



COUNTY OF HUMBOLDT

For the meeting of: August 9, 2016

Date: July 29, 2016

To: Board of Supervisors

From: Amy S. Nilsen, County Administrative Officer *AN*

Subject: Responses to 2015-16 Grand Jury Reports: Jail and Law Enforcement Facilities, Booking Report, and Americans with Disabilities Act

RECOMMENDATION(S):

That the Board of Supervisors:

1. Review and modify as necessary the proposed Grand Jury responses from the Probation Department, under the appointment authority of the Board of Supervisors (Attachment 2);
2. Review and modify as necessary the proposed Grand Jury response from the Board of Supervisors, Human Resources Department and Department of Public Works (Attachment 5);
3. Receive reports from the Sheriff's Office;
4. Approve the documents, as may be modified, as the response;
5. Direct the Clerk of the Board, within five working days, to submit the final response with an accompanying Board Order to the 2015-16 Grand Jury and the Presiding Judge of the Superior Court; and

Prepared by Sean Quincey CAO Approval *[Signature]*

REVIEW: Auditor _____ County Counsel NAY Human Resources _____ Other _____

TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Sundberg Seconded by Supervisor Bass

Ayes Sundberg, Fennell, Lovelace, Bohn, Bass

Nays _____

Abstain _____

Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: Aug. 9, 2016

By: *[Signature]*

Kathy Hayes, Clerk of the Board

6. Direct the Clerk of the Board, within five working days, to submit two copies of all responses to the County Clerk/Recorder, one of which will be forwarded to the State Archivist, together with a copy of the original report.

SOURCE OF FUNDING: N/A

DISCUSSION:

The Grand Jury investigates and reports on the operations, accounts, and records of the officers, departments, or functions of the county. The county thanks the Grand Jury for their hard work and efforts that they have put forth in their 2015-16 Grand Jury reports.

The Grand Jury has submitted three reports to the Presiding Judge of the Superior Court titled "Jails and Law Enforcement Facilities," (Attachment 1), "Booking Report," (Attachment 4) and "Americans with Disabilities Act" (Attachment 6). Each department head or agency mentioned in the report is required to prepare a response.

The Grand Jury has requested a response from the Humboldt County Probation Department to their report Jails and Law Enforcement. The Sheriff's responses to this report and Booking Report are also included for informational purposes. The Grand Jury has also requested responses from the Board of Supervisors, Human Resources Department and Department of Public Works to their report Americans with Disabilities Act. Draft responses to these reports have been prepared and included for consideration and modification as the Board deems appropriate (Attachments 2 and 7).

FINANCIAL IMPACT:

There is no financial impact related to providing a response. Some individual responses may require expenditures.

This agenda item supports the Board's Strategic Framework by safeguarding the public's trust.

OTHER AGENCY INVOLVEMENT:

Those referenced in the Grand Jury reports.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may elect to modify any response pertaining to matters under its control.

ATTACHMENT

1. Grand Jury Report: Jails and Law Enforcement
2. Proposed Probation Department response
3. Sheriff's Office response
4. Grand Jury Report: Booking Report
5. Sheriff's Office response
6. Grand Jury Report: Americans with Disabilities Act
7. Proposed response on behalf of the Board of Supervisors, Human Resources Department and Department of Public Works

JAILS AND LAW ENFORCEMENT FACILITIES

SUMMARY

Each year the Humboldt County Civil Grand Jury (HCCGJ) is required by law to visit and report on the condition and management of all correctional and holding facilities in Humboldt County. In achieving this mandate, the HCCGJ visited 22 facilities in Humboldt County that are either jail facilities or are related to law enforcement. The HCCGJ found that most of the facilities are maximizing their resources and utilizing their facilities within the limitations of budget and available space.

Several law enforcement agencies warrant recognition due to their hard work, teamwork and innovative approaches to issues. The Northern California Regional Center, administered by the Humboldt County Probation Department, was found to be an exemplary program using innovative evidence-based practices for juvenile offender rehabilitation. The Sheriff's Work Alternative Program was found to be a beneficial program to the community and inmates. The interaction between County law enforcement agencies has been enhanced by the Law Enforcement Access Portal (LEAP). It allows rapid sharing of information and data among local law enforcement agencies. The HCCGJ also applauds the implementation of body cameras by the officers of the Ferndale Police Department, the Eureka Police Department, and the Rio Dell Police Department.

Some of the facilities warranted recommendations. The Humboldt County Correctional Facility has continual vandalism of the glass in the visitors' area. Alternative cost saving options can be explored. The Sheriff's Department Evidence Yard has inadequate security and the area is too small to efficiently store county equipment along with other impounded vehicles stored as evidence. Additional security measures need to be installed.

The Garberville Sheriff's Substation is in need of extensive renovation. The holding cells at the Garberville Substation have not had Board and State Community Corrections certifications on file for at least twelve years. Inspections are required biennially if holding cells are used. The facility is not Americans with Disabilities Act compliant and has no outside telephone to allow persons in need of assistance to get after hours help. In addition, it has no directional signage to aid citizens, particularly non-residents, in locating the station. These issues have been noted in past Grand Jury reports but have yet to be resolved.

There are continual issues with the transportation of arrestees from Garberville to the Humboldt County Correctional Facility. The placement of a Correctional Deputy at the Garberville Substation would help to mitigate the problem of the transportation of arrestees.

The Arcata Police Department has no Americans with Disabilities Act informational signage outside next to the external phone indicating assistance is available. A sign placed at the entrance would inform the public of how to request assistance. The Eureka Police Department has only one exit for department vehicles from the secure parking lot. If blocked, emergency vehicles would be unable to exit the parking lot. A second entrance should be constructed to alleviate this issue.

In general, the HCCGJ found that the majority of the facilities are aging, challenged with inadequate staffing, and have an ever-present need for more funding. Many of the facilities were over-burdened with paper files due to a slow transition into digital record keeping. This gives rise to a greater urgency of digitizing records for the sake of efficiency and cost effectiveness.

Overall the HCCGJ was impressed with the professionalism of the services being provided, given the parameters of tight budgets, understaffing and the need for physical improvements to facilities.

BACKGROUND

The Civil Grand Jury's mandate to conduct inspections of jails is rooted in the State Constitution. The Grand Jury is one of the oldest civil institutions in America and has been part of California law since statehood in 1850. County Civil Grand Juries are required by the State Constitution (California Constitution, Article 1, Section 23, 1850). The Grand Jury is an independent body and, as an instrument of the court, subject only to the court's jurisdiction. The primary function of the Grand Jury is to act as the public "watchdog" by investigating and reporting on affairs of local government. As part of this watchdog mandate, the Humboldt County Civil Grand Jury annually visits and evaluates the physical condition and management of public prisons (holding facilities) that are located in the County (California Penal Code, Section 919b). This includes county jails, state prisons and work camps, or any place in the County a prisoner may be taken, including all police stations and county work yards. Additionally, the HCCGJ visited facilities with direct ties to law enforcement.

METHODOLOGY

The Humboldt County Civil Grand Jury scheduled visits to the following facilities from August 2015 through early March 2016. The goals of the visits were to inspect and insure that facilities were well maintained, functional, and up to California State standards (California Code of Regulations, Title 15). During these tours, we interviewed various representatives regarding the state of the facilities and their daily operations. The HCCGJ also interviewed various law enforcement representatives. The HCCGJ researched numerous academic sources regarding corrections, correctional rehabilitation, and criminal justice related issues.

Facilities inspected:

Humboldt County Sheriff's Department

- Animal Shelter
980 Lycoming Avenue, McKinleyville, CA 95519
- Coroner's Office
3012 I Street, Eureka, CA 95501
- Correctional Facility
901 5th Street, Eureka, CA 95501
- Evidence Storage
826 4th Street, Eureka, CA 95501
- Garberville Substation
648 Locust Street, Garberville, CA 95542

- Main Office
826 4th Street, Eureka, CA 95501
- McKinleyville Substation
1608 Pickett Road, McKinleyville, CA 95519
- Office of Emergency Services
826 4th Street, Eureka, CA 95501
- Sheriff's Work Alternative Program (SWAP) Wood Yard
2300 Myrtle Avenue, Eureka CA 95501
- Sheriff's Work Alternative Program (SWAP) Farm
3561 Boeing Avenue, Fortuna, CA 95540

City Police Departments

- Arcata City Police Department
736 F Street, Arcata, CA 95521
- Eureka City Police Department
604 C Street, Eureka, CA 95501
- Ferndale City Police Department
600 Berding Street, Ferndale, CA 95536
- Fortuna City Police Department
621 11th Street, Fortuna, CA 95540
- Rio Dell City Police Department
675 Wildwood Avenue, Rio Dell, CA 95562

Other Facilities

- Fortuna Animal Shelter
190 Dinsmore Drive, Fortuna, CA 95540
- Humboldt County Community Corrections Resource Center
404 H Street, Eureka, CA 95501
- Humboldt County Probation Department
555 H Street, Suite D, Eureka, CA 95501
- Juvenile Hall
2002 Harrison Avenue, Eureka, CA 95501
- Northern California Regional Center
2002 Harrison Avenue, Eureka, CA 95501

State of California facilities located in Humboldt County

- Eel River Conservation Camp #31
3850 Redwood Drive, Redway, CA 95560
- High Rock Conservation Camp #32
23322 Avenue of the Giants, Weott, CA 95571

All facilities listed were toured, although not all are discussed in this report.

DISCUSSION

Correctional Facility

The Humboldt County Correctional Facility (HCCF) has a maximum capacity of 417 inmates with male and female inmates housed in segregated units. Inmates are housed predominantly in dormitories. The capacity rating is set by the Board of State Community Corrections (BSCC) which biennially inspects the facility for compliance to standards. The most recent inspection

occurred in January 2016. The County Public Health Branch of the Department of Health and Human Services also inspects the facility annually, with the last inspections (environmental health, nutritional evaluation and medical/mental health) completed between May 26 and June 19, 2015.

On average, the facility houses a total of 370 male and female inmates and has operated just under capacity since the last inspection. The building contains eight floors and 155,000 square feet of space. There is a ratio of 70 inmates per officer. Jail staff conducts monthly fire drills and the State Fire Marshal inspects annually. Inmates have access to recreational facilities, visits by clergy, and educational opportunities. Various betterment programs and counseling services are available.

In 2015, there were twelve attempted suicides with one successful suicide within the jail. The HCCF administrators expressed concern about the problem and have stated that the rise in suicides may be attributed to an increase in inmates with substance abuse problems and mental health issues. They have taken steps to address the problem by paying close attention to pre-booking mental health evaluations, providing staff mental health clinicians, and providing training to corrections officers in recognizing persons at risk.

In touring the medical section of the facility, it was found to be clean and well staffed. Medical services are provided through a contract with California Forensic Medical Services. There were separate holding cells for ill inmates to be cared for away from the general population with direct supervision by staff. Humboldt County Civil Grand Jury chose to focus its report on the facilities where issues needed to be addressed.

In the jail, the HCCGJ noted that in one of the visitor's centers, a glass partition was damaged. We confirmed a work order had been placed for its repair, but the item is a specialty order that must be purchased outside of the county. At the date of this report, replacement partition glass had been received and installed; however, other glass partitions have been broken since the original tour. This is reportedly an ongoing problem and has been noted in a previous report (see HCCGJ report dated 2011-12). The officer providing the tour explained how easily the glass could be damaged without injury to the inmate and/or the visitor. It appears the phones used for communication can be used to break or crack glass partitions between inmates and visitors. Although surveillance cameras exist, the video recording capability of the visitor's area is inadequate to capture all activity at this time. The Humboldt County Sheriff's Department should explore alternative cost saving options to the problem of continual vandalism of the glass in the visitor's area of the Correctional Facility. All common areas in the correctional facility appeared to be adequately maintained with no burned out lights or other visible damage.

Staffing appears to be an issue with a shortage of staff at the time of the tour. This includes two transferred to Probation, three retired, and several leaving due to perceived inadequate compensation. Correctional deputies are paid less than deputies who work on patrol. The key difference between correctional officers and street officers is the type of training. There were numerous paper files stacked on the countertops, filing cabinets, and shelves in a variety of locations. This gave the impression of record keeping being in disarray.

The situation in the correctional facility should improve in the future. During this Grand Jury year, the County was awarded \$20 million from SB 863, a measure designed to alleviate the burden placed on counties due to AB 109, the transfer of state prisoners to county custody. The funds were allocated to build the Humboldt Community Corrections Reentry Resource Center (HCCRRC). This was a collaborative effort by the Sheriff's Department, County Probation, the Department of Health and Human Services, Public Works, and the County Administrative Office, to build a "one-stop-shop" for community correctional services.

The HCCRRC will be built next to the Humboldt County Correctional Facility connecting the jail to the new Center. The Sheriff's Work Alternative Program (SWAP), the Humboldt County Community Corrections Resource Center and the Probation offices will be incorporated into the new facility. The structure will house a small, minimum security, in-custody, program oriented unit that focuses on preparing inmates to successfully re-enter society. The facility will have 44 beds total, 28 assigned to males and 10 assigned to females, plus 6 mental health designated beds. These 44 minimum security beds will help relieve the jail and free up higher level security beds to house the shift from inmates previously sentenced to state prison. Included in this project is a lower level parking structure and upgrading of the exterior parking along 4th Street.

Additionally, incorporated into the facility, will be intense case management services; evidence-based programs, mental health programs, and substance abuse services geared toward reduction of recidivism in Humboldt County. The facility will provide offenders with a way to transition from an institutional setting to independent and responsible community living. Once the facility is completed, a staffing analysis recommends it be staffed with twenty correctional staff (15 Correctional Deputies and 5 Senior Correctional Deputies). This planned facility is scheduled to be constructed within the next five years (see Appendices 1, 2, 3).

Evidence Storage

Evidence held by the County Sheriff is stored in three separate locations, two of which are housed within the County Courthouse/Correctional Center complex. Large items, such as vehicles, are kept at the third site, the Evidence Yard, which often is referred to as "The Boatyard."

Within the courthouse complex, former jail cells are used to store evidence for court cases and criminal investigations. Since all evidence is held until a case is adjudicated, it may be stored for years. Evidence associated with serious cases, such as homicides, is never released and requires permanent storage. Because of the quantity of items, every possible space is used, including seemingly unusable narrow utility corridors, giving this storage area a haphazard appearance. Some of the former cells also serve as office space for the property/evidence technicians. The technicians are using a bar code system to methodically track items. When cases are adjudicated and the evidence is no longer needed, the technicians have an efficient process for culling items out of the collection for release or destruction. A second storage area is located in the newer portions of the courthouse complex, which is subject to flooding. This necessitates the temporary remedy of elevating evidence items on pallets. This area also has an industrial oven used to dry green cannabis for evidentiary purposes. Both of these storage areas appear to be secure as they have active alarm systems in place.

The third storage location, the Evidence Yard, is used by the Sheriff's Department and the Sheriff's Posse to store their county-owned large vehicles, trailers and boats. It also provides storage for large pieces of evidence such as vehicles, bicycles, chain saws, and generators. The site is too small for all these items. County-owned equipment is not quickly accessible due to the numerous vehicles held as evidence, therefore, their immediate mobility is in question. The outside covered stalls are occupied with trailers, boats and equipment. This forces some newly acquired equipment to be exposed to the elements. This facility also has some enclosed spaces used for offices, a machine shop, and a place to store overflow evidence. This issue of clutter was addressed in previous HCCGJ reports (see HCCGJ Reports from 2003-04, 2010-11 and 2012-2013). Because of the inadequate perimeter security fencing, an inadequate entry gate, and the lack of security cameras the HCCGJ is unable to state that this site is secure.

The HCCGJ found all the evidence/property technicians to be knowledgeable and very competent in maintaining this unique and complex system, while working in cramped spaces. The evidence/property technician's job is made very complicated due to the irregular layout of the storage areas and their multiple sites. Without staff replacement training by these veteran technicians in charge, difficulties can be expected in locating evidence vital to future court cases.

Garberville Substation

The HCCGJ traveled to the Sheriff's Garberville Substation and discovered that the facility was not easy to find. As of the date of the tour, November 18, 2015, there were no signs on the main road, Redwood Drive, directing people to the station. This was also noted by previous Grand Jury reports 2010-2011 and 2011-2012. The building was found to be aging, minimally staffed, and not in compliance with the Americans with Disabilities Act (ADA) (see Grand Jury reports 2001-2002, 2002-2003 and 2003-2004). There is no wheelchair access through its main entrance and the restroom facilities are non-compliant with ADA.

The facility has three holding cells. Members of the HCCGJ were told that one of these cells is used for arrestees awaiting transportation to the HCCF in Eureka on very rare occasions and only for very brief periods. Currently, there is no Correctional Deputy stationed at the substation to supervise arrestees if the arresting officer is called away (review HCCGJ reports 2002-03, 2004-05, 2006-07, 2009-10 and 2010-11). There is no external phone for after hour emergencies which was noted in the 2005-2006 Grand Jury report which recommended the Sheriff install a phone. It is unclear when the last BSCC inspection of the Garberville facility was made.

Deputies assigned to this office respond to calls for service in a large geographic area. They respond to places as remote as Shelter Cove and Alderpoint. They must answer calls over winding mountain roads taking them far away from the area around Garberville. Response times to calls for service can be lengthy. These conditions, as well as the condition of the substation, put a strain on law enforcement services in the area.

Sheriff's Work Alternative Program (SWAP)

The Humboldt County Sheriff's Work Alternative Program (SWAP) is a unique program in the State, which is an alternative to incarceration where safety to participants and community are a priority. Inmates available for SWAP include male and female inmates, 18 – 80 years of age,

who have a sentence of 180 days or less. They usually have been convicted of non-violent misdemeanors, although a few inmates have non-violent felonies. Those with a history of violence, sexual abuse and/or mental illness are not eligible to participate. The only other criteria are that they are not on disability or have any worker's compensation claims. Formerly, inmates were required to pay for their worker's compensation insurance. The 2002-2003 Grand Jury report noted a one-time insurance administration fee of \$60 plus \$18/day worked. Now, AB 109 covers workers' compensation expenses. Qualified inmates may choose to participate instead of serving time in jail. Inmates may choose to participate regardless if it is their first, second, or third offense. No-shows or tardy inmates receive no credit for the day. Multiple absences result in disciplinary actions. There are ten to fifteen participating inmates daily. About 200 inmates annually participate in SWAP.

Inmates in SWAP aid in landscaping work for the McKinleyville Community Services District and the City of Eureka, wash vehicles in the County Motor Pool, and help distribute food at the Hoopa Food Bank. In addition to these services, the inmates perform their work at the Fortuna Farm and Eureka Wood Yard.

The SWAP farm began in 1985 on 84 acres of airport property adjacent to the Rohnerville Airport in exchange for an agreed amount of airport landscaping hours per year. The upper 56 acres are primarily used for growing the hay that is fed to the cows and is used for the pigs bedding. At the time of the tour, 40 pigs and 15 cattle were being raised there. The County Animal Shelter in McKinleyville, which is unable to hold large animals, uses this site when needed. Two horses were being held at the time of the tour. Pigs and cattle are fed with expired produce from several local supermarkets. Unused produce is composted for agricultural use. The farm is maintained 24/7, as livestock need to be fed. At the time of the tour, measures were being installed to reduce bird activity in the pig pens (strings across pens) in an effort to comply with previous recommendations. Fresh produce items like, squash, zucchini, tomatoes, broccoli and lettuce are grown during the year. Complementing the Eureka Wood Yard, firewood is processed at this location and made available to seniors.

The SWAP Wood Yard, originally known as the Humboldt Senior Wood Cutting Project, began in 1990 and works in collaboration with the Humboldt Senior Resource Center (HSRC). HSRC sells vouchers priced on a sliding scale from \$78-121 (tax included in the fee) to eligible local seniors. Approximately 1200-1500 cords are sold annually. A small percentage of cord sales income is given back to the Sheriff's Department which helps offset the Wood Yard operational expenses. Inmates cut, split and stack firewood into cords. Safety gear and related equipment are provided and maintained by the Sheriff's Department. The SWAP Wood Yard property is owned by the City of Eureka.

There are many benefits to the SWAP program that include cost savings to the community. Inmates who participate can live at home, be with their families, and retain employment. This alleviates pressure in the jail and is a cost saving measure for the County. Seniors have access to affordable firewood. The public can purchase pigs and calves/cows. FFA and 4H participants are able to purchase piglets for their projects at reasonable prices. Money generated at both these sites are put into a SWAP trust and used as needed at respective sites. With these generated funds, the SWAP program is self-sufficient. Vegetables and pork are provided to the correctional

facility for consumption by inmates. The program also provides rotational relief positions to officers working in the jail.

Arcata Police Department

The Arcata Police Department (APD) is located adjacent to City Hall with the entrance on 7th Street and the mailing address on F Street. The entrance from the parking lot is very wide with no curbs or obstructions for anyone in wheelchairs. There is a very modest, barely noticeable, incline from the parking lot to the entrance. The office entry doors open manually. Persons with ADA access needs can request assistance by using the outside phone, however there is no sign to indicate that assistance is available.

There is one active holding cell which has been in continuous operation since the facility was built in the mid-1960s. It is inspected biennially by the Board of State and Community Corrections (BSCC). It was last inspected in April 2016. The holding cell is seldom used. However, when it is used, it is for no more than for one to two hours. It is usually used to hold arrestees while the arresting deputy processes paperwork, processes evidence and/or for interviews prior to transporting to the Humboldt County Correctional Facility.

The Arcata Police Department has a total personnel complement of forty persons. The staffing is comprised of twenty-seven sworn officers, six dispatchers, four full time administrative personnel, two part time personnel and one full time parking enforcement officer.

The dispatcher is usually scheduled to operate alone, except during peak hours of activity, when two dispatchers are scheduled to work at the same time. Having only one dispatcher working raises a very practical problem. The restroom is located at the opposite side of the building. Leaving the dispatch area unattended is forbidden as this would pose a significant lack of safety should a call for assistance be made during a break. Finding backup to staff the dispatch console during the operator's bathroom breaks is thus a major issue. To address this problem, remodeling to build a second bathroom next to the dispatch center is scheduled to begin in spring 2016 and be completed within 90 days.

The dispatcher handles both incoming calls and the dispatching of patrol cars. While hard wired phones allow proper routing of emergency 911 calls to the agency with jurisdiction, 911 calls from cell phones which rely on GPS triangulation, to identify their location, sometimes result in the need to re-route the call to another jurisdiction. In January of 2015, 2800 incoming calls for service were received, while in January 2016 there were 2197 calls received.

There is close cooperation with the Humboldt State University Police Department. Regularly scheduled monthly meetings are held between APD, the Arcata Fire Department, and the University Police Department.

The Department's record keeping is predominantly digitized. Previous paper records through 2013 have been digitized while records from 2014 are in the process of being scanned. Once scanned, the old paper files are shredded through an outside certified contract service.

APD has been online for a few months with the web system Law Enforcement Access Portal (LEAP) which allows rapid sharing of information and data with other law enforcement agencies. The LEAP system has been in place for approximately two years. LEAP funding came from BSCC administration funding. The Police Departments of Eureka and Fortuna are in the final stages of utilizing LEAP. Local agency chiefs from the five city departments meet on a regularly scheduled monthly basis including the Sheriff and County Probation for an exchange of information.

APD currently uses the WatchGuard system for squad car cameras. The system automatically downloads its files to APD computers once the cars are within range of the station. No manipulation of the camera data is possible. Currently APD does not use body cameras, but is seeking a system that will work in tandem with the car cameras, using the same software and auto download. All APD squad cars are equipped with Kinetic Energy Projectiles, more commonly known as less lethal 'beanbag' shotguns.

There are two separate interview rooms. The work room is well lit, with ample space and numerous computer stations. The computer room is also used to store emergency supplies such as canned water and Meals Ready to Eat (MRE's). There is one "property room" to hold private possessions for up to 90 days. If not claimed, the items go to auction or are disposed of. Evidence is stored in a secure room staffed with 1 full time and 2 part time assistants. Evidence, such as drugs, is routinely taken to Modesto for incineration, along with purged evidence from the other local agencies. During January of 2016, APD made 144 misdemeanor arrests, and 20 felony arrests, for a total of 164 arrests. APD has had no in-custody deaths to date.

Pay scales for APD are very similar to that of EPD and the County Sheriff's Department. Recruitment and retention of new trainees is a problem. Rookies will usually work 3 to 5 years before maturing into knowledgeable professionals, at which time they are too often drawn away to higher paying agencies in the larger metropolitan areas. Better retention has been noted when hiring trainees with families or long history in Humboldt County. Racial diversity is also a difficult goal in hiring in Humboldt County, although this is not mandated at this time.

Eureka Police Department

The Eureka Police Department (EPD) is located in a contemporary structure in downtown Eureka and across from Humboldt Bay Fire headquarters. The facility is home to about 86 personnel, including 52 sworn officers, 34 civilian staff, and 3 canines with their handlers. The facility occupies nearly a half block with secure parking using a B Street entrance off of Sixth Street. EPD uses a key fob security system for entry and access to secure areas. The facility has no holding cells, occupies two floors, and was found to be neat, organized, and utilizing most of the space available.

The Department is still using a paper filing system, with records dating back as far as 1985. The computer-aided dispatch system in use is not compatible with other departments. The annual average number of written incident reports is approaching 11,000. Recently added annuitants are assisting in clearing the backlog of paper files using electronic reporting meeting State and Federal requirements. The latter is due to funding from the Measure Z tax initiative.

The Department conducts live scanning and fingerprinting services. The EPD is in the process of activating a "Lexerpol" system of body cameras which will provide for 20-30 such cameras to be deployed regularly and 40 overall. The cameras are to be used in concert with the cameras in patrol cars equipped with a cloud-based system. Cost of the body cameras was estimated at \$60,000 which came from last year's budget.

Tight controls were observed in regard to the Evidence Room. It is a controlled-environment room where all individuals must sign in and out and be escorted. There is one full time Evidence Technician. With the current Evidence Technician retiring soon, there is no succession plan in place. It was noted the replacement would experience "hit the ground running" training. Evidence shelves are secured to withstand most earthquakes.

The facility contains two interview rooms. There is an upstairs gym for all staff. Although a comment was made that the department had outgrown its facility, it was observed there were some areas of the building which appeared to be underutilized. There was space for a SWAT team, an armory, and other essential services.

Of concern was the secure parking area for patrol vehicles and other rolling stock. There is one entrance in and out, with block walls surrounding the perimeter. In the event of a disaster or purposeful blockage of this singular entrance, EPD vehicles would find it impossible to leave the headquarters. Otherwise, the entire facility seemed to be in good repair and maintenance levels appear adequate.

EPD has its own dispatch center. It handles calls for service and dispatches for police, fire and medical emergencies. At the time of the HCCGJ tour, there were two dispatchers working at modern computerized consoles. The dispatchers described the work as being very intense and stressful, yet fulfilling.

Humboldt County Community Corrections Resource Center

Typically there are two choices available when someone is arrested: (1) process the person for booking and hold them pending court proceedings, or (2) release them either on bond, or on a citation with their promise to appear. Once booked, the suspect is retained in county custody, released at large, or released with supervision under the Probation Department's scrutiny. Under supervision by the Probation Department, the primary objective is to assure the suspect returns to court for all proceedings. The Probation Department is also tasked with preparing pre-sentence reports intended to inform the court of the history and tendencies of suspects.

The issue of inadequate space for private consultations at the Humboldt County Corrections Community Resource Center (HCCCRC) still remains, having been mentioned by prior HCCGJ Reports. Most of the large second floor is currently used only for storage, accessible only by stairs. This leased building would require installation of an elevator, restrooms, and proper signage to function as a solution for private consultation spaces. While SB 863 funding for the annex to the County Corrections Facility will be a potential long-term solution, this is realistically at least 5 years in the future. In the meantime, stress and anxiety is felt by both HCCCRC personnel and probationers who fear reprisals from other parties who may overhear their session with their parole officers. The HCCCRC has been forced to make do with the

present facility in preparation for the changes that will be made once the new facility is built (see Appendices 1, 2 and 3).

The new facility which will be adjacent, and attached to, the current Courthouse/Jail complex has been designed with these heightened security needs in mind. Appendix 3 shows a diagram of the facility illustrating how the program areas will be laid out.

Juvenile Hall

The Juvenile Hall facility was built in 1968 of cinder block construction, with generally square corners, steel bars, and grates giving it a stark institutional appearance. The maximum capacity is 26 detainees. The facility is coed, with individual cells accessed from two separate hallways. The steel doors to each cell are formidable, each having windows, outside key locks, and double outside throw bolts. The facility is subject to regular inspection. The kitchen was clean, with a friendly staff of 3 county employees. Three meals per day are provided, at least one of which is served hot. Lunch typically is the largest meal. The majority of these buildings are scheduled for demolition, once new construction is completed. The HCCGJ learned the new facility finance approval and subsequent start of construction has been delayed approximately six months with possible completion slated for the latter part of 2017 (see Appendix 4). The new facility is slated to provide greater safety and security for both detainees and staff. The maximum capacity will increase slightly and it will provide more room for programs.

Upon admittance, new detainees are immediately given an initial evaluation to determine special medical or dietary needs and assess general mental state. After booking is completed, a more comprehensive evaluation of the minor is administered. A standardized comprehensive battery of questions, known as the Massachusetts Youth Screening Instrument (MYSI), primarily determines possible risk of suicide. At admittance, three phone calls are allowed, according to posted sign. These calls are limited to a parent or legal guardian, an employer, or an attorney. The length of stay can range from a few days to six months, the average stay being 20 to 30 days. The age of minors detained ranges from 12 to 18 years old. The average number of detainees being held is typically 15-16. Fire drills are performed monthly. A four-step behavior modification program is clearly posted in the cell hallway.

Detainees are strongly encouraged to participate in this program on both an individual and group basis. Evaluations are typically made each shift by probation department corrections officers with privileges granted with the achievement of each step. Rewards for completing a step can include privileges such as personal music in cells or arts & crafts materials. A point system associated with this program allows detainees to acquire personal items such as better quality shampoos. Schooling is mandated; detainees who refuse attendance are subject to early curfew or retraction of former privileges. Normal curfew is 10 pm, with lights out at 11 pm. Routine bed checks are conducted every 15 minutes, or every 3 to 5 minutes for those with violent or suicidal behavior.

Northern California Regional Center (New Horizons)

The Northern California Regional Facility (New Horizons Program) is located adjacent to Humboldt County Juvenile Hall. While it is run by the County Probation Department, it is unique in California for its innovative approach to the most severe of juvenile offenders. It was

built in 1998, with less austere architecture but still institutional in character. Individual cells are designed large enough to house two bunks each and meet code. Currently, they have single bunks and have the appearance of dormitory rooms rather than jail cells. The facility includes common areas, classrooms and day room areas. The facility is subject to regular inspection. Juvenile offender's activities are monitored from a staff control room, the same as in many secure facilities. At the time of the HCCGJ tour, there were 11 youths in the program although it is designed to house 18.

Most of the juvenile offenders were from outside of Humboldt County. Being regional in nature, this availability of services to other counties provides a source of income and funding to the program.

The length of stay averages 4 ½ to 6 months however the maximum length of placement is 18 months. The program begins daily at 8:30 am with group counseling, followed by a classroom education program at 10 am in a modern classroom. Success in advancing through the program is acknowledged and rewarded through distinct t-shirt colors.

According to a report by the National Center for Mental Health and Juvenile Justice "approximately two-thirds of youth in the care of the juvenile justice system have a diagnosable mental health and/or substance use disorder." Virtually all juveniles admitted to New Horizons fall into this category and are placed by court order. Humboldt County has adopted the strategy of an evidence-based approach to the problem of high risk adjudicated juvenile offenders through its New Horizons program. The program is one of intensive in-custody mental health treatment. Services include a combination of medication support, individual, group, and family counseling. There is an alcohol/drug assessment and counseling program. Included in the program are skills development training focused on anger management. Exercises in exploring moral judgment and recognizing thinking errors are offered. Developing social skills and victim awareness are also part of the program. Medical staff at both Juvenile Hall and the Northern California Regional Facility are provided as needed by contract with California Forensic Medical Group, a for profit corporation.

To accomplish the goal of evidence-based treatment practices, Humboldt County takes a comprehensive approach to the issue by incorporating several county agencies into a coalition of treatment. The Probation Department administers the program and is responsible for correctional care of the juveniles along with court reporting and community aftercare supervision. The Humboldt County Department of Health and Human Services Mental Health Branch provides day time mental health treatment services using Aggression Replacement Therapy. They also provide mental health assessment, alcohol and/or drug counseling, individual group and family therapy and medication support services. The Humboldt County Office of Education provides year round educational instruction with instructors who are trained in working with special needs juveniles. Finally, the Social Services branch of the Humboldt County Department of Health and Human Services participates in the New Horizons independent living skills program, the recruitment and retention of foster care families, and in assisting with casework activities that promote services to these high-risk juveniles and families.

According to the Center on Criminal and Juvenile Justice, the Humboldt County Regional Facility's New Horizons program offers impressive results regarding recidivism. "New Horizons boasts a 20 percent re-offense rate that contrasts with rates of 50 percent to 80 percent for young offenders nationwide." Given this evidence of success in the program, the Humboldt County Civil Grand Jury found this unique program to be a valuable step forward in answering the problems of high risk juvenile offenders.

FINDINGS

- F1. Several County facilities are overwhelmed with stored paper files, boxes, and shelves containing paper records.
- F2. There is an ongoing issue with broken glass partitions in the inmate visitor's areas at the Humboldt County Correctional Facility.
- F3. There is inadequate security at the Humboldt County Sheriff's Evidence Yard.
- F4. The Sheriff's Evidence Yard is too small for the security and efficient storage of large items.
- F5. There is no directional signage for the Garberville Substation to aid citizens, particularly non-residents, in locating the station.
- F6. There are continual issues with the transportation of arrestees from the Garberville Substation to the Humboldt County Correctional Facility and the subsequent absence of essential personnel at the Substation.
- F7. The holding cells at the Garberville Substation have had no Board and State Community Corrections certifications on file for at least twelve years. Inspections are required biennially if holding cells are used.
- F8. The Garberville Substation has no available external emergency phone.
- F9. The Garberville Substation is not Americans with Disabilities Act compliant.
- F10. The Sheriff's Work Alternative Program is a beneficial program to the community and the Humboldt County Civil Grand Jury commends the Humboldt County Sheriff's Department for its good work.
- F11. The Arcata Police Department has no Americans with Disabilities Act informational sign available next to the external phone indicating access assistance is available.
- F12. The Eureka Police Department has only one exit for department vehicles from the secure parking lot. If blocked, emergency and other vehicles would be unable to exit the parking lot.
- F13. The Northern California Regional Center is a source of income to Humboldt County.

RECOMMENDATIONS

- R1. The Humboldt County Civil Grand Jury recommends that the County facilities, digitize records as a space saving, transparency, and a cost-saving measure. (F1)
- R2. The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff's Department explore alternative cost saving options to the problem of continual vandalism of the glass partitions in the visitor's area of the Correctional Facility. (F2)
- R3. The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff's Department secure the Evidence Yard with better fencing to obscure visibility and with security wire, as needed, to prevent pedestrian access. (F3, F4)
- R4. The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff's Department install security cameras to monitor the Evidence Yard. (F4)
- R5. The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff's Department establish a location that is specific to the needs of large evidence storage. (F3, F4)

R6. The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff's Department install directional signs to the Garberville Substation near appropriate cross streets to aid both northbound and southbound traffic on Redwood Drive and on U.S. 101. (F5)

R7. The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff's Department inspect, and have certified by the Board of State and Community Corrections, the Garberville Substation holding cells. (F6, F7)

R8. The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff's Department assign a Correctional Deputy to staff the Substation. (F6, F7)

R9. The Humboldt County Civil Grand Jury recommends the Humboldt County Sheriff's Department install an external phone at the Garberville Substation. (F8)

R10. The Humboldt County Civil Grand Jury recommends the Humboldt County Sheriff's Department bring the Garberville Substation into compliance with the Americans with Disabilities Act. (F9)

R11. The Humboldt County Civil Grand Jury recommends that the Arcata Police Department install an Americans with Disabilities Act accessibility sign next to the external phone. (F11)

R12. The Humboldt County Civil Grand Jury recommends that the Eureka Police Department provide additional entrance/exit points to its secure parking lot. (F12)

R13. The Humboldt County Civil Grand Jury recommends that the Humboldt County Probation Department maximize the use of The Northern California Regional Center. (F13)

REQUESTED RESPONSES

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

From the following agencies:

Humboldt County Sheriff's Department (R1, R2, R3, R4, R5, R6, R7, R8, R9, R10)

Humboldt County Probation Department (R1, R13)

Arcata Police Department (R1, R11)

Eureka Police Department (R1, R12)

Ferndale Police Department (R1)

Fortuna Police Department (R1)

INVITED RESPONSES

Humboldt County Board of Supervisors (R1, R10)

County Administrative Office (R1, R10)

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.
--

GLOSSARY OF TERMS

Adjudicated - *to come to a judicial decision: act as judge*

Annuitants – *a person receiving an annuity or pension (in this case, recently retired pensioners from the Police Department)*

Biennially- *occurring every two years*

Evidence-based programs - *Program effectiveness demonstrated in rigorous scientific evaluations*

Fob (as in security system) - *Commonly called a key fob, is a small security hardware device with built-in authentication used to control and secure access.*

Kinetic - *relating to the motions of objects and the forces associated with them*

Mitigate - *to cause to become less harsh or hostile; moderate*

Parameters - *a rule or limit that controls what something is or how something should be done*

Recidivism - *a tendency to relapse into a previous condition or mode of behavior; especially relapse into criminal behavior*

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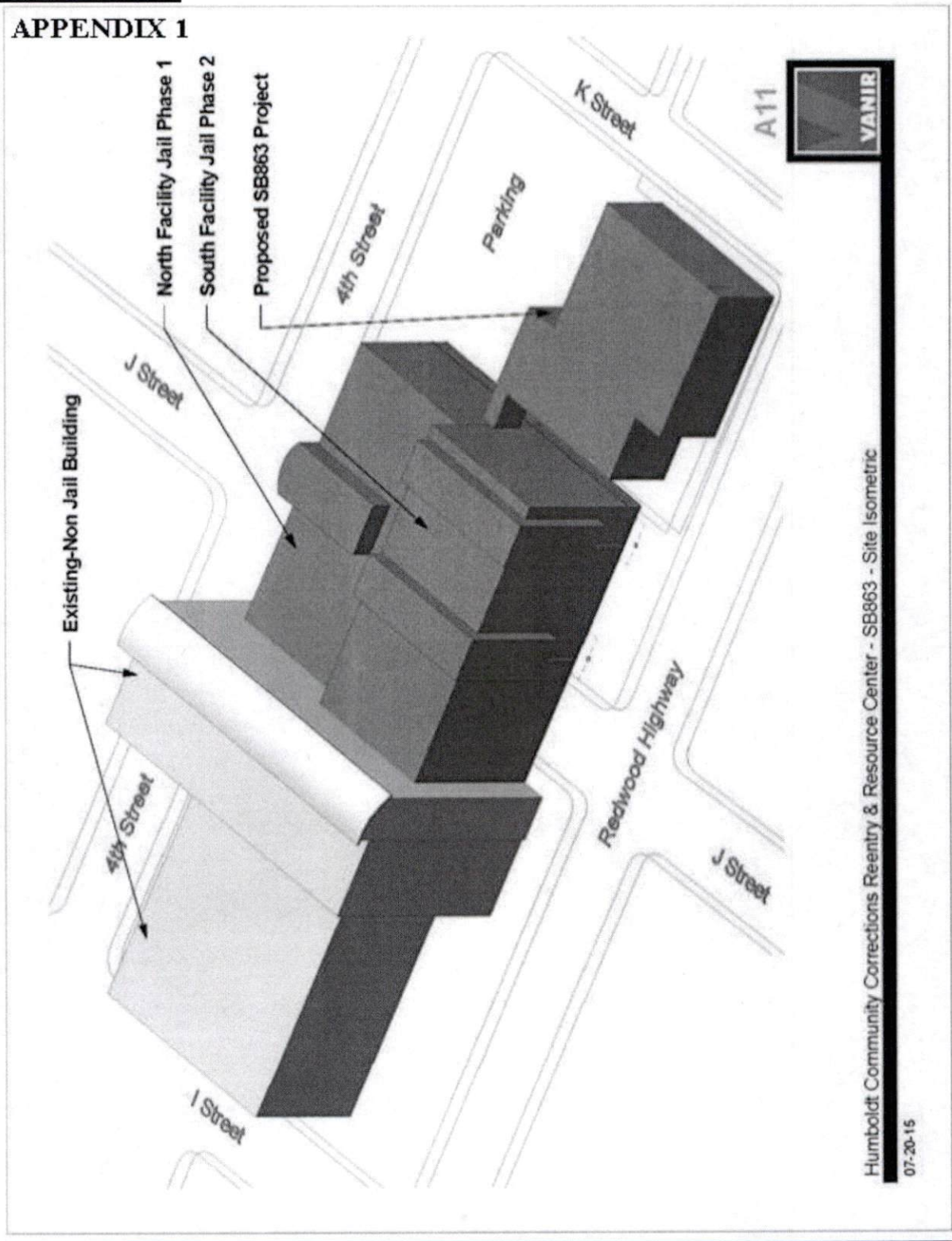
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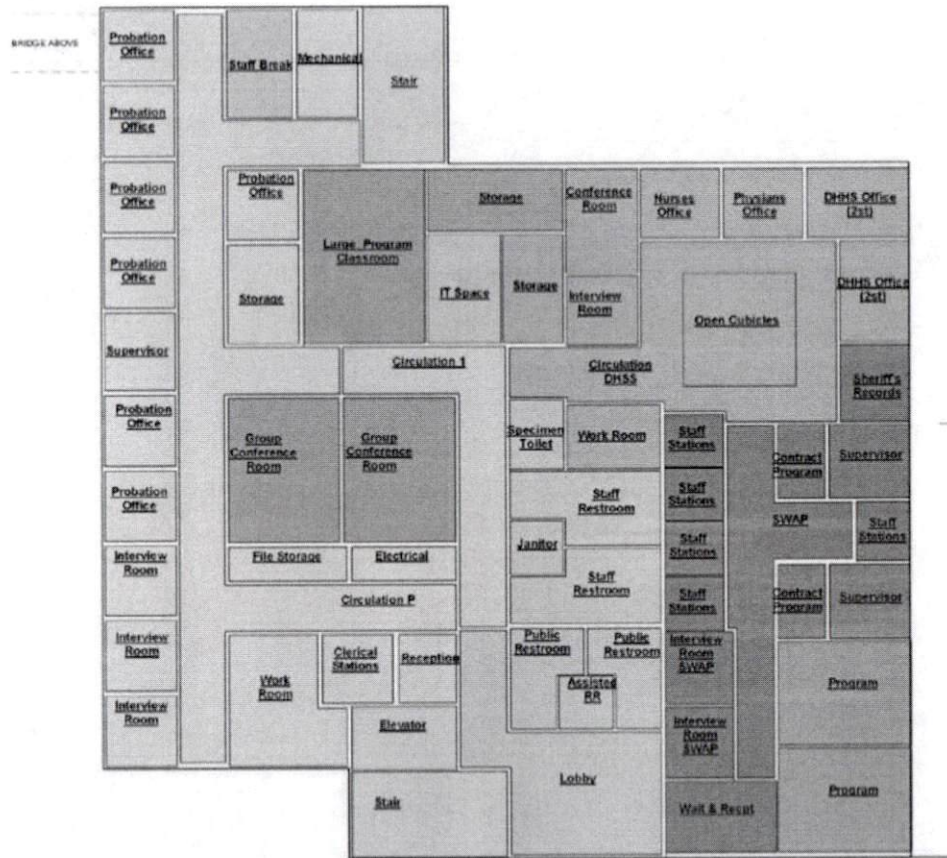
APPENDICES

APPENDIX 1

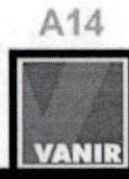
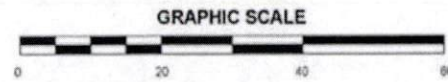


Program Area Legend

-  CCRC-DHSS Day Reporting
 -  Circulation
 -  Probation
 -  Program Space
 -  Support Spaces
 -  SWAP
- [Gross Area +/- 11,856 SF]

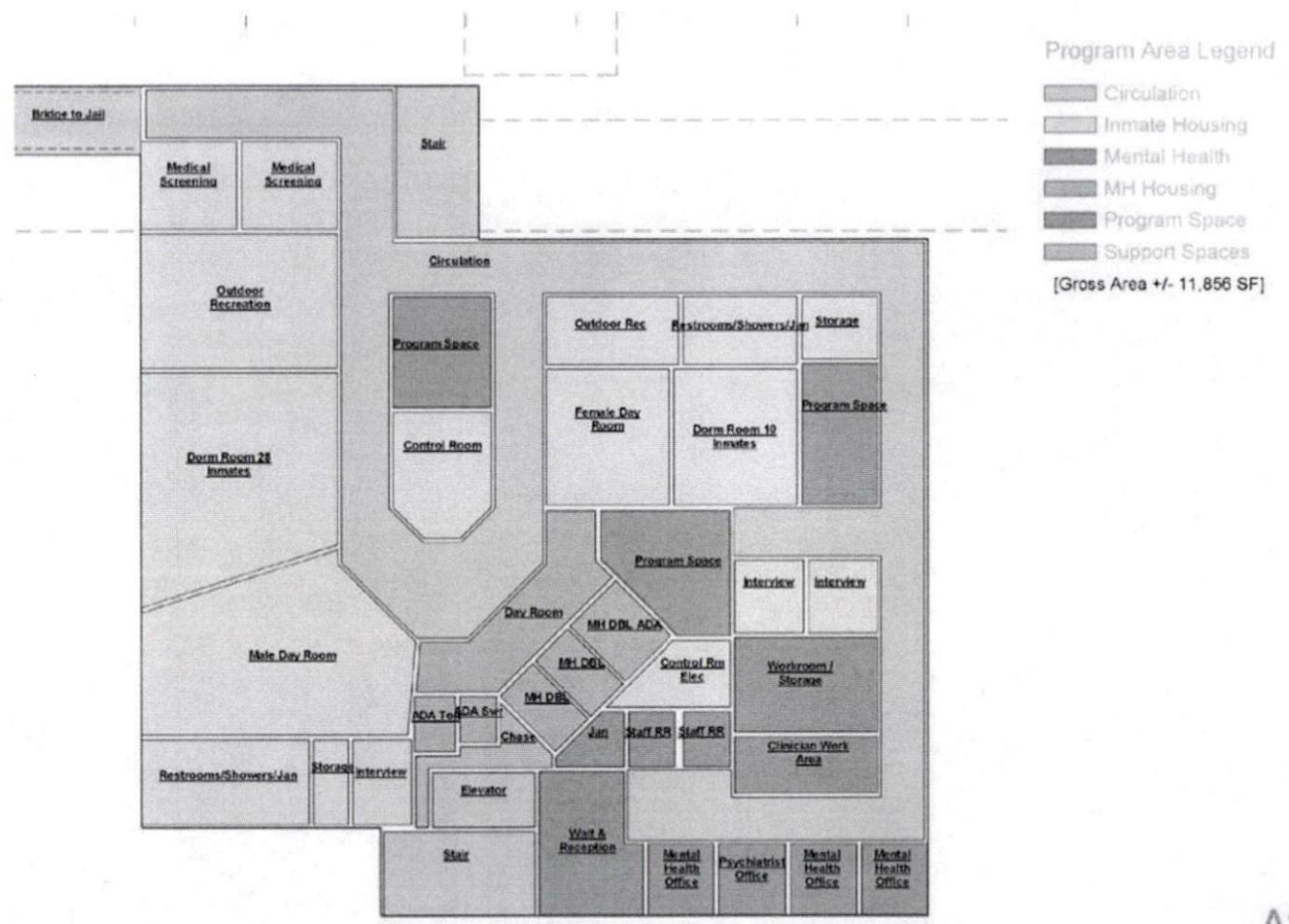


1 First Fl - Program Room Areas_1/20
1" = 20'-0"

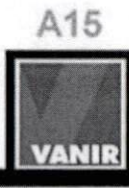
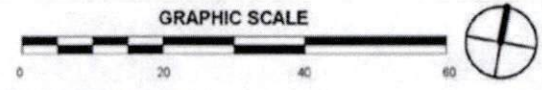


Humboldt Community Corrections Reentry & Resource Center - SB863 - First Floor

8-7-15

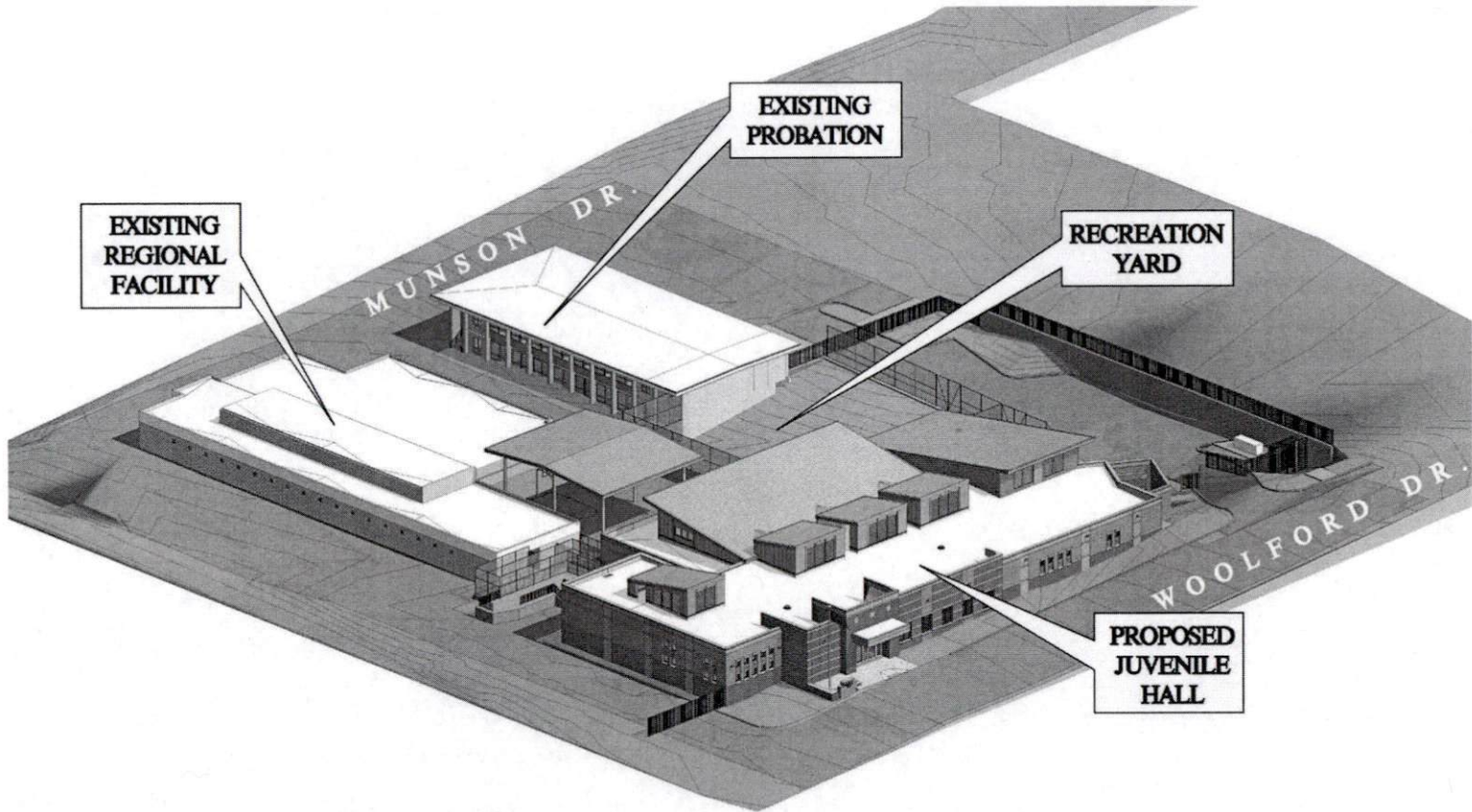


1 Second Fl - Program Room Areas_1/20
1" = 20'-0"



Humboldt Community Corrections Reentry & Resource Center - SB863 - Second Floor

8-7-15



JUVENILE HALL COMPLETED
HUMBOLDT COUNTY JUVENILE HALL REPLACEMENT FACILITY



+ LIONAKIS



PROBATION DEPARTMENT COUNTY OF HUMBOLDT

2002 Harrison Avenue, Eureka, CA 95501
Telephone (707) 445-7401 Fax (707) 443-7139

Date: June 2, 2016

From: Bill Damiano, Chief Probation Officer

To: Amy Nilsen, County Administrative Officer

RE: 2015-16 Grand Jury Report

I have reviewed the 2015-16 Humboldt County Grand Jury Report, Section titled "Jails and Law Enforcement Facilities", and am responding as required pursuant to PC 933.05(a) and (b).

R.1. Response, with related Findings (F.1):

F.1. Several County facilities are overwhelmed with stored paper files, boxes, and shelves containing paper records.

I agree with this finding – our facilities do, indeed, struggle with housing all of our paper records.

R.1. The Humboldt County Civil Grand Jury recommends that the County facilities, digitize records as a space saving, transparency, and a cost-saving measure.

The recommendation has been implemented, is in the process of being implemented in the near future, and is being considered for implementation in the further future as resources allow.

A significant amount of Probation Department data and documents are already stored digitally – within our Department-developed Juvenile and Adult Management System (consolidated case management system for client records and reports, and personnel training records), ONESolution (County fiscal records), and on our assigned Department servers (miscellaneous letters, reports, data files, tracking spreadsheets, evidentiary photos, and more).

There are also a number of current County IT projects involving the expansion of service suites within existing applications (ONESolution budget management tools and other

budgetary record solutions), the purchase and implementation of new applications (ExecuTime, for time sheets, scheduling and automating payroll processes), as well as exploration of applications to manage necessary Human Resources processes and record keeping. These projects involve multiple County departments, including Probation.

However, there are limits to what can or should be digitized, and those are based on budgetary resources available (IT server expansion/maintenance costs, new positions to perform digitizing functions), each department's capacity to implement these practices (staff time to participate in all of the necessary application conforming activities, applications testing, record cleanup, conversion of paper records to digital format, etc.), and logistics of county and non-county agencies ability to accept digital records (for technological, legal or regulatory reasons).

- a. County IT infrastructure is presently inadequate to expand digital storage without significant purchase of server space.
- b. County budgetary constraints and structural deficit make the purchase of the necessary storage capacity to accommodate this recommendation and hiring of new personnel within all of the identified departments to perform these new tasks unlikely in the near future, unless phased in as is currently being done.
- c. Few of our partner agencies have the capacity to accept digitized work product from us, send us digitized work product of theirs, or have in place the protections required by statute and regulation to protect the transfer of electronic confidential criminal record information.
- d. Digitization of complete client records poses a risk to community and officer safety, since loss of electrical power and/or communications capability leaves the agency (and all agencies trying to contact us about the offenders we are responsible for) blind to its own records, as has already occurred on numerous occasions in the recent past here in Humboldt County.
- e. Certain paper records require a "wet" signature and cannot be digitized under current County policies and processes.

R.12-R.13. Response, with related Finding (F.13):

F.13. The Northern California Regional ~~Center~~ Facility is a source of income to Humboldt County.

I agree with this finding – contracts with other counties to treat their youths generates revenue for the County.

R.13. The Humboldt County Civil Grand Jury recommends that the Humboldt County Probation Department maximize the use of the Northern California Regional ~~Center~~ Facility.

The recommendation has been implemented, with a summary regarding the implemented action.

The Humboldt County Probation Department and Department of Health and Human Services have been actively promoting the New Horizons Program to other California counties for several years. Information is regularly shared statewide via our professional associations – the Chief Probation Officers of California, the California Mental Health Directors Association, the California Association of Probation Institutions Administrators, the California Association of Probation Services Administrators – as well as through annual mailers to the heads of probation and mental health departments throughout the state. Presentations at statewide conferences regarding best practices for treating youths involved in the juvenile justice system have been occurring since the program opened – specifically, at the California Mental Health Advocates for Children and Youth, the California Institute for Mental Health conferences, among others. Five presentations were done statewide for the Youth Law Center, regarding the program's access of MediCal funding to support the program. And, KEET Television produced a documentary of the program, giving it wide exposure. Promotion is ongoing.

Humboldt County has successfully executed contracts with 10 other counties over the years, to provide treatment services to their youths. In addition to a contract between counties, youth referred to the program must be committed by the Juvenile Court in that county, and must meet multiple statutory and regulatory criteria before they may be accepted for treatment. All of those conditions, as well as the contract cost to send a youth to the program, can be prohibitive for a number of counties, but is particularly so for small rural counties. Yet, we have been successful none-the-less in continuing to develop new contracts, particularly through word of mouth from satisfied counties.

In short, it is doubtful there is anything more the Department could do to increase the number of contract youth being referred from other counties.

RECEIVED
JUL 14 2016
CAO

RESPONSE TO GRAND JURY REPORT

Report Title: JAILS AND LAW ENFORCEMENT FACILITIES

Report Date: 7/14/16

Response by: M.T. Downey Title: SHERIFF


FINDINGS

1. I (we) agree with the findings numbered: 1-9
2. I (we) disagree wholly or partially with the findings numbered: _____
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons.)

RECOMMENDATIONS

1. Recommendations numbered _____ have been implemented.
(Attach a summary describing the implementation actions.)
2. Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
3. Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report.)
4. Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 7/14/16

Signed: 

Number of pages attached: 3



HUMBOLDT COUNTY SHERIFF'S OFFICE

MICHAEL T. DOWNEY, SHERIFF/CORONER

CIVIL/COURTS
(707) 445-7335

MAIN STATION
826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5159

DATE: July 14, 2016

TO: THE HONORABLE JOYCE HINRICHS PRESIDING JUDGE OF
THE SUPERIOR COURT

FROM: MICHAEL T. DOWNEY, SHERIFF

RE: RESPONSE TO GRAND REPORT 2015-2016

"Jails and Law Enforcement Facilities"

The Humboldt County Grand Jury noticed Sheriff Michael T. Downey on June 1, 2016 of findings and recommendations contained in the Humboldt County Grand Jury report for 2015-2016. I have submitted the attached worksheet and below I have responded to the recommendations as requested by the Grand Jury.

Recommendation No. R1

The Humboldt County Sheriff's Office has been in the process of digitizing records for a number of years in order to reduce the need for the storage of vast amounts of documents. The process continues and will be completed in a timely manner.

Recommendation No. R2

The issue of broken glass partitions in the inmate visitor areas of the correctional facility has been addressed a number of times. In the past the Sheriff's Office has installed other types of material such as plexi-glass and other composites.

The Sheriff's Office is now utilizing a Lexan material, which meets our requirements for strength and breakage issues. The glass partitions mentioned in the report are being replaced, as needed, with this new material that is manufactured locally and much more cost effective than the industry standard of wire reinforced glass.

Recommendation No. R3

Security of the Humboldt County Sheriff's Office evidence yard is a concern and has been addressed in past Grand Jury reports. Progress on securing the yard has been made over the past few years but more needs to be done.

One major issue is that it is a rented facility, which requires consent and agreement by the owners of the property for needed upgrades. Also the costs associated with improvements are at times prohibitive and must be budgeted for each year. This is an ongoing process and improvements will be made based upon the above mentioned restrictions and considerations.

Recommendation No. R4

This recommendation is similar to Recommendation #3 and will be addressed upon identification and budgeting for the funding to fulfill the recommendation.

Recommendation No. R5

Storage of large items continues to be problematic and the Evidence Technicians are continually utilizing creative solutions to this problem. We have sought large surplus shelving to accommodate large items and will continue attempting identifying adequate storage areas for large pieces of evidence. This is a budget sensitive item similar to the aforementioned recommendations.

Recommendation No. R6

This recommendation should be forwarded to Humboldt County Roads who are responsible for signage on county roads. I am not in opposition to the implementation of such signage and believe it would enhance services.

Recommendation No. R7

Board of State Community Corrections (BSCC) does not inspect facilities constructed prior to 1978 due to prison standards after that time. The holding facility is utilized, infrequently, with someone being placed in a cell for a matter of minutes to no more than an hour while the arresting officer completes paper work or for the arrestee to use the bathroom facilities in the cell. The holding facility has been inspected by the health department in the past as well.

Recommendation No. R8

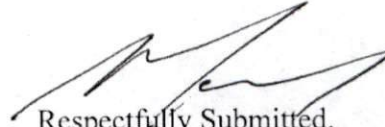
This recommendation will be implemented upon full staffing being reached at the Humboldt County Correctional Facility.

Recommendation No. R9

The feasibility of installing a phone outside the station will be explored and implementation will occur upon identification of funding.

Recommendation No. R10

This item has been brought to the attention the CAO's Office and Building Maintenance, with some planning taking place. This recommendation should be responded to by either the CAO or Building Maintenance. The Humboldt County Sheriff's Office is not responsible for any structural upgrades of the existing facility.



Respectfully Submitted,
Michael T. Downey, Sheriff
Humboldt County

Cc: Amy Nilsen, County Administrative Officer

TO HOLD OR NOT TO HOLD

SUMMARY

On September 21, 2015 the Humboldt County Civil Grand Jury (HCCGJ) received a detailed complaint questioning the release of two arrested men from the Humboldt County Correctional Facility (HCCF). The complainant alleges that in September of 2015 these two men were released from the HCCF based on their score on the Ohio Risk Assessment Tool (ORAT). He further alleges that in a conversation with the Sheriff he was told that the HCCF had no choice but to release the men based on their ORAT score. He also alleges that the Sheriff communicated to him that the arresting officers could have filled out a "hold form" but did not.

The Humboldt County Civil Grand Jury investigated the role the ORAT and its accompanying "hold forms" play in the booking process at the HCCF.

HCCGJ interviews with arresting officers from a number of Humboldt County police agencies attest to little if any knowledge of the existence of ORAT hold forms. When officers were shown the HCCF "Request for Non-Release" form, they responded almost uniformly with: "that's the Misdemeanor Incarceration Form." The forms still have misdemeanor Penal Code references [Section 853.6(i)] printed on them. (See Appendix). Arresting officers within the Sheriff's Department were no more knowledgeable than those from city agencies.

Humboldt County has nine law enforcement agencies, but only one booking/holding facility, the HCCF. It is vital for the protection and safety of the County's citizens that any changes in booking procedures at the HCCF be clearly communicated and practiced by all of these agencies.

The Humboldt County Civil Grand Jury finds the Humboldt County Sheriff's Office (HCSO) remiss in making sure that all arresting agencies are properly informed as to the use of the new ORAT holding form. The HCCGJ also finds the Sheriff's process of converting the "Misdemeanor Incarceration Form" into the current "Request for Non-Release Form" short-sighted and confusing. It is possible that people have been released from the HCCF, who would not have been, had the arresting officers known of their available options.

The Humboldt County Civil Grand Jury recommends that the Sheriff initiate a formal process by which any changes in the HCCF booking process are communicated to local law enforcement agencies. The HCCGJ also recommends that a new ORAT release tool be created in collaboration with those same local departments. Lastly, the HCCGJ recommends that all law enforcement departments within Humboldt County instruct their officers on the proper use of this newly created ORAT Tool.

BACKGROUND

The 2015-2016 Humboldt County Civil Grand Jury received a detailed citizen complaint regarding failures in the booking process of the HCCF. The complaint concerned the release from the HCCF of two men arrested in early September of 2015. The complaint alleges that these individuals, though arrested with considerable amounts of heroin and cash, were released on their own recognizance. The complainant alleged that the reason given for the release of these

two men was based on their score using the Ohio Risk Assessment Tool (ORAT). “I was told by the Sheriff that the jail had no choice and had to release the men based on the criteria contained in the Ohio Risk Assessment Tool.”

The Grand Jury decided to investigate the use of the ORAS and its role in the booking procedure of the HCCF.

Humboldt County has one booking/holding facility: the Humboldt County Correctional Facility. Humboldt County contains multiple policing agencies, in addition to the Humboldt County Sheriff's Department. The County has five City Police Departments: Rio Dell, Ferndale, Fortuna, Eureka, and Arcata. The County also has the Humboldt State University Police Department, the California Highway Patrol, and the Hoopa Tribal Office. Arrests made by any of these agencies, which lead to incarceration, involve the booking process of the Humboldt County Correctional Facility.

Clear lines of communication between the HCCF and the County's various arresting entities are vital when possible changes to the HCCF's booking process are made. One such change was made, according to the Sheriff's Office, two years ago. Led by the HCSO, with input from some of the other local agencies, it was decided to introduce the use of ORAT into the booking process at the HCCF.

METHODOLOGY

The Humboldt County Grand Jury:

- Met with various Humboldt County Law Enforcement Officers to understand their knowledge and perspective on the Humboldt County Correctional Facility booking process and the use of the ORAT.
- Met with Humboldt County Correctional Staff to understand the booking process, use of the ORAT and the use of the “Request for Non-Release” form.
- Met with the Humboldt County Sheriff to review the use and history of the ORAT and to verify findings acquired from interviews with Correctional Facility staff.

DISCUSSION

According to Humboldt County Correctional Facility staff, prior to the use of the ORAT, they used a specific booking system to control the Correctional Facility's population. While that system was adequate in managing the HCCF's population, it did not contain a risk assessment component. The HCSO searched for a facilities population management tool that also considered the risk aspect of releasing people on their own recognizance. The ORAT was already in use by the Supervised Release Program of the Humboldt County Probation Department. They were using it to identify potentially successful clients for their programs. The HCSO made the decision to use the ORAT, consulting with an informal sub-committee of local law enforcement personnel.

The ORAT is a one-page questionnaire. The form contains questions in a multiple-choice format, with each question given a point value. The composite score is intended to indicate whether the arrestee is a safe risk if released on their own recognizance. The numerical threshold needed for release, can and has been changed. When overcrowding in the Humboldt County Correctional Facility becomes a concern, this threshold can be lowered. When overcrowding is not an issue, it is more difficult to be released. Not all arrestees are eligible to take the ORAT. Part of the booking process is to determine whether a candidate can legally be released based on the ORAT.

The arresting officer may also void a possible release based on the ORAT by completing a "Request For Non-Release Form." (see Appendix). By using this form an arresting officer has the ability to require the HCCF to hold an arrestee regardless of their ORAT score.

According to both HCCF staff and the Sheriff, the new form is simply the old Misdemeanor Incarceration Form with the titled changed to read "Request for Non-Release." The penal codes on the new form still refer to [Section 853.6(i)] misdemeanor concerns, not felonies.

The Humboldt County Civil Grand Jury discovered that law enforcement officers, those charged with taking arrestees through the HCCF booking process, did not know of the existence of the new "Request For Non-Release Form" and did not know they could use this form to hold a potential ORAT release. When the HCCGJ showed officers the Request For Non-Release Form, the officers responded by stating that it was the Misdemeanor Incarceration Form and not suitable for felony arrests that normally qualified for ORAT release.

When HCCF staff was interviewed by the HCCGJ, they admitted to their confusion in the use of ORAT. HCCF staff also acknowledged that many arresting officers did not know of the new form. When interviewed by the HCCGJ, the Chief of the Eureka Police Department expressed concerns that possible release of dangerous felons could result from improper use of the ORAT, or lack of use of the hold form.

The number of felons released as a result of the ORAT has varied from month to month in 2015. When the inmate population of HCCF neared capacity, the monthly ORAT releases ranged between 20 and 27. When overcrowding was not an issue, the monthly rate varied between three and seven. The HCCGJ could not obtain data as to how many as to how many Request for Non-Release Forms were used. The HCCGJ was told by both HCCF staff and the Sheriff's Office that those figures were not available.

The current booking process requires an arresting officer to submit the form only if they consider a felony ORAT release should not be made. The HCCGJ suggests that the opposite process could better address the concerns expressed by the Chief of the Eureka Police Department and the HCCF staff. Arresting officers should fill out a form and sign that form to verify someone should be released, given an appropriate ORAT score. No signature, no release. The HCCGJ recommends the Sheriff's Office create an "ORAT Release Form". Before any arrested felon could be released based on an ORAT score, the arresting officer would be required to complete and sign that form. The existence of a signed ORAT Release Form would clearly indicate the arresting officer could find no reason to hold someone who might qualify for release based on an ORAT score. Failure to submit a signed ORAT Release Form would prohibit any ORAT based release.

FINDINGS

F1. Changes made to the booking process of The Humboldt County Correctional Facility have not been adequately communicated to the arresting officers from the many law enforcement agencies within Humboldt County.

F2. Law enforcement officers in Humboldt County are not sufficiently knowledgeable about their role in determining the release or hold of potential arrested felons, based on the current use of ORAT, during the booking process of the HCCF.

F3. The current "Misdemeanor Incarceration Form" re-titled "Request for Non Release" form is, and was, an ineffective way to address the issues associated with the release of felons based on an ORAT score.

RECOMMENDATIONS

R1. The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff's Department create and initiate a formal process of communication with law enforcement agencies in Humboldt County regarding any and all changes to the booking process of the Humboldt County Correctional Facility. **(F.1)**

R2. The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff's Department, in collaboration with local law enforcement agencies, develop a new holding form that arresting officers can use to ensure that felons who should not be released will not be released. **(F.3)**

R3. The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff's Department and all local law enforcement agencies instruct their officers on the existence and proper use of the new Humboldt County Correctional Facilities holding form. **(F.2)**

REQUEST FOR RESPONSES

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

From the following governing bodies:

- The Humboldt County Sheriff's Office **(R1, R2, R3.)**
- The Arcata Police Department **(R1, R2, R3.)**
- The Rio Dell Police Department **(R1, R2, R3.)**
- The Ferndale Police Department **(R1, R2, R3.)**
- The Fortuna Police Department **(R1, R2, R3.)**

- The Eureka Police Department (R1, R2, R3.)

INVITED RESPONSES

- The Humboldt State University Police Department
- The California Highway Patrol

APPENDIX :

The current "Request for Non-Release Form."

REQUEST FOR NON - RELEASE

FULL NAME OF ARRESTED PERSON		CASE NUMBER
CHARGE	DATE AND TIME OF ARREST	
ARRESTING OFFICER	PIN#	

TO BE COMPLETED UPON A PHYSICAL ARREST, PURSUANT TO PENAL CODE SECTION 853.6(i).

- 1. The person arrested was so intoxicated that he or she could have been a danger to himself or herself or others.
- 2. The person arrested required medical examination or medical care, or was otherwise unable to care for his or her own safety.
- 3. The person arrested was charged with one or more of the offenses listed in Section 40302 or 40303 of the Vehicle Code.
- 4. The person arrested had one or more outstanding arrest warrants issued.
- 5. The person arrested could not provide satisfactory evidence of personal identification.
- 6. The person arrested, if released immediately, would jeopardize the prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offenses.
- 7. The person arrested would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered by the release of the person arrested.
- 8. The person arrested demanded to be taken before a magistrate or refused to sign the Notice to Appear.
- 9. There is reason to believe that the person arrested would not appear at the time and place specified in the Notice. The basis for this determination shall be specifically stated below.

HCCF USE ONLY

SUPERVISOR REVIEW: APPROVED DENIED

REASON FOR DENIAL:

Signature _____ Date _____

DISTRIBUTION: WHITE - COURT YELLOW - FILE PINK - ARRESTING OFFICER

REQUEST FOR NON - RELEASE

FULL NAME OF ARRESTED PERSON		CASE NUMBER
CHARGE	DATE AND TIME OF ARREST	
ARRESTING OFFICER	PIN#	

TO BE COMPLETED UPON A PHYSICAL ARREST, PURSUANT TO PENAL CODE SECTION 853.6(i).

- 1. The person arrested was so intoxicated that he or she could have been a danger to himself or herself or others.
- 2. The person arrested required medical examination or medical care, or was otherwise unable to care for his or her own safety.
- 3. The person arrested was charged with one or more of the offenses listed in Section 40302 or 40303 of the Vehicle Code.
- 4. The person arrested had one or more outstanding arrest warrants issued.
- 5. The person arrested could not provide satisfactory evidence of personal identification.
- 6. The person arrested, if released immediately, would jeopardize the prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offenses.
- 7. The person arrested would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered by the release of the person arrested.
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- 9. There is reason to believe that the person arrested would not appear at the time and place specified in the Notice. The basis for this determination shall be specifically stated below.

HCCF USE ONLY

SUPERVISOR REVIEW: APPROVED DENIED

REASON FOR DENIAL:

Signature _____ Date _____

DISTRIBUTION: WHITE - COURT YELLOW - FILE PINK - ARRESTING OFFICER

9

RECEIVED
JUL 14 2016
CAO

RESPONSE TO GRAND JURY REPORT

Report Title: TO HOLD OR NOT HOLD

Report Date: _____

Response by: M.T. Downey Title: SHERIFF

FINDINGS

- 1. I (we) agree with the findings numbered: _____
- 2. I (we) disagree wholly or partially with the findings numbered: F1/F2/F3
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons.)

RECOMMENDATIONS

- 1. Recommendations numbered _____ have been implemented.
(Attach a summary describing the implementation actions.)
- 2. Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- 3. Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report.)
- 4. Recommendations numbered R1/R2/R3 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 7/14/16

Signed: [Signature]

Number of pages attached: 2



HUMBOLDT COUNTY SHERIFF'S OFFICE

MICHAEL T. DOWNEY, SHERIFF/CORONER

CIVIL/COURTS
(707) 445-7335

MAIN STATION
826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5159

DATE: July 14, 2016

TO: THE HONORABLE JOYCE HINRICHS PRESIDING JUDGE OF
THE SUPERIOR COURT

FROM: MICHAEL T. DOWNEY, SHERIFF

RE: RESPONSE TO GRAND REPORT 2015-2016

"To Hold or Not To Hold"

The Humboldt County Grand Jury noticed Sheriff Michael T. Downey on June 1, 2016 of findings and recommendations contained in the Humboldt County Grand Jury report for 2015-2016. I have submitted the attached worksheet and below I have responded to the recommendations as requested by the Grand Jury.

Recommendation No. R1

In response to this recommendation, an ongoing effort continues to exist with allied agencies in regards to sharing information regarding a number of issues in the correctional facility. The Law Enforcement Chiefs Association (LECAH) meets monthly as well as a law enforcement liaison meeting facilitated by the District Attorney also the investigators from all county agencies meet weekly as well. Each of these forums are designed to share information, such as changes and updates in jail procedures.

Recommendation No. R2

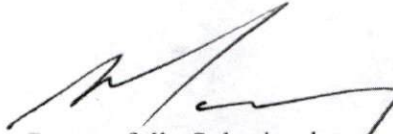
The current forum was designed for the average officer to understand and utilize based upon familiarity and ease of use. The form is straight forward with appropriate check off boxes, which allow for the officer to have an individual held if the officer feels it is necessary, based upon the offense. The form is user friendly and easy to understand, continued training has assisted in educating the line officer in its proper use. I see no need to create a new form, which would lead to even more confusion for the arresting officer.

Recommendation No. R3

The task of education regarding the responsibility of the arresting officer who wishes to utilize the Request for Non-Release form is ongoing. The Humboldt County Sheriff's Office

continually reminds allied agencies of the forms existence and how to best utilize the form in the event an officer feels the arrestee should be held.

I would like to remind the Grand Jury that the Humboldt County Sheriff's Correctional Facility accepts those arrestees who are incarcerated based upon the probable cause developed by the arresting officer. Correctional Deputies are not authorized to hold an arrestee simply because a law enforcement officer has made a lawful arrest. It is up to the arresting officer to document the probable cause, which led up to the arrest and many times that information, is documented in a report hours or sometimes days after the arrest has been made.



Respectfully Submitted,
Michael T. Downey, Sheriff
Humboldt County

Cc: Amy Nilsen, County Administrative Officer

**AMERICANS WITH DISABILITIES ACT:
HUMBOLDT COUNTY LEADERSHIP AND A TRAIL OF BROKEN PROMISES**

**Humboldt County is not in compliance with the
Americans with Disabilities Act**

SUMMARY

National statistics indicate that 18% of Americans are classified as physically or mentally handicapped. Humboldt County has approximately 28,300 disabled residents with seniors and veterans making up a substantial segment of that number. Of the 10,000 veterans living in Humboldt County, some 1,774 have a "service connected disability." According to United States Census data, approximately 13% of the population of Humboldt County is 65 and over. There are 7,000 disabled seniors in Humboldt County.

The percentage of disabled people in Humboldt County, 21%, is higher than the national average. When caregivers, family and friends, on whom many persons with disabilities depend for their "major life activities" are added the number of county residents affected increases significantly.

The Americans with Disabilities Act (ADA) of 1990 is a federal civil rights law that prohibits discrimination against people with disabilities. Under this law, people with disabilities are entitled to all of the rights, privileges, advantages and opportunities that others have when participating in civic activities.

Humboldt County's failure to be in compliance with the ADA has a significant impact on a substantial portion of the population of Humboldt County.

In 2008, the Humboldt County Board of Supervisors signed a Settlement Agreement with the United States Department of Justice (DOJ). Humboldt County agreed it would complete, in a timely manner, ADA projects that the DOJ deemed necessary to successfully meet the needs of the County's disabled community. **Humboldt County is not in compliance with that 2008 Settlement Agreement.**

The California Department of Transportation (Caltrans) is required to conduct ADA compliance of local government entities who are sub-recipients of Federal Highway funding. A 2013 Caltrans Review of Humboldt County required the County to complete non-compliant items by March of 2014. The Humboldt County Civil Grand Jury could find no evidence that the County has responded to any of the suggestions or recommendations of this report.

The Humboldt County Civil Grand Jury also finds that:

- The Humboldt County Board of Supervisors is ultimately responsible for making sure that the County of Humboldt is ADA compliant
- There are no long term budget plans submitted or approved by the Humboldt Board of Supervisors that cover the cost of bringing Humboldt County into ADA compliance
- Neither the Humboldt County Human Resources Department, the Humboldt County Public Works Department nor the Humboldt County Board of Supervisors currently demonstrate the ability to coordinate and oversee the keeping of ADA compliance records, timely ADA communications, or the development of the ADA guidelines necessary to bring Humboldt County into compliance with the 2008 U.S. Department of Justice Settlement Agreement
- While Humboldt County does have an ADA Coordinator, the existence of and contact information regarding that position are not shared among County Departments, not posted within County buildings, and inaccurately described and not easily accessible on the County website

The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors renegotiate the 2008 Settlement Agreement with the U.S. Department of Justice and build and create a formal dialogue with local ADA advocacy groups to better serve the people of Humboldt County. The litigation cost to Humboldt County as a result of not doing so could be enormous.

BACKGROUND

The 2015-2016 Humboldt County Civil Grand Jury began its work on the 25th anniversary of the Americans with Disabilities Act (ADA). The Grand Jury deemed it appropriate to look back over the past 25 years and to determine what effect the enactment of the ADA had on Humboldt County and particularly the population it sought to protect—persons with disabilities.

The ADA prohibits discrimination on the basis of disability in:

- Employment
- State and local government
- Public accommodations
- Commercial facilities
- Public transportation
- Telecommunications

It ensures equal opportunities for people with disabilities, which include physical or mental impairment that substantially limit one or more life activities.

The U.S. Department of Justice (DOJ) enforces the ADA through complaints, lawsuits, consent decrees, settlement agreements and mediation. In most instances, compliance reviews are undertaken at the Department's initiative. Through its Project Civic Access initiative, the DOJ has entered into over 200 formal written settlement agreements with state and local governments in all 50 states to bring them into compliance with the ADA. If the DOJ finds state and local governments have not complied with the settlement agreements, large monetary penalties can be levied. In addition to the costs of compliance, non-compliant entities can also be held responsible for plaintiff's attorney fees that may approach or even exceed one million dollars. This holds true not only if the plaintiff wins, but also if they settle the case.

Several public entities in California have incurred substantial financial obligations because they were not in compliance with the ADA. For example, under a 2010 Settlement Agreement which resulted from a lawsuit brought by a disability advocacy group, the City of Sacramento must allocate 20% of its Transportation Fund annually for the next 30 years to ensure disabled access to pedestrian rights of way. In addition, Sacramento must pay \$800,000 in attorney fees to the plaintiffs.

In a similar 2014 case in Los Angeles, the City was obligated to spend \$1.4 billion over the next 30 years on sidewalk repairs and other pedestrian improvements. In addition, the City will pay the plaintiffs \$6 million to monitor compliance over this period and pay plaintiffs' attorney fees and costs of \$15 million.

Cities and counties are not only subject to DOJ penalties. The State of California also incurred similar financial obligations when the California Department of Transportation (Caltrans) settled a suit in 2010 over claimed violations of the ADA for the inaccessibility of 2500 miles of state controlled sidewalks, crosswalks, ramps, and 300 park and ride facilities throughout California. Caltrans agreed to spend \$1.1 billion over the next 30 years to address these non-ADA compliant conditions. Plaintiffs were awarded \$8.7 million for attorney fees.

2008 Department of Justice Settlement Agreement

As part of Project Civic Access on July 23, 2008, the Humboldt County Board of Supervisors (BOS) entered into a settlement agreement with the DOJ. An investigation of County facilities and services by the DOJ revealed numerous violations of the ADA. The DOJ's agreement with the County specified that the County would:

- Identify the County's ADA Coordinator
- Send a copy of the Transition Plan to the DOJ
- Provide ADA training to county employees that have direct contact with the public
- Develop a grievance process
- Make physical modifications to its facilities so that parking, routes into buildings, entrances, public telephones, restrooms, service counters, and drinking fountains would be accessible to persons with disabilities

- Post, publish and distribute a notice to inform members of the public of ADA provisions and their applicability to county programs, services and activities
- Ensure all appropriate employees are trained and practiced in using the California telephone relay service and train staff to make and receive calls to ensure effective communication for people who are deaf or hard of hearing
- Continue to ensure that 9-1-1 emergency service calls placed by persons with disabilities who use text telephones (TTYs) are answered as quickly as other calls, that such calls are monitored for timing and accuracy, and that employees are trained and practiced in using a TTY to make and receive calls
- Ensure that the county's official website is accessible to persons with disabilities
- Develop a method for ensuring that voters with disabilities can vote independently
- Make auxiliary aids and services available to the public upon request, including ballots in alternate formats
- Ensure access to emergency management services for persons with disabilities
- Develop a method for providing information for interested persons with disabilities concerning the existence and location of county accessible services, activities and programs

The Settlement Agreement was to remain in effect for three years. There were no fines levied against Humboldt County. The County did request an extension to complete the mandated Settlement Agreement projects which was granted. The deadline for completing the non-ADA compliant projects was extended to 2012. The Settlement Agreement cited numerous Humboldt County buildings that house various departments and covers dozens of facilities throughout the County including:

- County Courthouse
- Humboldt County Correctional Facility
- Numerous County libraries
- Humboldt County Fairgrounds
- Several parks
- Humboldt County Animal Shelter

The 2013 California Department of Transportation Review

Caltrans is mandated to conduct ADA compliance reviews of local government entities who are sub-recipients of Federal Highway Administration funding. These Caltrans reviews are limited to administrative programs and policies, rather than physical facilities. Caltrans did such a review of Humboldt County ADA compliance on June 25-27, 2013. From their Final Report:

The Caltrans ADA Program review team (Team) conducted a document analysis and on-site review of Humboldt County's Section 504/ADA administrative policies, procedures and processes and its official web site. County responses to an ADA Program questionnaire were analyzed prior to a site visit. The Team

interviewed selected County staff to assess whether established policies and practices were consistently meeting standards set forth in Title II of ADA regulations. A brief visual assessment was conducted of the County's Administrative and Public Works offices.

The Humboldt County Review contained nine Assessments, which were essentially restatements of the administrative flaws found by the Department of Justice and noted in the 2008 Settlement Agreement. The Caltrans Review also included the needed actions with recommendations of how to bring the County into administrative compliance with ADA, and a timeline in which the County would inform Caltrans of its progress by means of status updates.

METHODOLOGY

The Humboldt County Civil Grand Jury:

- Interviewed various elected Humboldt County government officials, representatives of Humboldt County disability advocacy groups, relevant Humboldt County department Staff and department heads
- Read, reviewed and studied documents pertaining to ADA guidelines, minutes pertaining to relevant local ADA advocacy groups and Grand Jury Reports from other California Counties
- Examined and studied County, State and Federal government websites and various other relevant websites
- Reviewed and studied ADA laws and regulations
- Studied other California counties and their relationships to ADA compliance and ADA coordinators
- Consulted with disability advocacy groups and persons with disabilities

DISCUSSION

INTRODUCTION

Humboldt County has approximately 28,300 disabled residents with seniors and veterans making up a substantial segment of that number. The percentage of disabled people in Humboldt County, 21%, is higher than the national average (18%). When the caregivers, family, and friends on whom many persons with disabilities depend for their "major life activities" is added, the number of County residents affected increases significantly. Humboldt County's failure to be in compliance with the Americans with Disabilities Act (ADA) has an impact on a substantial number of Humboldt County residents.

According to the American Community Survey, 40% of seniors (65 and over) in Humboldt County are disabled. Disabilities range from hearing and vision loss, cognitive impairments, ambulatory difficulties, to challenges with independent living. According to United States

Census data, approximately 13% of the population in Humboldt County is 65 and over. There are over 7,000 disabled seniors in Humboldt County.

According to the U.S. Department of Veterans Affairs, there are approximately 10,000 veterans living in Humboldt County. Of that number 1,774 have a "service connected disability."

2008 Department of Justice Settlement Agreement

In 2008, the Humboldt County Board of Supervisors signed a Settlement Agreement with the United States Department of Justice (DOJ). By signing, the County agreed it would complete, in a timely manner, the ADA projects the DOJ deemed necessary to successfully meet the needs of Humboldt County's disabled community. One source has stated that of 208 nationwide Project Civic Access Settlement Agreements with the DOJ, 204 had been successfully completed by 2014. Humboldt County is one of four jurisdictions that have not completed the mandated provisions of the 2008 DOJ Settlement Agreement.

The current Humboldt County Board of Supervisors inherited a challenging legacy. Their predecessors negotiated the terms of the 2008 ADA Settlement Agreement. During the negotiations of that Settlement Agreement, no determination was made regarding what the cost would be to bring the County into compliance. The 2008 Board of Supervisors agreed to complete all provisions of the Agreement within three years. As of May, 2016, there are many provisions of the Agreement that are not being addressed by the current Humboldt County Board of Supervisors.

The Humboldt County Civil Grand Jury investigation was made difficult in that no single document could be found within Humboldt County government listing the DOJ mandated projects which have been completed and those that have not. This information should be compiled and documented. Senior staff with both the Human Resources Department and the Public Works Department acknowledge this shortcoming.

One provision of the agreement stipulated that if Humboldt County did not become ADA compliant as outlined in the agreement, the DOJ could take legal action. This provision has not proved to be an idle threat as several California cities and counties have had to pay millions of dollars for their non-compliance. There exists a justifiable concern regarding the County's liability for its failure to comply with the 2008 Settlement Agreement.

During the course of its research in 2008, the Department of Justice investigated the Clark Complex which, as of April 2016, continues to house many Humboldt County public services.

In 2008, the DOJ indicated there was inadequate parking reserved for people with disabilities, and specified that 3 standard ADA accessible spaces and one van accessible space should be created as close as practical to the Mental Health Center contained within the Clark Complex.

As part of an April 2016, inspection of the off-street parking lot which serves the Clark Complex, the Humboldt County Civil Grand Jury determined that not a single parking space was

properly designated as ADA accessible. While there are two reserved standard ADA spaces on the streets around the perimeter of the Clark Complex, both require parallel parking, and are placed on the left side of one-way streets. Neither of these can be considered van accessible, as any passengers who exit from the right side of the vehicle would do so at considerable peril, within a few feet of traffic.

Another office in the Clark Complex the Planning and Building Department, has a single entrance up a flight of exterior stairs. It is clearly inaccessible to people with mobility issues.

2013 CALIFORNIA DEPARTMENT OF TRANSPORTATION REVIEW

The June 25-27, 2013 Caltrans Review of Humboldt County contains recommendations concerning County ADA compliance concerns. The County was to submit their first required report in the Fall of 2013 and to complete non-compliant items by March, 2014. The Humboldt County Civil Grand Jury could find no evidence that the County has responded to any of the suggestions or recommendations of this Review.

The Caltrans Review found Humboldt County not in compliance with:

- 1) The required website accessibility to persons with hearing or visual impairment
- 2) A required self-evaluation of current services, policies, and practices and effects thereof; a system for its periodic review and updates, and participation by interested persons, including persons with disabilities
- 3) A required Transition Plan outlining structural modifications needed to programs and services not accessible; participation in transition plan process by persons with disabilities; and availability for public inspection
- 4) The required hotlines and phone services accessible by TDD/ TTY to persons with hearing impairments
- 5) The maintenance of records for at least one year of all complaints received on ADA/504 noncompliance
- 6) The required Policy Statement of Non-Discrimination on the Basis of Disability with notification to County employees, applicants, contractors, unions, consultants and program participants
- 7) The internal ADA Grievance Procedures to allow for prompt solutions of complaints based on alleged noncompliance with Section 504/ADA
- 8) The required notification and provision of auxiliary aids to program participants with disabilities

The Caltrans Review found Humboldt County in compliance with only one assessment:

- 1) The requirement for the designation of a responsible employee as ADA/504 Coordinator.

Of the nine issues Caltrans reviewed, the County of Humboldt was in compliance with only one and did not comply with the other eight. Caltrans, through a series of emails after the review, repeatedly asked the Human Resources and Public Works Departments to send them further information, including the Self-Evaluation Survey and Transition Plan the County claimed existed. However, neither department responded to the Caltrans requests. These are the same issues that were part of the 2008 DOJ Settlement Agreement. Again, the County of Humboldt failed to respond. Once again, the Disabled community, their families and friends did not receive the justice that was promised to them when President George H.W. Bush signed the Americans with Disabilities Act in 1990.

ADA COORDINATOR

The Caltrans Review did find one item that Humboldt County had been completed, the designation of an ADA Coordinator. The Director of the Human Resources Department serves in this position. However, when various elected county officials and advocates for the disabled community were questioned as to who held this position, they had difficulty naming who it might be. The Caltrans Review also indicates that a significant number of county employees could not tell them the name of the ADA Coordinator.

In addition, most were not sure how to contact the County concerning ADA issues. The official Humboldt County website posted over 20 years ago, states that one should contact the County Administrative Office instead of the Human Resources Department and it does not name the ADA Coordinator. The Courthouse and other County-owned facilities display no contact information.

Posting the name and contact information of the Humboldt County ADA Coordinator is critical in assisting the public with their ADA concerns. When the public does not know whom to contact, it can lead to unnecessary difficulties for people with disabilities. An article in the *Chico News & Review* (August 9, 2012) details how a woman in a wheelchair repeatedly tried to identify to whom, in Chico, she should address her concerns. There were no notices to direct her to the ADA Coordinator. That situation is nearly identical to what exists in Humboldt County.

ADA RECORD KEEPING

The Human Resources Department and the Public Works Department, the two County entities most actively involved with ADA issues, currently lack the capacity to administer, track and keep the volume of records necessary to meet federal guidelines.

When requested, neither department could produce a list of completed and not completed ADA Projects. Neither entity was able to produce an accurate and updated accounting of County ADA projects expenditures.

County staff offered significantly different accounts on whether the ADA mandated Self-Evaluation Survey and Transition Plan existed. Incomplete records and written documentation were kept regarding the few communications that were held between the County and the DOJ.

There is currently no specific employee in either the Human Resources Department or the Public Works Department charged with the day to day administrative work of ADA record keeping.

ADA ADVISORY COMMITTEE

ADA guidelines are clear that local jurisdictions are required to reach out to interested persons, including individuals with disabilities and organizations representing individuals with disabilities, to participate in the development of a Transition Plan. To fulfill the mandate of that requirement, many California counties have formed ADA advisory boards.

Both the Humboldt County Human Resources Department and the Public Works Department informally rely on a single dedicated member of the public for community input regarding ADA non-compliance advice. It should be noted that individual was, for a short period of time, under contract with Tri-County Independent Living, a local ADA advocacy group.

When Tri-County independent living center and other ADA advocacy groups were contacted, however, most did not know the name of the County ADA Coordinator. While both the Human Resources Department and the Public Works Department indicated they had an ongoing and active association with a local ADA Advocacy group, when that group was interviewed they indicated the opposite to be true. The Advocacy group further suggested that little, if any, communication had occurred between them and the County for almost six years.

While the nature and frequency of communications between local ADA advocacy groups and Humboldt County may be in question, what is certain is that the relationship is informal. No formal structure exists for Humboldt County people with disabilities to provide ADA compliance input to the Humboldt County ADA Coordinator.

The Caltrans Review also recommends:

Resumption of the County's Task Force, which includes persons with disabilities, to organize and develop the County's Transition Plan to correct accessibility deficiencies within its programs, services, and facilities, as identified in an updated self-evaluation survey.

Persons with disabilities in Humboldt County would be well served with a Board of Supervisors ADA Advisory Board. The Humboldt County Civil Grand Jury recommends that any such board be composed of individuals and groups representing a wide variety of disabilities.

Among the many responsibilities of this Board:

- Helping to establish priorities for the Transition Plan
- Advising the BOS on policies and issues relating to accessibility
- Advising the BOS regarding County compliance with federal, state, and local ADA guidelines
- Making recommendations to the BOS for improving communications between the disabled community and County government
- Performing accessibility studies and surveys as requested by the BOS
- Providing an annual report to the BOS detailing the activities and recommendations of the Board.

ADA ANNUAL REPORT

Both the DOJ Settlement Agreement and the Caltrans Review emphasize the importance of keeping the public informed as to the County's obligations under the ADA Settlement Agreement.

Not only are the citizens of Humboldt County non-informed regarding the County's non-compliance, but many County elected officials are unaware of the county's obligations under the 2008 Settlement Agreement. An annual ADA Report prepared by an ADA Advisory Committee would inform both the BOS and the public. This report could include:

- Basic information such as the name and contact information of the ADA Coordinator
- The grievance process
- Completed ADA projects during the preceding year and their cost
- Information on how to get a copy of the Transition Plan (once the County has prepared the Transition Plan required by the ADA)

ADA GRIEVANCE PROCESS

Although the County does have a grievance form, it is not easily accessible on the County website. The website should also indicate what the grievance process entails, including a timeline for adjudication of the grievance.

Regarding grievances, the Caltrans Review determined the following actions were needed:

Amend and disseminate to the public a grievance procedure available in alternate formats, to include specific ADA provisions and protections as listed:

1. A description of how and where to file an ADA-Title II complaint
2. If a written complaint is required, a statement to notify potential complainants that alternative means to file are available
3. A description of time frames and processes to be followed by complainant and County
4. Information to appeal an adverse decision; and a statement of how long complaint files will be retained.

ADA SELF-EVALUATION SURVEY AND TRANSITION PLAN

The Humboldt County Civil Grand Jury could find no evidence that a Self-Evaluation Survey exists. Several County staff members made varying and contradictory statements regarding its existence. There is evidence to suggest Caltrans auditors were told there was a self-evaluation survey but that the County failed to submit it to them after repeated requests. The Caltrans Review states:

If no survey records are found, a top priority must be placed on the development of a work plan and timeline for a new survey of the County's programs, services and facilities. The Self-Evaluation survey must include:

- A description of areas examined and any problems identified
- A description of any modifications made
- A list of interested persons consulted and public comments received.

The Humboldt County Civil Grand Jury found no evidence that the County submitted a Self-Evaluation Survey to Caltrans. The Grand Jury supports the Caltrans Review when it suggests "a top priority must be placed on the development of a work plan and timeline for a new survey."

The Caltrans Review also states:

The compliance review questionnaire concerning Humboldt County's Transition Plan was returned with insufficient information. The County did not provide a copy of a Transition Plan or indicate how or where a copy could be viewed by any interested individual. No Transition Plan was found on the County's web site.

The Civil Grand Jury concurs with the Caltrans Review suggesting the County develop a Transition Plan.

ADA TRAINING

The need for ADA training is cited several times in the Caltrans Review. Its value would be not only to inform County personnel in ways to better assist members of the disabled community, but to maintain awareness of ADA in general. The Caltrans Review recommended annual ADA

training seminars that would include vendors, contractors as well as the general public, and bi-annual training to apprise County personnel of any new ADA policies.

In addition, the DOJ has opined:

A critical, but often overlooked, component of ensuring success is comprehensive and ongoing staff training. Public entities may have good policies, but if front line staff or volunteers are not aware of them or do not know how to implement them, problems can arise. It is important that staff -- especially front line staff who routinely interact with the public -- understand the requirements on modifying policies and practices, communicating with and assisting customers, accepting calls placed through the relay system, and identifying alternate ways to provide access to programs and services when necessary to accommodate individuals with a mobility disability. ("ADA Update: A Primer for State and Local Governments," U. S. Department of Justice, last updated: June 8, 2015).

THE HUMBOLDT COUNTY BOARD OF SUPERVISORS AND AN ADA BUDGET

No one knows the total economic cost to Humboldt County of the 2008 ADA Settlement Agreement negotiated by the 2008 Board of Supervisors. There is no evidence that any ADA budget regarding that Settlement Agreement was proposed between 2008 and 2014. The BOS did not appropriate any funds to address the costs of complying with the 2008 Settlement until 2014, when they approved an appropriation of \$150,000 and made an additional appropriation in 2015 of \$750,000. There has been no explanation of how these funds were or are, to be spent.

There is no evidence to suggest that any long term budget plan exists to bring Humboldt County into ADA compliance. The Humboldt County Civil Grand Jury recognizes the difficulties inherent in the budget allocation work required of the Board of Supervisors. Both the possible financial liabilities and the difficulties imposed on persons with disabilities if this work continues undone, mandates that the Board of Supervisors do that hard work.

During the Grand Jury's investigation, several public officials and senior staff noted the substantial costs that would be incurred in order for the County to comply with the 2008 Settlement Agreement and the Caltrans Review. While the costs of making some public facilities ADA compliant may be substantial, there are many issues the County has repeatedly ignored that do not involve large financial burdens. For example, both the 2008 Settlement Agreement and the Caltrans Review emphasized the importance of informing the public, particularly persons with disabilities, of their rights under the ADA, posting information how to contact the County ADA Coordinator, and providing information to the public regarding what the grievance process entails. These items would be of minimal cost to the County but represent basic principles of justice found in our Declaration of Independence and the U. S. Constitution. It is long overdue

for the Humboldt County Board of Supervisors to begin to address the struggles faced on a daily basis by persons with disabilities.

The Humboldt County Board of Supervisors passed a resolution on July 21, 2015, observing July 26, 2015, as Americans with Disabilities Act Awareness Day in Humboldt County. Part of that resolution states: "The County of Humboldt, in the State of California affirms the principles of equality and inclusion for persons with disabilities as set forth for the State of California and as embodied in the ADA."

A long-term budget allocation commitment on the part of the Humboldt County Board of Supervisors would significantly help affirm "the principles of equality and inclusion" for persons with disabilities within Humboldt County.

FINDINGS

F1. Humboldt County is not in compliance with the *2008 Settlement Agreement between the United States of America and Humboldt County, California* under *The Americans with Disabilities Act*, DJ 204-11-275.

F2. In 2013 Caltrans conducted a formal review of Humboldt County's program compliance with the ADA. In the nine assessments listed of the Review, Caltrans found only one to be compliant. The Caltrans Review also disclosed that the County was entirely unresponsive in providing the required update status reports.

F3. The Humboldt County Board of Supervisors is ultimately responsible for making sure that the County of Humboldt is ADA compliant.

F4. The Humboldt County Board of Supervisors, the Humboldt County Human Resources Department and the Humboldt County Public Works Department have no formal system in place through which to solicit and receive input from persons with disabilities and ADA advocacy groups regarding ADA compliance.

F5. The Humboldt County Board of Supervisors has not established a Self-Evaluation survey of current services nor developed a system for its periodic review and update, as required by the 2008 Settlement Agreement with the U.S. Department of Justice and the 2013 California Department of Transportation ADA Compliance Review.

F6. The Humboldt County Board of Supervisors has not established a Transition Plan, as required by the 2008 Settlement Agreement with the U.S. Department of Justice and the 2013 California Department of Transportation ADA Compliance Review.

F7. While Humboldt County does have an ADA Coordinator, the existence of and contact information regarding that position are not shared among County Departments, not posted within County buildings, inaccurately described and not easily accessible on the County website.

F8. Neither the Humboldt County Human Resources Department, the Humboldt County Public Works Department nor the Humboldt County Board of Supervisors currently demonstrate the ability to coordinate and oversee the keeping of ADA compliance records, timely ADA communications, or the development of the ADA guidelines necessary to bring Humboldt County into compliance with the 2008 U.S. Department of Justice Settlement Agreement.

F9. There are no budgetary plans submitted or approved by the Humboldt County Board of Supervisors that cover the cost of bringing Humboldt County into ADA compliance.

F10. The Humboldt County Civil Grand Jury could find no evidence of a coordinated training program within the County of Humboldt for the purpose of instructing County personnel on how to assist members of the disabled community as well as the community as a whole.

RECOMMENDATIONS

R1. The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors renegotiate the 2008 ADA Settlement Agreement with the U. S. Department of Justice. **(F1, F3, F5, F6, F8)**

R2. The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors establish an ADA Advisory Committee which would include persons with disabilities and local disability advocacy groups. **(F3, F4)**

R3. The Humboldt County Civil Grand Jury recommends that the Humboldt County Human Resources Department hire a full-time ADA analyst not in lieu of, but in addition to, the existing ADA Coordinator. **(F8)**

R4. The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors release an annual "State of ADA Compliance and Accessibility Report" to the public. **(F3, F4, F5, F8)**

R5. The Humboldt County Civil Grand Jury recommends that the Humboldt County ADA Coordinator ensure that the Humboldt County ADA Coordinator's office number, phone number and email address be visibly represented in all County buildings. **(F7, F8)**

R6. The Humboldt County Civil Grand Jury recommends that the Humboldt County ADA Coordinator ensure that ADA grievance processes and grievance forms are easily accessible on County websites. **(F2, F4, F7)**

R7. The Humboldt County Civil Grand Jury recommends that the Humboldt County ADA Coordinator develop a time-specific action plan to organize the record keeping of ADA activities and send such report to the Board of Supervisors for their review and approval. (**F2, F3, F8**)

R8. The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors develop a long-term budget plan to bring Humboldt County into ADA compliance. (**F1, F2, F3, F9**)

R9. The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors direct the heads of all pertinent departments to conduct routine ADA training workshops for County personnel to better assist the public. (**F3, F10**)

REQUESTED RESPONSES

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

From the following governing bodies:

- Humboldt County Board of Supervisors **R1, R2, R4, R8, R9.**
- Humboldt County Human Resources Department **R3, R5, R6, R7, R9.**
- Humboldt County Public Works Department **R1, R5, R7.**

INVITED RESPONSES

- Tri-County Independent Living. **R2, R4, R5, R6, R9.**
- State of California Department of Transportation **R1.**
- United States of America Department of Justice **R1.**

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Documents

California Department of Transportation, *The 2013 California Department of Transportation Humboldt County Review*, 2013.

U.S. Department of Justice Press Release, *Justice Department Signs Agreement with Humboldt County, California, to ensure Civic Access for Persons with Disabilities*. July 23, 2008.

U.S. Department of Justice, *ADA Guide for Small Towns*. April, 2000.

U.S. Department of Justice, *Settlement Agreement Between the United States of America and Humboldt County, California Under the Americans with Disabilities Act*.

Websites:

Americans with Disabilities Act: www.ada.gov/civiccommonprobs.htm

Americans with Disabilities Act: www.ada.gov/regs2010/titleII_2010/title_ii_primer.html

City of Sacramento ADA lawsuit: www.cityofsacramento.org/HR/Divisions/Office-of-Civil-Rights/ADA/Barden-Lawsuit-Settlement

City of San Diego ADA Compliance Page: www.sandiego.gov/adacompliance/about/

Humboldt County: www.humboldt.gov.org

TriCounty Independent Living: www.tilnet.org

Los Angeles: Willits V, City of LA Sidewalk Settlement Announced: www.lamayor.org/willits-v-city-la-sidewalk-settlement-announced

INTEROFFICE MEMORANDUM

TO: BOARD OF SUPERVISORS
FROM: AMY S. NILSEN, COUNTY ADMINISTRATIVE OFFICER
SUBJECT: RESPONSES TO 2015-16 GRAND JURY REPORT *AMERICANS WITH DISABILITIES ACT*
DATE: JULY 27, 2016

The 2015-16 Grand Jury has issued a report title "Americans With Disabilities Act," and the Board of Supervisors (BOS), Human Resources Department and Department of Public Works are required to respond to the findings and recommendations. Due to the fact that many of the findings and recommendations fall beyond the scope of a single department, I recommend that these county departments and the BOS submit a singular response in order to more thoroughly and efficiently respond to the Grand Jury.

As you are aware, the BOS continues to work with the Department of Justice on the Americans With Disabilities Act (ADA) and the tasks that need to be completed to bring the county into compliance with a settlement from 2008. In 2008, the county was facing laying off employees, including law enforcement, due to the worst recession the country has seen since the Great Depression. However, the county has made progress in regards to ADA issues as funding becomes available. Some projects the county has undertaken include:

- Re-designing the Board of Supervisors chambers
- Addressing ADA issues at all elections sites
- Fixed a number of restrooms in the courthouse and parks
- New county website with committee to address design, ADA issues
- Fixed a number of sidewalks
- New signage at courthouse doors, and addressing door pressure
- Airport terminal expansion project of 2009 was fully ADA-compliant
- Several entry upgrade projects (ramps, accessible parking)
- Replacing door knobs with handles in the county courthouse
- New juvenile hall facility that will be fully ADA-compliant.

Despite the progress the county has made, there is still more work to be done. In the last two years alone, the county has allocated \$1.2 million to ADA improvements, not including the funds used in capital improvement projects for ADA access. Still, more funding and attention will be needed. With that said, please find below my recommended collective responses from the BOS, Human Resources Department and the Department of Public Works.

RESPONSE TO GRAND JURY REPORT

Findings

1. We agree with the findings numbered: F3, F7, F8, F10
2. We partially or wholly disagree with the findings numbered: F1, F2, F4, F5, F6, F9

Recommendations:

1. Recommendations numbered R6 have been implemented.
(Attach a summary describing the implementation actions.)
2. Recommendations numbered R1, R3, R4, R5, R7, R8, R9 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for implementation.)
3. Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report.)
4. Recommendations numbered R2 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Responses to Recommendations

Recommendation No. R1: *The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors renegotiate the 2008 ADA Settlement Agreement with the U. S. Department of Justice.*

Response: The county and Board of Supervisors has been negotiating with the Department of Justice regarding the 2008 ADA settlement. Terms of the potential new agreement should come to the Board for their consideration soon.

Recommendation No. R2: *The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors establish an ADA Advisory Committee which would include persons with disabilities and local disability advocacy groups.*

Response: County staff has successfully worked informally with existing stakeholders regarding ADA modifications that need to take place at the county. This group has been instrumental in establishing priority projects the county should take on considering the limited funding available.

Recommendation No. R3: *The Humboldt County Civil Grand Jury recommends that the Humboldt County Human Resources Department hire a full-time ADA analyst not in lieu of, but in addition to, the existing ADA Coordinator.*

Response: The Human Resources Department has begun the process of creating a new position to fulfill these duties. This new position will be in addition to, not in lieu of, the current ADA coordinator. This new position classification and allocation will be on the Board of Supervisors' August 9 agenda, and upon approval for funding, the hiring process will begin immediately thereafter.

Recommendation No. R4: *The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors release an annual "State of ADA Compliance and Accessibility Report" to the public.*

Response: This will be one of the duties of the newly allocated ADA coordinator position.

Recommendation No. R5: *The Humboldt County Civil Grand Jury recommends that the Humboldt County ADA Coordinator ensure that the Humboldt County ADA Coordinator's office number, phone number and email address be visibly represented in all County buildings.*

Response: This will be one of the duties of the newly allocated ADA coordinator position.

Recommendation No. R6: *The Humboldt County Civil Grand Jury recommends that the Humboldt County ADA Coordinator ensure that ADA grievance processes and grievance forms are easily accessible on County websites.*

Response: The grievance processes and forms are already available on the county website and easily accessible. The county is working on making this information even more apparent and obvious.

Recommendation No. R7: *The Humboldt County Civil Grand Jury recommends that the Humboldt County ADA Coordinator develop a time-specific action plan to organize the record keeping of ADA activities and send such report to the Board of Supervisors for their review and approval.*

Response: This will be one of the duties of the newly allocated ADA coordinator position.

Recommendation No. R8: *The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors develop a long-term budget plan to bring Humboldt County into ADA compliance.*

Response: The Board has allocated \$1.2 million for ADA projects in the last two years alone, not including the funds used in capital improvement projects for ADA access. The county is dedicated to complying with the ADA, and will work to address these issues each year as funds are available. In addition, as noted above, ADA compliance changes regularly by way of court decisions and amendments to the law, so allocating funds every year to ADA improvements alone does not guarantee any agency will always remain fully compliant with each aspect of the ADA. However, the Board of Supervisors continues to prioritize compliance with the ADA, balanced with the multitude of demands on limited funds.

Recommendation No. R 9: *The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors direct the heads of all pertinent departments to conduct routine ADA training workshops for County personnel to better assist the public.*

Response: This will be one of the duties for departments to coordinate with the newly allocated ADA coordinator.