoter is updated on a daily basis. CalVoter updates are provided to the county on a monthly basis and compared. This comparison ensures that any "snow birds" do not vote in two places.

### Voting Methods and Procedures

There are 3 ways for a ballot to be delivered: 1) by mailing it to the County Registrar of Voters Office, 2) returning it to the County Registrar of Voters Office or any polling place on Election Day, or 3) by going to the polls. Plumas County currently has 11,883 registered voters, of which 7,600 are permanent Vote by Mail voters by choice. If a precinct has <250 voters, the entire precinct is Vote by Mail. This adds an additional 800 registered voters that live in entirely Vote by Mail precincts. These precincts include: Cromberg, La Porte, Blackhawk, Keddie, Tobin, Canyon Dam and Crescent Mills. Seventy-one percent (71%) of all registered voters in Plumas County vote by mail, leaving twenty-nine percent (29%) that vote at polling places.



Data from the past three fiscal years of elections show there is a higher voter turnout with Vote by Mail than through the polls. Twenty nine percent (29%) of registered voters in Plumas County do not Vote by mail but vote at a precinct polling place. For the 2010 and 2012 elections, there was a 71% and 76% voter turnout: 21% voter turnout at the polling places for both elections and 50% and 55% voter turnout respectively with VBM. Based on total votes cast at the polls, only eight percent (8%) of all registered voters in Plumas County actually vote at a polling place. When we compare general election costs using polling precincts versus elections using Vote by Mail, Vote by Mail elections can be up to twenty-seven percent (27%) cheaper than voting at polling places; holding the polling place open for such a low voter turnout is not very cost-effective.



Besides increasing voter turnout, otherwise termed voter participation, the Vote by Mail ballot approach has additional benefits to the voting public:

- The mail in ballot goes to voters 29 days prior to Election Day. This gives voters time to review the issues and take their time in voting.
- Military personnel overseas can get the ballot 60 days prior to Election Day. They can get the ballot through mail or even sent by e-mail. The returned ballot must be mailed hardcopy so that it can be scanned and fed into the appropriate voting machine to be counted.
- There is a cost reduction of approximately 27% due to less staff hours, less need for extra help, less printing and postage costs, and lower polling equipment costs.
- An independent panel of volunteers open up the mail-in ballots (up to 7 days prior to election day) as well as on election day. This panel is made up of volunteers of varying political representation. They usually canvas 1% of the ballots (re-count and verify) just to make sure the machine is accurately counting the mail in votes.

### Verification of Voters

When Vote by Mail ballots arrive at the county Registrar, each ballot envelope is checked to determine validity as mandated by California Elections Code. Upon receipt of the ballot in the Registrar's Office, the bar code on the ballot envelope is scanned and compared with the registered voter's card on the computer screen. The voter's

address and signature are checked and compared with the ballot. If there is a discrepancy, such as the signature on the envelope does not match that which is in the computer, or the address does not match, the ballot is flagged and the voter is contacted about the discrepancy. If the ballot is received late in the election period, the voter will need to get to the Elections Office before the polls close to remedy the discrepancy. During our observation, the Grand Jury members saw 2 of 4 recently received ballots get rejected because the signature on the ballot envelope did not match the signature on the scanned registration card.

## Election Day

On Election Day, the four members of the Independent Panel arrived at about 8:45 am and began being trained about 8:50 am. The four members consisted of one person who has served a few times on the independent panel, another person who has worked the polls but first time on the panel, one person was a new volunteer, and a former county elections employee (retired). As citizens of Plumas County we can all be volunteers for an Independent Election Panel. At 9:00 am the four members began to separate the mail in ballots (that had already been verified, signatures scanned) into the four individual precincts, with each precinct that had a ballot put into a box with the appropriate precinct number. This took approximately 15 minutes (about 500 ballots).

Then, by precinct, the ballots were run through a machine that slits the top of the envelopes off to allow access to the ballot. All four members observed this process until one precinct was completed. Then one member took the box of opened envelopes, took out the ballots and piled them up. One pile consisted of ballots that were ok; the other pile consisted of “damaged” ballots, mostly due to slits/cuts/tears in the ballot. Many of these cuts and tears were caused by either the voter actually cutting on the ballot or caused by the envelope opening machine. The ballot for this specific election had

been folded in half at the printer’s office. This caused some of the ballots to be cut during opening, which resulted in ballots that could not be run through the counting machine. Thus duplicate ballots would then be created.

The elections personnel immediately recognized this issue with damaging the ballots during the opening cutting process as problematic. The company who had printed the ballots was then contacted and the folding specification changed. All ballots from now on will be folded in triplicate minimizing the likelihood of damaging the ballots during the opening cutting process.

## Duplication Process

Duplication began at about 10:25 am. Duplication allows for all the damaged ballots to be replaced with undamaged ballots; undamaged ballots can be run through the vote counting machine, whereas any damaged ballot cannot. The damaged or torn/cut ballots were then processed. One panelist kept a list of the ballot number and precinct it was for; another panelist stamped the damaged ballot “VOID” and assigned it a sequential number. This panelist then read out loud what the marked votes were on the damaged ballot. These were recorded by the third panelist on the new or “duplicate” ballot and assigned the same sequential number. This ballot was stamped “duplicate”, the votes marked on the ballot as read to her by panelist 2. Then the “duplicate” ballot was passed to panelist 4 where the vote was verified on the ballot. When these were completed, they were included with the rest of the ballots for that precinct.

Some ballots were damaged by voters (cut) but the majority of the damage resulted from the ballot being folded in half and placed in the envelope in a way that opening of the ballot envelope resulted in a cut. If ballots were folded in thirds (tri-fold) this would not have happened. Members of the Elections Office got on the phone with the printer sometime between

10:00 am and 10:30 am, identified the problem, and registered with the printer that Plumas County would be a tri-fold county from now on to avoid this problem. It appeared that about 154 of the mail in ballots had to be duplicated election morning (which was approximately 25-30% of all ballots counted).

At 1:00 pm, the vote/ballot counting machines for each precinct were unlocked, each machine was zeroed out (that is the machine was certified that it had no pre-loaded votes, and the counter was set at zero). All panelists initialed the zero receipt. Then the ballots from each precinct were run through their respective counting machine. Interesting to note that it did not matter which way the ballot was placed in the machine, upside down, backward, it still got counted. A ballot got rejected when something was wrong, primarily another cut/tear, or a folded over tab at the top. When ballots were rejected by the machine, another duplicate ballot (as described above) would have to be created by the panelists so a ballot could be run through the machine and be counted.

Write-in candidates were not counted because no write-in candidates for this election were registered as qualifying for write-in. Procedures for registering as a write-in candidate are available to candidates in the Registrar’s Office.

At 8:00 pm, after the election closed, the voter ender page was run through all four precinct counting machines, which locked the machine from counting anymore votes. It then automatically tallied all votes. These tallied votes were taken from the counting machines on a memory card, plugged into a PC, and generated an “unofficial” results sheet, that included total votes cast and voter turnout (in this case 65% voter turn out through ballot by mail process).

The results would not become official until completion of the canvassing of votes that occurs the next morning. The same independent panel that counted and verified the vote performed the canvass.

## Canvass Process

The next morning after Election Day at the county courthouse, three of the previous day's panelists, plus one new panelist, convened in the election room and began what is termed the canvassing process. Basically this is auditing the election vote count by precinct to make sure that the vote counting process the previous night was correct. California Elections Code requires a manual count of at least 1% of each type of ballot. If a ballot has different information, i.e.: different candidates running, it is a different ballot type. Since each of these four precinct elections was a different ballot type, all four precinct ballots were 100% sampled.

The ballots for a precinct were placed on the table. One panelist read the vote out loud from each ballot, another panelist verified what the first panelist read off the ballot, and the other two panelists tallied the votes that were read. At the end of 10 ballots, the tally was checked between the two panelists to make sure their numbers matched.

During the process the Plumas County Election Officials stayed away but periodically checked in and were always available for questions. The Officials are there to oversee the election, not touch the ballots.

## Voter Errors

The goal of the Elections Office is to confirm that the "voter's intent" is obvious when correcting any ballot with a discrepancy. Although some voters did mark their ballots in "creative" manners, if their intent was clear, the elections group would correct the ballot through the duplication process to include the vote.

Discrepancies from the previous night's count and the morning canvass occurred during our observation: Voter error was the cause of both discrepancies:

1. Voter circled the word "NO" instead of blacking in the proper square. Thus it was

not counted by the machine the previous night. Election officials could determine that the intent of the vote was there, thus a duplicate ballot was created and run through the machine again. This showed that the number of ballots counted exceeded the number of votes by 1 because this ballot was run through twice, but the vote only counted once.

<u>Correct</u>	<u>Incorrect</u>
<input checked="" type="checkbox"/> No	<input type="checkbox"/> No
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

2. Voter filled in the "o" in the word No instead of filling in the appropriate square. Once again intent was determined and confirmed, the ballot was marked in the appropriate place by one of the independent panelists, run through the machine and the vote counted. Again the total number of ballots counted exceeded the total vote by one.

<u>Correct</u>	<u>Incorrect</u>
<input checked="" type="checkbox"/> No	<input type="checkbox"/> N•
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

Both discrepancies were documented by the members of the panel with an explanation for the discrepancy, and initialed by the panelists.

When manually counting the more complex ballot types (where there were 6 candidates, but could only vote for a maximum of three), the tally process by the panelists did not go as smooth as it could have. After counting all the votes, 3 of the six candidate's votes matched what the machine counted, but three were off by one vote each. The panel then took all ballots with a vote for each of these three miscounted votes and manually counted each of these ballots. In all three cases the vote was rectified and the end result was

that all manually counted votes matched what the machine counted.

Again voter error was evident: 2 ballots had 4 candidates receiving votes when only three were allowed. Over-votes such as these are not permitted by California Elections Code. End result: both ballots were rejected and none of these votes counted. The result of this canvassing of votes: the election results became Official.

## Damaged Ballots

The percentage of errors due to cut, damaged, or mismarked ballots in this election was found by the Elections Office to be extremely high compared to previous elections. The number of failed ballots was between 25 and 30% of the total number of ballots cast. This causes two problems: additional time spent duplicating ballots by paid volunteers and cost for more paper ballots needed for the duplication process.

The amount of time spent correcting ballots was approximately 2 hours, or 25% of volunteer's time. An additional 154 ballots were required. These errors were corrected during the count and alleviated due to prompt action by the Elections Office.

There is an acceptable method for "Ballot Printing on Demand". The elections personnel could print ballots in their own offices with the appropriate equipment, if necessary. If the Elections Office had this equipment for "Printing on Demand", no additional time or delay would be necessary to ensure enough paper ballots are available to compensate for mistakes requiring duplication or more voters than expected. Cost estimates for this type of equipment generally runs between \$20,000 and \$25,000, but the equipment could be leased, saving the county a large, one-time investment. Typically the county would purchase a maintenance agreement along with such equipment.

## Elections Costs

Specific costs associated with small, Unified District Elections can and are charged back to the specific precincts involved in the election. The Special Districts seem to be good at paying the county back. Only once did the county not receive funds due to extreme hardship on the District's part.

We reviewed the County Recorder Department – Elections Division costs for the fiscal years of 2011 and 2012, as well as the budget for 2013/2014. The budgeted elections costs are based on the expected number of elections and the expected costs of reimbursements from the precincts. If the ballot is Vote by Mail, the costs are lower by an estimated 27%.

## California Elections Code

The State of California Legislature interprets the California Elections Codes which set the requirements used for each election. The Election Schedule developed by the Elections Office for each election can take more than 6 months to prepare. This allows time for candidates to complete their statements to be included in the sample ballots, have their statements printed in the local papers, and provide time for rebuttals. Ballot layouts are also set by code, including font sizes and “randomized alphabetizing”. Write-in candidates must officially file with the Elections Office in order for any write-in's to be counted.

California elections codes sections 3000-3024, cover legislation regarding VBM procedures. Section 3005 describes the procedure for calculating if a precinct can be designated by the local elections official to be VBM-only. Precincts with less than 250 voters can be VBM only. The line “No precinct shall be divided in order to conform to this section” is currently interpreted to mean the local elections officials can not split precincts by subtracting the number of permanent VBM from the total number of registered voters when determining the precinct's

voter population. If this interpretation was changed, the number of non-VBM precincts for Plumas County would be only 4 compared to the current 21.

In order for Plumas County Elections Officials to reduce their costs while still running fair and effective elections, it would be advantageous to maximize the number of VBM precincts. If one removed the permanent VBM from the total registered voters to determine if the precinct was less than 250, Plumas County would only need 4 polling precincts instead of the current 21 polling precincts and the remainder of the County would be VBM. This is not the current interpretation of the code.

Other counties have tried unsuccessfully to lobby the State Legislature for a different interpretation. These counties include San Diego and Butte counties. At least two Plumas County elections officials are members of a lobbying organization of elections officials from other counties, through which they can press issues for change.

## FINDINGS

**F1** The Plumas County Elections Officials agree that Vote by Mail approach increases voter participation and is less expensive to conduct than voting at the polls.

**F2** Plumas County Elections Officials maintain voter's intent: They ensure that any errors and discrepancies during the Vote by Mail election process are corrected when possible.

**F3** The Plumas County Elections Process would benefit by splitting precincts, thereby increasing the number of VBM-only precincts; however, only the State Legislature has the authority to modify the California Elections Code.

**F4** Plumas County does not currently have “Printing on Demand” capability, potentially creating a delay in ballot availability.

**F5** The Plumas County Elections Office is a well-run county department. Procedures have been carefully worked out over the years and are followed by the elections processors.

## RECOMMENDATIONS

**R1** Plumas County Elections Officials should continue the process of educating voters on the values of Vote by Mail procedures including 1) expense 2) voter participation 3) twenty nine days lead time, and 4) more time available for voters to research and make informed decisions.

**R2** Plumas County Elections Officials should encourage residents to participate in the election process as 1) volunteers in the independent panel to count and verify votes 2) by observing vote counting on election day, and 3) by continuing to give clear and concise directions for marking the ballot correctly (using larger font, bolder font, and examples).

**R3** Plumas County Elections Officials continue to lobby the California State Legislature to allow Plumas County to be 100% Vote by Mail for all general and district elections by 2016. Elections Officials should maximize the number of VBM-only precincts, as a first step.

**R4** Plumas County should consider appropriating the funding to purchase, operate and maintain the necessary hardware and software to provide “Printing on Demand” capability by 2016.

**R5** The Grand Jury would like to publically commend the Elections and County Recorder's Office for fine work.

## REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

The Elections Officer should respond to R1-R4

## From the following governing bodies:

The Board of Supervisors should respond to R4 regarding funding

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

## INVITED RESPONSES

Presiding Judge may respond to the entire report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## PLUMAS COUNTY AUDIT COMMITTEE

### *Who are they and what do they do?*

## SUMMARY

The Plumas County Board of Supervisors on October 3, 2006 passed a resolution to establish a Plumas County Audit Committee. On April 10, 2007, the Board of Supervisors voted to appoint two members of the Board of Supervisors, the County Auditor/Controller, the County Administrative Officer (CAO), the County Treasurer and two members of the Grand Jury as the membership of the Plumas County Audit Committee.

The Plumas County Audit Committee was not convened in 2012-2013. In spite of this, the 2012-2013 Plumas County Grand Jury

took it upon themselves to report on the status of the County's finances, as evidenced in the 2012-2013 Plumas County Grand Jury Report.

Again in 2013-2014, the Plumas County Audit Committee was not convened. It appears as if there is either no impetus to convene this committee or there is confusion as to who is to take responsibility for convening the committee. Regardless, the County does not appear to be following its self-imposed obligation as required by statute.

## BACKGROUND

Based upon the recommendation of a previous Plumas County Grand Jury, the Board of Supervisors on October 3, 2006 passed a resolution to establish a Plumas County Audit Committee. On April 10, 2007, the Board of Supervisors voted to appoint two members of the Board of Supervisors, the County Auditor/Controller, the County Administrative Officer (CAO), the County Treasurer and two members of the Grand Jury as the membership of the Plumas County Audit Committee. The CAO position is currently vacant and has been since April, 2012.

### **The Plumas County Audit Committee is responsible for:**

- Recommending audit firms to the Board of Supervisors for its approval
- Developing the contract proposal request and submitting the proposal to County Counsel for contract development
- Meeting annually with the contracted audit firm to provide input concerning the areas which the members feel need special attention in the upcoming field audit work
- Meeting again to review the audit report prior to its presentation to the Board of Supervisors

The Grand Jury participation in the committee is primarily to meet with the auditors to ask questions and get information, as well as to observe the audit process.

## APPROACH AND METHODOLOGY

### Documents

The 2013/2014 Grand Jury reviewed the following documents:

*1. Plumas County Boards & Commissions Required by Statute, last update – October 2013*

*2. Plumas County Grand Jury Manual updated 2013*

### Interviews

The Grand Jury had a brief meet and greet with two members of the Audit Committee early on in late summer of 2013. The Grand Jury also interviewed one of the designated positions assigned to the Audit Committee in early 2014.

Members of the Grand Jury met with the County Auditor and the Independent Auditor (Smith & Newell) in early April 2014, to review the final audit prior to its submission to the Board of Supervisors.

## DISCUSSION

The Plumas County Audit Committee did not convene in 2012-2013. This could be partly due to the fact that two of the member positions were vacant (Auditor position filled in November 2012 and CAO vacant entire year). Mechanisms for conducting the audit were already in place, as the county already had contracted with an independent audit firm. The role for the auditors is to conduct a financial audit in order to prepare a county "financial statement". As in previous years, the county used the independent audit firm of Smith and Newell of Yuba City, CA. to perform the audit. This is the firm that was interviewed by the 2012-2013 Grand Jury. This same firm conducted the audit for the current 2013-2014 audit. In addition, the county hired a budget consultant to help oversee budget issues.

Because of the 2012-2013 Grand Jury effort

and report on Plumas County finances, the 2013-2014 Grand Jury decided to report solely on the functions of the Audit Committee and report back to the citizens of Plumas County what this committee was providing. Three members of the Grand Jury met two of the members of the Audit Committee just after the 2013-2014 fiscal year began. The Grand Jury inquired as to how these members perceived Grand Jury participation in the committee. It was clear at the time that there was some confusion as to the need for the Audit Committee and their respective roles. Because both of these members were new to their positions, they had not previously participated in the Audit Committee.

This confusion was still apparent when the Grand Jury interviewed one of the designated members of the Audit Committee in January 2014. At that time there had been no attempt to convene the committee, yet the audit was due at the end of February. The Grand Jury was told we could contact the Auditor and question them about county finances. Our position was that we wanted to observe the actual Audit Committee process. As of this writing, there has been no committee or formal audit process for the Grand Jury to observe.

The independent Auditor's report for the year which ended June 30, 2013 was completed for Plumas County in February, 2014. On April 8, 2014, members of the Grand Jury met with the independent auditor (Smith & Newell), the County Auditor and the County Treasurer to get briefed on the reports one hour prior to presenting the reports to the Board of Supervisors for approval. This was not an Audit Committee as three members were not present (two members of the Board of Supervisors and the CAO – a position that has been vacant since spring 2012). Three documents were submitted by the independent auditor (Financial statements together with independent Auditor's Report for the year which ended June 30, 2013, Single Audit Act reports and schedules for the year which ended June 30, 2013, and Management Report for the

year which Ended June 30, 2013).

The independent auditor provided some background information as to what the audit consisted of. The audit involves performing procedures to obtain audit evidence about amounts and disclosures in the county financial statements. It includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. Controls are tested (such as are bills being paid on time?) to determine if processes are providing the mechanism to track checks and balances. The single audit report is used to determine if the county is in compliance with grant requirements.

For the budget year 2012-2013, the independent auditor gave Plumas County a clean, unqualified opinion: "...in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the county as of June 30, 2013, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America".

## FINDINGS

**F1** Confusion exists as to what the purpose of the Audit Committee is for and because of this, convening the Audit Committee on an annual basis is not a priority for the members of the committee, as evidenced by not convening in 2012-2013 nor 2013-2014.

**F2** It is unclear as to who is responsible for convening the Audit Committee.

## RECOMMENDATIONS

**R1** The Board of Supervisors should revisit the purpose for why they voted to have an Audit Committee and determine

the need for such a committee.

**R2** If the Board of Supervisors determines that an Audit Committee is necessary, one of the committee members (not including the two Grand Jury members) should be designated as the committee lead, and timeframes for convening the committee need to be outlined and scheduled.

## REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows.

### From the following individuals:

The members of the committee holding positions designated to be on the Audit Committee, including 2 Board of Supervisors members, Treasurer, Auditor, and County Administrative Officer (CAO currently vacant) should respond to R1-R2.

### From the following governing bodies:

The Board of Supervisors should respond to R1-R2 regarding funding.

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

## INVITED RESPONSES

Presiding Judge may respond to the entire report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.