



# Yuba County Grand Jury Final Report 2015-2016



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## **The Grand Jury Process**

Any United States citizen who is a resident of Yuba County may apply to serve on the Grand Jury. Application forms are available from the Yuba County Superior Court or on the Yuba County Grand Jury website: <http://www.co.yuba.ca.us/departments/grand%20jury/default.aspx>. Applications for service are received by the Jury Commissioner and reviewed by the Presiding Judge. Every effort is made to impanel a jury of qualified men and women of all age groups and of diverse socio-economic, ethnic and educational backgrounds, representing the geographical areas of the county. By court policy, and at the discretion of the Presiding Judge, up to 10 members of the previous year's jury may serve a second term to provide continuity. A total of 19 people serve on the Grand Jury. A drawing of names of qualified applicants is made to bring the number of Grand Jurors to nineteen. Another drawing of the remaining applicant's names is held to provide a pool of alternates.

Yuba County jurors are sworn in and begin their one-year term commencing the first day of July. The Presiding Judge appoints a foreperson to preside at meetings. The jury then chooses the remaining officers and organizes itself into committees. Each committee sets its own program of meetings, investigations and interviews. Each committee investigates various departments and functions of local government, as decided by a majority vote of the plenary. Department personnel are interviewed, site visits are made and departments' strengths and weaknesses are investigated. The Grand Jury also may choose to review compliance with previous Civil Grand Jury recommendations.

Some of the matters investigated by the Grand Jury are brought up in letters from citizens complaining about mistreatment or suspected misconduct by local government officials, or governmental inefficiencies. Such complaints are kept confidential. If the situation seems to warrant further investigation, the Grand Jury may follow up and make a report with recommendations for action.

A large portion of the public mistakenly believes that an individual's appearance before the Grand Jury, particularly a public official, indicates suspicion of malfeasance or misfeasance. However, it is the constitutional responsibility of the Grand Jury to review the conduct of city, county and other local government entities each year. This often requires having public officials appear before the Grand Jury to provide information about their departments or offices.

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

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

The law provides that every Grand Juror must keep secret all evidence adduced before the Grand Jury, anything said by a Grand Juror or the manner in which a Grand Juror may have voted on any matter. By law, it is a misdemeanor to violate the secrecy of the Grand Jury room. A Grand Juror must not confide any information concerning testimony of witnesses or action of the Jury, even to a spouse or close friend. “Leaks” concerning Grand Jury proceedings might impair or even destroy the effectiveness of the Grand Jury’s efforts.

Mid-year and final reports are prepared that describe investigations and contain findings and recommendations. Responses are required within 90 days from public agencies, and 60 days from elected county officers or agency heads, that are specified in these reports.





## Members of the 2015-2016 Grand Jury

Charles Poulos, *Foreperson*

Craig Callaway, *Foreperson Pro Tem*

Deborah Propst, *Secretary*

Norman Wheat, *Financial Officer*

Christine Scott, *Librarian*

Peter Brown, *Sergeant at Arms*

Terry Biladeau

Jerry Elliott

Bout Her

Alicia Mahoney

Mary Jane Mathews

Teresa Ocegueda

Stephen Propst

Billy Timmons





# *The County of Yuba*

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GRAND JURY

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April 28, 2016

The Honorable Julia Scrogin  
Judge of the Superior Court  
Yuba County Courthouse  
215 Fifth Street, Suite 200  
Marysville, CA 95901

Re: 2015-2016 Civil Grand Jury Final Report

Dear Judge Scrogin:

“It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us...”

As a result of the decision of the Yuba County Superior Court to transfer the daily administration of the Yuba County Grand Jury to the County of Yuba; and, the subsequent decision by the County of Yuba to assign the daily administration to the Clerk of the Board of Supervisors; an inherent conflict of interest was created prior to the 2015-2016 empanelment of the Civil Grand Jury. The daily administration of the Civil Grand Jury is now in the hands of one of the governmental agencies that the Civil Grand Jury is to investigate.

The 2015-2016 Civil Grand Jury term began with the Grand Jury being stripped of all the minimal tools that it needed in order to accomplish its goals. On July 1, 2015, the Grand Jury found that it no longer had an office in the Yuba County Courthouse; it no longer had a meeting room; it no longer had an interview room; it no longer had a telephone; it no longer had telephone voicemail; it no longer had a copier; it no longer had an email address; it no longer had

# *The County of Yuba*

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GRAND JURY

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The Honorable Julia Scrogin  
Judge of the Superior Court  
April 19, 2016  
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an United States Post Office mail box; and, it no longer had an inter-office mail drop. In addition to an extremely busy investigative effort by the Grand Jury, the first 3-6 months of the Grand Jury term were spent trying to deal with these internal issues.

The Grand Jury was only partially successful in obtaining the tools needed to complete its tasks. A United States Post Office mail box was finally established, but no mail was ever received at that mail box. An interoffice mail drop was finally obtained, but mail was still directed by the Sheriff's office to three different addresses and confidential Grand Jury inter-office mail was being delivered to the Clerk of the Board of Supervisors. United States Postal Service mail, addressed to the Clerk of the Board of Supervisors, was delivered to the Grand Jury. A voicemail was never established for the Grand Jury telephone until this month. An email address was never established. Adequate office space was never obtained. A conference room was obtained by the Grand Jury only through the gracious efforts of the California Department of Transportation that provided conference rooms to the Grand Jury throughout the 2015-2016 term. All of these internal issues will have to be resolved in order for the 2016-2017 Grand Jury to perform its responsibilities.

In spite of these internal road blocks, the 2015-2016 Grand Jury was able to accomplish its task and with great humility now submits to the Court this final report. Of particular interest is the statutorily required investigation of the Yuba County Jail. The 2014-2015 Grand Jury report concerning the jail was met by the Yuba County Sheriff with news releases to the mass media even before a formal response was delivered by the Sheriff. These media reports resulted in a commentary from a Territorial Dispatch writer, who is associated with the jail, which attacked the personal integrity of the 2014-2015 Grand Jurors. Ironically, the 2014-2015 report that the Sheriff's office criticized was used by the Sheriff to successfully obtain a \$20,000,000 grant for improvements to the jail.

# *The County of Yuba*

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GRAND JURY

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The Honorable Julia Scrogin  
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Because of the criticisms directed towards the 2014-2015 final report, the current Grand Jury bifurcated its investigation of the Yuba County Jail by re-examining all of the findings and conclusions of the previous Grand Jury and by then addressing the current state of the jail. This dual investigation is a primary cornerstone of the current final report.

It would have been impossible for this Grand Jury to have accomplished anything during this term, but for the Herculean effort of the five hold over jurors from the 2014-2015 Grand Jury. These 5 individuals, Deborah Propst, Stephen Propst, Craig Callaway, Norman Wheat, and Mary Jane Mathews, devoted countless, uncompensated hours to the 2015-2016 Grand Jury. Without their efforts, this Grand Jury would not have been successful in creating this final report.

Each of the facts set forth in this final report were checked not once, but twice, and then by a third set of eyes. Each recommendation was meticulously, word for word, examined by the Grand Jury as part of the final report process. The Court will find that this report is concise, dispassionate, and factually accurate. The Court will find that the recommendations of the Grand Jury are both practical and mere obvious conclusions in light of the verified evidence presented to the Grand Jury. The people of the County of Yuba owe the members of the 2015-2016 Grand Jury a debt that is beyond adequate payment. Frankly, the last 12 months of service have not been a pleasure for any of the members of the Grand Jury. The enclosed report is an extraordinary document worthy of implantation by those to whom it is addressed.

Humbly,

Charles S. Poulos, Foreperson



# Yuba County Sheriff's Office



## Jail Report

## **SUMMARY**

The Grand Jury is required by California State law (CA Penal Code § 919(b)) and a Court Order (Hedrick, et al vs. Grant, et al, 1978) to inspect the Yuba County Jail annually. This Report is the culmination of this year's Grand Jury investigation.

This year's report is a two part Report consisting of a review of the Findings and Recommendations from the 2014-2015 Grand Jury Jail Report and a new inspection of the Yuba County Jail. Both sections of this report relied heavily on Title 15 of the CA Code of Regulations and a District Court Order referred to as the Consent Decree. The Consent Decree was issued in 1978 and, although there have been many changes in the ensuing years, it is still a valid Court Order which the Sheriff's Department must adhere to.

The purpose of reviewing the 2014-2015 Report was to determine what actions, if any, were taken on the Recommendations presented by the Grand Jury last year. The Grand Jury has determined that all but two of the recommendations were acted on through hiring additional personnel, providing additional training, adjusting a procedure, and obtaining a \$20 million grant through SB 863.

In 2015 Yuba County applied for and was awarded a \$20 million improvement grant through SB 863. This grant will be used to build a 7,134 square foot, two story annex to the south/west of the current Yuba County jail (BSCC). This annex will house a new and much larger medical unit, mental health treatment areas, program space and laundry.

In this year's investigation the Grand Jury reviewed the Medical Unit, Mental Health Services, Safety of inmates and staff, Kitchen, Exercise Equipment, and Vocational/Educational opportunities. The Grand Jury found that, overall, the Jail runs very effectively given their limited budget.

## **BACKGROUND**

The CA Penal Code § 919(b) requires the Grand Jury to inquire into the condition and management of the public prisons within the county. In 1978 the US District Court for the Eastern District of California issued a Consent Decree detailing specific areas related to the housing of inmates in the Yuba County Jail. This Consent Decree states that the Grand Jury shall be requested to do an analysis of whether the Jail is in compliance with all of the provisions of that Decree (Hedrick, et al vs. Grant, et al, 1978). This Consent Decree, signed by Yuba County Counsel and the Attorneys for the Defendants, binds the Yuba County Sheriff, Board of Supervisors, officers, agents, employees and their successors to the terms of the Consent Decree (Hedrick, et al vs. Grant, et al, 1978).

The Consent Decree was a court order written almost 40 years ago (Hedrick, et al vs. Grant, et al, 1978). Although many portions of it are no longer applicable to today's standards, the Consent



Decree binds the defendants, officers, employees and their successors to this Order (Hedrick, et al vs. Grant, et al, 1978). Among the numerous changes over the years are:

- The Consent Decree assigns specific rights to the inmates housed in the “Deep Felony Section”, however, there is no longer a “Deep Felony” section, and inmates are now housed by categories.
- Certain exercise equipment identified by the Consent Decree is no longer available or appropriate for safety reasons.

Article 15, page 49 of the Consent Decree has a clause that requires the Sheriff to report any variances from the Decree (Hedrick, et al vs. Grant, et al, 1978), however, since the original plaintiffs’ attorneys released the case, there was no one to report these changes to since early 2000. Under these circumstances, the Grand Jury can only rely on their best judgement as to the reasonableness of the variances from the Consent Decree. In addition; Article XIV of the Consent Decree states that the Sheriff must comply with all provisions of Title 15 of the California Code of Regulations ((Hedrick, et al vs. Grant, et al, 1978). Title 15 outlines the Rules and Regulations of Adult Institutions, Programs and Parole (Crime Prevention and Correction Title 15).

In 2013, Yuba County’s County Counsel filed a motion to have the Consent Decree terminated, but was denied due to Yuba County’s failure “to demonstrate that there are no ongoing constitutional violations, that the relief ordered exceeds what is necessary to correct an ongoing constitutional violation, or both.” (Hedrick, et al vs. Grant, et al, 2014).

Around the mid 1990’s the Sheriff, at that time, entered into a contract with the US Immigration and Customs Enforcement (ICE) to rent beds for detainees awaiting deportation. Approximately half of the current inmates are ICE detainees, this number fluctuates constantly. Most detainees throughout the State are not held longer than a month, but some can be held much longer, even years (Associated Press [AP], 2009). The Grand Jury was advised during its investigation that the average stay for a Yuba County ICE detainee in 2015 was 28 days.

The Assembly Bill 109 (AB 109), also known as the Realignment Act of 2011 moved non-serious, non-violent, non-sexual felony offenders from state prisons to county jails (DOC, 2011). As with most county jails in California, this has impacted the Yuba County Jail. Per the Grand Jury interviews, it was found that the facility, originally designed to house inmates for no more than one year, is now housing some inmates for up to 5 years.

## **METHODOLOGY**

The 2015-2016 Grand Jury interviewed several employees of the Yuba County Jail, attended a presentation by UC Davis law students and reviewed numerous documents, hard copy as well as on CD’s and web sites. In addition, the Jury conducted three on site investigations in the jail. The following is a list of the interviews, presentations, documents and site visits:

### **Documents**

1979 Court Order known as the Consent Decree

2014 Denial of Motion to Terminate the Consent Decree  
 2014-2015 Grand Jury Report; Report 3 “Yuba County Jail”  
 AB 109; Public Safety Realignment  
 Appeal Democrat; \$20M Grant Recommendation for Yuba County  
 Associated Press report; Immigrants Face Long Detention, Few Rights  
 BSCC Senate Bill 863, Adult Local Criminal Justice Facilities Construction  
 Financing Program Proposal Form – Yuba County  
 Bureau of Justice Special Report; Mental Health Problems of Prison and Jail  
 California Code of Regulations, Title 15, Crime Prevention and Corrections  
 California Code of Regulations, Title 24, Building Code  
 California Department of Corrections and Rehabilitation 2011 Public Safety  
 Realignment  
 California Penal Code § 3-919(b)  
 Code of Federal Regulations, Title 29, Exit Routes and Emergency Planning  
 Corrections and the 2014 GED Program  
 Drug Facts; Nationwide Trends  
 Executive Assistant Job Specifications  
 Find Law article; Rights of Inmates  
 Journal of Criminal Law and Criminology article; Fourth Amendment – Prison  
 Cells  
 Interpretive Guidelines  
 List of Legal Books available through the Law Library or Captain of the Jail  
 Medical Board of California website  
 Prison Legal News, Prison Education Programs Threatened  
 Saline Currier article; County jail G.E.D. program gives hope to inmates  
 Sutter County Lawsuit; Bock, et al. v. County of Sutter, et al. (2013)  
Correctional Education Program; The Effects of Earning a GED Diploma on  
 Recidivism Rates.  
US National Library of Medicine  
 Washington Times news article; DHS Deportation  
 Yuba County Jail List Incident Reports for 2014 and 2015  
 Yuba County Jail Medical Orders  
Yuba County Job Classification Specification for Executive Assistant  
 Yuba County Sheriff’s Response to 2014-2015 Grand Jury Report  
 Yuba County Sheriff’s Office Policy and Procedure Manual  
 Zur Institute article; Standard of Care in Psychotherapy and Counseling

## Interviews

Yuba County Sheriff  
 Yuba County Under-sheriff  
 Yuba County Jail Captain  
 Yuba County Jail Lieutenant  
 Executive Assistant for the Medical Unit  
 Ex Yuba County Inmate  
 Yuba County Jail Family Nurse Practitioner  
 Yuba County Jail Medical Doctor

Human Resources Analyst  
Sutter/Yuba Mental Health Director  
Sutter/Yuba Mental Health Deputy Director Clinical Services

### **Site Tours**

Yuba County Sheriff's Office Jail Tour, 10-20-15  
Yuba County Sheriff's Office Jail Tour, 10-21-15  
Yuba County Sheriff's Office Jail Tour, 11-19-15

### **Presentation**

Carter White, Supervising Attorney for UC Davis School of Law's Civil Rights Clinic and UC Davis School of Law students.

## **DISCUSSION**

This 2015-2016 Grand Jury Report on the Yuba County Jail is two-pronged:

- 1) A review of the 2014-2015 Grand Jury Jail Report and this Grand Jury's observations in regards to the prior Findings and Recommendations.
- 2) A new investigation by the Yuba County Grand Jury of the current conditions, equipment and policies and procedures of the Jail.

### **2014-2015 Continuity Report**

#### **2014-2015 Grand Jury Jail Report Findings and Recommendations**

Below is a review of the Findings and Recommendations of the 2014-2015 Grand Jury Report. Each Finding and Recommendation from 2014-2015 is in bold print and followed by the current Grand Jury's follow-up observations in normal print.

**"2014-2015 Finding 1: Longer periods of incarceration, due to the Realignment transfer of state prisoners to local facilities (Public Safety Realignment, 2013, retrieved from: <http://www.cdcr.ca.gov/realignment/>) and the extended stay of ICE prisoners (Your Complete Guide to Obama's Immigration Executive Action, retrieved from web site: <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/11/19/your-complete-guide-to-obamas-immigration-order/#economy>), have increased the medical and mental health needs of inmates. The Mental Health Professional (psychiatrist) although available by phone, is on site only one day per week mainly to evaluate incoming inmates and update prescriptions. There are no non-emergency or on-going mental health services available to the inmates. Inmates diagnosed as needing treatment at a state mental hospital wait for months to transfer. Suicidal inmates can stay in padded cells, with little or no comforts, for weeks. The California Department of Corrections and Rehabilitation advised:**

*“Where there are options, however, it is recommended that there be a limit to the length of time an inmate can be housed in a safety cell. Title 15 requires medical and mental health checks and regular review by a watch commander for retention in a safety cell. Additionally several large counties have established internal policies in this regard, saying that after 24 hours, the person must be removed either through a 5150 process or by placement somewhere else in the jail. Of course, extensive housing in a safety cell or sobering cell should be avoided to the greatest extent possible for mentally ill inmates as well as for all others.”* (Jails and Mentally Ill: Issues and Analysis, a briefing paper developed by The California Corrections Standards Authority (CSA), pg. 26. retrieved from: [http://www.cdcr.ca.gov/COMIO/docs/MENTALLY\\_ILL\\_IN\\_JAILS\\_PAPER.pdf](http://www.cdcr.ca.gov/COMIO/docs/MENTALLY_ILL_IN_JAILS_PAPER.pdf) )

**Additionally a Human Rights Watch Report states:**

*“Yet most independent psychiatric experts, and even correctional mental health staff, believe that prolonged confinement in conditions of social isolation, idleness, and reduced mental stimulation is psychologically destructive. How destructive depends on each prisoner’s prior psychological strengths and weaknesses, the extent of the social isolation imposed, the absence of activities and stimulation, and the duration of confinement.”* (Human Rights Watch report - Ill Equipped: U.S. Prisons and Offenders with Mental Illness, §VII paragraph <http://www.hrw.org/reports/2003/usa1003/1.htm>)

**Female inmates have a higher rate of mental health problems than the males: 75% of female inmates vs. 63% of male inmates (Mental Health Problems of Prison and Jail Inmates, Highlights, U.S. Department of Justice, Bureau of Justice Statistics Special Report, from: <http://www.bjs.gov/content/pub/pdf/mhppji.pdf>).**

**2014-2015 Recommendation 1: The Yuba County Jail Commander request, and the Board of Supervisors approve a budget for a full-time licensed mental health counselor, within the next budget cycle.”**

Per an interview with Sutter-Yuba Mental Health Services (SYMHS) Deputy Director of Clinical Services the 2015-2016 Grand Jury has found:

- Inmates have access to a second psychiatrist through Tele-psych which is a Skype-type program. This psychiatrist works with both Yuba and Sutter County inmates and is available during the day, Monday-Friday.
- In December 2015, the Yuba County Jail hired a full-time mental health Therapist II.
- The crisis counselor is a Licensed Clinical Social Worker and is bilingual. The counselor’s main focus is on the ICE inmates but will also work with some County

inmates. The counselor works with individuals, groups, and provides drug and alcohol counseling.

**“2014-2015 Finding 2: As reported by the substance abuse counselor, in-house support groups were suspended two years ago, and there are limited funds for referring released inmates to recovery programs.**

**2014-2015 Recommendation 2: Reinstate and expand support groups. Support staff use creative means of financing to include grant applications for funds to support in-house groups and inmates in programs when they are released.”**

Through interviews and review of documents listed above the 2015-2016 Grand Jury learned that Yuba County Jail has reinstated the support groups. Yuba County has also been awarded a \$20 million State grant. This grant money will be used to build an expansion that will include additional room for medical facilities, mental health facilities and vocational training. This will allow additional room to facilitate group discussions. This grant does not allow for staffing needs, only for structural needs.

**“2014-2015 Finding 3: The Consent Decree (Consent Decree, 1978; Derril Hedrick, et al. vs James Grant, et al., US District Court for the Eastern District of California, CIVIL S-76-162 TJM) mandates a licensed Registered Nurse on site at least 15 hours per week; however, there is not a RN currently on staff. This is a violation of the Consent Decree §V A1, pg. 11. The need for a RN is even more vital with the extended stays caused by Realignment (Realignment – The Bottom Line by Board of State and Community Corrections, 2013, [http://www.bscc.ca.gov/s\\_californiapublicsafetyrealignment.php](http://www.bscc.ca.gov/s_californiapublicsafetyrealignment.php)) as well as the change in housing the ICE detainees (Your Complete Guide to Obama’s Immigration Executive Action, <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/11/19/your-complete-guide-to-obamas-immigration-order/#economy>).**

The Executive Assistant in medical services advised that YCJ {Yuba County Jail} are considering several persons that have Physician Assistant (PA) credentials which will more than meet the requirement. However, a PA may not necessarily have nursing experience (A Patients Guide to the Physician Assistant, [http://www.pg2pa.org/PA\\_NP.html](http://www.pg2pa.org/PA_NP.html)); therefore, unless the PA also has RN certification, the PA will not satisfy the mandate listed in the Consent Decree for a RN. YCJ is also considering hiring a Nurse Practitioner, which would more than meet the requirements of the Consent Decree.

**2014-2015 Recommendation 3: Hire a full-time Registered Nurse or a full-time Nurse Practitioner for the medical unit to be on the job no later than October 15, 2015. This will bring the Jail into compliance with the Consent Decree (1978).”**

The 2015-2016 Grand Jury was advised in interviews that Yuba County has hired a full-time Family Nurse Practitioner who exceeds the requirements of an RN. They have also adjusted the

medical staff hours to cover 23 hours a day. One of Yuba County Jail's current Licensed Vocational Nurses has graduated a training program for Registered Nurse (RN), has applied for an interim permit and is expected to receive that permit prior to the release of this Grand Jury Report. In an effort to keep this valuable employee on after she has received her RN license, the Sheriff requested from the Yuba County Board of Supervisors and the Board approved that the RN position be funded.

**“2014-2015 Finding 4: Several of the Medical Assistants (MA) and one contracted crisis counselor do not have the appropriate credentials and is in violation of Yuba County Human Resources Job Classification for Medical Assistants.**

**2014-2015 Recommendation 4: The Sheriff shall uphold the mandates of the Yuba County Human Resources regulations in regards to job classification requirements by supporting and facilitating the Medical Assistants to obtain and maintain their MA credentials. Proper certification is to be in effect by June 30, 2016.”**

The Sheriff advised the 2015-2016 Grand Jury, during an interview, that “all personnel meet the qualifications in place at the time of hire.”

**“2014-2015 Finding 5: The Executive Assistant in medical services does not have a degree, although his job description requires a 2-year degree (Job Classification: Executive Assistant, Human Resources Department of Yuba County; <http://www.co.yuba.ca.us/departments/personnel/documents/Specifications/E/Executive%20Assistant%20December%202013.pdf> ).**

**There is a disparity between the Consent Decree (1978), the Yuba County Human Resources and the Yuba County Jail policies in regards to the licensing/credentialing requirements.**

**2014-2015 Recommendation 5: The Sheriff shall uphold the Yuba County Human Resources regulations in regards to job classification requirements for the position of Executive Assistant and support the Executive Assistant in medical services to obtain the minimum 2-year college degree by June 30, 2016.”**

The Yuba County Human Resources (HR) Analyst was interviewed by the 2015-2016 Grand Jury. The Grand Jury was advised that HR wrote up the original Job Classification for Executive Assistant and HR's interpretation of the Classification was, and is, that the Classification allows the applicant to qualify based on prior experience in lieu of education. The Job Classification does not specify “in lieu of”, stating only that one of the “minimum” requirements is a two-year degree. This is followed by: “Candidates with strong experience who lack the degree are encouraged to apply.” (YC Job, 2015)

**“2014-2015 Finding 6: The medical unit staff does not participate in fire drills, nor understand the procedure for escape. The supervisor conducting the tour was unable to explain the procedure to the Grand Jury members on the tour.**

**2014-2015 Recommendation 6: For the safety of all staff and personnel, a review of all fire drill procedures, with an emphasis on making sure all staff members in the medical unit of the facility are well-informed about evacuation.”**

The 2015-2016 Grand Jury was advised by the Administrative Staff that the medical staff understands the procedure for Fire Drills and Fire Escape plans are posted in each room. The Grand Jury was also told that the Correctional Staff does practice monthly fire drills and if an evacuation of the Medical Facility is required, the deputies will coordinate the evacuation of medical staff.

**“2014-2015 Finding 7: A copy of the Consent Decree has NOT been provided to the Grand Jury for an undetermined number of years, and was NOT provided to this year’s Grand Jury until the Grand Jury discovered the omission through a news report. This is in violation of the Consent Decree, §XV, Paragraph 4, pg. 49.**

**The Consent Decree §XV (1978) holds the Law Enforcement Committee of each Grand Jury as responsible for monitoring jail compliance of the Consent Decree. There has been a failure of the parties to the Consent Decree to provide the Grand Jury with a copy of the Consent Decree as mandated by the Consent Decree. The Grand Jury was unable to find a recent record of prior grand jury’s having been informed of the Consent Decree.**

*“The members of the Yuba County Grand Jury who serve on the Court and Law Enforcement Committee shall be provided each year with a copy of the Consent Decree so that they will know the minimum legal standards for conditions of confinement in the Jail. The Grand Jury shall be requested to do an analysis of whether the Jail is in conformity with all provisions of the Consent Decree and include that analysis in its yearly report.” ( Consent Decree, 1978; Derril Hedrick, et al. vs James Grant, et al., US District Court for the Eastern District of California, CIVIL S-76-162 TJM §XV, paragraph 4, pg. 49)*

**2014-2015 Recommendation 7: The Yuba County Board of Supervisors, the County Counsel and the Jail Commander determine and name which division/position will be responsible for delivering the Consent Decree to the Foreman of the Grand Jury in the future. The Consent Decree will be provided to the new Grand Jury, along with a report as to how the Jail is complying with the conditions listed in the Consent Decree (1978). The Consent Decree and the report of compliance will be provided by July 30<sup>th</sup> of each year.”**

By a letter dated July 1, 2015, the Sheriff provided a copy of the Consent Decree to the Foreperson of the 2015-2016 Grand Jury. The 2015-2016 Grand Jury included the information regarding the Consent Decree in the Yuba County Grand Jury Handbook.

There is no requirement in the Consent Decree for the Jail to provide a report on compliance and the Sheriff has chosen not to accept this recommendation.



**“2014-2015 Finding 8: The medical unit is housed in cramped quarters below street level as observed during the Grand Jury YCJ tour. Until the upstairs administrative staff is moved to a remodeled facility expansion plans for the medical unit are on hold.**

**2014-2015 Recommendation 8: Because the expansion of the medical unit quarters does not involve making use of any of the upstairs administrative space to be vacated, remodeling of the nearby storage area should be planned and completed by June 30, 2016.”**

Through interviews, the 2015-2016 Grand Jury learned that the 2014-2015 Grand Jury Report was used to justify Yuba County’s request for a \$20 million improvement grant through SB 863. The Board of State and Community Corrections Executive Steering Committee recommended that Yuba County receive this funding. The 2015-2016 Grand Jury was also informed that the 2014-2015 Grand Jury Report was, in part, the reason that Yuba County was awarded the Grant. This Grant will allow the Sheriff to construct a new building that will house a new, larger, medical unit. This will alleviate the current cramped conditions.

**“2014-2015 Finding 9: As determined during the Grand Jury’s tours of the jail, the physical layout of the jail raises safety issues for the staff and the inmates, most notably the section built in 1962 known by staff and inmates as the “dungeon”.**

**2014-2015 Recommendation 9: It is recommended that the Sheriff and the Board of Supervisors explore all available federal, state, county, and grant funding sources to build a new facility or upgrade the 1962 portion of the facility utilizing optimum architectural design for the health and well-being of staff and inmates. This will assist the Correctional Officers in managing inmates and to meet the needs of the growing inmate population.”**

In the Sheriff’s Response and during interviews, the 2015-2016 Grand Jury was advised that the Sheriff’s Office receives and researches lists of available grants. The Sheriff’s Office does apply for grants that are applicable to their needs, and, in fact, has obtained a large grant to update the medical facility.

**“2014-2015 Finding 10: A copy of a summary of the Consent Decree is provided to the inmates upon booking; however, it is not identified as a “Consent Decree”, as a mandate for the jail to follow, nor does it explain that a full copy can be obtained in writing (Yuba County Inmate Handbook).**

**The Consent Decree (1978) states it is to be posted in the ‘Libraries and the Women’s Tank’. The Undersheriff advised that the Consent Decree is posted in the ‘Law Library’ and that the information is available in the Inmate Handbook.**

**2014-2015 Recommendation 10: The Yuba County Inmate Handbook is to be corrected to identify the Consent Decree as a legally enforceable Judgement, and**

**that a copy of which can be obtained upon request. The Consent Decree is to be posted in the ‘Libraries and the Women’s Tank’.”**

At the time of booking, each inmate is provided an Inmate Handbook in either English or Spanish. The Handbook is not the Consent Decree, however all of the applicable requirements listed in the Consent Decree are addressed in the inmate Handbook along with other information. The Consent Decree does not specify that the inmate Handbook or summary must refer to the Consent Decree by name as the reference for this information, therefore the inmate Handbook was not changed. A full copy of the Consent Decree was located in both the Law Library and in the Female Program Room.

This completes the continuity part of this report. The second part of this report covers the current conditions in the jail as determined through observation, interviews and the review of documents.

### **2015-2016 Grand Jury Report**

The Yuba County Jail Administration and Staff are responsible for approximately 400 inmates with the number fluctuating due to people coming in and being released. A brief review of the laws and manuals governing the correctional system as well as the jail logs shows this responsibility is complex. The Yuba County Grand Jury investigated the Mental Health and Medical facilities, the Safety of the inmates and staff, the Kitchen and Meal preparation, the Exercise yards and equipment, the Libraries, and the Vocational/Education opportunities.

#### **Mental Health Services**

Sutter-Yuba Mental Health (SYMh) verified that the full-time Crisis Counselor has the required education necessary for the position. This counselor was hired through a Community Services grant and works a 40 hour week, generally in the late afternoon and evenings. A second, part time, Crisis Counselor has been hired and comes in one day a week to help with inmate mental health requests.

In addition to the two Crisis Counselors, the Sheriff advised that SYMH hires and provides the psychiatrist and a Tele-psych (internet) psychiatrist. The Under-sheriff advised that the in-house psychiatrist comes in on Sundays. The psychiatrist is scheduled to work four hours but will stay up to eight hours when needed. This psychiatrist primarily works with inmates being screened for their competency to stand trial. The Tele-psych is scheduled for eight hours on Wednesday and is available, via telephone, during the week. The inmates have 24 hour access for emergency psychiatric care and around 100 hours a week of non-emergency mental health treatment/counseling.

A Bureau of Justice 2006 report states that 64% of jail inmates throughout the nation have mental health problems. Assuming that this same statistical information applies to the Yuba County Jail; that would be an excess of 200 inmates. With 100 treatment hours available this allows for less than 30 minutes of non-emergency one-on-one mental health counselling/treatment per inmate per week. The Under-sheriff advised the Grand Jury that they have resumed group counselling which will allow more individuals access to a form of treatment. In November, 2015, Yuba County was awarded a \$20 million grant through SB 863.

This grant shall be used to build a new annex next to the existing building which will include additional rooms for counselling and classroom instruction.

During an interview with medical staff, the Grand Jury was told that due to the increased use and potency there has been a marked increase in mental health problems. The National Institute on Drug Abuse (2015) confirms that there has been a rise in the use of marijuana since 2007.

SYMh also advised they have hired a Forensic Therapist. The Forensic Therapist specializes in mental health and criminal justice. The Forensic Therapist will oversee the mental health personnel working with law enforcement in both Sutter and Yuba Counties; the Sheriff's Offices, Probation and Juvenile Hall. The Grand Jury was informed that this position is funded through the Community Correctional Partnership.

During the investigation, the Grand Jury was informed that SYMH presented a Mental Health First Aid course to the jail staff in December, 2015. All Correctional Sergeants have been certified to instruct other courses: Intake Medical Screening, Mental Health Issues in Jail, Attempted Suicide, and Suicides and Death. Each course is presented at least once a year. One Sergeant is also certified to instruct Suicide Prevention in the Correctional Facility and presents this instruction annually to all custody and medical staff.

During tours and interviews, the Grand Jury was informed that inmates displaying suicidal tendencies or threatening suicide are placed in a Safety Cell. This is a small cell, approximately 7'x7', with firm padding on the walls, no furnishings, a single light, a window, and a drain hole in the floor. If necessary, clothing is removed and inmates are given specialized clothing that will tear easily and cannot be used for suicide.

An inmate is only placed in a Safety Cell with the approval of the facility administrator, the watch commander or the physician. These inmates are checked every 15 minutes and a medical assessment is completed within 12 hours of placement. A mental health opinion is secured within 24 hours. If the inmate remains in the cell after the first medical assessment, he/she is medically checked every 24 hours at a minimum.

Jail Administration advised the Grand Jury that arrestees are regularly taken to SYMH prior to booking for evaluation to ensure they are fit for incarceration. If an arrestee is deemed unfit, a mental health hold is placed and he/she may be taken to Rideout Memorial Hospital or held at SYMH. Inmates may be taken to SYMH for treatment if necessary. When asked if any inmate has been taken to SYMH for treatment in the past year, Jail Administration cited one incident that involved an inmate refusing to take prescribed medication and it was determined that, for safety reasons, SYMH personnel would administer the medication. Jail Administration told the Grand Jury that a deputy may have to stand by with the arrestee or inmate depending on the severity of the charge and circumstances surrounding the person's arrest.

UC Davis School of Law (UCD) has been assigned by the Eastern District Federal Court to monitor the Yuba County Jail's compliance with the Consent Decree. During their presentation to the 2015-2016 Grand Jury, the UCD students expressed concern over the medical and mental health conditions in the jail. They advised that the jail psychiatrist has a blanket policy of

withholding psychiatric medications for 30 days from any inmate that comes into the jail under the influence of an illegal substance.

Jail Administration advised the Grand Jury that they no longer use that psychiatrist for their primary mental health care although that psychiatrist is still working with the inmates, coming in one day a week and seeing up to eight patients. The practice of the current primary psychiatrist is to continue arrestees on their medications. This psychiatrist will deviate and withhold medications if extenuating circumstances exist.

UCD does not believe there has been enough action taken to prevent suicides. It is UCD's position that if the inmates were treated for mental health issues, it would reduce and/or prevent suicide. Of the two serious attempts in the past year, both inmates had told UCD students that they had asked the Correctional Officers for mental therapy; they wanted to see a psychiatrist. In 2015 Yuba County Jail added an additional psychiatrist and a full-time mental health therapist. In addition, Yuba County has been awarded a grant that will allow them to expand the mental health unit and additional treatment rooms.

In October of 2014, an inmate in the older portion of the jail attempted to hang himself in the shower. Per UCD, the Correctional Deputies knew that his brother had killed himself. Jail personnel knew of the family history. UCD advised that this inmate told them that he came in with injuries due to a failed suicide attempt by car accident. He advised UCD that he received no mental health treatment prior to this suicidal attempt.

The second suicidal attempt was in early 2015. UCD advised that this was a former military member that had been diagnosed with Post Traumatic Stress Disorder (PTSD). This inmate advised UCD that he had taken down and provided CPR to the inmate who had hung himself in October. This same inmate also attempted suicide by hanging himself in the shower in the older portion of the jail. Prior to the October incident, the second inmate had asked for help from jailers. The jail medical staff did attempt to get his psychiatric records from the Veterans Administration (VA), but were unable to. After the failed suicide attempt, the Grand Jury was advised by the medical staff that the jail psychiatrist put off talking to the inmate because they didn't have his VA records.

In reviewing the Yuba County Jail Incident Logs for 2014 and 2015, the Grand Jury found documentation on both of these inmates indicating suicidal comments and/or suicidal tendencies prior to their attempts to hang themselves. It should also be noted that the logs for both years list a number of suicidal/self-harm comments from inmates that have never attempted to harm themselves.

During a tour, the Grand Jury was advised that arrestees are questioned during booking to attempt to determine their mental state. Included is a question whether the person is feeling suicidal or wanting to harm him/herself. The person providing the tour stated that few arrestees will admit to feeling suicidal at that time. Jail Administration provided a breakdown of the 2015 suicide incidents confirming this statement; showing that while the jail received 142 reports of an inmate making a suicidal or self-harm statement, only 32 of these were received during the

booking process. Jail Administration confirmed these two hanging attempts adding “it is important to note that we intervened in hundreds more that did not complete an act of self-harm.”

## **Medical Facilities**

The Consent Decree requires a Registered Nurse (RN) on duty 15 hours a week. The Yuba County Jail has hired a full-time Family Nurse Practitioner (FNP) who exceeds the educational requirements of a RN. The FNP duties include: physical examinations, diagnose common medical problems, mental health and/or substance use disorders, evaluate and prescribe medical treatment under the guidance of a Physician, as well as many other duties. In addition to the FNP, the medical staff includes a part-time Physician, four full-time Medical Assistants (MA), three extra-help MA's, five full-time Licensed Vocational Nurses (LVN), and an extra-help LVN. One of the current LVN's has passed the RN course, and has applied for an interim permit which is expected to be issued prior to the release of this Grand Jury Report. This interim RN may receive permanent RN status within a few months. The Sheriff has approached the Board of Supervisors and received funding for the Correctional Facility RN pay with the goal of maintaining a valuable employee while increasing the skill, education and experience in the Medical Unit.

During the tours, the Grand Jury observed that the Medical Unit was small and appeared crowded. In November 2015, Yuba County was awarded a \$20 million grant through SB 863 that will allow the County to build an annex. This grant is dedicated to the construction of a new building that will house a new, larger, Medical Unit.

The Consent Decree also requires that the examination room must have certain specific items, such as an exam table, as well as “other necessary equipment” (Hedrick, et al vs. Grant, et al, 1978). In addition a toilet must be near-by.

During the first tour, the Grand Jury observed that the medical facility had some areas in need of improvement:

- The supplies were in disorder.
- Some medical items were stored in rusted metal containers.
- The exam table was torn and taped. It could not be sterilized between patient visits. This could allow cross-contamination; possibly allowing communicable diseases being passed from one patient to another.
- The microscope was not working – The medical personnel use this for examination of skin cells when a patient has a skin condition. It is also used for evaluation of mandatory pap smears.

On a follow-up visit, the Grand Jury found that the supplies were well organized and the rusted metal containers had been replaced. The exam table had been removed for re-upholstering and was replaced with a temporary table. The temporary table did not raise or lower, making some mandatory exams difficult. A box of gloves, to be used during an exam, was found to be stored in a biohazard discard container which is used for discarded needles. The container used for medication was not locked and was sitting loosely on top of some supplies, where it could easily fall. When asked about the microscope, the Grand Jury was advised that the Jail Administration

had not been made aware of the issue. Once they learned of the problem, they ordered a new microscope.

During one interview with a Jail Medical Administrator in August 2015, the Grand Jury was informed that, in reference to the certification of the MA's, "There are no changes from last year. There are no requirements." However, during a follow-up investigation, the Grand Jury was advised by Sheriff's Administration that "All Medical Assistants hold a Medical Assistant Certification."

The Grand Jury's research showed that MA's may only perform non-invasive routine technical support services, under supervision of a licensed medical professional, such as a doctor or nurse practitioner (Medical Board of California). During interviews with medical staff, the Grand Jury was informed that the MA's handle triage, and setting appointments with either the doctor or a nurse. Everyone is screened by the MA's prior to seeing the doctor or the FNP. Approximately 60-80 patients are seen by the doctor or FNP per week. The doctor advised that he tries to see patients within 24 hours of a submitted medical request slip, but generally it is 48 hours. During interviews, the Grand Jury was advised that a patient with chronic non-emergency complaints may be dropped lower on the list.

The Grand Jury interviewed an ex-inmate that had been incarcerated in Yuba County Jail for four months in 2015. This inmate advised they had fallen while working in a Sheriff's Work Alternative Program (SWAP). The inmate filled out a medical slip to see the doctor. The inmate had filled out four medical slips prior to seeing one of the nurses; not the FNP or the Doctor. The inmate was told that they had soft tissue damage and was given "Aleve" for the pain. They continued to request to see the Doctor or the FNP, and had filled out four more slips and saw two more nurses before finally seeing the FNP. The inmate was told that the Doctor was on vacation and out of the country. The inmate saw the FNP two weeks after the initial injury and was again diagnosed by the FNP with soft tissue damage. They continued to submit medical slips and stated that they had submitted 18 slips in a 28 day period. Copies of the medical slips were provided to the Grand Jury.

When the inmate did see the Doctor, it was for another medical issue. He saw the inmates arm and stated it was broken. A portable X-ray machine was brought in and it was determined that there was a radial head fracture. The inmate was then taken to a doctor outside the facility where the arm was set and cast.

In addition to the delay in treatment of the arm, the witness stated that they had to argue to obtain the migraine prescription in possession when booked. The Yuba County Jail Manual (1999) states:

"No arrestee who is determined to be intoxicated or under the influence of drugs shall be given any medication. If the Booking Officer believes it is necessary for the arrestee to be given the medication, the officer shall refer the person to the nurse or in her absence, transport the person to the hospital or clinic to be seen by a physician."

The Grand Jury cannot speak to this witnesses' physical or mental state at the time of booking. Had they been under the influence of drugs or alcohol, it would have contributed to the medication being withheld based on the Yuba County Jail Manual.

Jail Administration advised the Grand Jury that it is the practice of the Jail to provide a urine test to all inmates believed to be under the influence that are also taking prescription medication. The Grand Jury was informed that there is no written policy on this and Jail Administration has assigned someone to write it up and add it to the Jail Medical Manual.

The witness also advised of others that had difficulty getting in to see the doctor. This witness felt that the medical staff does not take the inmates concerns seriously. This ex-inmate was told that the medical staff triage the inmate's complaints and this inmate was not high on the list.

## **Safety**

The Grand Jury was informed by Jail Administration that all exits are clearly marked. During a tour, the Grand Jury verified marked exits. There is an automatic fire sprinkler system in the newer side of the jail that is inspected annually. The older side was built in 1962 when a fire sprinkler system was not required and it still falls under the 1962 California Building Codes. The Grand Jury was advised that the Jail Staff practices fire drills monthly.

During the tours, it was observed that some of the fire extinguishers had not been serviced for several years. The tags indicated that they had been inspected, but not recharged or serviced by a certified person. A fire hose cabinet appeared to have been painted shut and would not open for one of the Jurors. It was stuck to the point that it took several strong pulls from the Sergeant to break it open.

In a follow-up tour, the Grand Jury found that the fire extinguishers were fully charged and correctly annotated and that the fire hose cabinets were cleared of paint and easily opened.

## **Kitchen and Meals**

Meals are prepared in a large, well equipped kitchen. The inmates are supervised as they fill the trays and place them in a large cabinet on wheels. Once filled, the cabinets are then closed to keep the meals hot. The cabinets are transported by a deputy and one or two inmates to be distributed throughout the jail.

The lunch meal seen by the Grand Jury was a full plate that appeared to be nutritionally adequate; with a protein, vegetables, bread and fruit. The Captain advised that Yuba County Jail was the only facility in the state that served three hot meals a day. The cook had recently received a sample breakfast mix that was described by the cook as being nutritious and consisted of potatoes and a vegetable-based protein. The sample was offered it to the tour members as well as to the Captain for critique as the cook hadn't decided to purchase this yet. The cook stated that it was less expensive than the scrambled eggs and potatoes generally served for breakfast.



## **Exercise**

Yuba County Sheriff's Office is recruiting a full time Recreation Aide and has recently acquired numerous pieces of recreational equipment. The Recreation Aide will: develop, plan, coordinate, implement and evaluate inmate recreational activities including sports, games, tournaments, exercise programs, arts and handicrafts; and schedule use of facilities and equipment for those activities. The focus will be on building teamwork and athletic skills.

The exercise yards appeared clean and well equipped. The 1962 yard was chain-link covered by plywood that was deteriorating. While it was visually unappealing, the yard appeared secure and effective.

The second yard, in the newer part of the building, had concrete walls 18' or higher with chain link over the top. The Jurors were told that this yard is often used for handball due to the high concrete walls. Both yards had toilets and both are monitored by camera.

Both yards and the indoor common areas were equipped with equipment per the Consent Decree. However, some exercise equipment identified by the Consent Decree is no longer available or appropriate for safety reasons.

## **Libraries**

During the tour, the Grand Jury found that the Law Library is well stocked, kept current and exceeds the guidelines specified in the Consent Decree. There are some books not available in this Library as they are kept in the Jail Captain's office. The inmates are provided a list and these books are available on request. The Grand Jury was advised that the law library is open 24/7 although only one person is allowed in at a time. An inmate may request a second person for assistance.

The Consent Decree mandates that the regular library maintain 300 books on the men's side and 100 books on the women's side. The Jail has gone through a number of changes since 1978 and there are no longer two libraries. The integrated library has a large collection that appears to exceed the 400 books outlined in the Consent Decree. Inmates can request certain titles and authors. The Grand Jury was advised that if a book is not available in the library, a request can be made to the deputy assigned to the library, but there is no guarantee that the book will be obtained. Families of the inmates may purchase books for the inmates as well, but the books need to be shipped directly from the publisher to the jail.

## **Vocational/Educational Training**

There are drug and alcohol counselling programs through Alcoholics Anonymous, Narcotics Anonymous and Alcohol/Chemical Treatment Series (ACTS). A Fathers First program is available as well as spiritual counselling through local church groups.

During interviews and tours the Grand Jury was advised that there are several vocational programs: gardening, cooking, and janitorial at this time. A goal of the Jail Administration is to set up a commercial type painting program to be taught by a volunteer professional painter.

The Jail Administration informed the Grand Jury that they have a comprehensive GED course taught by an instructor that speaks over 15 languages. This opens the course up to a variety of inmates that may not have a strong command of English. The course provides a 9<sup>th</sup> through 12<sup>th</sup> grade curriculum and covers all five Core Requirements: Reading, Writing, Mathematical Reasoning, Science and Social Studies. Supplemental grammar and spelling classes are also offered; these elements are a graded part of the full test. The inmates are provided several practice tests, which helps prepare them for the final exam and allows the instructor to monitor each individual's learning process. The classes are offered twice a day every weekday and participation is voluntary. An inmate must put in a request to attend and if there are no safety or security issues, they are granted permission. Approximately 52 inmates take advantage of this instruction each week.

Per the Jail Administration, the inmates have access to the GED final test, but currently it is only available outside the Jail facilities. The inmate must be transported to the Career Center and a deputy would have to stand-by during the test which takes a total of 6 hours. This stresses the Jail's staffing and budget, so they try to work with inmates to schedule the test around the time of the inmates release when possible. The Jail Administration also advised that the final exam costs \$140.00 and is paid for by the inmate or the inmates' family. If an inmate is indigent, there are funds available through the Inmate Welfare Fund or AB 109. Jail Administration is hoping to provide GED testing in-house in the future.

A number of studies have shown the benefit of providing inmates with an opportunity to earn their GED diploma, which makes this a vital issue to be considered by local, state and national legislators. An article by Matthew Clark in 2014 stated that a 2013 RAND report integrated more than 30 years of previous research on education and recidivism rates. The report states that "inmates who participated in correctional education programs had 43% lower odds of returning to prison than inmates who did not." (Clark, 2014). It goes on to state that "the odds of an offender finding employment after release from prison was 13% higher for those who participated in academic or vocational programs compared to those who did not." (Clark, 2014). Another study by John Nuttall (2003) broke down two groups, offenders under the age of 21 and over 21. "Offenders under the age of 21 who earned their GED diploma were 14% less likely to return to prison within three years, while prisoners over 21 were 5% less likely to return to prison after earning a GED diploma. Education in prison systems is an effective way to lower recidivism." (Nuttall, 2003).

The Saline Currier quotes a Saline County, AR, inmate in the GED program "If I learn to do something else ... when I get out, I can do something to benefit myself in a better way than coming back in here," A second inmate concurred, observing that many "people come in here with no kind of education at all," and added that this program "is a blessing ... and we can set goals to achieve."

The Grand Jury located a website set up for providing GED testing within a correctional facility. This does not provide free testing as there is a set-up fee and a per student fee. Computers are required for the test, however internet access is not needed (GED Testing, 2014).

## **FINDINGS**

F1 The 2015-2016 Yuba County Grand Jury finds that the Yuba County Jail has shown considerable improvement in the mental health care being provided to the inmates. They now have two crisis counselors, one part-time and one full-time; two part-time psychiatrists (one available through Tele-psych); and a full-time forensic mental health therapist. The inmates have approximately 100 hours of non-emergency mental health care available to them per week. A Bureau of Justice 2006 report states that 64% of jail inmates throughout the nation have mental health problems. Assuming that this same statistical information applies to the Yuba County Jail; that would be an excess of 200 inmates. With 100 treatment hours available this allows for less than 30 minutes of non-emergency one-on-one mental health counselling/treatment per inmate per week. The Jail has reinstated group counsel sessions which allows more inmates an opportunity for treatment during the week. In November, 2015, Yuba County was awarded a \$20 million grant through SB 863. This grant shall be used to build a new annex next to the existing building which will include additional rooms for counselling and classroom instruction.

Correctional Officers receive annual training in suicide and suicide prevention, and mental health issues in a jail facility. The Officers also received "Mental Health First Aid" which is an 8 hour training course.

During the UC Davis (UCD) presentation to the Grand Jury, UCD advised of two suicide-by-hanging attempts, both suicide attempts were interrupted by other inmates. Prior to each situation each inmate had told UCD that they had asked for mental therapy; they wanted to see a psychiatrist, yet no treatment was offered.

With the Realignment Act, some inmates are now being housed for longer periods of time, up to five years. Inmates with mental health issues could benefit from a complete evaluation and a recovery oriented treatment plan (Interpretive Guidelines). In 2015, the Zur Institute wrote that there is no textbook definition of the standard of care in the mental health field. Based on the statistics cited, the 100 hours per week allotted to treatment of mental health issues appears to be inadequate for the number of inmates potentially requiring care.

- F2 The 2015-2016 Yuba County Grand Jury finds that the Yuba County Jail has increased the number and quality of its medical personnel by hiring a full-time Family Nurse Practitioner (FNP) who will assist the doctor in the care and treatment of inmates.

One of the current LVN's has passed the RN course, has applied for an interim permit and is expected to receive the permit prior to the release of this Grand Jury Report. This interim RN may receive permanent RN status within a few months. The Sheriff has approached the Board of Supervisors and received funding for the Correctional Facility RN pay with the goal of maintaining a valuable employee while increasing the skill, education and experience in the Medical Unit.

The doctor stated that he tries to see an inmate within 48 hours of the inmates' request. The doctor and nurse combined see 60-80 patients a week and it can become difficult for an inmate to get an appointment with the doctor which could cause a delay in treatment.

The Grand Jury also interviewed an ex-inmate who states the inmate was miss-diagnosed by several Licensed Vocational Nurses (LVN) and the FNP as having soft tissue damage. It wasn't until they saw the doctor, 28 days after the initial injury, that the inmate was diagnosed with a radial head fracture. However, in further researching the medical recommendations for this type of injury, the Grand Jury found that the treatment received after the fracture was found was consistent with what the US National Law of Medicine recommended for this type of fracture (US National, 2015).

- F3 The 2015-2016 Yuba County Grand Jury finds a number of studies have shown the benefit of providing inmates with an opportunity to earn their GED diploma, which makes this a vital issue to be considered by local, state and national legislators. An article by Matthew Clark in 2014 stated that a 2013 RAND report integrated more than 30 years of previous research on education and recidivism rates. The report states that "inmates who participated in correctional education programs had 43% lower odds of returning to prison than inmates who did not." (Clark, 2014). It goes on to state that "the odds of an offender finding employment after release from prison was 13% higher for those who participated in academic or vocational programs compared to those who did not." (Clark, 2014).

Another study by John Nuttall (2003) broke down two groups, offenders under the age of 21 and over 21. "Offenders under the age of 21 who earned their GED diploma were 14% less likely to return to prison within three years, while prisoners over 21 were 5% less likely to return to prison after earning a GED diploma. Education in prison systems is an effective way to lower recidivism." (Nuttall, 2003).

Yuba County Jail does offer GED courses that cover the five Core Requirements as well as grammar and spelling. They work with inmates to give them an opportunity to obtain their GED certification, however they are unable to provide the GED certification test in-house and it is not always practical to transport an inmate outside the jail and watch over him/her for six hours. The Jail Administration advised the Grand Jury that they are hoping to provide the GED certification exam in-house in the future.

## **RECOMMENDATIONS**

- R1. The 2015-2016 Yuba County Grand Jury recommends that the Sheriff apply to the Board of Supervisors to provide funding and hiring of a full-time psychiatrist that could allow the Jail to work on a mental health treatment and care plan with a focus on work and/or education.

The 2015-2016 Yuba County Grand Jury further recommends that the Board of Supervisors approve funding for a full-time psychiatrist. This should be accomplished by the end of the 2016-2017fiscal year. (F1)

- R2. The 2015-2016 Yuba County Grand Jury recommends that the Sheriff apply to the Board of Supervisors to provide funding and hiring of a full-time medical doctor that could reduce the pressure on the medical staff and decrease the time it takes to see a doctor or the Family Nurse Practitioner.

The 2015-2016 Yuba County Grand Jury further recommends that the Board of Supervisors approve funding for a full-time medical doctor. This should be accomplished by the end of the 2016-2017fiscal year. (F1)

- R3. The 2015-2016 Yuba County Grand Jury recommends that the Sheriff continue to focus on setting up an in-house GED testing program with the goal of implementing such a program within the 2017-2018 fiscal year. (F3)

## **COMMENDATIONS**

- C1. The 2015-2016 Yuba County Grand Jury commends the Yuba County Sheriff, Administration and staff for their cooperation and assistance in providing this Grand Jury the information needed for this report.

- C2. The 2015-2016 Yuba County Grand Jury commends the Yuba County Sheriff's Office for increasing and improving the mental health staff.

- C3. The 2015-2016 Yuba County Grand Jury commends the Yuba County Sheriff's Office for working with the Board of Supervisors in increasing the number and quality of the medical staff personnel. In addition, the Yuba County Sheriff's Office has obtained a \$20 million grant through SB 863. This Grant will allow the Sheriff to construct a new building that will house a new, larger, medical unit.

The 2015-2016 Yuba County Grand Jury additionally commends the Yuba County Sheriff's Office for working with the Board of Supervisors in re-funding the RN position.

- C4. The 2015-2016 Yuba County Grand Jury finds that most of the prior 2014-2015 Grand Jury Recommendations have been addressed by; hiring additional personnel, provided additional training, provided the 2015-2016 Grand Jury a copy of the Consent Decree,

and obtaining funding to build a new medical and vocational facility. The few Recommendations that were not changed were minor issues.

## REQUEST FOR RESPONSE

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

From the following individuals:

- The Yuba County Sheriff on Findings 1-3 and Recommendations 1-3.

From the following governing bodies:

- The Yuba County Board of Supervisors on Findings 1-3 and Recommendations 1-3.

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.

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# **Air Conditioning Failure**

## **Lindhurst High School**



## SUMMARY

In August, 2015, about 100 students walked out of Lindhurst High School due to a failure of the air conditioning system and mid-80 degree heat in Building C (Luery, 2015). The Appeal Democrat reported that the students walked out of class in September, 2015 due to the lack of air conditioning in the 100 plus degree weather (Barron, 2016). This Grand Jury report is an investigation of what led to this failure. During a tour in August, the Grand Jury was advised by school administration that during the week of the tour they had minimum days due to the temperatures being over 100 degrees and the lack of air conditioning.

The Grand Jury investigation led to the determination that the air conditioning system had not been properly maintained leading to a complete failure of the system in June, 2015. During interviews with school personnel, the Grand Jury was told that there has been a history of HVAC issues at the high school going back to the first year following the construction of the new complex.

Per multiple interviews, the Grand Jury was told that the chiller failure at Lindhurst High School was determined to be mechanical. During the interviews, the Grand Jury was advised that a screw inside the compressor had backed out and was rubbing against the slide valve within the compressor. The noise was noticed by a technician who wrote up a work order on the compressor. In its research, the Grand Jury could not find any documentation that action was taken on the work order. The screw in the compressor became so loose and worn that the screw bound up causing the failure in June 2015.

## GLOSSARY

- Chilled Water Side – A part of the chiller; the cooled water leaving the evaporative side of the chiller, normally 42 degrees F.
- Central Plant – Is the heart of the HVAC system. The purpose of Central Plant is to monitor the plant water that goes out to the buildings to provide heating and cooling on campus. Central Plant functions on the operating software to monitor the room temperatures in each building and to locate problems that could or have arisen.
- Chiller - Is a machine that removes heat from a liquid via vapor-compression or absorption refrigeration cycle. This liquid can then be circulated through a heat exchanger to cool air or equipment as required.
- Condenser – A part of the chiller, it is a device or unit used to condense a substance from its gaseous to its liquid state, by cooling it. In so doing, the latent heat is given up by the substance, and will transfer to the condenser coolant.
- Cooling Tower – Is a heat rejection device, which extracts waste heat to the atmosphere through the cooling of a water stream to a lower temperature.
- Evaporator – A part of the chiller; it is an evaporator which is a device used to turn the liquid form of a chemical into its gaseous form. The liquid is evaporated, or vaporized, into a gas.
- HVAC – Heating, Ventilating, and Air Conditioning; is the technology of indoor environmental comfort and acceptable indoor air quality.

- Metering Pump – is a positive displacement chemical dosing device with the ability to vary capacity manually or automatically as process conditions require.
- MJUSD – Marysville Joint Unified School District.
- Reagent – is a substance or compound added to a system to cause a chemical reaction, or added to see if a reaction occurs.
- Rotor – One of the four major components within a chiller which provides the mechanical energy in the form to drive the cooling cycle.
- Softener – is a unit that is used to soften water, by removing the minerals that cause the water to be hard. Softeners trade the minerals for something else, in most cases sodium. This process is called ‘ion exchange’.

## BACKGROUND

The Lindhurst High School HVAC system was installed in 1975 (MJUSD, 2016). The HVAC system is a water-cooled system and has two Carrier brand chillers that support the system. A simplistic explanation of how this system works is found on Wikipedia website: “In air conditioning systems, chilled water is typically distributed to heat exchangers, or coils, in air handling units or other types of terminal devices which cool the air in their respective space(s), and then the water is re-circulated back to the chiller to be cooled again.” The Environmental Defense Fund (EDF) website provides a more detailed explanation of how this system works and the need to treat the water.

During an interview, the Grand Jury was told that “The chiller is part of a central plant and works in conjunction with a heat exchanger, cooling towers, many pumps, underground lines etc.” The interviewee went on to explain that the current chillers are not the original ones that came with the Central Plant, they had been replaced subsequent to the initial installation.

MJUSD Superintendent stated in a public letter: “Recently, one of two chillers (used for cooling) is not repairable due to the age of the chiller...” (MJUSD, Aug. 25, 2015) However, during the tour, the Grand Jury checked the run time logged on the meter located in the control panel and each chiller had a little over 24 thousand hours run time logged. In contacting Carrier Customer Service, the Grand Jury was informed that this amount of hours would equal only 8 years of actual wear. A trade magazine article states; “A water-cooled chiller has a life expectancy of around 20 to 30 years, with some lasting much longer with proper maintenance.” (Grassi, 2013).

## METHODOLOGY

The Grand Jury reviewed documentation provided by MJUSD, reviewed product data, interviewed employees, visited the site and attended Board meetings.

### Documents

MJUSD Documents, logs and reports on the HVAC system for Lindhurst HS:

Contract for the emergency inspection of the chiller dated 8/18/2015

Purchase Order for Maintenance Work on Cooling Tower dated 7/16/2015

stating the work is for the cooling tower at Lindhurst High School.

Contract for oil sample from chiller due to the chiller making excessive compressor noise - dated 5/4/2012

Invoice for above oil sample - dated 5/16/2012

Contract to perform descaling of chiller 2 - dated 6/28/2012  
Material Safety Data Sheet (MSDS) for Trident Ultra Protect - Water based water treatment - dated 2/11/2009  
Blanket Purchase Order due to chiller being down - dated 1/18/2002  
Letter to parents/guardians  
New Lindhurst High School Chiller Update Report #6  
Water Analysis Report - dated 11/20/1996

ACHR News website  
Air-Cooled Water Chiller  
American Society of Heating and Air Conditioning Engineers Magazine website  
Center for Disease Control website  
Chiller Maintenance  
Consulting-Specifying Engineer Magazine website  
How does a chiller system work?  
Legionella (Legionnaire's Disease and Pontiac Fever)  
Legionellosis: Risk Management for Building Water Systems  
Lindhurst High air conditioning project coming along  
Maximizing Chiller Efficiency  
Protest boils over at Olivehurst high school  
Selecting chillers, chilled water systems  
Solid Maintenance Programs keep Chillers Operating Efficiently  
Ten Tips for Commercial Chiller Maintenance

## **Interviews**

MJUSD Board of Education member  
Executive Director of Maintenance, Operations and Transportation  
Maintenance Supervisor  
Project Manager for Maintenance  
HVAC Chiller Technician  
Ex-employee of MJUSD Maintenance  
Principle of Lindhurst High School  
Vice-principle of Lindhurst High School

## **Site Visit**

Lindhurst High School September 2015  
Lindhurst High School February 2016

## **Board Meetings**

August 2015  
September 2015  
February 2016

## **DISCUSSION**

During the investigation of the problems with the Lindhurst High School air conditioning system, the Grand Jury found two major issues:

- 1) Lack of adequate water treatment and
- 2) Poor maintenance leading to failure.

A 2010 article in Contracting Business stated that the chiller in an HVAC system often represents the single largest electrical load for a building. Certain conditions, such as blocked tubes, can raise operating costs by 8% to 10% (Contracting, 2010). “Operating chillers at their peak performance will save energy and maintenance costs.” (Contracting, 2010).

One of the most important maintenance tools contributing to a chiller’s overall efficiency is a daily log (The NEWS, 2007). The log determines the date and type of maintenance done, it tracks a number of important issues as well (Facility, 2013). While there are a number of steps in maintaining a chiller, water treatment and keeping the tubes clean are the most important (Contracting, 2010). The American Society of Heating, Refrigeration, and Air Conditioning Engineers provides information as to the need for water treatment and provides design standards for the water treatment system itself (ASHRAE, 2015).

During the multiple interviews concern was expressed over the potential of contracting Legionnaires’ disease or Pontiac Fever. The Grand Jury found no documentation of Legionnaires’ disease or Pontiac Fever being diagnosed related to any Lindhurst High School student, teacher or employee. The Center for Disease Control (CDC) provides information on Legionnaires’ disease and Pontiac fever. Sutter and Yuba Network of Care states; “Legionnaires’ disease typically affects people older than 45, especially if they smoke or have a long-term lung disease such as asthma. People with a weak immune system are also more likely to get the condition.” Pontiac fever, however, usually affects otherwise healthy people (Network). Both of these diseases are caused by the Legionella bacteria which are found naturally in fresh water and grows best in warm water. Cooling towers and chillers remove heat buildup through the use of water. Potential exposure can come from breathing in a mist or vapor containing Legionella bacteria (CDC). Legionella bacteria can only be controlled by proper water treatment (CDC). Based on this information, the Grand Jury has determined that not providing adequate water treatment may potentially expose students, staff and the general public to the Legionella bacteria (CDC). The CA Dept. of Public Health states; “Large water systems in which Legionella can grow must be kept clean and maintained. These include...cooling towers.”

In a public notice letter the MJUSD Superintendent stated: “In addition, the hard water in our area leaves mineral deposits in the pipes that feed the mechanical systems, which are partially clogged.” (MJUSD, Aug. 25, 2015). This indicates that MJUSD was aware of the potential need for continuous water treatment.

Per Contracting Business, water treatment programs must be in place in order to maintain the efficiency that a chiller was originally designed to deliver (Contracting, 2010). In addition the equipment needs daily checks to ensure the performance of the equipment, including the chillers and the pumps (Contracting, 2010). MJUSD confirmed that the underground waterlines used by the chillers have become corroded and blocked causing pressure to build up at the Central Plant resulting in an increased load and wear on the machinery (MJUSD, Aug. 14, 2015). Improper water flow levels, per the manufacturers design recommendations, may profoundly affect cooling capabilities and air handling efficiency (Contracting, 2010). The Grand Jury found data stating that the chiller efficiency could drop by as much as 10% to 20% due to lack of proper water flow (ACHR, 2005). This drop means less cooling and much higher electrical energy costs.

The Grand Jury found no evidence that the water for the chiller at Lindhurst High School was currently being treated. There were no softeners, water conditioners or a reverse osmosis system to be found in the mechanical room. The Grand Jury requested to see the maintenance log but was advised by MJUSD that they were unable to locate or did not have the log. Through interviews it was stated that nine years ago there was no set maintenance program for the chillers. The tubes and cooler towers had scale build-up and were inefficient. It was stated by more than one interviewee that an independent contractor had been contracted to maintain the system but had been dropped more than 10 years ago in order to save money.

During interviews, the Grand Jury was informed that approximately five years ago, due to problems with scale build-up, an independent contractor was brought back in and water treatment was started again. One of the chillers was de-scaled, but the piping, heat exchanger and the other chiller was not. Per these interviews the Grand Jury was told that a maintenance program had been set up at that time and a log was started on the maintenance. The Grand Jury found no logs or equipment to indicate that the treatment had been continued. One interviewee advised the Grand Jury that the contractor is no longer working with MJUSD.

The Grand Jury requested copies of work orders, purchase orders or contracts regarding the maintenance of the Lindhurst High School HVAC. MJUSD provided the Grand Jury with:

Water Analysis Report	1996
Water Analysis Report	1997
Requisition Snapshot List - Showing a service call due to the #2 chiller being down	2002
Material Safety Data Sheet - Safety information on a water-based treatment chemical	2009
Bid Contract - Recommending oil sample analysis on both chillers due to excessive compressor noise.	2012
Invoice on above Bid Contract	2012
Bid Contract - Perform descaling for Chiller #2, adding descaling chemicals, flush basin, replace oil and filters on both chillers, and labor to replace a cooling tower shaft, blower wheels and bearings.	2012
Invoice for the purchase of a cooling tower	2015

During the tour, the Grand Jury found that the metering pumps, the power to the pumps and the controls in the boiler/mechanical room were disconnected. There were no signs of reagents for testing of the water and there were no logs to record the results of the water being tested.

The Grand Jury was advised during an interview that, two to three weeks prior to the June 29, 2015 air conditioning failure at Lindhurst High School, one of the technicians noticed a difference in the sound of the air conditioner and also had a concern with the controls. This technician, via work order, notified management of his concern. The Grand Jury was unable to find documentation showing what action was taken by Management as a result of this work order. Per interviews, the Grand Jury was told that the technician currently assigned to maintain the HVAC system is unfamiliar with the system. After the HVAC failure a contractor was hired to determine the cause and repair the system. The contractor reported that a screw inside the compressor had backed out far enough to cause the rotor to bind up, destroying the compressor.

The Grand Jury was informed by District Management that the District went to the Division of the State Architect for the proper handling of an HVAC replacement system for Lindhurst High School. The State Architect awarded the project to an independent engineering architectural firm who then awarded the design of a HVAC solution to a mechanical engineering firm. During the interviews, the Grand Jury was advised by more than one technician that the independent engineering architectural firm was not needed and that MJUSD would have saved possibly thousands of dollars had they gone straight to the mechanical engineering firm.

The Grand Jury requested a copy of the school's Preventative Maintenance Manuals, work orders or any other maintenance logs. The Grand Jury was advised by MJUSD that only one preventative maintenance procedure existed, but they were unable to find it.



On two separate dates the Grand Jury called Lindhurst High School with follow-up questions. The receptionist disconnected twice the first date and advised the Grand Jury that no one was available to speak to on the second date.

The MJUSD is currently addressing the HVAC problem with an emergency HVAC replacement project (Barron, 2016). MJUSD is installing stand-alone HVAC units, separate from the Central Plant. This will reduce the pressure on the remaining chiller and boiler system, allowing them to function more effectively for the remaining buildings (MJUSD, Aug. 25, 2016). MJUSD (2016) states that this is a multi-stage project with the first stage addressing Lindhurst High School's C and F buildings. Building C should have a new system in March, Building F in late April 2016. Work on a new HVAC system for the gym, locker room and classrooms in Building E is expected to start by early fall of 2016 and completed by March, 2017 (MJUSD, 2016).

## **FINDINGS**

- F1. The 2015-2016 Grand Jury finds that MJUSD failed to properly maintain the HVAC system at Lindhurst High School. Specifically, the Grand Jury found no evidence that the water was being treated per documented specifications as found in a number of magazines and periodicals related to building maintenance: Contracting Business, ACHR News, and Facility Management. This failure may have potentially exposed the students, staff and public to Legionnaires' disease or Pontiac Fever (CDC).

In addition, the lack of water treatment and maintenance has led to the water lines becoming corroded and blocked, reducing the efficiency of the system (Contracting, 2010) and putting pressure on the Central Plant, "resulting in an increased load and wear on the machinery" (MJUSD, Aug 14, 2016). In a public letter, the MJUSD Superintendent indicates knowledge of the hard water in this area (MJUSD, Aug. 25, 2015).

In light of this lack of maintenance on the system, the chillers failed prematurely. The chillers had only eight years of actual wear and the Grand Jury's research showed that, with proper maintenance, they have a life expectancy of around 20 to 30 years (Grassi, 2013).

- F2. The 2015-2016 Grand Jury finds that MJUSD failed to maintain a log detailing work done on the HVAC system as well as any noted irregularities of the HVAC system at Lindhurst High School. The Grand Jury had requested to see the maintenance log but was advised by MJUSD that they were unable to locate or did not have the log. In addition, the Grand Jury finds that MJUSD has very little documentation on work done through outside contractors.
- F3. The 2015-2016 Grand Jury finds that MJUSD failed to act on a work order indicating a problem with the HVAC system at Lindhurst High School. Per Grand Jury interviews, this failure to act significantly contributed to the compressor being destroyed by a loose screw. This left the students at Lindhurst High School without air conditioning in triple-digit heat causing at least two walk-outs (Luery, 2015 and Barron, 2016).
- F4. The 2015-2016 Grand Jury finds that the personnel in MJUSD Facilities and Energy Management Department do not have enough knowledge and experience in handling the HVAC systems. The Grand Jury was advised, during interviews, that the technician currently assigned to maintain the HVAC system is unfamiliar with the system.

- F5. The 2015-2016 Grand Jury finds that MJUSD is currently addressing the HVAC problem with an emergency HVAC replacement project (Barron, 2016). Per K. Barron and a 2015 newsletter from MJUSD (2016); this is a multi-stage project with the first stage addressing Lindhurst High School's C and F buildings. Building C should have a new system in late March to early April 2016, Building F in late April 2016. Work on a new HVAC system for the gym, locker room and classrooms in Building E is expected to start by early fall of 2016. Research documentation shows that proper maintenance will reduce energy costs (ACHR, 2005) as well as reduce the potential risk of exposure to Legionella bacteria which is associated with Legionnaires Disease and Potomac Fever (CDC).

## **RECOMMENDATIONS**

- R1. The 2015-2016 Grand Jury recommends that MJUSD set up a maintenance schedule per the manufacturer's specifications of the new independent HVAC systems. The 2015-2016 Grand Jury recommends that MJUSD set up a maintenance schedule for all HVAC support equipment including the chillers and controls. This is to be implemented upon the installation of the new systems. (F1)

The 2015-2016 Grand Jury recommends that MJUSD clean or replace the underground water lines that have become corroded and blocked (MJUSD, 2015). The 2015-2016 Grand Jury recommends that MJUSD maintain proper water treatment for all of the HVAC systems at Lindhurst High School. This is to be done upon the installation of the new systems. (F1)

- R2. The 2015-2016 Grand Jury recommends that MJUSD set up a maintenance log for each HVAC system; documenting the date, a brief summary of the issue, and what was done. In addition, the Grand Jury recommends that MJUSD set up a filing system and maintain all work orders, purchase orders, contracts and any other paperwork documenting outside contracting work done on the HVAC system. (F2)
- R3. The 2015-2016 Grand Jury recommends that MJUSD address work orders immediately, document what actions were taken and maintain all documentation regarding work orders. This is to be implemented immediately. (F3)
- R4. The 2015-2016 Grand Jury recommends that MJUSD ensure proper training is provided for the technicians responsible for the HVAC system. This is to be implemented immediately. (F4)
- R5. The 2015-2016 Grand Jury recommends that MJUSD ensures that the projects of replacing the HVAC system for Lindhurst High School is completed.
- The gym, locker room and classrooms in Building E to be started by September 1, 2016 and completed by March, 2017. (F5)

## **REQUEST FOR RESPONSE**

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

- Marysville Joint Unified School District – Board of Trustees on Findings 1-4 and Recommendations 1-5.

- Assistant Superintendent of Business Services on Findings 1-4 and Recommendations 1-4.
- Executive Director of Maintenance, Operations and Transportation on Findings 1-4 and Recommendations 1-5.

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.

## DISCLAIMER

One member of the 2015-2016 Grand Jury was excluded from this investigation and report.

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# History of the Grand Jury

## A. History of the Grand Jury System

One of the earliest concepts of a Grand Jury may date back to ancient Greece where the Athenians used an accusatory body. Others claim the Saxons initiated the Grand Jury system. In 987 to 1016 A.D., one of Dooms (laws) stated that for each 100 men, 12 shall be named to act as an accusing body. “They shall not accuse an innocent man nor spare a guilty one.”

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

Historians generally agree that the Assize of Clarendon in 1166 was the beginning of our present Grand Jury system. During the reign of Henry II (1154-1189), in an effort to regain for the crown the powers usurped by Thomas Becket, Chancellor of England, 12 “good and lawful” men in each village were assembled to reveal the names of those suspected of crimes. It was during this same period that juries were divided into two types: civil and criminal, with the development of each influencing the other.

Originally, an “assize” meant a court session or assembly. As used today, it refers to the accomplishment of enactments of such groups. Thus, the “Assize of Clarendon”, in which the use of the jury was for the purpose of discovery and presentation to royal officials those persons suspected of crime. Additionally, they were asked to report on other matters relating to the maintenance of order and good government in their district.

The oath taken by these jurors was that they shall “do this faithfully, that they will aggrieve no one through enmity nor defer to anyone through love, and that they will conceal those things which they have heard.”

By the year 1290, we find that the accusing jury was given the authority to inquire into the maintenance of bridges and highways, the defects of jails, and whether the sheriff had kept in jail anyone who should have been brought before the justices.

“Le grand inquest” evolved during the reign of Edward III (1368) when the “accusatory jury” was increased in number from 12 to 23, with a majority vote necessary to indict an accused.

## 1. Colonial America

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

By the end of the colonial period the Grand Jury had become an indispensable adjunct of government: they proposed new laws, protested against abuses in government, and wielded tremendous authority in their power to determine who should and should not face trial.

## **2. U. S. Constitution**

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

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

Public support of grand juries began to wane in the early 1800's. Adoption of the Fourteenth Amendment in 1868 made it illegal to “deprive any person of life, liberty or property without due process of law.” As interpreted by some states, this amendment meant that prosecution of crimes no longer mandated a Grand Jury indictment.

## **3. California**

California is one of the states to initiate prosecution by either indictment or complaint. The first California Penal Code contained statutes providing for a Grand Jury. Early grand juries investigated local prisons, conducted audits of county books and pursued matters of community concern. The role of the Grand Jury in California is unique in that by statutes passed in 1880, the duties include investigation of county government.

As earlier stated, the authority for the Grand Jury system in the United States lies in the Fifth Amendment of the U. S. Constitution. Provision for the Grand Jury in California is contained in Article 1, Section 23 of the California Constitution. California is served by a Grand Jury system which provides (with certain exceptions where separate civil and criminal grand juries are authorized) one Grand Jury for each county. Its functions are (1) Civil: to review the conduct of local government and (2) Criminal: to inquire into public offenses committed or triable within the county. This system is unusual. Federal and county grand juries in most states are concerned with criminal indictments and have no civil responsibilities.

Only seven states provide for investigation of county government by a Grand Jury beyond alleged misconduct of public officials.

### **B. Grand Jury System Today**

As constituted today, the Grand Jury is a part of the judicial branch of government. It is an arm of the court. It does not have the functions of either the legislative or administrative branches and it is not a police agency. It is an investigative body having for its objective the detection and correction of flaws in government.

The primary civil function of the Grand Jury, and the most important reason for its existence, is the examination of all aspects of county and city government, including special districts and joint powers agencies, seeing that the county's monies are handled judiciously and that all accounts

are properly audited - in general, assuring honest, efficient government in the best interest of the people.

The Grand Jury has three ways to exercise its powers:

1. By reports and recommendations regarding county government, cities, special districts, and joint powers agencies.
2. By indictment bringing charges against an individual for a criminal offense.
3. By civil accusation of an official or employee where the result, on conviction, would be removal from office.

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

While it is a part of the judicial system a Grand Jury is an entirely independent body. The Grand Jury judge, the district attorney, the county counsel, and the state attorney general act as its advisors, but cannot prevent the actions of the jury except on issues of legality.

Due to the confidential nature of a Grand Jury's work, most of it must be conducted in closed session. Members of a Grand Jury are sworn to secrecy, thus assuring all who appear before it that their testimony will be handled in strict confidence. No one may be present during the [History of the Grand Jury](#) sessions of a Grand Jury except those specified by law, and the minutes of its meetings may not be inspected by anyone, nor can its records be subpoenaed.

The smaller part of a Grand Jury's functions in California is the conduct of criminal investigations and the return of indictments. In some states all persons accused of felonies must be indicted by a Grand Jury before being tried. This is also true of the federal courts. The vast majority of California criminal cases are presented to the court at a preliminary hearing, on a complaint issued by the district attorney. When the district attorney deems it appropriate, he may request the Grand Jury to hear evidence with the possibility of an indictment (see indictment section.)

Unlike a trial jury, a Grand Jury does not pass upon the guilt or innocence of the person accused. Its duty is to decide whether there is probable cause that a triable offense has been committed, whereas a trial jury decides if the evidence establishes guilt beyond a reasonable doubt.

A jury is called a Grand Jury because of its size as distinguished from a petit or trial jury of twelve citizens.

The Grand Jury serves as an ombudsman for citizens of the county. The Grand Jury may receive and investigate complaints by individuals regarding the actions and performances of county or public officials.



Grand jurors may act only through the Grand Jury as a body. Individually they have no official standing, power, or authority. A grand juror may take no official action without the prior approval and authorization of a majority of the Grand Jury. The Grand Jury, as a deliberative body, must of necessity, operate by consensus, and, thereby, express a collective opinion in its reports. The foreperson is the only official spokesman for the Grand Jury.

The members of the Grand Jury are collectively granted special powers and privileges to aid them in carrying out their duties. Grand jurors, in their official capacity, are permitted access to and the right to inspect prisons, jails and other government facilities, and to review official books and records to which other citizens are denied access, with limited exceptions.

Grand jurors, because of their extraordinary powers, privileges and responsibilities, have a special obligation to exercise their authority and carry out their duties in a proper and responsible manner within the boundaries of the law.

A Grand Jury is charged with a grave responsibility. Grand Jury service calls for diligence, impartiality, courage and responsibility. Selection for service is one of the greatest honors a citizen can receive and provides an opportunity to be of unique value to the community.

### **C. Grand Jury Legal Advisors**

Whenever any juror may require a legal opinion or information as to procedure, a request for such should be made to the foreperson who may consult with the presiding judge, the county counsel, or the district attorney. It is advisable that each Grand Jury adopt a rule that all requests for opinions or assistance from the office of the district attorney or county counsel be made in writing, to be signed by the foreperson. No juror acting alone should make individual verbal or written requests. Legal opinions requested by the Grand Jury should likewise be provided in writing.

The Attorney General of the State of California is also available for advice and assistance. A request for the assistance of the attorney general by the Grand Jury may be made through any of the legal advisors mentioned above, or may be made in writing directly by the Grand Jury.

In other than criminal matters, the county counsel is the legal advisor to the county, all of its departments, officers, and commissions, all school districts in the county, and a number of other special districts. The Penal Code authorizes that any time the Grand Jury questions legality in investigating a matter brought to the Grand Jury's attention, the county counsel's opinion should be requested before starting an investigation. The Grand Jury, in obtaining these written opinions, should treat information obtained as confidential unless authorized to release its contents by the county counsel.

Inasmuch as the district attorney in criminal matters and the county counsel in other matters act as legal advisors to the Grand Jury, each is bound by secrecy restrictions regarding Grand Jury matters and confidentiality of the attorney-client



## Matrix of Investigations by Previous Grand Juries

### *Investigations by the Special Reports Committee Since 1995*

#### *Yuba County Grand Jury*

Special Reports	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
Sewage Appeals Board	X		X													
Youth Project - Runaway Youth											X					
Yuba County 1997 Flood			X													
Yuba Park			X													
Yuba River Access		X														

Special Reports - Page 2	11	12	13	14	15	16										
Sewage Appeals Board																
Youth Project - Runaway Youth																
Yuba County – 1997 Flood																
Yuba Park																
Yuba River Access																

Matrix of Investigations by Previous Grand Juries

***Investigations by the Health and Human Services Committee Since 1995  
Yuba County Grand Jury***

Health and Human Services	95	96	97	98	99	0	01	02	03	04	05	06	07	08	09	10
Adult Services							X			X			X			
Child Protective Services				X	X	X	X		X						X	
Day Care																
Environmental Health											X					
EH - Personnel	X															
EH - Onsite Sewage	X															
EH - YSDI											X					
First Five Yuba Commission																X
Fraud Investigations											X					
Health & Human Services	X											X			X	
H&H In Home Safety Visits																
Health Department									X							
Mental Health Services																
Peach Tree Clinic																
Public Guardian				X	X					X						
Yuba-Sutter Veterans Services											X					

Health and Human Services - Page 2	11	12	13	14	15	16										
Adult Services																
CAL Works																
Child Protective Services				X												
Day Care																
Environmental Health																
EH - Personnel																
EH - Onsite Sewage																
EH - YSDI																
First Five Yuba Commission																
Fraud Investigations																
Health & Human Services																
H&H In Home Safety Visits		X														
Health Department																
Mental Health Services																
Public Guardian																
Yuba-Sutter Veterans Services																

Matrix of Investigations by Previous Grand Juries

*Investigations by the Special Districts Committee Since 1995*  
*Yuba County Grand Jury*

Special Districts	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Browns Valley Irrigation Dist.				X	X										
Camp Far West Irrigation Dist.															
Cemetery District - Browns Valley								X							
Cemetery District - Brownsville								X							
Cemetery District - Camptonville															
Cemetery District - Keystone								X							
Cemetery District - Marysville															
Cemetery District - Peoria									X						
Cemetery District - Smartsville															
Cemetery District - Strawberry Valley															
Cemetery District - Upham															
Cemetery District - Wheatland															
Foothill Fire Protection															
Local Agency Formation Commission (LAFCO)											X	X			
Levee District 817															
Linda Fire District	X														
Marysville Levee District														X	
Mosquito and Vector Control District															
North Central Counties Consortium (NCCC)												X			
Olivehurst Public Utility District									X		X				X
Olivehurst PUD -Water		X													
Olivehurst PUD -Fire						X									
Olivehurst PUD - Sewer															
Reclamation District 10															
Reclamation District 2103															
Reclamation District 817															
Reclamation District 784			X			X				X		X			
River Highlands Community Service										X				X	X
Smartsville Fire Department													X		
Three Rivers Levee Improvement Auth. (TRILA)															
Yuba County Water Agency		X						X			X	X	X		

## Matrix of Investigations by Previous Grand Juries

Special Districts – Page 2	10	11	12	13	14	15	16						
Browns Valley Irrigation Dist.													
Camp Far West Irrigation Dist.													
Cemetery District - Browns Valley					X								
Cemetery District - Brownsville					X								
Cemetery District - Camptonville					X								
Cemetery District - Keystone					X								
Cemetery District - Marysville	X				X								
Cemetery District - Peoria					X								
Cemetery District - Smartsville					X								
Cemetery District - Strawberry Valley					X								
Cemetery District - Upham					X								
Cemetery District - Wheatland					X								
Foothill Fire Protection													
Local Agency Formation Commission (LAFCO)													
Levee District 817													
Linda Fire District													
Marysville Levee District													
Mosquito and Vector Control District						X							
North Central Counties Consortium (NCCC)													
Olivehurst Public Utility District													
Olivehurst PUD -Water													
Olivehurst PUD -Fire													
Olivehurst PUD - Sewer													
Reclamation District 10													
Reclamation District 2103													
Reclamation District 817													
Reclamation District 784													
River Highlands Community Service													
Smartsville Fire Department													
Three Rivers Levee Improvement Auth. (TRILA)		X											
Yuba County Water Agency													

***Investigations by the Law Enforcement Committee Since 1995***  
***Yuba County Grand Jury***

Law Enforcement	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Animal Care Services	X		X	X	X					X					X
District Attorney		X													
DA - Family Support Division					X	X									
DA - Public Administrator					X										
Grand Jury - Report System								X							
Juvenile Hall	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Juvenile Traffic Court															
Marysville Police Department										X				X	
Probation										X	X				
Probation - Victim/Witness															
Public Defender															
Sheriff		X	X							X	X				
Sheriff - K9 unit															
Victim Witness					X										
Wheatland Police Department														X	
Yuba County Jail	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Law Enforcement – page 2	10	11	12	13	14	15	16								
Animal Care Services		X													
District Attorney															
DA - Family Support Division															
DA - Public Administrator															
Grand Jury - Report System															
Juvenile Hall	X	X	X	X	X	X									
Juvenile Traffic Court															
Marysville Police Department		X													
Probation															
Probation - Victim/Witness															
Public Defender															
Sheriff															
Sheriff - K9 unit	X														
Victim Witness															
Wheatland Police Department					X										
Yuba County Jail	X	X	X	X	X	X	X								

Matrix of Investigations by Previous Grand Juries

*Investigations by the County Committee Since 1995*  
*Yuba County Grand Jury*

County Committee	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Administrative Services				X								X			
Administrative Services - IT													X		
Agriculture															
Airport Enterprise Zone				X											
Assessor															
Auditor / Controller										X	X				
Board of Supervisors			X				X		X		X	X			
BoS - Ordinances								X							
BoS - Yuba County - Office Hours					X										
Building - Permit Fees															
Clerk of the Board															
Clerk/Recorder/Elections										X			X		
Code Enforcement										X					X
Community Development	X													X	X
County Administrator	X														
County Counsel	X														
Economic Development											X				
General Services - Buildings and Grounds		X													
Library															
Office of Emergency Services															
Personnel Risk Management		X													
Print Shop															
Public Administrator				X											
Public Works - Road Dept.						X	X					X			
Treasurer/Tax Collector											X				
Weights & Measures															
Yuba County Airport					X		X				X			X	



## Matrix of Investigations by Previous Grand Juries

County Committee – page 2	10	11	12	13	14	15	16								
Administrative Services															
Administrative Services - IT															
Agriculture															
Airport Enterprise Zone															
Assessor															
Auditor / Controller															
Board of Supervisors															
BoS - Ordinances															
BoS - Yuba County - Office Hours															
Building - Permit Fees				X	X										
Clerk of the Board															
Clerk/Recorder/Elections															
Code Enforcement															
Community Development															
County Administrator															
County Counsel						X									
Economic Development															
General Services - Buildings and Grounds															
Library															
Office of Emergency Services			X			X									
Personnel Risk Management															
Print Shop															
Public Administrator															
Public Works - Road Dept.					X										
Treasurer/Tax Collector															
Weights & Measures															
Yuba County Airport					X	X									

Matrix of Investigations by Previous Grand Juries

*Investigations by the Cities Committee Since 1995*  
*Yuba County Grand Jury*

Cities Committee	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Marysville Business Improvement District (BID)			X										X		
Marysville City Clerk's Office															
City Council	X	X													
Marysville City Council Meeting Minutes															
City of Marysville				X	X				X	X				X	
City of Wheatland							X			X	X	X			
Marysville Fire department						X					X				
Parks & Recreation - Ellis Lake															
Marysville Public Works	X										X				
Marysville Red Light Camera System												X			
Marysville Redevelopment Agency								X							
Marysville Website															

Cities Committee – page 2	10	11	12	13	14	15	16								
Marysville Business Improvement District (BID)															
Marysville City Clerk's Office															
City Council															
Marysville City Council Meeting Minutes		X													
City of Marysville			X			X									
City of Wheatland			X												
Marysville Fire department															
Parks & Recreation - Ellis Lake					X										
Marysville Public Works															
Marysville Red Light Camera System					X										
Marysville Redevelopment Agency															
Marysville Website	X														

Matrix of Investigations by Previous Grand Juries

*Investigations by the Schools Committee Since 1995*  
*Yuba County Grand Jury*

Schools	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Abraham Lincoln (home) School			X												
Alternative Education Program															
Anna McKenney Intermediate											X				
Arboga Elementary School															
Browns Valley Elementary											X				
Camptonville Union School Dist															
Charter School			X												
Cedar Lane Elementary School															
Citizen Bonds Oversight Com															
Covillaud Elementary School															
Dobbins Elementary School													X		
Food Service - School Meals Program								X							
Foothill Intermediate School															
Lindhurst High										X					
Loma Rica Elementary															X
Mary Covillaud Elementary												X			
Marysville High										X					
Marysville Joint Unified School Board		X			X		X			X	X		X		X
Office of Education		X			X										
Olivehurst Elementary											X				
Plumas Elementary															
Regional Career Center JPTA			X												
School Safety - Yuba County Schools									X						
Wheatland Elementary School															
Wheatland High															
Wheatland School District											X	X			
Wheatland School District Bldg.														X	
Yuba College															
Yuba County of Education				X						X					

Schools – page 2	10	11	12	13	14	15	16								
Abraham Lincoln (home) School															
Alternative Education Program															
Anna McKenney Intermediate															
Arboga Elementary School					X										
Browns Valley Elementary															
Camptonville Union School Dist						X									
Charter School															
Cedar Lane Elementary School					X										
Citizen Bonds Oversight Com	X														
Covillaud Elementary School					X										
Dobbins Elementary School															
Food Service - School Meals Program															
Foothill Intermediate School				X	X										
Lindhurst High							X								
Loma Rica Elementary															
Mary Covillaud Elementary															
Marysville High		X													
Marysville Joint Unified School Board				X		X									
Office of Education															
Olivehurst Elementary															
Plumas Elementary															
Regional Career Center JPTA															
School Safety - Yuba County Schools															
Wheatland Elementary School					X										
Wheatland High															
Wheatland School District															
Wheatland School District Bldg.															
Yuba College															
Yuba County of Education															



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF YUBA**

**GRAND JURY APPLICATION**  
*(Please attach additional sheets if necessary)*

**I. PERSONAL INFORMATION**

Name: \_\_\_\_\_  
(Last) (First) (Middle)

Other Names Used: \_\_\_\_\_

Residence Address: \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
(If Different)

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_

Cell Telephone: \_\_\_\_\_ Pager: \_\_\_\_\_

Email Address: \_\_\_\_\_ Supervisorial District: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Drivers Lic. Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Marital Status: ☐ Married ☐ Single ☐ Divorced ☐ Widowed

Spouse's Name: \_\_\_\_\_

Spouse's Occupation: \_\_\_\_\_

Spouse's Employer: \_\_\_\_\_

**II. EDUCATION**

Circle your highest level of education: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 Other: \_\_\_\_\_

High School \_\_\_\_\_ City & State \_\_\_\_\_

College/University \_\_\_\_\_ City & State \_\_\_\_\_

Graduate Level \_\_\_\_\_ City & State \_\_\_\_\_

Degrees \_\_\_\_\_ Honors \_\_\_\_\_

### III. OCCUPATION(S)

Are you retired?

☐ Yes ☐ No

If yes, what was your occupation? \_\_\_\_\_

Employer(s) or company name(s): \_\_\_\_\_

Business address: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Highest position held and job title: \_\_\_\_\_

Are you currently working?

☐ Yes ☐ No

If yes, what is your occupation? \_\_\_\_\_

Employer(s) or company name(s): \_\_\_\_\_

Business address: \_\_\_\_\_

Highest position held or job title: \_\_\_\_\_

Former Occupation: \_\_\_\_\_

### IV. ABILITIES AND EXPERIENCE

Do you have any ability and experience in writing, editing, and collating correspondence, minutes of meetings, reports, etc?

☐ Yes

☐ No

If "yes", please describe: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Do you have ability and experience in gathering facts and analyzing data?

☐ Yes

☐ No

If "yes", please describe: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please list the computer programs with which you are familiar: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## V. QUALIFICATIONS

1. Are you a citizen of the United States? ☐ Yes ☐ No
2. Are you eighteen years or older? ☐ Yes ☐ No
3. Have you been a continuous resident of Yuba County for one year? ☐ Yes ☐ No
4. Are you in possession of your natural faculties, of ordinary intelligence, of sound judgment and of fair character? ☐ Yes ☐ No
5. Do you speak, write and understand English? ☐ Yes ☐ No
6. Have you been discharged as a Grand Juror in any court of this State within the last year? ☐ Yes ☐ No
7. Have you ever served as a Grand Juror?  
If so, what county and when? \_\_\_\_\_ ☐ Yes ☐ No
8. Have you applied for the Grand Jury in the past?  
If so, what year(s)? \_\_\_\_\_ ☐ Yes ☐ No
9. Are you a registered voter? ☐ Yes ☐ No
10. Are you able and willing to define and evaluate issues without expressing personal bias? ☐ Yes ☐ No
11. If you are employed, does your employer know that you are interested in serving on the grand jury, and does he/she understand the nature and extent of the duties of a grand juror? ☐ Yes ☐ No
12. Are you capable of and willing to conduct detailed investigations of city and county governmental issues and prepare reports on those issues? ☐ Yes ☐ No
13. Are you currently serving as an elected public official or do you plan to run for public office within the next eighteen months? ☐ Yes ☐ No
14. Are you related to and closely associated with any of the following:  
Yuba County Superior Court judge? ☐ Yes ☐ No  
Current or former elected or appointed public official? ☐ Yes ☐ No  
Current or former employee of any local governmental entity? ☐ Yes ☐ No  
If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_
15. As a member of any profession or organization or as a holder of any office, have you ever been suspended, disbarred or otherwise disqualified? ☐ Yes ☐ No



16. Have you been charged with any of the following:

Malfeasance in office

☐ Yes

☐ No

Felony

☐ Yes

☐ No

Misdemeanor (including driving under the influence and reckless driving)

☐ Yes

☐ No

If you answered "yes" to any of the above, please provide details below:

Offense	City/State	Date	Penalty

*Please note that a misdemeanor conviction is not an automatic bar to acceptance of your application.  
Each case is considered individually and confidentially.*

## VI. CLUBS & ORGANIZATIONS

(List any fraternal, civic, professional, service or social organizations to which you have belonged.)

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## VII. GENERAL

Other interests, experience, comments or suggestions:

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Is there anything you would specifically like to accomplish during your tenure on the grand jury?

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Would you be willing to be the Jury Foreperson?

☐ Yes

☐ No

I hereby certify that the foregoing information is true and correct to the best of my knowledge and belief and is submitted in support of my application for selection as a member of the Yuba County Grand Jury.

Executed under penalty of perjury this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_, California.

\_\_\_\_\_  
*Signature of Applicant*

**NOTE**

All applications to serve as a member of the Yuba County Grand Jury will be subject to investigation by an appropriate law enforcement agency relative to the statutory qualifications for service and any other information that may bear on the prospective Grand Juror's ability and suitability for service.

**PLEASE RETURN COMPLETED APPLICATION TO:**

YUBA COUNTY JURY SERVICES  
215 Fifth Street, Suite 200  
Marysville, CA 95901  
(530) 749-7601  
Website: [www.yubacourts.org](http://www.yubacourts.org)



Pursuant to California Rules of Court, rule 989.3 and the Americans with Disabilities Act (ADA), the Superior Court of California, County of Yuba does not discriminate against persons with disabilities. Please advise Jury Services (530) 749-7601 if you will require special accommodations to participate in this application process.

Superior Court of California  
County of Yuba County Superior Court  
Grand Jury Application  
Last Name: \_\_\_\_\_

## RECRUITMENT SURVEY INFORMATION

Pursuant to California Rules of Court, Rule 10.625, the Jury Commissioner must capture and maintain in a database the following information on prospective grand jurors:

**Your age range:**

- ☐ 18 – 25    ☐ 26 – 34    ☐ 35 – 44    ☐ 45 – 54  
☐ 55 – 64    ☐ 65 – 74    ☐ 75 and over

**Your Gender:**    ☐ Male    ☐ Female

**Your race or ethnicity** (you may select more than one category):

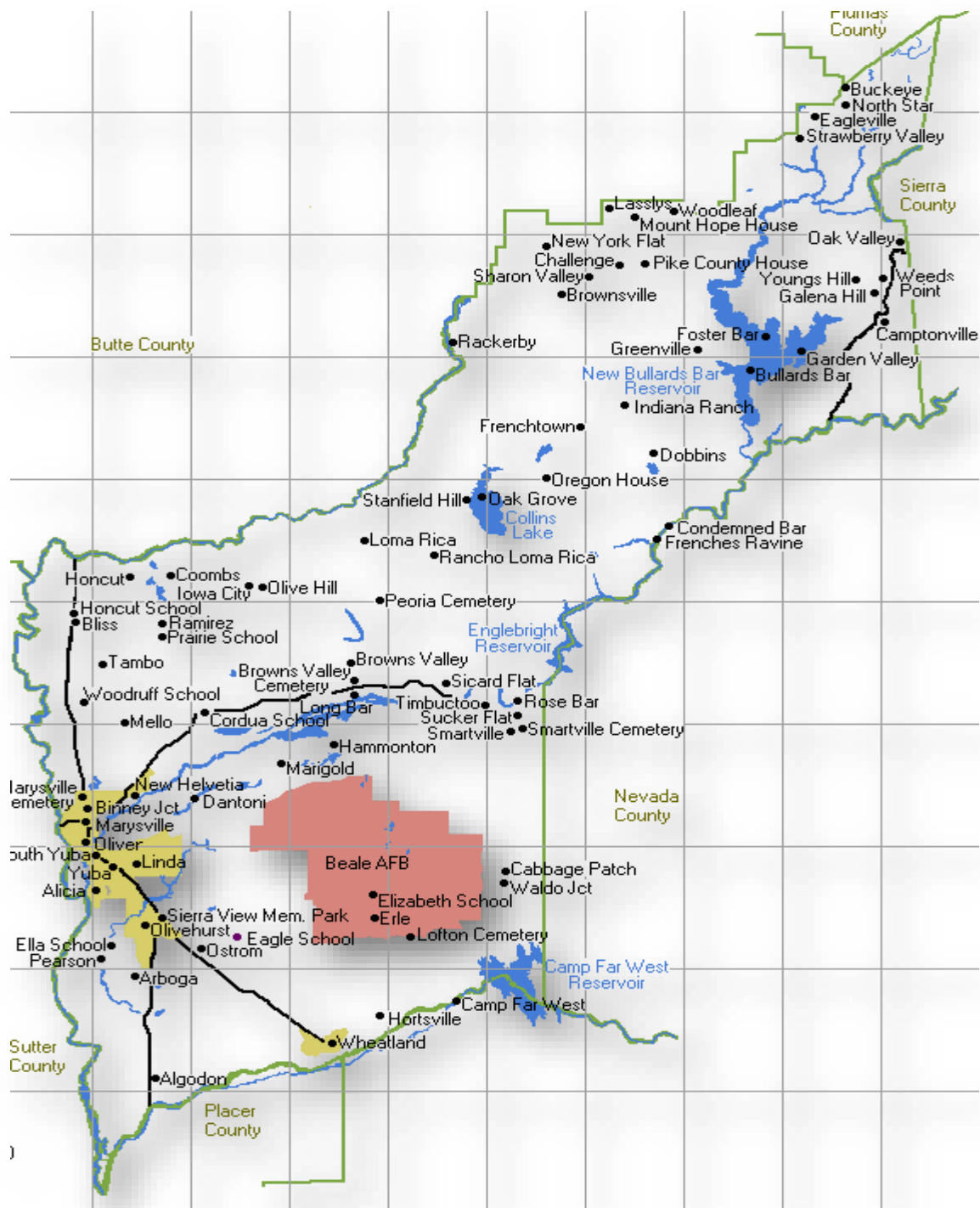
- ☐ American Indian or Alaska Native                      ☐ Asian  
☐ Black or African American                                      ☐ Hispanic/Latino  
☐ Native Hawaiian or other Pacific Islander                      ☐ White  
☐ Other race or ethnicity (please state): \_\_\_\_\_  
☐ Decline to answer

**How did you learn about becoming a candidate for grand jury service:**

- ☐ Random draw                                      ☐ Community Organization  
☐ Newspaper                                      ☐ Received application in the mail  
☐ Public Meeting                                      ☐ Television/radio  
☐ Other: \_\_\_\_\_  
☐ Nominated by: \_\_\_\_\_



## Map of Yuba County





## **Filing a complaint with the Yuba County Grand Jury**

### **GENERAL INFORMATION**

A major function of the Yuba County Grand Jury is to examine local county and city government, special districts, school districts, and any joint powers agency located in the county to ensure their duties are being carried out lawfully. The Grand Jury:

- May review and evaluate procedures used by these entities to determine whether more efficient and economical methods may be employed;
- May inspect and audit the books, records and financial expenditures as noted above to ensure that public funds are properly accounted for and legally spent;
- May investigate any charges of willful misconduct in office by public officials;
- Shall inquire into the condition and management of the public prisons within the county.

Anyone may ask the Grand Jury to conduct an investigation of an issue within its jurisdiction. Whether it chooses to investigate a complaint is entirely at the Grand Jury's discretion and the decision may be affected by workload, resource limitations or legal restrictions. It is important to note that the Grand Jury may not investigate a matter that is currently being litigated in the court system.

By law, the proceedings of the Grand Jury are confidential. The findings and recommendations and issues it chooses to address are published in its final report.

### **COMPLAINT PROCESS**

Fill out the Grand Jury complaint form as completely as possible. The Grand Jury is less likely to investigate complaints when the complainant does not include enough information to allow the validity of the issues to be evaluated. Present your complaint as early as possible in the Grand Jury term, because a complete investigation may take several months. The Grand Jury's term of service begins July 1st and ends June 30th of the following year.

- Identify your specific concern and describe the circumstances as clearly and concisely as possible.
- Document your complaint with copies of pertinent information and evidence in your possession.
- Mail or deliver your complaint in a sealed envelope to:

<p><b>Yuba County Grand Jury, c/o Yuba County Superior Court, 215 Fifth Street, Suite 213 Marysville, Ca 95901</b></p>
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## **Instructions for the Grand Jury Complaint Form**

Among the responsibilities of the Grand Jury is the investigation of the public's complaints to assure that all branches of city and county government are being administered efficiently, honestly and in the best interest of its citizens.

Complaints submitted to the Grand Jury will be treated confidentially whenever possible. However, it may be impossible to conduct an investigation without revealing your name and complaint.

The results of the complaints submitted by citizens and investigated by the Grand Jury are published in its final report. The final report is the Grand Jury's principle means of communicating to the residents of the county the results of its investigations, its findings and its recommendations. The government entities reported on by the Grand Jury are required by statute to respond, and these responses are then made public.



## GRAND JURY COMPLAINT FORM

### PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE :

NAME:

ADDRESS:

TELEPHONE NUMBER:

### GRAND JURY USE ONLY:

Date Received:

Number:

Subject:

**NATURE OF COMPLAINT** (Describe events in the order they occurred as clearly and concisely as possible. Use extra sheets if necessary and attach copies of any correspondence you feel is pertinent. Documentation becomes the property of the Grand Jury and will not be returned. *Please note: The Yuba County Grand Jury has no jurisdiction over state or federal agencies, the courts, judicial officers, private companies or most organizations.*)

### WHAT PERSONS OR AGENCIES HAVE YOU CONTACTED ABOUT YOUR COMPLAINT?

Person or Agency	Address	Date of Contact	Results
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

### WHO SHOULD THE GRAND JURY CONTACT ABOUT THIS MATTER?

Person or Agency	Address	Telephone No.
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Your Name:

Address:

Telephone No:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Complainant's Signature

Date

(This blank form may be duplicated.)

07/03



## California Penal Code 933.05

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

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

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

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

(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the Grand Jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the Grand Jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.

(f) A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.