

## **EVALUATION OF RESPONSES TO THE 2001-2002 MARIN COUNTY GRAND JURY FINAL REPORT**

The six committees of the 2001-2002 Marin County Civil Grand Jury produced 13 reports. Also prepared was an evaluation of the Responses made to the previous Grand Jury's Reports. The 13 reports are:

### **Administration & Finance**

Special Districts in Marin County  
County Governance-Do We Have It Right?

### **Disaster Preparedness in Marin County**

Emergency Management and Operations  
Bio-Terrorism Preparedness  
Emergency Preparedness and Security on Public School Campuses

### **Education**

Marin County Free Library  
Special Education in Marin

### **Environment**

Bridging Troubled Waters-The Marin Municipal Water and Las Gallinas Valley Sanitary Districts.  
Residential Pre-Sale Inspections-Should Marin County Also Require Them?

### **Health & Human Services**

Acute Psychiatric Care in Marin County-A Plan Fails For Lack of Leadership

### **Law & Justice**

A review of Excessive Force in the Sheriff's Department: Citizen Complaints, Legal Claims, Law Suits  
The Marin Victim Witness Program  
Marin Civic Center: A Security Challenge

In all, the reports required what is probably a record 134 responses to the Findings and Recommendations generated by the 2001-2002 Grand Jury investigations. The present Grand Jury dutifully collected and tabulated them to verify those responses adhered substantially to the form required by Section 933.05 of the Penal Code (excerpts attached). While most legal requirements have been met, specific timeframes are generally missing, thus making follow-up difficult. The requirements of the Penal Code clearly state that timeframes are a necessary element in many Responses. It is the Grand Jury's hope that Responses to Reports yet to come respect those requirements and that future Grand Juries insist upon them.

The Grand Jury recognizes that the implementation of its recommendations is often a very complicated undertaking, requiring extensive intergovernmental cooperation and may require significant funding. It is clearly the responsibility of the appropriate elected officials to implement the recommendations with which they agree.

## **FINDING**

In most cases when the response was either “will be implemented” or “needs further analysis,” a timeframe, as required by the Penal Code section 933.05, (b)(2) and (3), was not included.

## **RECOMMENDATION**

Those required to respond to Grand Jury recommendations must meet the minimum legal requirements for responses, including timeframes when required.

**###**

### **The current Grand Jury did independent follow-up investigations of the responses to the recommendations in two reports.**

#### **1. Emergency Preparedness and Security on Public School Campuses**

The current Grand Jury found that, in response to the 2001-2002 Grand Jury’s recommendations, the Marin County Office of Education (MCOE):

- Coordinated emergency drills with police, fire and Red Cross professionals;
- Conducted workshops for school district personnel to improve security, communications and accountability, especially at the high schools;
- Held first-aid training to deal with injuries and evacuation problems;
- Implemented signage on campuses that directs all visitors to sign-in at the proper office.

## **FINDING**

Great strides have been made in implementing the 2001-2002 Grand Jury recommendations.

#### **2. Acute Psychiatric Care in Marin County- A Plan Fails For Lack Of Leadership**

## **RESPONSES**

“Acute Psychiatric Care in Marin County-A Plan Fails for Lack of Leadership” contained nine Findings and six Recommendations. Of the nine Findings, The Marin County Board

of Supervisors agreed with only one, disagreed wholly with four and disagreed partially with the remaining four. As to Recommendations, of the six, one was described as implemented, one as not warranted and the remaining four as “requiring further analysis,” an acceptable response under Section 933.05 if expanded upon as required by the Penal Code. The Grand Jury found it necessary to follow up on these last four “requires further analysis” Responses since they did not meet the Penal Code requirements and asked the Board of Supervisors for the necessary additional information. The Board of Supervisors obliged.

## **FINDING**

A full and intensive investigation by this Grand Jury of the Responses to the Report ended inconclusively with no clear picture of the state of Acute Psychiatric Care in Marin County, at least not in the collective mind of the 2002-2003 Grand Jury. The exception is the progress being made at the Helen Vine Detox Center to develop a more efficient, larger and more modern operation, worthy of the skills and dedication of the staff that runs it. This Grand Jury commends all those, public employees and private citizens alike, who gave of themselves and their pocketbooks to create a greatly improved but, alas, still temporary, detox center.

## **RECOMMENDATION**

The Grand Jury hopes that the months ahead will bring a sharper definition of the state of mental health care in Marin, in particular the fate of the detox center. It recommends that the next Grand Jury and those that follow build on the work of this Grand Jury by monitoring mental health care in Marin with strong investigations of their own.

### § 933. Findings and Recommendations (Excerpt)

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(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices.....

(d) As used in this section “agency” includes a department.

### § 933.05. Responses to Findings (Excerpt)

(a) For purposes of subdivision (b) of Section 933, as to each grand jury **finding**, the responding person or entity shall indicate one of the following:

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

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

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

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

.....

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