



# County of Tulare

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September 26, 2007

The Honorable Gerald F. Sevier  
County Civic Center, Room 303  
221 South Mooney Boulevard  
Visalia, California 93291

# DRAFT

Dear Judge Sevier:

On behalf of the Board of Supervisors, the following is my response to the 2006/2007 Grand Jury findings and recommendations regarding "How Are Tulare County Schools Dealing with Gang Members?", found in the Education section of its report.

### Finding 1

*Most schools have the DARE Program or similar programs.*

**Response:** This finding is not is the purview of the Board of Supervisors.

### Finding 2

*Staff is trained annually on gang issues at most schools.*

**Response:** I partially agree with this finding. The Tulare County Gang Unit, part of Tulare County's Gang Task Force, makes frequent presentations to schools and community organizations throughout the county. These presentations have been expanded to include training for school employees.

### Finding 3

*Most schools offer after school sports programs.*

**Response:** This finding is not is the purview of the Board of Supervisors.

### Finding 4

*Most schools have parent support groups and meetings.*

**Response:** This finding is not is the purview of the Board of Supervisors.

### Finding 5

*Schools make an effort to identify all gang members and wannabes.*

**Response:** This finding is not is the purview of the Board of Supervisors.

**Finding 6**

*For all schools the majority of the challenges were the wannabe gang members.*

**Response:** This finding is not is the purview of the Board of Supervisors.

**Finding 7**

*Schools, law enforcement and neighborhoods erase graffiti as soon as possible.*

**Response:** I agree with this finding as it relates to County-run programs. In 2006, the Board of Supervisors approved the Juvenile Court Work Program (JCWP), administered by the Tulare County Probation Department. Graffiti abatement/community clean-up projects are performed by minors in the JCWP program who are completing court-ordered community service hours, as well as by youth who are fulfilling community service hours as part of the Neighborhood Accountability Boards (NAB). In June 2007, Probation arranged to combine the NAB and JCWP into a community work service project. Part of this project involved painting over 100+ gang tags in Porterville. The Sheriff VIP program also assists in cleaning up gang graffiti.

**Finding 8**

*Most schools have adult monitors walking the campus.*

**Response:** This finding is not is the purview of the Board of Supervisors.

**Finding 9**

*Students are instructed not to wear or display gang colors on school campuses.*

**Response:** This finding is not is the purview of the Board of Supervisors.

**Finding 10**

*Students are not allowed to display gang tattoos.*

**Response:** This finding is not is the purview of the Board of Supervisors.

**Finding 11**

*Some schools have Explorer Scout programs for English and Spanish speaking students.*

**Response:** This finding is not is the purview of the Board of Supervisors.

**Finding 12**

*Some schools have police and/or probation officers on campus.*

**Response:** I agree with this finding as it relates to the Tulare County Probation and Sheriff's Department. The Campus Probation Officer Program consists of thirteen Deputy Probation Officers serving thirteen individual school districts throughout the County. These probation officers are located on campus and are responsible for providing prevention and intervention services to at-risk youth. The Sheriff's Department, through the Justice Assistance Grant, places Sheriff's deputies on campuses where a high number of at-risk youth attend school.

**Finding 13**

*Some schools have very little coordination between school and outside police agencies.*

**Response:** This finding is not is the purview of the Board of Supervisors however, refer to response in Finding (12).

**Finding 14**

*Most school campuses are surrounded with some type of fencing.*

**Response:** This finding is not is the purview of the Board of Supervisors.

**Finding 15**

*Most schools have policies for lock downs.*

**Response:** This finding is not is the purview of the Board of Supervisors.

**Finding 16**

*Some schools have security cameras on campus.*

**Response:** This finding is not is the purview of the Board of Supervisors.

**Finding 17**

*Golf carts are used by some schools to police the campus.*

**Response:** This finding is not is the purview of the Board of Supervisors.

**Finding 18**

*For communications, some schools use "walkie talkies" for campus security.*

**Response:** This finding is not is the purview of the Board of Supervisors.

**Finding 19**

*Bull-horns are used by some schools for communications.*

**Response:** This finding is not is the purview of the Board of Supervisors.

## **Finding 20**

*Some schools use an intranet system for communications.*

**Response:** This finding is not in the purview of the Board of Supervisors.

## **Recommendation 1**

*Place police officers on all school campuses five days a week.*

**Response:** This recommendation is not within the purview of the Tulare County Board of Supervisors.

## **Recommendation 2**

*Designate all open fire stations and sheriff sub-stations as “**Safe Havens**” for kids so they can get away from peer groups pressuring them toward gangs.*

**Response:** This recommendation requires further analysis. Any fire station or sheriff sub-station is a safe place to run if a child is being actively pursued or harassed and there is staff onsite, but a Safe Haven designation may carry certain liability issues and effect emergency operations.

## **Recommendation 3**

*All school districts create a written plan which addresses interdicting and suppressing gangs at their schools.*

**Response:** This recommendation is not in the purview of the Board of Supervisors.

## **Recommendation 4**

*All school districts, county and city governments, businesses, churches and neighborhoods work together toward the funding of and participation in intervention programs.*

**Response:** This recommendation has been implemented through numerous intervention programs. A few examples: 1) Neighborhood Accountability Boards (NAB) use adult volunteers to work with youth in their communities who have been cited for a law violation but have not been detained in a juvenile facility. These youth may volunteer to participate in the NAB program, where they appear before a NAB Board that hears their case and develops a contract similar to an informal probation agreement. The program provides case management, referrals to counseling, and community involvement including community service hours. 2) The Probation Department provides funding for three community Youth Centers, managed by Community Services and Employment Training, Inc. (C-SET). These centers provide a safe, supportive environment for children, where they can receive homework support, work on creative projects, and play games and sports. 3) The Probation Thunderbolt program is an early intervention program that focuses on diverting juvenile offenders from the formal juvenile

justice center. The structure of the program affords unique opportunities to service younger and more impressionable minors in anticipation of eliminating delinquent behavior. 50% of this program's funding comes from law enforcement agencies. 4) Operated in conjunction with the Boy Scouts of America, the "Explorer" program provides an opportunity for youth (14-21) to develop leadership and career skills by supporting fire and law enforcement agencies. 5) The Sheriff's Weed & Seed program, which is designed to "weed" criminal activity, such as gang activity, from communities with high levels of crime and "seed" positive social programs into the same communities to serve as strong alternatives to future criminal activity. This program is organized by a steering group of government agencies, nonprofit organizations, community groups, local residents and other community stakeholders. 6) The Board of Supervisors is actively coordinating a Tulare County Gang Task Force. Countywide law enforcement, faith-based organizations, Tulare County Office of Education and community-based organizations serve on the Task Force in both Prevention and Suppression Units.

#### **Recommendation 5**

*All school districts in Tulare County hold an annual seminar which addresses the subject of gangs and gang recognition to be attended by an official representative from each school. Strongly encourage parents to attend.*

**Response:** This recommendation is not in the purview of the Board of Supervisors.

#### **Recommendation 6**

*Seek grants for after school programs, i.e. the federal grant program, Gang Redirect through Education and Training (GREAT).*

**Response:** This recommendation has been implemented for County departments/agencies. Seeking funding sources for intervention programs and other programs in the purview of County departments is an ongoing effort. Applicants for the G.R.E.A.T. program must be law enforcement agencies, which would prevent schools from applying.

#### **Recommendation 7**

*Focus on prevention and intervention at the elementary school level, i.e. GREAT.*

**Response:** Prevention and intervention by the schools is not in the purview of the Board of Supervisors. However, Tulare County Probation administers a number of programs, referred to in Recommendation (4), that support this recommendation. In addition, Tulare County Probation administers the G.R.E.A.T program at seven school sites in Tulare County.

#### **Recommendation 8**

*Tulare County Office of Education work with the Probation Department to establish a program to train school personnel in gang counseling.*

**Response:** This recommendation has not been implemented as stated. However, the Tulare County Gang Unit, part of Tulare County's Gang Task Force, makes frequent presentations to schools and community organizations throughout the county. These presentations have been expanded to include training for school employees.

Sincerely,

Allen Ishida, Chairman  
Tulare County Board of Supervisors

Cc: Board of Supervisors  
Grand Jury



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September 26, 2007

The Honorable Gerald F. Sevier  
County Civic Center, Room 303  
221 South Mooney Boulevard  
Visalia, California 93291

# DRAFT

Dear Judge Sevier:

On behalf of the Board of Supervisors, the following is my response to the 2006/2007 Grand Jury findings and recommendations regarding Your Health, Your Heart – AEDs (Automated External Defibrillators) in Tulare County, found in the Health and Welfare section of its report.

### Finding 1

*Each Tulare County Health Clinic and the third floor of the Visalia Superior Courthouse are equipped with an AED. Also, some first responder vehicles (fire vehicles, etc.) are equipped with an AED. Each is for use by trained personnel only. The remainder of Tulare County facilities have no AEDs.*

**Response:** I agree with this finding.

### Finding 2

*Work factors that may aggravate or contribute to sudden cardiac arrest are high blood pressure for any reason, poor ventilation, smoking, extreme hot or cold, stress, shift work and numerous other factors.*

**Response:** I agree with this finding.

### Finding 3

*The Cardiac Arrest Survival Act is part of the Federal Public Health Improvement Act, Public Law 106-505, signed into law on November 13, 2000. This law directs placing AEDs in federal buildings and provides nationwide "Good Samaritan" protection that exempts from liability anyone who renders emergency treatment with a defibrillator to save someone's life. The Department of Health and Human Services has published "Guidelines for Public Access Defibrillation Programs in Federal Facilities" which gives a summary of federal guidelines.*

**Response:** I agree with this finding.

**Finding 4**

*Use of AEDs began in the 1970s, enhancing the ability of emergency medical service personnel to treat cardiac arrest. Many treatment steps are needed to successfully treat cardiac arrest. Early defibrillation is the most critical of all these treatments. In a study, the mock cardiac arrest meant time to defibrillation was 67 seconds for a trained person and 90 seconds for an untrained sixth grader.*

**Response:** I partially agree with this finding. While I agree that early defibrillation is the most critical and that the AED has enhanced the treatment of cardiac arrest, I am unable to comment on the study noted in the finding as I have not reviewed such study.

**Finding 5**

*AED research is ongoing. Many studies have been written for evaluating guidelines and AED need and use. The AEDs are safe and getting safer, effective and is an easily learned treatment for cardiac arrest victims.*

**Response:** I agree with this finding.

**Finding 6**

*Some Tulare County communities have in place AEDs for use in public access places (theaters, convention centers, eldercare facilities, sports facilities, etc.).*

**Response:** I am unable to respond to this finding. AEDs for use in public access places are not within the purview of the Board of Supervisors to comment.

**Finding 7**

*The State of California Health and Welfare Code section 1797.196 and State of California Civil Code Section 1714.2 addresses the use of AEDs and the legal liability of the "Good Samaritan".*

**Response:** I agree with this finding.

**Finding 8**

*In a 2005 report, the American College of Cardiology suggested that an AED be administered to a victim within three minutes of the cardiac arrest. According to the American Heart Association, chances of a survival from sudden cardiac arrest decrease by ten percent (10%) for each minute defibrillation is not provided.*

**Response:** I agree with this finding.



**Finding 9**

*The Emergency Medical Directors Association of California endorses the use of AEDs in children (one year or older) who are pulseless and in AED rhythms.*

**Response:** I agree with this finding.

**Finding 10**

*The California Highway Patrol (CHP) has an AED program. Over 6,000 CHP officers have been taught Emergency Medical Training, Emergency Medical Responder and AED skills throughout the state.*

**Response:** I am unable to respond to this finding. Programs and trainings within the California Highway Patrol and personnel are not within the purview of the Board of Supervisors to comment or judge.

**Finding 11**

*Many funding sources are available for the county and cities to purchase AEDs. There is an initial cost to purchase the AEDs (approximately \$1900 each), plus the on-going expense of periodic maintenance and instruction.*

**Response:** I partially agree with this finding. During initial research of funding sources, several sources were identified, but not many which a county entity could pursue. There were, however, many funding sources for non-profits such as churches, senior service organizations, schools, etc.

**Finding 12**

*The State of California enacted Legislative Bill (AB1145) on January 2004, which is now known as Government Code 8455. This code section states that all state-owned and leased buildings will have AEDs installed and maintained subject to receipt of federal funding.*

**Response:** I agree with this finding.

**Recommendation 1**

*Tulare County establish and implement AED guidelines for use of AEDs in all county buildings.*

**Response:** This recommendation requires further analysis. Within the next year, Tulare County will establish a committee from Human Resources & Development, Risk Management and the Health and Human Services Agency to study and make recommendations to the Board of Supervisors on the feasibility of a program to locate AEDs in all county buildings, a strategy for adopting and implementing a program policy if the program is recommended, and a strategy to pursue any and all potential foundation and grant funding for an AED program implementation.

**Recommendation 2**

*Tulare County seek state legislation, through its legislative platform, to establish better laws for the “Good Samaritan” use of AEDs in the State of California (Ref. Health and Welfare Code section 1797.196 and Civil Code 1714.2).*

**Response:** This recommendation will be reviewed among the established committee noted in response to Recommendation (1). The committee will review current law and see if additional protection is needed or appropriate and, if so, offer proposed legislation in the County’s legislative platform.

**Recommendation 3**

*Place AEDs in all county buildings as established by the county guidelines.*

**Response:** This recommendation will be implemented pursuant to the outcome noted in response to Recommendation (1).

**Recommendation 4**

*All the cities in Tulare County establish and implement AED guidelines and place AEDs in all city buildings as established by the city guidelines.*

**Response:** This recommendation is applicable to cities and not to Tulare County for response.

**Recommendation 5**

*Equip and train all first responders in the use of AEDs as established by the county or city guidelines.*

**Response:** This recommendation will be implemented pursuant to the outcome noted in response to Recommendation (1).

Sincerely,

Allen Ishida, Chairman  
Tulare County Board of Supervisors

Cc: Board of Supervisors  
Grand Jury



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# DRAFT

Dear Judge Sevier:

On behalf of the Board of Supervisors, the following is my response to the 2006/2007 Grand Jury findings and recommendations regarding Juvenile Mental Health Care, found in the Health and Welfare section of its report.

### Finding 1

*Intervention and treatment by Tulare County Mental Health benefited 1,442 minors evidenced by stabilization or decreased symptoms. Of the 1,442 cases, 93 unduplicated contacts occurred, 178 participated in and completed five recovery groups, and 339 minors participated in group or individual therapy. Only 230 minors received aftercare services in the Mental Health and Alcohol and Drug services programs.*

**Response:** Based on information provided by the Mental Health Division of Tulare County Health and Human Services Agency (hereinafter referred to as Tulare County Mental Health), I partially disagree with the finding. A total of 1,824 unduplicated contacts were made with minors, of which, 93 were unduplicated contacts for psychiatric services.

### Finding 2

*Mental health services are provided through a network of five clinics throughout the County. Two of these clinics are contracted community based organizations that are dedicated to serving children up to age 19.*

**Response:** Based on information provided by Tulare County Mental Health, I partially disagree with this finding. Of the five clinics dedicated to serving children up to age 19, four are contracted to community based organizations.

### Finding 3

*The Children's Managed Care Services (CMCS)*

- a. *Authorizes mental health services for minors in out-of-county placements.*
- b. *Provides administrative oversight and authorization of Therapeutic Behavioral Services for its at-risk minors under the age of 21.*
- c. *Assists the Inpatient Unit with the tracking and discharge planning of all TC psychiatrically hospitalized minors whether they reside in the county or not.*

**Response:** Based on information provided by Tulare County Mental Health, I agree with this finding.

**Finding 4**

*Community based organizations provide services required by the Mental Health Services Act.*

**Response:** Based on information provided by Tulare County Mental Health, I partially disagree with this finding. Community based organizations may provide services and are encouraged to provide services consistent with the spirit of the Mental Health Services Act.

**Finding 5**

*One-Stop Centers, located in the North, Central and South County areas of TC, provide an array of mental health services and linkages for youth (4 through 18 years) and transitional youth (19 through 21 years). Referrals are provided by Tulare County Health Department.*

**Response:** Based on information provided by Tulare County Mental Health, I partially disagree with this finding. The target population served by the One-Stop Centers is children and transitional age youth ages 12 through 24. Referrals are accepted by the One-Stop Centers from a broad base of referral sources including the Health Division of the Tulare County Health and Human Services Agency.

**Finding 6**

*Treatment proposals must include a diagnosis, relevancy to the problem and benefit the patient.*

**Response:** Based on information provided by Tulare County Mental Health, I partially disagree with this finding. A treatment plan is developed between the treating clinician and the consumer which outlines specific objectives to assist the consumer in achieving his or her treatment goals and wellness and recovery plan.

**Finding 7**

*A Special Case Investigation Unit provides psychological evaluations to minors and their families who are involved in Child Welfare Services and/or the Probation system.*

**Response:** I agree with this finding.

**Finding 8**

*Each year 1,800 juveniles booked into the TCJDF are treated for some type of mental health or drug problem.*

**Response:** Based on information provided by Tulare County Mental Health and Tulare County Probation, I disagree with this finding. All juveniles that are detained by Probation in the Juvenile Detention Facility and are identified as requiring further evaluation and screening for mental health and/or substance abuse issues are referred to the Tulare County Mental Health assigned to the TCJDF for assessment and treatment, as clinically indicated.

**Finding 9**

*Juveniles in detention facilities have a higher percent of mental illness and learning problems than the general public.*

**Response:** Based on the statistics provided in the most current literature, I agree with this finding.

**Finding 10**

*The Tulare County Juveniles Mental Health Criminal Justice Unit provides mental health care to minors incarcerated at TCJDF. The main focus of treatment at TCJDF is to:*

- a. Decrease mental health symptoms.*
- b. Prevent mental breakdown and hospitalization.*

**Response:** Based on information provided by Tulare County Mental Health, I partially disagree with this finding. The main focus of treatment is to:

1. Decrease mental health symptoms.
2. Prevent decompensation and hospitalization.
3. Manage crises.
4. Address chemical dependency problems.
5. Increase accountability and responsibility for behavior.
6. Link minors and their families to appropriate aftercare treatment programs and community services.
7. All minors receive mental health and alcohol and drug screening.

**Finding 11**

*Juveniles who have committed a violent crime will be assessed on a case by case basis using the following criteria:*

- a. Depression*
- b. Multiple drug addictions*

- c. *Suicidal behavior*
- d. *Alcohol abuse*
- e. *Post Traumatic Stress*
- f. *A bona fide psychiatric disorder as per the American Psychiatric Association*

**Response:** Based on information provided by Tulare County Probation and Tulare County Mental Health, I partially disagree with this finding. All juveniles that are detained are referred to Tulare County Mental Health Unit for assessment to determine appropriate treatment. Treatment may include, but is not limited to the problems identified in this finding.

### **Finding 12**

#### *Treatment types*

- a. *Inpatient treatment – this is the most intensive level of psychiatric treatment.*
- b. *Outpatient treatment – for those patients who present with serious psychiatric symptoms, which result in significant and sustained impairment in their daily lives.*
- c. *Day treatment – a less restrictive treatment where the patient is no longer deemed to be a danger to him/herself or to others.*

**Response:** Based on the information provided by Tulare County Mental Health, I partially disagree with this finding. Consumers attending a Day Treatment may or may not still be deemed a danger to themselves or to others.

### **Finding 13**

*When a juvenile is detained for unlawful behavior, psychiatric services are not readily available unless requested.*

**Response:** Based on the information provided by Tulare County Probation and Tulare County Mental Health, I disagree with this finding. All identified minors who may require medication are referred to the psychiatrist for consultation and/or continued medication support.

### **Recommendation 1**

*A vacant wing of the Tulare County Juvenile Detention Facility, with all the necessary legal approvals and waivers, be utilized for an inpatient/outpatient mental health facility for any person up to the age of 18 years.*

- a. *To be staffed by:*
  - i. *Psychiatrist*
  - ii. *Social Worker*
  - iii. *Teacher*
  - iv. *Probation Officers*
  - v. *Substance Abuse Counselors*

- b. Financial Sources to be considered:*
- i. County Funds*
  - ii. Probation Department*
  - iii. Medi-Cal*
  - iv. Federal Grants*
  - v. Substance Abuse & Mental Health Services Administration (SAMHSA) grants*
  - vi. Proposition 63*
  - vii. Grant Welfare Programs*
  - viii. General Funds*

**Response:** This recommendation will not be implemented because it is not warranted at this time. Tulare County Mental Health is a community mental health system and while an increase in the array of services provided in the Juvenile Detention Facility could benefit detained minors, the focus of the provision of services to children should remain in the community where children spend the majority of their time (e.g., school based programs).

Sincerely,

Allen Ishida, Chairman  
Tulare County Board of Supervisors

Cc: Board of Supervisors  
Grand Jury



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# DRAFT

Dear Judge Sevier:

On behalf of the Board of Supervisors, the following is my response to the 2006/2007 Grand Jury findings and recommendations regarding the Tulare County Office of Emergency Services, found in the Health and Welfare section of its report.

### Finding 1

*This EOP is not intended to serve as operating procedures for each county agency.*

**Response:** I agree with this finding.

### Finding 2

*This EOP currently in place:*

- a. *Is well written.*
- b. *Is a good plan.*
- c. *Addresses all the current threats.*
- d. *Will be used in conjunction with the State Emergency Plan.*
- e. *Follows the Incident Command System (ICS).*
- f. *Follows the Standard Emergency Management System (SEMS).*
- g. *Is being rewritten to conform to the National Incident Management System (NIMS).*

**Response:** I agree with this finding.

### Finding 3

*NIMS is a result of Homeland Security Presidential Directive 5 (HSPD-5). It is intended to improve coordination of federal, state, and local emergency responses.*

**Response:** I agree with this finding.



**Finding 4**

*Very few employees are actively in emergency administration.*

**Response:** Based on information provided by HHSA, I partially agree with the finding. There are many employees within Tulare County Health and Human Services Agency (HHSA) who are actively engaged in some capacity of emergency administration. While the OES Program staff consists of 2 full-time staff and 1 extra help staff, staff in other programs within HHSA and in other County departments assist OES with their tasks and mission of emergency management.

**Finding 5**

*The experience level in the area of emergency planning and implementation is low.*

**Response:** Based on information provided by HHSA, I do not agree with this finding. The OES program has ensured that personnel involved with the EOP and ICS have gone through the required state and federal mandated training to include: 68% completed SEMS/NIMS combined course, 84% completed SEMS/EOC training, and 68% completed NIMS (IS-800). In 2006, The OES program participated in the County Wide Heritage Field Exercise at the Tulare World Ag Expo grounds hosted by Tulare County OES, which was completed successfully. In January 2007, the OES program and HHSA personnel participated in the Freeze Emergency which affected many counties throughout California. The coordinated efforts by the OES, the EOC, Health and Human Services Agency, and the partnering community based organizations lead to a very successful ability to deliver immediate and ongoing support that affects populations, even to this very day.

**Finding 6**

*The experience level of emergency planning and implementation is becoming increasingly important given the importance of federal emergency management and preparedness.*

**Response:** I agree with this finding.

**Finding 7**

*The current EOP is administered by the Tulare County Health and Human Services Agency.*

**Response:** I disagree with this finding. The current EOP is administered by Tulare County OES within the Administrative branch of HHSA.

**Finding 8**

*The current EOP has limited, if any, system for the use of private and nonprofit resources.*

**Response:** I partially agree with this finding. The current EOP addresses coordination with non-profits such as American Red Cross and the Salvation Army. However, building and maintaining relationships and communication with private and non-profit agencies will assist with a more successful emergency response. Therefore, HHSA along with the agencies (public, private, and non-profit) that comprise the Freeze Relief are reviewing their ability to become a permanent emergency response team, incorporating elements of Fresno County's VOAD (Voluntary Organizations Active in Disaster) efforts.

**Finding 9**

*The most glaring weakness during the 2005 hurricanes was the inability to quickly respond to the needs of the people. The current EOP states that at least a 72 hour loss of all services will not be uncommon and should be expected.*

**Response:** I agree with this finding.

**Finding 10**

*In the "State of the County" speech on February 27, 2007, Board of Supervisors Chairman Allen Ishida, stated that "public safety is the Board's number one priority."*

**Response:** I agree with this finding.

**Recommendation 1**

*The Tulare County Office of Emergency Services be removed from the Tulare County Health and Human Services Agency and made a stand alone agency which answers to the Board of Supervisors.*

**Response:** This recommendation will not be implemented as it is not warranted at this time. In the past year, the County explored moving OES from HHSA to the County Administrator's Office, but it was decided to leave the OES program where it is for reasons of proximity to the other critical support and related programs.

**Recommendation 2**

*Staff new agency adequately to meet all criteria necessary to obtain additional federal and state funding.*

**Response:** This recommendation will not been implemented as stated, as no new agency is being established. However, the recommendation will be implemented over the next year for the OES program within HHSA. On July 31, 2007 the Board of Supervisors approved adding an Office of Emergency Services Manager position to the program. Additionally, the Board of Supervisors approved a reclassification of the existing Emergency Programs Manager to an

Office of Emergency Services Specialist. The additional staff will assist with emergency management tasks and grant management.

**Recommendation 3**

*Work more closely with all business, private, voluntary, and nonprofit organizations in the crucial role of disaster preparedness.*

**Response:** This recommendation has not been implemented but will be developed over the next year. During emergencies and disasters, the OES and EOC coordinate with several community based organization to include American Red Cross, CSET, Proteus, FoodLink, Tulare Youth Service Bureau (TYSB), and the United Way of Tulare County. However, it would be very beneficial to solidify the partnerships of many other community based organizations to ensure the best ability to respond to the communities needs during an emergency or disaster. Therefore, the OES program will create a listing of all such organizations that they can work with during emergencies and disasters when it applies to the OES jurisdiction. This listing will provide details on the relationship and roles between the OES and the organization during described emergencies or disasters and will be maintained through periodic communication with each organization.

Sincerely,

Allen Ishida, Chairman  
Tulare County Board of Supervisors

Cc: Board of Supervisors  
Grand Jury



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September 26, 2007

The Honorable Gerald F. Sevier  
County Civic Center, Room 303  
221 South Mooney Boulevard  
Visalia, California 93291

# DRAFT

Dear Judge Sevier:

On behalf of the Board of Supervisors, the following is my response to the 2006/2007 Grand Jury findings and recommendations regarding Agricultural Code Compliance, found in the Land Use section of its report. Because of the confidentiality of the complaint referred to in the Grand Jury's report, the Board has no independent basis by which to respond to any of the specific findings therein. Therefore, we consulted RMA (Tulare County Resource Management Agency) to assist in these responses.

### Finding 1:

*RMA received a citizen complaint concerning a landowner, who had too many animals and built structures without the required special land use permits in an agricultural zone area.*

**Response:** Based on information provided by RMA, I agree with this finding.

### Finding 2:

*RMA inspected the property in August and October 2003 and found the landowner was in violation of the AE-20.*

**Response:** Based on information provided by RMA, I partially agree with this finding. The first inspection was in August of 2003. A later violation was inspected on August 4, 2006.

### Finding 3:

*In August 2003, RMA contacted and advised the landowner that he was in violation of the AE-20.*

**Response:** Based on information provided by RMA, I agree with this finding.

**Finding 4:**

*RMA found that the property owner did not have the required special land use permits for the number of animals on the property. The animals were too close to the adjacent property and structures were built without the required permits.*

**Response:** Based on information provided by RMA, I agree with this finding.

**Finding 5:**

*In February 2005, the Tulare County Planning Commission issued a special land use permit to the landowner for construction of a second home on the subject property.*

**Response:** Based on information provided by RMA, I disagree with this finding. During the investigation of the violation RMA discovered an illegally converted farm shed. The property owner had also submitted an application for a Special Use Permit for a second unit (which would then make the new home a third unit). To correct the violation and allow a legal second unit with a Special Use Permit, the property owner converted the illegal second unit to an addition of his legal home, thus eliminating this second unit. The Special Use Permit PSP 03-048 was approved by the Zoning Administrator, not the Planning Commission after this illegal second unit was abated.

**Finding 6:**

*The landowner continued to violate the AE-20 and in August 2006 was again notified by RMA that continued violations could result in various fines and penalties.*

**Response:** Based on information provided by RMA, I partially agree with this finding. The first violation was closed after the property owner removed his excess animals and contained the remainder of animals at least 100 feet from the nearest neighbor's home. In August 2006, a second violation was opened after a phone call from the concerned neighbor. This file was also closed at a later date when the property was brought into compliance. The property owner was notified at each violation that fines and fees could be levied against this property, as is the standard procedure.

**Finding 7:**

*A fine of two hundred seventy dollars (\$270) and an abatement order was issued in September 2006 for too many animals and failure to erect a 100-foot set back fence to prevent the animals from encroaching on neighboring properties.*

**Response:** Based on information provided by RMA, I agree with this finding, but note that the \$270 was actually a cost-recovery fee.

**Finding 8:**

*After the fine was assessed the landowner complied with AE-20, he reduced the number of animals on the property and erected fencing so as not to encroach upon neighboring properties.*

**Response:** Based on information provided by RMA, I agree with this finding.

**Finding 9:**

*As of February 21, 2007, the assessed fine had not been paid.*

**Response:** Based on information provided by RMA, I agree with this finding. As of August 30, 2007, the recovery fee for the enforcement has not been paid.

**Finding 10:**

*RMA continues to monitor this case, as there is a history of non-compliance violations.*

**Response:** Based on information provided by RMA, I agree with this finding.

**Recommendation 1:**

*Enforce penalties and fines for continued violations.*

**Response:** This recommendation has been implemented since August 2001. Currently, fines of \$100 per day for each violation for the 30 days prior to the Administrative Hearing are recorded against the subject property. Additionally, \$1050 in Recovery Fees are assessed. These fees and fines are recorded in the Tulare County Recorder's Office as a lien against the property.

**Recommendation 2:**

*Levy charges against repeat violators for expenses incurred as a result of frequent inspections and administrative costs.*

**Response:** This recommendation has been implemented since August 2001. If a complaint is received by the Code Compliance Division and it is similar or the same as previous complaints and the previous complaints were causing the generation of notices, the new complaint will begin at the level in which the old violations was closed. Due process was considered to be given to the property owner due to the previous notices. By implementing this policy, cases are taken to hearings much more quickly.

**Recommendation 3:**

*Do not rescind penalties and fines.*

**Response:** This recommendation will not be implemented. It is a constituent's right to appeal an assessed penalty/fine. A public hearing is held to give the constituent, concerned citizens and staff the opportunity to state their case before the Board of Supervisors. Decisions regarding whether or not to rescind penalties

and fines are made on a case-by-case basis; after the Board of Supervisors hears the facts, a decision is rendered appropriate to the situation.

**Recommendation 4:**

*Register and use E-OSCAR to report to all Credit Reporting Agencies monies owed to Tulare County for assessed fees and fines. Having a possible negative credit history may impact those who violate Tulare County Ordinances to the point of reducing past, present and future violation case loads.*

**Response:** This recommendation requires further analysis over the next fiscal year to determine legality and feasibility. RMA's Code Compliance Division is considering a program to assist in collecting fines and fees, including contracting with a local collection firm. A provision of this agreement is expected to be the reporting of delinquent accounts to Credit Reporting Agencies.

Sincerely,

Allen Ishida, Chairman  
Tulare County Board of Supervisors

Cc: Board of Supervisors  
Grand Jury



# County of Tulare

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The Honorable Gerald F. Sevier  
County Civic Center, Room 303  
221 South Mooney Boulevard  
Visalia, California 93291

# DRAFT

Dear Judge Sevier:

On behalf of the Board of Supervisors, the following is my response to the 2006/2007 Grand Jury findings and recommendations regarding Mooney Grove Park Diminishing Valley Oak Trees (*Quercus Lobata*), found in the Land Use section of its report.

### Finding 1:

*In 1978 there were concerns of improper care of Valley Oaks in the Park. In 1980 the University of California Cooperative Extension completed a survey and wrote an extensive report concerning the Valley Oak groves in the Park with the following conclusions:*

- a. Moisture requirements of the trees were not being met to keep the trees in optimal health.*
- b. Sprinklers were not supplying enough water for the moisture requirements of the grove.*
- c. Water from the sprinklers was hitting the tree trunks, which it should not.*
- d. The pruning practices in the park were below arborist standards.*
- e. Recommended that the healthy trees be vertically mulched.*
- f. Recommended reverting back to flood irrigation.*

**Response:** I agree with all findings, except "e". There is no mention of vertical mulching in the 1984 report.

### Finding 2

*In 1987, one hundred forty young Valley Oak trees were donated to the park by Mr. Tony Montiero. Most of the donated trees have since died.*

**Response:** I am unable to respond to this finding. Per the Parks Department, there are no records indicating where the 140 Valley Oak trees were planted other than the sign in the reforestation bed north of the main



gate to the Park. There are oaks scatter throughout the Park and in various reforestation beds that appear to be approximately 20 years old, but without further information it would be difficult to agree or disagree with this finding.

**Finding 3**

*In 1989, for approximately \$670,000, a new "state of the art" sprinkler system was put into place which from the beginning did not work as expected. It was not designed to deep water the Valley Oaks.*

**Response:** I agree with this finding.

**Finding 4**

*Sprinklers are currently being used as the primary means of irrigation in the Park. Valley Oaks require deep watering.*

**Response:** I agree with this finding.

**Finding 5**

*The reforestation beds are currently in appalling condition.*

- a. Weeds are out of control and stinging nettles are taking over.*
- b. The beds are not being deep-water irrigated.*
- c. There are very few Valley oaks in the beds.*

**Response:** I agree with this finding. This problem is being addressed as labor permits.

**Finding 6**

*Recommendations to mulch the Valley Oaks out to the drip line was never implemented.*

**Response:** I agree with this finding.

**Finding 7**

*The canopy of the Valley Oaks has diminished and deforestation continues (see the composite aerial photograph depicting Mooney Grove Park over the last 50 years, courtesy of the Tulare County Historical Society's, at the end of this report)*

**Response:** I agree with this finding. The 1984 report estimated that only 10% of the existing trees would still be alive in 20 years. However, a 2004 report shows that of the 195 Valley Oak trees that were counted in 1984, 74% remain. Replanting efforts have also been underway.

**Finding 8**

*Grass/Lawn is growing in close proximity to the base of the Valley Oak trees. Watering by sprinklers, which is good for lawns but not for trees, leaves moist warm soil near the base of the Valley Oaks, causing disease.*

**Response:** I agree with this finding.

**Recommendation 1**

*Do not allow sprinkler water to hit the trunks of the Valley Oak trees.*

**Response:** This recommendation will be implemented over the next year. The improved irrigation system was approved by the BOS on August 21, 2007 and construction should start soon. The new sprinkler heads are each adjustable and can be directed away from the trees.

**Recommendation 2**

*Do not allow standing water at the base of Valley Oaks during warm weather as it promotes crown/root rot, disease, etc.*

**Response:** This recommendation will be implemented with the new irrigation system. The improved system will be set up to minimize this problem.

**Recommendation 3**

*Use flood irrigation rather than sprinklers for Valley Oaks. This can be accomplished by replacing sprinkler heads under the Valley oaks with bubblers.*

**Response:** This recommendation will not be implemented. The improved system has been designed by a licensed Landscape Architect taking into account the cultural requirements of the Valley Oaks in the Park. The system will allow for deep watering as needed. It has the adjustability to minimize hitting tree trunks. It is in line with the current industry standards from a water application uniformity stand point as well as an energy efficiency standpoint.

**Recommendation 4**

*Mulch Valley Oak trees out to the drip line.*

**Response:** This recommendation will not be implemented, as the labor cost to accomplish this recommendation is prohibitive. The raking and removal of fall leaves has stopped, and the leaves are being chopped up with a flail mower providing the additional organic material needed by the Valley Oak trees.

**Recommendation 5**

*Improve the existing reforestation beds.*

**Response:** This recommendation will be implemented. Improvement of the reforestation beds is underway and is an ongoing task.

**Recommendation 6**

*Reforest Mooney Grove Park with Valley Oaks, rather than non-native trees.*

**Response:** This recommendation has been implemented. Over the last 5 years, in excess of 450 Valley Oak trees have been planted in Mooney Grove Park. However, it should be noted that during the same time frame an additional 180 other species were also planted. This follows the rich tradition of horticultural diversity in Mooney Grove Park.

Sincerely,

Allen Ishida, Chairman  
Tulare County Board of Supervisors

Cc: Board of Supervisors  
Grand Jury



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September 26, 2007

# DRAFT

The Honorable Gerald F. Sevier  
County Civic Center, Room 303  
221 South Mooney Boulevard  
Visalia, California 93291

Dear Judge Sevier:

On behalf of the Board of Supervisors, the following is my response to the 2006/2007 Grand Jury regarding Non-Compliance of Land Use Ordinance (Miramonte Sanitation).

### Finding 1

*In October 2001, RMA received a complaint concerning a transfer station being operated on property owned by Miramonte (formerly known as Dinuba Timber Industries), without the required Special Land Use Permit.*

**Response:** I agree with this finding.

### Finding 2

*In February 2002 RMA determined Miramonte was in violation of the Tulare County Land Use Ordinance section (§) 09.6(A) "AE-20" Exclusive Agricultural Acre Minimum for the operation of a transfer station without the required special land use permit and issued a 30-day notice to abate the violation.*

**Response:** I agree with this finding.

### Finding 3

*To obtain a Special Land Use Permit, Miramonte needed an Environmental Impact Report (EIR) or an application for a negative declaration with respect to the environmental effects (negative declaration) of the sanitation operation.*

**Response:** I agree with this finding.

### Finding 4

*RMA consulted various county and state agencies, and with the California Integrated Waste Management Board for additional information on landfill requirements.*

**Response:** I agree with this finding.

**Finding 5**

*In order to obtain the required Special Land Use Permit, Miramonte submitted plans and a negative declaration to the PC.*

**Response:** I agree with this finding.

**Finding 6**

*Between 2002 and 2004, Miramonte made several modifications to their plans, which led to several hearings and significant delays in a decision to issue a Special Land Use Permit.*

**Response:** I agree with this finding. The original project was heard a number of times at the Planning Commission level. At the September 8, 2004 hearing the Planning Commission denied the project, without prejudice. The project then was heard and the appeal was denied on March 14, 2006 by the BOS.

**Finding 7**

*While citing significant environmental impacts and community opposition to its operation, on September 8, 2004, the PC denied Miramonte a Special Land Use Permit.*

**Response:** I agree with this finding.

**Finding 8**

*Miramonte continued its operations, prepared modifications of its transfer stations and appealed to the BOS.*

**Response:** I agree with this finding.

**Finding 9**

*The BOS considered the matter and over the course of several meetings, sought additional information on the transfer station. The BOS had also received numerous oppositional communications from the community surrounding Miramonte's transfer station.*

**Response:** I agree with this finding.

**Finding 10**

*In February 2006, RMA submitted its final report to the BOS, noting serious environmental effects that required a full EIR statement.*

**Response:** I agree with this finding.

**Finding 11**

*On March 14, 2006, the BOS upheld the PC decision and ordered Miramonte to end its transfer station operation “as quickly as possible”.*

**Response:** I agree with this finding.

**Finding 12**

*RMA interpreted “as quickly as possible” to mean within 90 days.*

**Response:** I agree with this finding. On March 20, 2006, RMA issued a letter advising Miramonte of the time-frame for removal of the illegal use – 90 days. Included in the letter was the Board Resolution.

**Finding 13**

*During inspections in June and October 2006, RMA noted continued operations of the transfer station.*

**Response:** I agree with this finding.

**Finding 14**

*Following the March 14, 2006 BOS decision, Miramonte was not convinced that their appeal had been denied and through their attorney, protested the BOS appeals decision.*

**Response:** I agree with this finding.

**Finding 15**

*Miramonte claimed that RMA was inadequate in their communications to cease its operations, that the dates for cessation of operations and removal of materials/equipment “was arbitrary and unrealistic” and they were diligently looking into moving their operations to Fresno County.*

**Response:** I partially agree with this finding. While Miramonte did make this claim, RMA did provide, in writing, a reinforcement that the Board of Supervisors ordered Miramonte to relocate in a timely manner and that RMA interpreted this to mean a 90-day time frame. Upon the expiration of the 90 day period, RMA Code Compliance issued a 30-day Notice to Abate and after 30 days issued a Notice of Violation and an Order to Show Cause. Additionally, during this time period, several staff members of Code Compliance verbally discussed this matter with Miramonte and Counsel for Miramonte.

**Finding 16**

*During the entire course of RMA inspections and the resulting hearings, Miramonte received numerous Notices of Violations with accumulated fines assessed for approximately \$7,000 plus \$1,500 in administrative costs.*

**Response:** I disagree with this finding. The fines were \$6,000 and the recovery fees were \$1,050. By State law, the fines are levied only thirty (30) days prior to the hearing. The recovery fees do increase with each letter issued before the Administrative Hearing.

#### **Finding 17**

*On December 20, 2006, the BOS and Miramonte entered into a stipulated compliance agreement and judgment on appeal.*

- a. All operations related to this transfer station will cease on March 14, 2007.*
- b. Should Miramonte fail to comply with the stipulated agreement, fines will accrue from June 14, 2006 and will continue until in full compliance.*
- c. Cleanup and removal of heavy equipment/items may continue past the March 14, 2007 deadline. However it must be completed by March 14, 2008.*
- d. Failure to cleanup and remove heavy equipment/items by the stipulated deadline will result in a \$10,000 fine.*
- e. All previously assessed fines will be waived if deadlines are met.*
- f. Miramonte waive all rights to appeal this stipulated agreement.*
- g. Miramonte has paid \$1,050 for administrative costs.*

**Response:** I agree with this finding. As of August 15, 2007, Miramonte is in compliance.

#### **Recommendation 1**

*The Tulare County Board of Supervisors uphold the fines and fees imposed for code violations.*

**Response:** This recommendation will not be implemented. It is a constituent's right to appeal a penalty/fine assessed for code violations. A public hearing is held to give the constituent, concerned citizens and staff the opportunity to state their case before the Board of Supervisors. Decisions regarding whether or not to rescind penalties and fines are made on a case-by-case basis; after the Board of Supervisors hears the facts, a decision is rendered appropriate to the situation.

#### **Recommendation 2**

*Register and use E-OSCAR to report to all Credit Reporting Agencies monies owed to Tulare County for assessed fees and fines. Having a possible negative credit history may impact those who violate Tulare County Ordinances to the point of reducing past, present and future violation case loads.*

**Response:** This recommendation requires further analysis over the next fiscal year to determine legality and feasibility. RMA's Code Compliance Division is considering a program to assist in collecting fines and fees, including contracting

with a local collection firm. A provision of this agreement is expected to be the reporting of delinquent accounts to Credit Reporting Agencies.

**Recommendation 3**

*Once the Tulare County Board of Supervisors has denied an appeal, the Resource Management Agency must seek court remedies for violations continuing beyond the dates set in the final appeals decision.*

**Response:** This recommendation will not be implemented. The County has a range of effective alternatives in addition to court remedies. RMA/Code Compliance currently employs administrative means to seek remedy to a violation after the Board of Supervisors has denied an appeal. One of these means is to proceed onto the Administrative Hearing process. Another is to deny permits to the property owner. In the past, Code Compliance has sought the help of the courts by filing Criminal Proceedings and injunctions. The decision on how to proceed is appropriately made on a case-by-case basis, depending upon the circumstances involved.

**Recommendation 4**

*The person/persons found by the court to be in violation of county ordinances, will bear the costs as ordered by the court for those actions brought against them.*

**Response:** This finding would be within the jurisdiction of the appropriate judicial body.

Sincerely,

Allen Ishida, Chairman  
Tulare County Board of Supervisors

Cc: Board of Supervisors  
Grand Jury





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September 26, 2007

The Honorable Gerald F. Sevier  
County Civic Center, Room 303  
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# DRAFT

Dear Judge Sevier:

On behalf of the Board of Supervisors, the following is my response to the 2006/2007 Grand Jury findings and recommendations regarding the Tulare County Juvenile Detention Facility Staff Safety, found in the Justice sections of its report.

### Finding 1

#### *Housing*

- a. JDF has a total of 5 pods. Each pod contains 15 cells
- b. Females are housed in 3 of the pods with 1 female in each cell
- c. Males are housed in the other 2 pods with 2 males in each cell.
- d. JDF is currently at or near capacity.

### Response:

- a. I disagree with this finding. JDF has a total of 3 pods. 2 pods have 4 units containing 15 cells for each unit. The larger pod has 4 units containing 60 cells (downstairs double bunk).
- b. I disagree with this finding. Females are housed in 2 of the units with 1 female in each cell.
- c. I disagree with this finding. Males are housed in 2 pods.
- d. I disagree with this finding. At this time, the Juvenile Detention Facility houses approximately 135 minors based on staffing capability. The facility has a rated capacity of 210.

### Finding 2

#### *Juveniles*

- a. A large percentage of the juvenile detainees are drug abusers with mental health issues.
- b. The Health and Human Services Department administers mental health needs to the juveniles. This may include counseling and the administration of psychotropic medications.

**Response:**

- a. Based on information provided by the Mental Health Division of Tulare County Health and Human Services Agency (hereinafter referred to as Tulare County Mental Health), I partially agree with this finding. A significant percentage of detainees are likely to have co-occurring disorders. In general, statistics show that almost half of all youth receiving mental health services in the US have been diagnosed with a co-occurring disorder and one of every eight adolescents diagnosed with a mental illness has a co-occurring substance abuse problem. Youth with serious mental illness make up approximately one quarter of the population in the juvenile justice system, and the numbers do appear to be increasing.
- b. I agree with this finding.

**Finding 3**

*Administration/Policies and Procedures*

- a. *§6.7.7E (Unit Security Practices) in the Tulare County Probation Department, Juvenile Detention Facility Policies and procedures, states a requirement of one fully trained PCO for every ten juveniles.*
- b. *Two trained PCOs are required to be on hand whenever a juvenile cell door is to be opened.*
- c. *The JDF policy and procedure notification given to incoming juveniles states a "No Hostage Policy."*
- d. *A medical nurse is on duty twenty-four hours a day, seven days per week.*
- e. *Newly recruited PCOs are termed as "shadows" during their probationary training period. They are limited in procedures to be followed while in contact with a juvenile.*

**Response:**

- a. I partially agree with the finding. Unit Security Practices are in §7.8 of the JDF Policy and Procedure Manual. Based on information provided by Tulare County Probation, the staff ratio during the day in Pods 1 and 2 is 1:10. In Pod 5 (larger Pod), the ratio is 1:13. During night hours, all JDF Pods have a 1:30 staff to juvenile ratio.
- b. I disagree with the finding. A trained PCO must only be present in the unit to open a cell door during regular programming (i.e. schooling or recreation activities). Two trained PCOs are only required to open a cell door together during security watch and/or discipline concern(s) with a minor.
- c. I agree with the finding.
- d. I agree with the finding.
- e. I partially agree with the finding. Based on information provided by Tulare County Probation, the term "shadow" is misused as a nickname for a trainee. However, trainees are limited in procedures because they cannot supervise minors in the unit until they complete State-required PCO Core Training. During training, trainees are assigned to an officer to help and observe.

#### **Finding 4**

*Contributing factors for PCO injuries*

- a. *There is an approximate forty-five percent turnover rate of employees.*
- b. *Low wages and inadequate benefit packages wages cited as the cause for the high turnover rate.*
- c. *When JDF is understaffed, a PCO may volunteer for over-time and will work a double shift (sixteen hours) causing fatigue.*
- d. *Most injuries to a PCO occur between the hours of 2:00pm and 10:00pm.*
- e. *Failure to follow procedures was cited as the general cause for injuries. An example is one PCO opening a juvenile door when two are required.*
- f. *Two or more Institution Supervisors (supervisors) instructing a PCO for the same task may cause confusion to the PCO. Supervisors may interpret policies and procedures differently, causing conflict and confusion.*

#### **Response:**

- a. I agree with the finding.
- b. I agree with the finding.
- c. I agree with the finding.
- d. I agree with the finding. This may occur due to most experienced (senior) PCOs bidding on the morning shifts (6:00am thru 2:00pm) and leaving the inexperienced PCOs working the afternoon shifts (2:00pm thru 10:00pm). This year the Probation Department implemented a training shift to help integrate inexperienced staff with experienced staff.
- e. I disagree with the finding. The example given is an isolated incident. Please refer to response in Finding (3).
- f. I partially disagree with the finding. There is always a possibility PCO's "may" interpret Supervisor's instructions differently.

#### **Recommendation 1**

*Increasing wages and improving benefit packages may attract and retain trained personnel.*

**Response:** This recommendation will not be implemented at this time. When Tulare County Corrections Association (TCCA) renegotiated their current agreement (which expires June 30, 2009), TCCA opted to forego further increases to PCO salaries and benefits for the remainder of the contract, opting instead to re-categorizes the nature of their retirement from non-safety to safety. Safety retirees receive an enhanced retirement of 2% @ 50 as of December 2007 and, in the event of a work-related injury, receive full-pay for up to one year.

#### **Recommendation 2**

*Strictly enforce the policies and procedures that are presently in use.*

**Response:** This recommendation has been implemented. A JDF Institution Supervisor Trainer is assigned to a 3 month PCO employee in order to provide ongoing guidance and support. In addition, all other Institution Supervisors meet with all staff on a regular basis to address any concerns and ensure policies & procedures are being followed. JDF Institution Supervisors meet bi-weekly and/or as needed to review sections of JDF Policy & Procedures. Institutional Supervisors complete weekly briefings with PCOs and review sections of policy & procedures.

**Recommendation 3**

*All personnel must be trained in the same manner to eliminate different interpretations of the policies and procedures.*

**Response:** This recommendation has been implemented. The Probation Department conducted a four-week state required PCO Core training in July 2007. It was the third PCO core training since 2006. This training allows the Probation Department to meet the minimum state requirements and provides the opportunity to teach and emphasize County & Department Policies and Procedures directly to staff.

Sincerely,

Allen Ishida, Chairman  
Tulare County Board of Supervisors

Cc: Board of Supervisors  
Grand Jury



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# DRAFT

Dear Judge Sevier:

On behalf of the Board of Supervisors, the following is my response to the 2006/2007 Grand Jury findings and recommendations regarding "How Safe Are Our Cities?" – Vicious Animal Control, found in the Justice sections of its report.

### Finding 1

*Dinuba has a vicious animal control ordinance in addition to its own animal shelter. The Police Department (PD) has a written policy/procedure for after hours emergency response.*

- a. *An on-duty police officer responds to and investigates all after hours animal control complaints.*
- b. *The responding officer prepares and forwards an Animal Control Incident Screen report to Animal Control Services for next day processing.*
- c. *Requests for an after hours emergency response require prior authorization from the on-duty supervisor or watch commander.*

**Response:** This finding is not in the purview of the Board of Supervisors.

### Finding 2

*Exeter has a vicious animal control ordinance. The PD does not have a written after hours emergency response policy/procedure for the officers to follow.*

- a. *Exeter contracts with the Valley Oaks Society for the Prevention of Cruelty to Animals (SPCA) for animal control services and one full time Animal Control Officer, who is also on call for after hours emergency response, including holidays.*
- b. *There are two holding pens for temporary use at the cit yard on Firebaugh Avenue, which may be used when immediate animal transport to the SPCA must be delayed.*

- c. *During normal operating hours, all animal control complaints are directed to the SPCA.*
- d. *A police officer responding to an after hours vicious animal attack has the authority to authorize contact of an Animal Control Officer for an immediate emergency response*

**Response:** This finding is not in the purview of the Board of Supervisors.

### **Finding 3**

*Farmersville has a vicious animal control ordinance. The PD does not have a written after hours emergency response policy/procedure for the officers to follow.*

- a. *The PD does not respond to any animal control complaints.*
- b. *An animal complaint is directed to the Farmersville Public Works Department.*
- c. *The Public Works Department then contacts the SPCA for an Animal Control Officer to respond to an animal complaint. However, that officer has the choice to respond or not to respond to an animal complaint.*
- d. *Should the officer choose to not respond or is unavailable to respond, the Public Works Department handles the call.*
- e. *The Public Works Department is on call twenty-four hours per day; seven days per week (24/7/365) for animal control complaints and its employees are available on a rotation-based schedule.*
- f. *An animal seized by the Public Works Department is immediately transported to the SPCA.*

**Response:** This finding is not in the purview of the Board of Supervisors.

### **Finding 4**

*Lindsay has a vicious animal control ordinance in addition to its own animal control service/shelter. The PD has a written policy/procedure for after hours emergency response*

- a. *Information received for non-emergency animal control is forwarded to animal control services for next day processing.*
- b. *A police officer may request assistance from animal control services for an after hours emergency response.*

**Response:** This finding is not in the purview of the Board of Supervisors.

### **Finding 5**

*Porterville does not have a vicious animal control ordinance. The PD has a written policy/procedure for after hours emergency response.*

**Response:** This finding is not in the purview of the Board of Supervisors.

### **Finding 6**

*Tulare has a vicious animal control ordinance. The PD does not have a written after hours emergency response policy/procedure for the officers to follow.*

- a. A police officer responds to all after hours animal control complaints.*
- b. With Supervisor/Watch Commander approval, an SPCA Animal Control Officer may be called to respond to a vicious animal attack.*
- c. An incident report is taken for routine animal control issues and is given to the Animal Control/Code Enforcement Department.*

**Response:** This finding is not in the purview of the Board of Supervisors.

#### **Finding 7**

*Visalia has a vicious animal control ordinance. The PD does not have a written after hours emergency response policy/procedure for the officers to follow.*

- a. A police officer responds to all after hours vicious animal attacks and evaluates each situation.*
- b. Should the police officer determine that an Animal Control Officer is needed and with Field Supervisor approval, the SPCA is called.*
- c. During the normal operating hours of the SPCA, an Animal Control Officer may request police officer assistance. However, the PD Communications Department evaluates the need for assistance and acts accordingly.*

**Response:** This finding is not in the purview of the Board of Supervisors.

#### **Finding 8**

*Woodlake has a vicious animal control ordinance. The PD does not have a written after hours emergency response policy/procedure for the officers to follow.*

- a. A police officer handles all after hours animal control complaints.*
- b. If the responding officer determines an animal is at large or vicious, he/she will seize and transport that animal to the public works yard for impound in their temporary holding pens.*
- c. If necessary a police officer may transport an animal to the SPCA.*

**Response:** This finding is not in the purview of the Board of Supervisors.

#### **Finding 9**

*The Tulare County Sheriff's Department uses the Tulare County Ordinances for vicious animal control. There are written policies/procedures in place for a Sheriff Deputy (deputy) to follow.*

- a. After hours, a deputy handles animal control issues.*
- b. Should the deputy determine an animal to be abnormally dangerous, he/she advises the dispatcher to notify Tulare County Animal Control (TCAC) for immediate response and the deputy either contains or observes the animal until the arrival of TCAC.*

- c. *The deputy prepares an Incident Report on all cases requiring animal control contact and forwards a copy of said report to TCAC the next business day.*

**Response:** I agree with this finding.

**Recommendation 1**

*All city law enforcement agencies include a written after hours emergency animal control response policy/procedure for police officers to follow.*

**Response:** This recommendation is not in the purview of the Board of Supervisors.

**Recommendation 2**

*All city police department officers responding to a vicious animal attack determine and authorize immediate after hours emergency response of an Animal Control Officer.*

**Response:** This recommendation is not in the purview of the Board of Supervisors.

**Recommendation 3**

*All city police departments include written guidelines for officers to use in the determination of whether an animal meets the potentially dangerous/vicious criteria as outlined in the California Food and Agriculture Codes section (§) 31602 (b) and § 31603 (b).*

**Response:** This recommendation is not in the purview of the Board of Supervisors.

**Recommendation 4**

*All city police department personnel receive yearly refresher training courses for after hours emergency response on vicious animals.*

**Response:** This recommendation is not in the purview of the Board of Supervisors.

**Recommendation 5**

*The City of Porterville enact a Vicious Animal Ordinance.*

**Response:** This recommendation is not in the purview of the Board of Supervisors.

**Recommendation 6**

*Based upon the California Food and Agriculture Code § 31646, all city councils include within their ordinances that a household found guilty of harboring a*



*declared vicious/dangerous animal, be denied dog ownership/possession for a minimum period of five years.*

**Response:** This recommendation is not in the purview of the Board of Supervisors.

**Recommendation 7**

*All cities impose and enforce stiff fines/penalties upon person(s) for failure to control/confine a declared vicious/dangerous animal that again attacks a person, pet or other animal.*

**Response:** This recommendation is not in the purview of the Board of Supervisors.

Sincerely,

Allen Ishida, Chairman  
Tulare County Board of Supervisors

Cc: Board of Supervisors  
Grand Jury