

September 28, 2004

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

2003-2004 VENTURA COUNTY GRAND JURY FINAL REPORT RESPONSES

Recommendation:

That your Board approve the responses to be submitted to the Presiding Judge of the Superior Court in accordance with State statute.

Discussion:

Penal Code §933.05 requires that your Board comment on the findings and recommendations of the Grand Jury pertaining to county government under your authority. Elected officials file their responses directly with the Presiding Judge within 60 days after issuance of the initial report. Elected official responses are included in this compilation for your information. Responses from appointed Agency and department heads have been coordinated through the County Executive Office and are submitted for your review. For your reference, the report titles and respondents are summarized on the attached schedule. The Grand Jury has indicated that nine responses are due from the Board of Supervisors. Responses to each issue were prepared on your behalf by CEO staff and are included in the compilation.

If your Board elects to amend these comments or add additional comments, staff, at your direction, can make such changes and additions prior to submitting the responses to the Presiding Judge. The compilation of responses will serve as your Board's response to the 2003-2004 Grand Jury Final Report and will be filed as indicated in the above-recommended action along with any additional comments your Board may wish to make. Should you have any questions or require additional information regarding this item, please contact Tom Womack at 654-3656 or Kathleen Van Norman at 654-2566.



JOHN F. JOHNSTON
County Executive Officer

c: Auditor-Controller
Human Services Agency
Sheriff's Department
District Attorney
Area Agency on Aging

Fire Protection District
Health Care Agency
County Clerk
Probation Agency
Drug and Alcohol Advisory Board

**RESPONSES TO THE 2003-2004 VENTURA COUNTY
GRAND JURY FINAL REPORT**

REPORT TITLE	RESPONDENTS
REPORT NO. 01 Anatomy of an Audit	Auditor-Controller Board of Supervisors Human Services Agency (requested)
REPORT NO. 02 City of Oxnard River Ridge Revisit	No County Response Required
REPORT NO. 03 County Jail Inmate Health Care	Sheriff
REPORT NO. 04 Elder Abuse in Ventura County	Board of Supervisors District Attorney Human Services Agency (requested) Area Agency on Aging (requested)
REPORT NO. 05 Elections and Local Appointment Lists	Board of Supervisors
REPORT NO. 06 Emergency Preparedness Plans	Fire Protection District
REPORT NO. 07 Moorpark Excessively Aggressive Code Enforcement and Development Process	No County Response Required
REPORT NO. 08 Oxnard Community Redevelopment	No County Response Required

REPORT NO. 09 Public Records Act Implementation	Board of Supervisors Auditor-Controller Sheriff (additional)
REPORT NO. 10 Santa Paula Firefighter Utilization	Fire Protection District, Chief (requested)
REPORT NO. 11 Underserved Children in Ventura County	Board of Supervisors District Attorney Human Services Agency (requested)
REPORT NO. 12 Urgent Care in Ventura County	Board of Supervisors Health Care Agency (requested)
REPORT NO. 13 Ventura County Contracting Practices	Board of Supervisors
REPORT NO. 14 Ventura County Emergency Operations Center	Sheriff Board of Supervisors Fire Protection District, Chief (requested)
REPORT NO. 15 Voter Registration Safeguards	County Clerk
REPORT NO. 16 Weed Abatement Works!	No Response Required
REPORT NO. 17 Proposition 36 Implementation	Board of Supervisors District Attorney Sheriff Health Care Agency (requested) Probation Agency (requested) Drug & Alcohol Advisory Board (additional)

**RESPONSES TO
THE 2003-2004 VENTURA
COUNTY GRAND JURY
FINAL REPORT**

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number	Report Title	Respondents
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REPORT NO. 01.

Title: Anatomy of an Audit

Required
Respondents: Auditor-Controller
 Board of Supervisors

Requested
Respondent: Human Services Agency

CHRISTINE L. COHEN
AUDITOR-CONTROLLER
County of Ventura
800 South Victoria Avenue
Ventura, Ca 93009-1540
May 12, 2004



CHIEF DEPUTIES
JAMES M. TAMEKAZU
LOUISE WEBSTER
SANDRA BICKFORD
MERCY GRIECO

RECEIVED

MAY 17 2004

VENTURA COUNTY GRAND JURY

Honorable Bruce A. Clark
Presiding Judge
Superior Court of California, Ventura County
Ventura County Hall of Justice
800 S. Victoria Avenue
Ventura, CA 93009

Dear Judge Clark:

In accordance with Penal Code Section 933.05, the Auditor-Controller's Office provides the following response to the Ventura County 2003-2004 Grand Jury Report, entitled *Anatomy of an Audit*

Findings F-01 through F-09 We concur with the Grand Jury's findings

Recommendation R-02 "Audit Division should periodically review and also enforce the corrective actions initiated by HSA "

Response: In accordance with the County's Administrative Manual, the County Executive Office is responsible for and did monitor the corrective actions initiated by HSA. Six months after corrective actions have been reported as complete, the Audit Division will schedule a follow up audit to verify that corrective actions have been implemented. Accomplishment of the follow up audit will be dependent on the availability of audit resources and other audit priorities.

Recommendation R-03 "Audit Division and HSA should develop more effective contingency plans to cover key personnel changes "

Response: Although we agree with the spirit and intent, we will not be able to implement the recommendation. Currently, the Audit Division has seven and is scheduled to lose two authorized audit staff positions by July 1, 2004, because of budgetary reductions. Of the seven authorized positions, four are vacant because of budgetary constraints and also the hiring freeze. We do not have sufficient audit resources to establish a meaningful audit program for the County let alone audit resources to develop more effective contingency plans to cover key personnel changes.

We appreciate the opportunity to respond to this Grand Jury Report. If you have any questions or need additional information, please call me at (805) 654-3113.

Sincerely,

CHRISTINE L. COHEN
Auditor-Controller

✓ cc Grand Jury



County of Ventura
COUNTY EXECUTIVE OFFICE
MEMORANDUM

DATE: August 30, 2004

TO: Thomas W. Womack, Chief Deputy Executive Officer

FROM: Jim Becker, CEO Management Analyst

SUBJECT: Response to 2003-04 Ventura County Grand Jury Report No. 01 entitled
"Anatomy of An Audit" on behalf of the Board of Supervisors

R-01: HSA should continue to employ and maintain corrective actions that were recommended by the Audit Division.

Response: Concur. The CEO should verify completion of the corrective actions and the Audit Division of the Auditor-Controller's Office should conduct a follow-up audit six months from the June 30, 2004 date that HSA reported to have implemented the corrective actions.

R-02: Audit Division and HSA should develop more effective contingency plans to cover key personnel changes.

Response: Concur. Contingency plans developed by HSA and the Auditor-Controller's Office to cover key personnel changes would contribute toward expediting audit completions; however other departmental operational factors, such as staffing resources and audit and workload priorities, may extend the time required to complete particular audits.



county of ventura

Human Services Agency

Ted Myers
Director

June 26, 2004

RECEIVED
VENTURA COUNTY SUPERIOR COURT

JUL 1 2004

OFFICE OF THE
PRESIDING JUDGE

Honorable Bruce A. Clark
Presiding Judge
Superior Court of California, Ventura County
Ventura County Hall of Justice
800 South Victoria Avenue
Ventura, CA 93009

Dear Honorable Judge Bruce A. Clark:

This letter, in duplicate, is in response to your letter dated April 28, 2004, regarding Grand Jury report entitled, Anatomy of an Audit. A response is required within 90 days of issuance of the Grand Jury report. We will provide an appropriate response to each finding and recommendation.

Finding F-01 through F-09. We concur with the findings.

We are required to respond to Recommendations R-01 and R-03. We are not required to respond to Recommendation R-02.

R-01. HSA will implement by June 30, 2004, the necessary corrective action as recommended by the Audit Division.

R-03. HSA has implemented cross training in many of our Fiscal areas to cover key personnel changes. We will continue to evaluate key Fiscal areas requiring contingency planning should personnel changes occur.

If you have any questions or should you require further assistance, please contact Barry Zimmerman, Director of Administration, at 652-7525.

Sincerely,


Ted Myers, Agency Director

CC Barry Zimmerman

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JUL 07 2004
VENTURA COUNTY GRAND JURY

HUMAN SERVICES AGENCY
505 Poli Street, Ventura, CA 93001 (805) 652-7601 Fax (805) 652-7571

Integrity • Compassion • Empowerment

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Section	Report Title	Respondents
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REPORT NO. 02.

Title: City of Oxnard: River Ridge Revisted

Required

Respondents: No response required from County of Ventura

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number

Report Title

Respondents

REPORT NO. 03.

Title: County Jail Inmate Health Care

Required

Respondents: Sheriff's Department



VENTURA COUNTY SHERIFF'S DEPARTMENT

- BOB BROOKS
SHERIFF
- CRAIG HUSBAND
UNDERSHERIFF

800 SOUTH VICTORIA AVENUE, VENTURA, CA 93009 PHONE (805) 654-2380 FAX (805) 645-1391

June 14, 2004

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JUN 16 2004

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VENTURA COUNTY SUPERIOR COURT

JUN 15 2004

Honorable Bruce A. **VENTURA COUNTY GRAND JURY**
Presiding Judge
Superior Court of California, Ventura County
Ventura County Hall of Justice
800 So. Victoria Avenue
Ventura, CA 93009

OFFICE OF THE
PRESIDING JUDGE

Dear Judge Clark:

Re: Response to the 2003-04 Ventura County Grand Jury Report entitled
County Jail Inmate Health Care

In accordance with California Penal Code section 933(c) this letter is a response to the findings and recommendations of the 2003-04 Ventura County Grand Jury's Report entitled *County Jail Inmate Health Care*. The following is my response.

Recommendation:

R-01: Currently the East Valley jail operates only from 9:00 p.m. to 4:00 a.m. daily and has no medical staff because of budget constraints. Should the need arise to operate this facility again on a 24-hour basis, the contract between CFMG and the VCSD should be modified in order to provide the needed medical staff as found at the main jail and at the Todd Road jail.

Response to R-01:

We accept your recommendation that should the East County Jail reopen as a 24-hour booking operation that the medical contract should be modified to ensure the same State Title XV minimum medical standard as is maintained at the other detention facilities.

Deputy Sheriffs screen inmates before booking at the East County Jail with the knowledge and understanding that onsite medical care is not available. The standard for acceptance for these arrestees is elevated due to this fact. All

☐ SPECIAL SERVICES
6401 Telephone Road, Suite 200
Ventura, CA 93003
(805) 477-7011 FAX (805) 477-7010

☐ PATROL SERVICES
2101 East Olsen Road
Thousand Oaks, CA 91362
(805) 494-8261 FAX (805) 494-8295

☐ DETENTION SERVICES
800 South Victoria Avenue
Ventura, CA 93009
(805) 654-2305 FAX (805) 654-3500

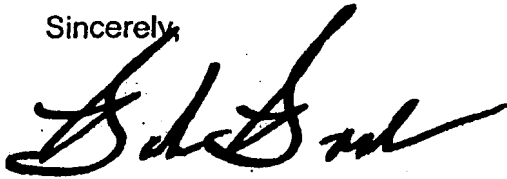
☐ SUPPORT SERVICES
800 South Victoria Avenue
Ventura, CA 93009
(805) 654-3926 FAX (805) 654-2109

arrestees with medical/psychological concerns are diverted from the East County Jail to the Pre Trial Facility where there are full-time medical staff and resources available.

We agree with the concept that adding full-time medical staff to the East County Jail would enhance our ability to provide the State minimum medical care in all our facilities and allow us to accept those inmates that would have been diverted to the Pre-Trial facility due to medical concerns. However, we have determined through evaluation, that it is not reasonable or cost-effective to do so considering the limited amount of inmates processed at that facility. It is more reasonable to exercise due caution and concern by diverting these arrestees to the PreTrial facility where these resources are available.

In conclusion, I thank the Grand Jury for its recommendation, and their ongoing constructive input relating to public safety issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Brooks', with a stylized, flowing script.

BOB BROOKS
Ventura County Sheriff

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number	Report Title	Respondents
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REPORT NO. 04.

Title: Elder Abuse in Ventura County

Required

Respondents: Board of Supervisors
District Attorney

Requested

Respondents: Human Services Agency
Area Agency on Aging



County of Ventura COUNTY EXECUTIVE OFFICE MEMORANDUM

DATE: July 29, 2004

TO: Thomas W. Womack, Chief Deputy Executive Officer

FROM: David Stoll, CEO Program Management Analyst

SUBJECT: Response to 2003-04 Ventura County Grand Jury Report No. 04 entitled
"Elder Abuse in Ventura County" on behalf of the Board of Supervisors

R-2: The increasing elder population within Ventura County requires that additional funding be sought to adequately serve elder abuse victims either through federal grant funding or appropriations from the county's general fund when adequate funding reserves are available.

Response: The Board will consider elder abuse along with other county funding priorities. Given the funding shortfall in the current general fund budget not all county needs can be met. When grants become available, they will certainly be considered and utilized if the matching funds are available.

If you have additional questions, please contact David Stoll at 654-3838.

C: Paul Derse



OFFICE OF THE DISTRICT ATTORNEY

County of Ventura, State of California

GREGORY D. TOTTE
District Attorney

PATRICIA M. MURPHY
Chief Assistant District Attorney

July 14, 2004

The Honorable Bruce A. Clark
Presiding Judge of the Superior Court
County of Ventura Hall of Justice
800 S. Victoria Avenue
Ventura, California 93009

Re: **Response to the Ventura County 2003-2004 Grand Jury Report entitled, *Elder Abuse in Ventura County***

Dear Judge Clark:

As required by California Penal Code section 933.05, this letter is a response to the findings and recommendations of the Ventura County 2003-2004 Grand Jury report entitled, *Elder Abuse in Ventura County* (hereinafter "Grand Jury Report").

Many of the findings of the Grand Jury involve processes occurring in departments other than the Office of the District Attorney. I have no knowledge that any of the findings are in error and I concur with the findings 16 and 17, which reference the Office of the District Attorney.

Response to Recommendation:

In reference to the Grand Jury Report's recommendation R-01:

R-01: There is a need for an increased level of outreach with the Ventura County District Attorney's Office Victim Assistance Unit, and the Ventura County Financial Abuse Specialist Team ("FAST") to immediately address the critical needs identified in the elder abuse problem within Ventura County.

I concur that an increased level of outreach to the elder population of Ventura County is needed. In 2003, nearly three hundred victims of elder abuse received services through our Crime Victims Assistance Program. The population of older adults is rapidly rising. The increased numbers of elderly who have home equity, stocks and retirement savings continues to be an

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JUL 15 2004

OFFICE OF THE
PRESIDING JUDGE

MICHAEL K. FRAWLEY, Chief Deputy
Criminal Prosecutions

JEFFREY G. BENNETT, Chief Deputy
Special Prosecutions

R. THOMAS HARRIS
Special Assistant District Attorney

GARY G. AUER, Chief
Bureau of Investigation

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VENTURA COUNTY GRAND JURY

attractive target for financial abuse. Elders who aren't physically capable of caring for themselves are at risk of physical abuse, neglect and sexual exploitation.

Yet, as the population of older adults is on the rise, resources are being reduced. The Office of the District Attorney has experienced a loss of 20 attorney positions, 12 investigator positions and 16 support staff positions since February 2002. Moreover, our Crime Victims Assistance Program staff has been reduced from 25 to 17 positions due to budget constraints during the same time period. One of the ways we are dealing with the lack of budgetary resources is through volunteer assistance. On average, ten to fifteen volunteers provide between 200 and 500 hours of service per month in assisting victim advocates.

Presently, District Attorney staff reviews reports that are received by our office daily from each law enforcement agency. In elder cases, a victim advocate will make contact with the victim within 72 hours. Elder victims are offered a comprehensive range of services, including crisis intervention, emergency financial assistance, orientation to the criminal justice system, restitution assistance, and application to the State Victim of Crime Compensation Program. District Attorney staff provides elder victims support during court appearances and interviews with law enforcement. District Attorney staff physically accompanies the elder to the courtroom and remain during the court appearance.

District Attorney staff promotes public awareness of services for elder victims through the use of publications, public media and presentations to community groups, service clubs, and senior housing projects. In addition, District Attorney staff attends regular meetings of the Interagency Elder Abuse Council, Ventura County Partnership for Safe Families, and FAST.

Elder abuse is often the result of the same power and control issues that mark other acts of family violence. Elder abuse thrives in silence. Its victims are often too ill, too afraid, or too embarrassed to ask for help. District Attorney staff operates a Family Violence Prevention Center. The objective of the Center is to provide a range of interventions and services for victims of domestic violence, including elders. Elder victims receive free assistance in obtaining protective orders.

There is a need for resources to allow outreach to adult only communities, homebound elders, mobile home parks and senior living housing facilities in order to educate elders who are less active in the community and thus more vulnerable to victimization. Toward this goal, this office has committed to working with Adult Protective Services to develop a joint presentation to

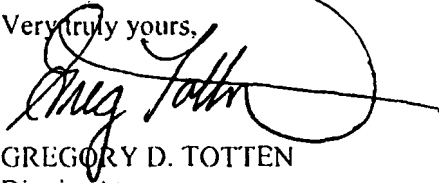
The Honorable Bruce A. Clark

July 14, 2004

Page 3

educate the community on elder abuse and crime prevention. This will allow the two agencies to share resources. The elder community will directly benefit if more resources become available to do greater outreach.

Very truly yours,

A handwritten signature in black ink, appearing to read "Greg Totten", is written over a large, loopy circular flourish.

GREGORY D. TOTTEN
District Attorney

GDT/dm

pc: John F. Johnston, County Executive Officer
David Friedlander, Ventura County Partnership for Safe Families
Joan Virginia Allen, Financial Abuse Specialist Team

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county of ventura

Human Services Agency

Ted Myers
Director

July 21, 2004

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VENTURA COUNTY SUPERIOR COURT

JUL 26 2004

The Honorable Bruce A. Clark
Presiding Judge
Superior Court of California, Ventura County
Ventura County Hall of Justice
800 S. Victoria Avenue
Ventura, CA 93009

OFFICE OF THE
PRESIDING JUDGE

VENTURA COUNTY GRAND JURY
JUL 29 2004

Dear Judge Clark,

This is in response to the letter dated May 21, 2004 requiring a response to the Ventura County 2003-2004 Grand Jury report, *Elder Abuse in Ventura County*. Human Services Agency is appreciative of the positive findings of APS and the acknowledgement of the hard work and the passionate dedication of our APS staff. We are proud of the program and the difference it makes in the quality of life for elders and dependent adults of Ventura County.

Grand Jury Conclusions:

- C-01. The incidence of elder abuse is on the rise within Ventura County. The APS is actively involved in a public education program to increase the general public awareness, concerning the necessity of assisting individuals who are involved with elders so that they are less at risk. APS educates them in how to report incidences of abuse affecting seniors.
- C-02. The APS staff has developed a comprehensive plan to address the incidence of elder abuse through the established network with the District Attorney's Office, FAST and other agencies within Ventura County.
- C-03. The APS has developed a comprehensive training program for its social worker staff and the mandated reporters to address the elder abuse problem

Grand Jury Recommendations:

- R-01. There is a need for an increased level of outreach with the Ventura County District attorney's Office Victim Assistance Unit, and FAST to immediately address the critical needs identified in the elder abuse problem within Ventura County.
- R-02. The increasing elder population within Ventura County requires that additional funding be sought to adequately serve elder abuse victims either through federal grant funding or appropriations from the County's general fund when adequate funding reserves are available.
- R-03. The Ventura County Area Agency on Aging should assume a more active role on the issue of elder abuse either through its Advisory Council Meetings or staff involvement with the APS.

Human Services Agency Responses:

1. Ventura County District Attorney's Office Victim Assistance Unit and Human Services Agency support increased outreach. FAST has been an excellent partner and forum. The Ventura County Partnership for Safe Families, working with Elder Abuse Prevention Council, that serves as a sub-committee to the Partnership, and FAST presented a one-day seminar on recognition of the warning signs of financial abuse of elders and dependent adults, how to prevent abuse, and if it has already occurred how to help APS, law enforcement and the DA's office to prosecute perpetrators. Approximately 100 professionals attended the seminar, including: law enforcement, CPAs, Financial Planners, attorneys practicing elder law and estate planning, APS social workers, Senior Ombudsmen, bankers, and other professionals that work with elders and dependent adults. In addition to APS having active membership in the Partnership, APS coordinates mandated reporter training presentations with the Partnership that also does mandated reporter training. APS has had a good working relationship with the District Attorney's office to coordinate prosecutions, but has also contacted the District Attorney's Victim's Unit to partner in providing outreach to elder communities and organizations. Outreach has also be provided through the State Attorney General's office elder abuse awareness campaign. In Ventura County, cable TV commercials, radio ads, newspaper ads, and bus-stop signs were purchased, as well as free public service announcements ran from April 2003-April 2004. Human Services Agency will continue to participate in outreach efforts, to the level that our current budget will allow.
2. The Human Services Agency has developed a grant writing committee to look at grant opportunities. For grants that are not available to County government, HSA will help assist local non-profits to apply for these funds. As for increased

appropriations, federal legislation, SB 333 – Elder Justice Act, if passed may provide federal funding to states and counties. This funding may provide the means to hire staff for outreach, and to provide direct services. In addition to support directed at passing this federal legislation from County Welfare Directors Association and its lobbyists, support and letters and phone calls have been made by members of the Partnership for Safe Families in an effort to get this bill moved forward. Due to the reduction in the County budget, two APS social workers were laid off effective June 30, 2004.

3. APS is open to a closer relationship with AAA and working together in providing seamless services between programs. Like the recent APS budget reductions, AAA is slated for a 5% budget reduction of state funds. During the last two years legislation has been passed that would pilot service integration of AAA, APS, IHSS/PCSP, Public Conservator, and institutional care under a single administration to provide better and more seamless services to the clients, but at present neither of these bills has passed with any appropriations. The concept of better service integration would provide for improved services, but may be delayed due to implementation costs during tight budget times, but is likely to eventually be implemented through legislation. It would result in all these services falling under one State agency rather than California Department of Aging, California Department of Social Services, and California Department of Health Services as things are currently operated.

Sincerely,



Ted Myers
Director
Human Services Agency

county of ventura

Area Agency on Aging

Victoria A. Jump
Director

August 11, 2004

Honorable Bruce A. Clark
Superior Court of California, Ventura County
Ventura County Hall of Justice
800 S. Victoria Avenue
Ventura, CA 93009

RE: Elder Abuse in Ventura County

Dear Judge Clark:

The Ventura County Area Agency on Aging (VCAAA) agrees with the findings of the 2003-04 Grand Jury report entitled "Elder Abuse in Ventura County." Elder Abuse has been and will continue to be a concern in Ventura County. Additionally, VCAAA annually receives a small amount of money under the Older Americans Act to provide grants for Elder Abuse. Past grantees have included the District Attorney's office and the Elder and Dependent Adult Abuse Council (formerly the Ventura County Elder Abuse Council). Furthermore, in FY 2002-03, the VCAAA Advisory Council provided a grant to the Elder and Dependent Adult Abuse Council to form the Financial Abuse Specialist Team (FAST) in Ventura County. Our Health Insurance Counseling and Advocacy Program (HICAP) manager is a current member of FAST.

In FY 2003-04, the Advisory Council taskforce held a poster contest for elementary school-aged children. The theme of the contest was "what my grandparents mean to me." The winning posters have been printed onto place mats and will be distributed at the congregate meal sites in each city. These place mats will be included as part of a packet of elder abuse information being sent to each county senior center and meal site. Additionally, the VCAAA has also established a lending library of elder abuse videotapes that will be made available to community-based organizations, county agencies and senior centers.

Lastly, our case management programs, Multipurpose Senior Service Program (MSSP) and Linkages regularly interact with Adult Protective Services (APS). Our case managers make reports to and often receive referrals from APS. Therefore, in our opinion, recommendation R-03 has already been implemented.

"We haven't forgotten the meaning of respect your elders."

646 County Square Drive, Suite 100, Ventura, CA 93003-9086 Tel. (805) 477-7300 FAX (805) 477-7312

Please do not hesitate to contact me at (805) 477-7300 if you need any additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victoria Jump".

VICTORIA JUMP
Director

FY 2003-04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number	Report Title	Respondents
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REPORT NO. 05.

Title:	<u>ELECTIONS AND LOCAL APPOINTMENT LISTS</u>
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Required

Respondents: Board of Supervisors



County of Ventura COUNTY EXECUTIVE OFFICE MEMORANDUM

DATE: September 8, 2004

TO: Thomas W. Womack, Chief Deputy Executive Officer

FROM: Jim Becker, CEO Management Analyst

SUBJECT: Response to 2003-04 Ventura County Grand Jury Report No. 05 entitled "Elections and Local Appointment Lists" on behalf of the Board of Supervisors

R-01: The board of supervisors should review its current local appointment list generation procedures and content for compliance with existing statutory requirements and make changes where necessary to bring its list into compliance.

Response: Concur. The CEO-Clerk of the Board is currently reviewing its local appointment list generation procedures to ensure statutory compliance. The Clerk of the Board is also expanding the database containing comprehensive information of all Board-appointed boards and commissions that it developed and maintains on its website. The public can access this database via their own personal computers or by personal computers available at all Ventura County libraries.

R-02: The board of supervisors should review current policy regarding the rotation of purchase orders for publication of legal notices among the several recognized newspapers of general circulation to determine whether rotation is appropriate, given the differing publicity needs of different types of "legal notices" including notices of local elections.

Response: Concur. The policy of publication of legal notices by rotation was addressed by the Board of Supervisors at their June 22, 2004 meeting. The CEO-Clerk of the Board will publish legal notices via *The Daily Journal* in one of three ways unless required by statute to publish in a specific manner. First, legal notices requiring publication in a newspaper of general circulation will be published in an adjudicated newspaper in Ventura County that has countywide readership. Second, legal notices having specific local interest will be published in an adjudicated newspaper in Ventura County that is read by residents of that local geographic area. Third, legal notices neither required to be published in a newspaper of general circulation nor having a

specific local interest will be published in an adjudicated newspaper in Ventura County on a rotation basis.

The Elections Division of the County Clerk and Recorder's Office will publish all notices of appointments in-lieu-of elections via *The Daily Journal* in an adjudicated newspaper of general circulation within Ventura County that has countywide readership without regard to publication rotation schedules.

R-03: The board of supervisors should take whatever policy action is necessary to insure that, when the Elections Division is servicing a district election, useless election publication decisions such as described in the complaint do not occur again.

Response: Concur. The Elections Division policy of publishing election notices in an adjudicated newspaper of general circulation within Ventura County that has countywide readership should prevent such an incident from recurring.

JB

FY 2003-04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number	Report Title	Respondents
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REPORT NO. 06.

Title: Emergency Preparedness Plans

Required

Respondents: Ventura County Fire Protection District

VENTURA COUNTY FIRE PROTECTION DISTRICT

BOB ROPER
County Fire Chief



165 Durley Avenue
Camarillo, CA 93010-8586
(805) 389-9710
FAX (805) 388-4364

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VENTURA COUNTY SUPERIOR COURT

JUN 11 2004

OFFICE OF THE
PRESIDING JUDGE

June 9, 2004

Honorable Bruce A. Clark
Presiding Judge,
Superior Court of California, Ventura County
Ventura County Hall of Justice
800 South Victoria Avenue
Ventura, CA 93009

Subject: 03/04 Grand Jury Report - Emergency Preparedness Plans

In response to the above Grand Jury Report - Emergency Preparedness Plans, the Fire District is agreement with the report.

The Fire District has implemented new procedures as referenced in Recommendation #2 to improve communications between fire and law enforcement agencies during emergencies.

Thank you for the Grand Jury's time and effort toward improving emergency services in Ventura County. I may be contacted at 389-9700 if there are any further comments.

Sincerely,

BOB ROPER
Fire Chief

Committed to Excellence . . . Delivered with Pride

Providing protection and preservation of life, property and environment to: The Cities of Camarillo, Moorpark, Ojai, Port Hueneme, Simi Valley, Thousand Oaks, and the unincorporated areas of Ventura County.

cc: Grand Jury of

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number	Report Title	Respondents
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REPORT NO. 07

Title: Moorpark Code Enforcement and Development Process

Required

Respondents: No Response Required from County of Ventura

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number	Report Title	Respondents
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REPORT NO. 08.

Title: Oxnard Community Redevelopment

Required
Respondents: No Response Required from County of Ventura

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number	Report Title	Respondents
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REPORT NO. 09.

Title: Public Records Act Implementation

Required
Respondents: Board of Supervisors
Auditor-Controller

Additional
Respondent: Sheri f



**County of Ventura
COUNTY EXECUTIVE OFFICE
MEMORANDUM**

DATE: August 30, 2004

TO: John F. Johnston, County Executive Officer

FROM: Thomas W. Womack, Chief Deputy Executive Officer

SUBJECT: Response to 2003-04 Ventura County Grand Jury Report No. 09 entitled
"Public Records Act Implementation" on behalf of the Board of
Supervisors

R-1: The Board of Supervisors and the County Executive Officer should develop and publish a written county-wide policy regarding implementation of the Public Records Act, with particular emphasis on proper fee charging, timely responses to requests, record keeping for future audit, and proper grounds for denial.

Response: The County, through the CEO will look into clarifying the county's public records access procedures and statutory fees.

R-2: The Board of Supervisors and the County Executive Officer should consider the development and publication of fee schedules by County resolution that are designed to recover the total cost of responding to Public Records Act requests that are practical and allowable as "statutory fees" under current law.

Response: See response to R-1 above.

R-3: The Board of Supervisors and the County Executive Officer should schedule Public Records Act compliance as a periodic audit topic.

Response: The Grand Jury's investigation was prompted by a public records complaint concerning a City. Their report found that the records sought either simply did not exist or were in a format not agreeable to the complainant. The Grand Jury found no evidence to suggest non-compliance with the code. In view of these findings, it is the Board's position that the cost of starting up a countywide record keeping system is not warranted especially in light of today's budgetary limitations.

If you have additional questions, please contact me at 654-3656.

TWW

CHRISTINE L. COHEN
AUDITOR-CONTROLLER
County of Ventura
800 South Victoria Avenue
Ventura, Ca 93009-1540



CHIEF DEPUTIES
JAMES M. TAMEKAZU
LOUISE WEBSTER
SANDRA BICKFORD
MERCY GRIECO

June 16, 2004

RECEIVED

JUN 18 2004

VENTURA COUNTY GRAND JURY

Honorable Bruce A. Clark, Presiding Judge
Superior Court of California, County of Ventura
Ventura County Hall of Justice
800 South Victoria Avenue
Ventura, California 93009

Dear Judge Clark:

In accordance with Penal Code Section 933.05, the Auditor-Controller's Office provides the following response to the Ventura County 2003-2004 Grand Jury Report, entitled *Public Records Act Implementation*:

Findings F-01 through F-12: We concur with the Grand Jury's findings.

Findings F-13 through F-27: Not applicable to this response. The findings pertain to districts and cities.

Findings F-28 through F-47: Noted. Although the findings pertain to County offices, we do not have information, nor are we in a position to concur or disagree with the Grand Jury's findings.

Recommendation R-03: "The Board of Supervisors and the County Executive Officer should schedule Public Records Act compliance as a periodic audit topic."

Response: We will consider the Public Records Act as a potential audit subject in the future. However, given other audit priorities and our extremely limited audit resources, we do not anticipate scheduling an audit on this subject in the near future.

We appreciate the opportunity to respond to this Grand Jury Report. If you have any questions or need additional information, please call me at (805) 654-3151.

Sincerely,

A handwritten signature in black ink, appearing to read "CLC", written over a horizontal line.

CHRISTINE L. COHEN
Auditor-Controller

cc: Grand Jury



VENTURA COUNTY SHERIFF'S DEPARTMENT

- BOB BROOKS
SHERIFF
- CRAIG HUSBAND
UNDERSHERIFF

800 SOUTH VICTORIA AVENUE, VENTURA, CA 93009 PHONE (805) 654-2380 FAX (805) 645-1391

July 26, 2004

RECEIVED
VENTURA COUNTY SUPERIOR COURT

AUG - 5 2004

Honorable Bruce A. Clark, Presiding Judge
Superior Court of California, Ventura County
800 S. Victoria Avenue
Ventura, CA 93009

OFFICE OF THE
PRESIDING JUDGE

Dear Judge Clark:

On June 8, 2004, the Grand Jury released a report entitled, "Public Records Act Implementation." In the report, the Grand Jury conducted an audit based upon a complaint that one of the county's cities was refusing to release public records. Upon finding that the complaint was not sustained, the Grand Jury decided to review the county's policy and procedures for response to requests for information under the Public Records Act (PRA).

The Grand Jury report expressed concern regarding the county government's lack of an overall policy. Specific observations were made about several county departments. One reference was that the Sheriff's Department was not able to provide an annual audit report documenting our response to Public Records Act requests. Further research indicates the Custodians of Record in each of our primary PRA request sites – Central Records, Crime Lab, Dispatch and Detention Services Legal Unit – do track the information you sought, but on an individual unit basis and not department-wide.

The Sheriff's Department is in the process of developing a General Order (policy) regarding response to requests for information under the Public Records Act. Along with the development of this formal policy, Sheriff's Information Bureau is developing a computerized spreadsheet that will provide department-wide tracking of Public Records Act requests, approval, denials and partial releases. The Custodians of Record will input Public Records Act response data and create a central repository for an annual Public Records Act report that could be made available. That system is now in development and should be completed in the fall.

If you have any additional questions, please feel free to contact Commander Kathy Kemp at 477-1990.

Sincerely,

BOB BROOKS
Ventura County Sheriff

RECEIVED RECEIVED

AUG 11 2004

VENTURA COUNTY GRAND JURY

☐ SPECIAL SERVICES

6401 Telephone Road, Suite 200
Ventura, CA 93003
(805) 477-7011 FAX (805) 477-7010

☐ PATROL SERVICES

2101 East Olsen Road
Thousand Oaks, CA 91362
(805) 494-8261 FAX (805) 494-8295

☐ DETENTION SERVICES

800 South Victoria Avenue
Ventura, CA 93009
(805) 654-2305 FAX (805) 654-3500

☐ SUPPORT SERVICES

800 South Victoria Avenue
Ventura, CA 93009
(805) 654-3926 FAX (805) 654-2109

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number	Report Title	Respondents
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REPORT NO. 10.

Title: Santa Paula Firefighter Utilization

Required

Respondents: No Response Required from County of Ventura

Requested

Respondent: Fire Protection District Chief

VENTURA COUNTY FIRE PROTECTION DISTRICT

BOB ROPER
County Fire Chief



165 Durley Avenue
Camarillo, CA 93010-8586
(805) 389-9710
FAX (805) 388-4364

RECEIVED
VENTURA COUNTY SUPERIOR COURT

MAY - 7 2004

OFFICE OF THE
PRESIDING JUDGE

May 5, 2004

Honorable Bruce A. Clark
Presiding Judge,
Superior Court of California, Ventura County
Ventura County Hall of Justice
800 S. Victoria Avenue
Ventura, CA 93009

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MAY 11 2004

VENTURA COUNTY GRAND JURY

Dear Judge Clark:

I have reviewed the Ventura County 2003-04 Grand Jury report entitled, Santa Paula Firefighter Utilization, and I concur with the findings. In regard to Recommendation #3, the Fire District will remain available to discuss the agreement with the Santa Paula Fire Chief whenever he chooses.

Sincerely,

BOB ROPER
Fire Chief

Committed to Excellence . . . Delivered with Pride

Providing protection and preservation of life, property and environment to: The Cities of Camarillo, Moorpark, Ojai, Port Hueneme, Simi Valley, Thousand Oaks, and the unincorporated areas of Ventura County

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number	Report Title	Respondents
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REPORT NO. 11.

Title: Under-Served Children in Ventura County

Required

Respondents: Board of Supervisors
District Attorney

Requested

Respondent:: Human Services Agency



County of Ventura COUNTY EXECUTIVE OFFICE MEMORANDUM

DATE: August 17, 2004

TO: Thomas W. Womack, Chief Deputy Executive Officer

FROM: David Stoll, CEO Program Management Analyst

SUBJECT: Response to 2003-04 Ventura County Grand Jury Report No. 11 entitled
"Under Served Children in Ventura County" on behalf of the Board of
Supervisors

R-2: Funding should be aggressively sought to provide for the programs outlined in this report, rather than wait until more costly services are required.

Response: The Board concurs, and encourages H.S.A. to seek federal State, private grants, and any other creative means of obtaining financing.

R-3: Continued funding as well as a more affordable site should be located for Safe Harbor in Ventura.

Response: The Board concurs with the above recommendation. The District Attorney, as lead agency is pursuing local, state and federal grants; including program in legislative platform; establishing a new Safe Harbor Fund; and exploring other more affordable locations.

If you have additional questions, please contact David Stoll at 654-3838.

C: Paul Derse



OFFICE OF THE DISTRICT ATTORNEY

County of Ventura, State of California

GREGORY D. TOTTEN
District Attorney

PATRICIA M. MURPHY
Chief Assistant District Attorney

June 10, 2004

RECEIVED

JUN 12 2004

VENTURA COUNTY GRAND JURY

MICHAEL K. FRAWLEY, Chief Deputy
Criminal Prosecutions

JEFFREY G. BENNETT, Chief Deputy
Special Prosecutions

R. THOMAS HARRIS
Special Assistant District Attorney

GARY G. AUER, Chief
Bureau of Investigation

The Honorable Bruce A. Clark
Presiding Judge of the Superior Court
County of Ventura Hall of Justice
800 S. Victoria Avenue
Ventura, California 93009

Re: **Response to the Ventura County 2003-2004 Grand Jury report entitled, *Under-Served Children in Ventura County***

Dear Judge Clark:

As required by California Penal Code section 933.05, this letter is a response to the findings and recommendations of the Ventura County 2003-2004 Grand Jury report entitled, *Under-Served Children in Ventura County* (hereinafter "Grand Jury Report"). My responses below are limited to matters pertaining to the Safe Harbor program and do not reflect my opinions on other matters raised in the Grand Jury Report.

Response to Certain Findings:

With respect to findings 19 and 20 of the Grand Jury Report which read as follows:

F-19: The Ventura County District Attorney's Office, along with CFS, county law enforcement agencies and the Ventura County Health Care Agency have developed Safe Harbor to help child victims of sexual and physical abuse and severe neglect;

and

F-20: The location of the Safe Harbor site in Ventura is in jeopardy due to high cost of the rental space and current countywide budget problems;

I concur with both findings and commend the Grand Jury for acknowledging the value of the Safe Harbor program in helping child victims of abuse and neglect and their nonoffending family members access vital criminal justice, medical and counseling services. I must also state my

The Honorable Bruce A. Clark
June 10, 2004
Page Two

strong support and concurrence with the Grand Jury's recognition that the Safe Harbor program faces financial jeopardy due to its high rent cost for its Ventura facility and local budget cuts.

Response to Recommendation:

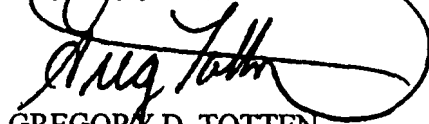
In reference to the Grand Jury Report's recommendation:

R-03: Continued funding as well as a more affordable site should be located for Safe Harbor in Ventura;

I also concur with the above Grand Jury recommendation and will continue to implement such activities in accord with my ongoing mandate to my staff to pursue other funding sources to support Safe Harbor (see Attachment I). The District Attorney's Office has been the lead agency for Safe Harbor, bearing the brunt of funding responsibility for the coordination and operating costs through staffing and grant funding. These budget times make it difficult to maintain this challenging commitment when traditional district attorney functions have become increasingly burdened as a direct result of the loss of approximately 50 district attorney allocations since February 2002 with many more likely to be lost by the end of 2005. Accordingly, we will continue to aggressively seek out alternative funding sources as further described in Attachment I. Moreover, when the county's budget improves, I intend to seek additional general fund appropriations for this vital program.

These measures will greatly aid in stabilizing funding for the Safe Harbor program and further secure its position as a long-term asset in Ventura County.

Very truly yours,



GREGORY D. TOTTEN
District Attorney

GDT/jad

pc: Richard S. Hawley, Foreperson, 2003-2004 Grand Jury ✓
John Johnston, County Executive Officer
Safe Harbor Policy Board

Attachment

ATTACHMENT I

District Attorney's Response to Ventura County 2003-2004 Grand Jury report entitled *Under-Served Children in Ventura County.*

Activity	Implementation of Recommendation of R-3
(1) Pursuit of Local, State and Federal Grants	<ul style="list-style-type: none"> • The California Office of Emergency Services recently issued a Request for Proposal (RFP) due June 15, 2004, for the Child Abuse Treatment Program (CHAT). It is the intent of the District Attorney's Office to compete for a share of these funds. If successful, the award would strengthen the mental health services component of the program by paying for staffing from the Ventura County Behavioral Health Department and provide staff funding for District Attorney Victim Advocates to aid Safe Harbor's non-profit service providers in providing crisis counseling, referral to on-going psychotherapy, and victim advocacy services such as restraining order assistance, to Safe Harbor's clients. • The District Attorney is poised to submit a pre-application for the Robert Wood Johnson Foundation's Local Initiative Funding Partners (LIFP) program due July 14, 2004. This is an exciting, unique and highly competitive program requiring local funders to nominate worthy programs for LIFP funding. The LIFP program would match, dollar-for-dollar, funding raised at the local level up to \$500,000 to support Safe Harbor services. A successful LIFP pre-application requires strong evidence of dollar-for-dollar match-raising ability and a broad base of support from local funders. Soon, Safe Harbor supporters will receive an invitation to participate in aiding Safe Harbor to obtain a LIFP grant.
(2) Legislative Efforts	<ul style="list-style-type: none"> • As part of the Ventura County 2004/05 Legislative Agenda and Platform, the District Attorney has requested that the County of Ventura advocate for funding for the Safe Harbor program as one of Ventura County's legislative priorities. As a result of incorporation into the 2004/05 Legislative Agenda and Platform, Ventura County's lobbyists, under authorization from the Ventura County Board of Supervisors, will be empowered to contact state and federal representatives to seek financial support for the Safe Harbor program.
(3) New Safe Harbor Fund	<ul style="list-style-type: none"> • Initiated by the public's expressed interest, private citizens can now more easily financially support Safe Harbor. The Safe Harbor Policy Board (i.e., the multi-agency body that governs the program) established a Safe Harbor Fund with the Ventura County Community Foundation that will make it possible for the public to contact the Ventura County Community Foundation directly with inquiries about how to contribute to Safe Harbor, the process for qualifying their donation as a charitable gift for tax purposes, and other issues associated with becoming a financial supporter. It is hoped that over the long-term, the Safe Harbor Fund will add stability to what is currently a grants-driven program.
(4) Finding a More Affordable Site	<ul style="list-style-type: none"> • The District Attorney has held discussions with the property manager of the current site as well as local nonprofit medical service providers and other local agencies in an effort to acquire a more affordable alternative site in Ventura. In July 2003, the District Attorney explored 2125 Knoll Drive, in conjunction with the Ventura County Public Health Department, but found the facilities to be impractical for Safe Harbor's purposes due to security, privacy and communication concerns. The search for an alternative site continues to the present.



county of ventura

Human Services Agency

Ted Myers
Director

July 26, 2004

The Honorable Bruce A. Clark
Presiding Judge of the Superior Court
Ventura County Hall of Justice
800 S. Victoria Avenue
Ventura, CA 93009

Dear Judge Clark:

This is in response to the letter dated May 21, 2004 requesting a response to the Ventura County 2003-2004 Grand Jury report entitled, *Under-Served Children in Ventura County*. The Human Services Agency appreciates the thoughtful analysis and conclusions included in the report. We are deeply committed to strengthening the linkages with the various service systems so that children's and families' needs can be met without gaps.

Grand Jury Conclusions:

- C-01 The four population groups covered in this report are being served by HSA and other county and community agencies, but there are still critical gaps.
- C-02 Waiting lists, staffing, inter-organizational cooperation, legislative restrictions and limited funding can be barriers to providing services to these children.
- C-03 There is a significant potential impact on not only the youth involved, but on the community, both socially and financially, if services are deferred or delayed and the child's problems are aggravated. The individual's situation can deteriorate to the point where the level of needed service has escalated and law enforcement, detention facilities, the court system, and hospitals become involved at a greater cost to the community. A stitch in time saves nine.

Grand Jury Recommendations:

- R-01 Continued efforts should be made to preserve and develop the programs as outlined in this report.

HUMAN SERVICES AGENCY
505 Poll Street, Ventura, CA 93001 (805) 652-7601 Fax (805) 652-7571

Integrity ✦ Compassion ✦ Empowerment

The Honorable Bruce A. Clark
July 23, 2004
Page 2

R-02 Funding should be aggressively sought to provide for the programs outlined in this report, rather than wait until more costly services are required.

R-03 Continued funding as well as a more affordable site should be located for Safe Harbor in Ventura.

The Human Services Agency (HSA) was requested to respond to recommendations R-01 and R-02:

1. HSA concurs with the recommendation but is only partially able to implement due to budget constraints. During the recent budget process, HSA advocated to restore eleven vacant children's services social worker positions that had been deleted as a budget reduction. Of those, four were restored. Staff continues to carry heavier caseloads.
2. HSA aggressively seeks to implement the recommendation by searching for new funding streams and finding ways to maximize current funding including grants, partnerships and collaboration and outsourcing services to community-based organizations. For example, early intervention services at several schools are funded by local organizations (such as First 5) providing matching funds to draw down equal amounts of uncapped federal funds.

Should you have additional questions, please contact me at (805) 652-7601.

Sincerely,



TED MYERS, DIRECTOR
Human Services Agency

cc: Linda Henderson

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number

Report Title

Respondents

REPORT NO. 12.

Title: **Urgent Care in Ventura County**

Required

Respondents: Board of Supervisors

Requested

Respondent: Health Care Agency



County of Ventura COUNTY EXECUTIVE OFFICE MEMORANDUM

DATE: August 10, 2004

TO: Thomas W. Womack, Chief Deputy Executive Officer

FROM: David Stoll, CEO Program Management Analyst

SUBJECT: Response to 2003-04 Ventura County Grand Jury Report No. 12 entitled
"Urgent Care in Ventura County" on behalf of the Board of Supervisors

R-1: It is recommended that the inaccuracies and misinformation in the Ventura County Health Care Agency Directory of Services be corrected.

R-2: It is recommended that the inaccuracies on the maps of the Ventura County Health Care Agency be corrected.

Response: The Board supports updating the Health Care Agency's Directory of Services that contains the inaccuracies mentioned in R-1 and R-2 above. The update should take place as soon as funding becomes available and the necessary information is collected.

R-3: It is recommended that the Ventura County Health Care Agency prepare a Needs Assessment Study for urgent care facilities in east Ventura County.

Response: The Board supports the idea of continually assessing the needs for urgent care facilities in all parts of the County. The Health Care Agency is currently making these assessments. The major reason for not having an urgent care facility in the East County is the lack of resources. The agency and Board must carefully priorities the available resources to provide the best health safety net possible for the citizens of Ventura County. The current configuration of health facilities and services reflect those priorities, but those priorities are constantly reviewed and adjusted.

If you have additional questions, please contact David Stoll at 654-3838.

C: Paul Derse

August 4, 2004

Honorable Bruce A. Clark
Presiding Judge of the Superior Court
Ventura County Hall of Justice
800 South Victoria Avenue - #2120
Ventura, CA 93009

Re: 2003-2004 Grand Jury Report: *Urgent Care in Ventura County*

Dear Judge Clark:

On May 6, 2004, the Ventura County Health Care Agency ("HCA") was provided with a copy of the above referenced report by the 2003-2004 Ventura County Grand Jury ("Grand Jury"). The cover letter accompanying the report requested that HCA prepare a written response within 90 days and forward it to you with a copy to the Grand Jury. The Director of HCA, Pierre Durand, has asked that I prepare the response on behalf of the agency in my capacity as Deputy Director and Ambulatory Care Administrator.

As stated in the introductory summary to the report, the purpose of the Grand Jury inquiry was to determine the availability of urgent care, outpatient facilities provided by HCA to Ventura County residents. Before addressing the substance of the report I believe it would be helpful to give some context to the issues addressed by the Grand Jury.

HCA consists of 5 different departments which work together to serve the diverse health care needs of each and every community in Ventura County. These departments, the Ventura County Medical Center and Ambulatory Care Clinics, the Public Health Department, the Behavioral Health Department, the Ventura County Health Care Plan, and the Medical Examiner's Office, form a fully integrated delivery system encompassing the full continuum of health care services.

That system provides over 1,000,000 patient and client contacts throughout the County each year. The contacts with patients and clients who live in the east County alone amount to over 30 million dollars in services provided. More than 85% of those services go to underserved patients and clients for whom HCA is the health care safety net. These

individuals experience barriers to receiving medical care due to any combination of economic, cultural or lifestyle conditions. They rely on HCA to break down those barriers and provide the quality health care all our County residents deserve.

As such, the constant focus of the administrators, managers and staff of all 5 departments is to increase the accessibility of the safety net system while maintaining the highest standards of quality, and to do so in a financially responsible manner. Given the complexities of modern health care delivery, the increasing number of County residents that find themselves either uninsured or underinsured, and the budget issues facing government at all levels, our mission has never been more challenging. However, due to the hard work and dedication of HCA's 1,500 plus employees, and the strong support of the County Board of Supervisors, we continue to succeed.

Findings

HCA concurs with all findings in the report, with the following exceptions:

F-09. Of the eight facilities visited, six are under contract with the county, whereas, VCMC and Magnolia Health Center are operated directly by the County of Ventura.

Of the 8 facilities visited by the Grand Jury, only VCMC is operated by the County. Although the County owns the other 7 facilities, they are operated by independent physician contractors.

F-12. There are no urgent care facilities in east Ventura County, causing patients to drive to west county for their urgent care needs.

While it is true that there are no separate urgent care facilities in any of the east county clinics, every clinic in the HCA system treats walk-in patients. In fact, every clinic in the system maintains open slots in each physician's schedule every day in order to accommodate walk-in patients.

Every walk-in patient who presents at an HCA system clinic is immediately seen by a triage nurse. If the triage nurse determines that the patient needs to be treated immediately they will either be seen by a clinic physician on site, or transported to the most appropriate emergency room. If the triage nurse determines that the patient does not need to be seen on an emergency basis, they will be seen as soon as the walk-in schedule permits.

Patients are often unwilling to wait until the next walk-in appointment time and instead choose to go to HCA clinic sites that maintain separate urgent care facilities and have a greater capacity to treat walk-in patients.

Honorable Bruce A. Clarke
August 4, 2004
Page 3.

Conclusions

HCA concurs with all conclusions in the report.

Recommendations

R-01. *It is recommended that the inaccuracies and misinformation in the Ventura County Health Care Agency Directory of Services be corrected.*

HCA will implement this recommendation. However, fiscal restraints preclude us from reprinting the current version of the directory. HCA updates and reprints the directory on an annual basis. The identified inaccuracies will be corrected during the next update and printing.

R-02. *It is recommended that the inaccuracies on the maps of the Ventura County Health Care Agency be corrected.*

HCA will implement this recommendation. However, fiscal restraints preclude us from reprinting the current versions of the maps. HCA updates and reprints these maps on an annual basis. The identified inaccuracies will be corrected during the next update and printing.

R-03. *It is recommended that the Ventura County Health Care Agency prepare a Needs Assessment Study for urgent care facilities in east Ventura County.*

HCA continuously assesses facility and resource needs throughout the County. We do so on two levels.

At each clinic site we monitor the number of patient visits, the length of patient wait times, and general patient satisfaction with the availability and quality of the services provided. This is to ensure that we have the proper number and types of providers in place at each clinic, and that the site itself is the appropriate size and configuration for patient needs.

In order to monitor access issues county-wide we analyze market data from HCA and non-HCA sources alike. This is to ensure that our clinics are situated in strategically appropriate locations given current market conditions and anticipated market trends.

Generally speaking, more service facilities and resources are always needed. However, budget restraints require that we prioritize these needs within the context of the overall mission of the agency.

Honorable Bruce A. Clarke
August 4, 2004
Page 4.

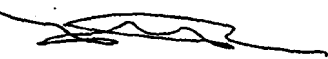
Although there are no immediate plans to add urgent care facilities in the east County, we will continue to monitor the needs of our patient population and make informed resource recommendations to the Board of Supervisors.

Commendations

HCA thanks the Grand Jury for acknowledging the hard work and dedication of its employees, and our continuing efforts to provide the best medical care available anywhere in Ventura County.

I hope this letter has provided you with helpful information. If I can be of any further assistance please feel free to contact me at 677-5272.

Sincerely,



Kirk E. Watson
Deputy Director, HCA
Ambulatory Care Administrator
Compliance Officer

C: Pierre Durand, HCA Director/\ CMC Administrator
John F. Johnston, County Executive Officer
Richard S. Hawley, Foreperson, 2003-2004 Grand Jury

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number	Report Title	Respondents
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REPORT NO. 13

Title: Ventura County Contracting Practices

Required
Respondents: Board of Supervisors



County of Ventura COUNTY EXECUTIVE OFFICE MEMORANDUM

DATE: August 9, 2004

TO: Thomas W. Womack, Chief Deputy Executive Officer

FROM: Suzy Watkins, CEO Management Analyst

SUBJECT: Response to 2003-04 Ventura County Grand Jury Report No. 13 entitled "Ventura County Contracting Practices" on behalf of the Board of Supervisors

R-1: The County review the information systems policies and practices to determine best overall design, development and maintenance strategy with the purpose of reducing long-term costs.

Response: Concur. Processes are in place to evaluate and reduce long-term costs related to maintenance and support of County information systems.

The Board of Supervisors adopted a Countywide Technology Strategy on February 4, 1997. This strategy, most recently revised June 11, 2003, includes principles and criteria for decisions on technology investments; policy statements; guidelines on key management issues; and a description and plan for IT architecture and infrastructure. Reduction or avoidance of costs is one of the stated goals of the technology strategy.

Under the strategy, the County Executive Office (CEO) and Information Technology Department (ISD) are jointly responsible for planning and implementation of technology at the County. Both departments participate on the Information Technology Committee (ITC), along with representative for the Board of Supervisors and five county department heads. The ITC is tasked with:

- Drafting and updating County Technology Strategy for Board approval.
- Recommending IT policies to the CEO for implementation.
- Approving all County IT Projects costing \$50K or more.
- On-going oversight of selected IT projects.
- Identifying opportunities for countywide, technology-related efficiencies, cost savings and operational improvements.
- Making other technology recommendations to the CEO.

Response to Grand Jury Report No. 13
"Ventura County Contracting"
August 9, 2004
Page 2 of 2

The process for approving IT projects includes review of system lifecycle management, planning for system operation and maintenance, and analysis of cost/benefit. Projects costing \$50K or more require evaluation and approval by ISD, CEO and ITC. The technology oversight processes currently in place provide for coordinated system planning and strategic resource development. Implementation expenses, as well as long-term maintenance costs are considered in the decision-making process.

SW

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number

Report Title

Respondents

REPORT NO. 14

Title: Ventura County Emergency Operations Center

Required

Respondents: Sheriff
 Board of Supervisors

Requested

Respondent: Fire Chief, Ventura County Fire Protection District



VENTURA COUNTY SHERIFF'S DEPARTMENT

- BOB BROOKS
SHERIFF
- CRAIG HUSBAND
UNDERSHERIFF

800 SOUTH VICTORIA AVENUE, VENTURA, CA 93009 PHONE (805) 654-2380 FAX (805) 645-1391

RECEIVED

June 14, 2004

JUN 16 2004

RECEIVED
VENTURA COUNTY SUPERIOR COURT

VENTURA COUNTY GRAND JURY

JUN 15 2004

Honorable Bruce A. Clark, Presiding Judge
Superior Court of California, Ventura County
800 S. Victoria Avenue
Ventura, CA 93009

OFFICE OF THE
PRESIDING JUDGE

Re: Response to the 2003-2004 Grand Jury report entitled, *Ventura County
Emergency Operations Center*.

In accordance with California Penal Code Section 933 (c), this report is a response to the findings and recommendations of the 2003-2004 Grand Jury report entitled, *Ventura County Emergency Operations Center*. The following are my responses:

Recommendations

R-0. In emergencies requiring coordinated efforts from agencies outside the Sheriff's Department, there should be a more defined procedure for notifying the Sheriff that activation of the EOC and OES is required. The procedure should include timely notification of resource capacity before it reaches a critical level requiring outside support.

Response to R-01: On Saturday, October 25, 2003 the Emergency Operation Center was activated according to the County's Multi-Hazard Functional Plan. At approximately 1630 hours, the request was made by the Fire Chief to the Sheriff who in turn instructed OES to prepare a local emergency proclamation and activate the County's EOC. The County EOC was open within 20 minutes with the first operational period beginning at 1800 hours.

R-02. Ventura County should establish the protocols and procedures to coordinate multi-city, large-scale emergencies from the Ventura County EOC. In addition, funds should be allocated for communications equipment upgrades to accommodate coordinated responses.

☐ SPECIAL SERVICES
6401 Telephone Road, Suite 200
Ventura, CA 93003
(805) 477-7011 FAX (805) 477-7010

☐ PATROL SERVICES
2101 East Olsen Road
Thousand Oaks, CA 91362
(805) 494-8261 FAX (805) 494-8295

☐ DETENTION SERVICES
800 South Victoria Avenue
Ventura, CA 93009
(805) 654-2305 FAX (805) 654-3500

☐ SUPPORT SERVICES
800 South Victoria Avenue
Ventura, CA 93009
(805) 654-3926 FAX (805) 654-2109

Response to R-02: The Ventura County Inter-Agency Coordination Group (IACG) is comprised of the ten cities and various special districts. This group meets once a month to plan and receive training on how to respond to large-scale emergencies affecting multiple jurisdictions.

Most recently, this group developed a countywide emergency management strategy for upgrading communications for city EOCs. The IACG will spend approximately \$300,000 under the 2004 Homeland Security Grant Program to improve communications between county and city EOCs. The implementation date is August 31, 2004.

R-03. EOC should be allowed to purchase or upgrade the existing televisions or remote control units.

Response to R-03: Funding through the Emergency Management Performance Grant will be used to upgrade display capabilities in the EOC. The implementation date will be July 30, 2004.

R-04. When new space becomes available to the County, the EOC should be allowed to upgrade or move to new facilities.

Response to R-04: This project has been studied and an expansion plan has been developed. Implementation is dependent on available space and funding.

The Sheriff's Department appreciates the constructive input relating to public safety and will continue to seek opportunities to improve our EOC capabilities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Brooks', written over a horizontal line.

BOB BROOKS
Ventura County Sheriff



County of Ventura

COUNTY EXECUTIVE OFFICE

MEMORANDUM

DATE: September 15, 2004

TO: Board of Supervisors

FROM: Marty Robinson *MR*

SUBJECT: Response to the 2003-2004 Grand Jury Report No. 14 entitled, "Ventura County Emergency Operations Center" prepared on behalf of the Board of Supervisors

Recommendations

R-01. In emergencies requiring coordinated efforts from agencies outside the Sheriff's Department, there should be a more defined procedure for notifying the Sheriff that activation of the EOC and OES is required. The procedure should include timely notification of resource capacity before it reaches a critical level requiring outside support.

Response to R-01: Concur that procedures for activation of the EOC should be well defined and that notification of resource capacity should be timely. The Fire Chief has indicated that the Ventura County Fire Protection District will be working with Sheriff and EOC staff to further refine EOC activation procedures.

R-02. Ventura County should establish the protocols and procedures to coordinate multi-city, large-scale emergencies from the Ventura County EOC. In addition, funds should be allocated for communications equipment upgrades to accommodate coordinated responses.

Response to R-02: As indicated in the Sheriff's response, there is a Ventura County Inter-Agency Coordination Group, including all ten cities and a variety of special districts and other key organizations, which does planning for large-scale emergencies. There are protocols and procedures based on the Standardized Emergency Management System (SEMS) EOC activities associated with multi-jurisdiction, large-scale emergencies.

Interoperable EOC Communications equipment has been conditionally approved under the 2004 Homeland Security Grant. Sheriff is awaiting final approval from State Department of Homeland Security proceed with improvements.

R-03. EOC should be allowed to purchase or upgrade the existing televisions or remote control units.

Response to R-03: oes has since upgraded one television set that failed during the 2003 firestorms. We are also expecting the arrival of two large display screens tomorrow, Tuesday, September 14.

R-04. When new space becomes available to the County, the EOC should be allowed to upgrade or move to new facilities.

Response to R-04: New or expanded facilities would have to compete with other priority County capital projects. There is an annual process for putting projects on the capital project plan list. This project has not been submitted for evaluation. It should be noted that due to the extremely difficult fiscal position the County has endured, the capital projects that have moved forward since FY 2001-02 are primarily those that have a substantial funding support from sources other than the County General Fund.

OES has put together a committee of EOC Team members to improve EOC operations by developing and implementing a "low cost" plan for upgrading and reconfiguring the existing EOC space. The plan is expected to be completed in 60 days with recommendations for additional upgrades as funding becomes available.

FIRE PROTECTION DISTRICT

BOB ROPER
County Fire Chief



165 Durley Avenue
Camarillo, CA 93010-8586
(805) 389-9710
FAX (805) 388-4364

RECEIVED
VENTURA COUNTY SUPERIOR COURT

JUN 11 2004

OFFICE OF THE
PRESIDING JUDGE

June 9, 2004

Honorable Bruce A. Clark
Presiding Judge,
Superior Court of California, Ventura County
Ventura County Hall of Justice
800 South Victoria Avenue
Ventura, CA 93009

Subject: 03/04 Grand Jury Report - Ventura County Emergency Operations Center

In response to the above Grand Jury Report - Ventura County Emergency Operations Center, the Fire District is in agreement with the report.

The Fire District will implement new procedures as referenced in Recommendation #1 to improve coordination of the EOC activation. The Fire District will meet with the Sheriff and OES staff to further polish the EOC activation procedures.

The Fire District will implement meetings and drills to further enhance the coordination of multi-disciplines during large emergencies supporting Recommendation #2.

Thank you for the Grand Jury's time and effort toward improving emergency services in Ventura County. I may be contacted at 389-9700 if there are any further comments.

Sincerely,

BOB ROPER
Fire Chief

RECEIVED

JUN 18 2004

VENTURA COUNTY GRAND JURY

Committed to Excellence . . . Delivered with Pride

Providing protection and preservation of life, property and environment to: The Cities of Camarillo, Moorpark, Ojai, Port Hueneme, Simi Valley, Thousand Oaks, and the unincorporated areas of Ventura County.

6/14/04 Copy to grand jury of

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number

Report Title

Respondents

REPORT NO. 15

Title: Voter Registration Safeguards

Required
Respondents: County Clerk

OFFICE OF THE COUNTY
CLERK AND RECORDER:

County Clerk
Elections
Recorder



Hall of Administration, Lower Plaza
800 South Victoria Avenue
Ventura, CA 93009-1210
(805) 654-2266
FAX: (805) 662-6543
www.ventura.org/recorder/vencrlrk.htm

PHILIP J. SCHMIT
COUNTY CLERK AND RECORDER

June 30, 2004

RECEIVED
VENTURA COUNTY SUPERIOR COURT

JUL 6 2004

Honorable Bruce A. Clark
Presiding Judge of the Superior Court
Ventura County Hall of Justice
800 S. Victoria Avenue
Ventura, CA 93009

OFFICE
PRESIDENT

Dear Judge Clark:

In accordance with California Penal Code section 933.05, attached is my response to the Ventura County 2003-2004 Grand Jury report entitled, "Voter Registration Safeguards."

Sincerely,

A handwritten signature in cursive script that reads "Philip J. Schmit".

PHILIP J. SCHMIT
County Clerk and Recorder

RECEIVED

JUL 13 2004

VENTURA COUNTY GRAND JURY

PJS:js

Response to the
Ventura County 2003-2004 Grand Jury Report
"Voter Registration Safeguards"

F-01 through F-11 The County Clerk concurs.

R-01 County Clerk will advertise and publish a pamphlet describing the
Voter registration and purging process in Ventura County.

Response:

The County Clerk will advertise and publish this pamphlet when the budget is
sufficient to allow it.

R-02 Response:

The County Clerk will make this available on the Department web site as soon as
possible. The hard copy will be made available when the budget is sufficient to
allow it.

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number

Report Title

Respondents

REPORT NO. 16

Title: Weed Abatement Works!

Required

Respondents: No Response Required

FY 2003- 04 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number

Report Title

Respondents

REPORT NO. 17

Title: Ventura County Proposition 36 Implementation

Required

Respondents: Board of Supervisors
District Attorney
Sheriff's Department

Requested

Respondents: Health Care Agency
Probation Agency

Additional

Respondent: Drug and Alcohol Advisory Board



County of Ventura COUNTY EXECUTIVE OFFICE MEMORANDUM

DATE: August 19, 2004

TO: Thomas W. Womack, Chief Deputy Executive Officer

FROM: David Stoll, CEO Program Management Analyst

SUBJECT: Response to 2003-04 Ventura County Grand Jury Report No. 17 entitled "Ventura County Proposition 36 Implementation" on behalf of the Board of Supervisors

R-1: The Board of Supervisors undertakes the reorganization of Prop 36 implementation within Ventura County in order to better accomplish the statutory mandates and scheme intended under Prop 36.

Response: The Board concurs with the recommendation. The reorganization should include the establishment of a Prop 36 Oversight committee with the following membership: Chief Probation Officer, District Attorney, Public Defender, Judge from the Operations Committee, Behavioral Health Director, a representative from the CEO's Office and a member of the board of supervisors. Once the Oversight committee is officially designated, an MOU should be created that defines the various roles of each agency in the operation of Prop 36.

R-2: The Board of Supervisors withdraws the Lead Agency designation from BHD/ADP and designates the County Executive Officer (CEO) as the Lead Agency for Prop 36 management and oversight functions.

Response: The Board would like to retain HCA-BHD as the lead department for Prop 36 implementation.

R-3: Having assumed responsibility for leading Prop 36 treatment programs in the past, BHD/ADP may function as the County's expert in recommending treatment methods and the standards of successful treatment program completion.

Response: The Board concurs with the above recommendation.

R-4: The County should address the issue of "unamenability," as described in the statute and case law, with a view toward bringing the concept to bear in County practice.

Response: The Board supports the idea of increased requirements in the first 30 days of treatment and some additional reviews by the Criminal Justice departments.

R-5: In order to organize and provide actionable information to the probationary supervision, top priority should be given to implementing an integrated information system designed for that purpose.

Response: The Board will consider this recommendation when funding becomes available, but it must be considered along with other County priorities.

R-6: Probation develops a basic risk management system or protocol to look at key indicators of a client's profile to determine the risk to society.

Response: The Board generally concurs with this recommendation, however resources are limited and probation would require additional resources that may not be available. The Board would support the Oversight and Implementation Committees' consensus in arriving at an effective protocol for risk management given the limited resources available.

R-7: The immediate establishment of a meaningful treatment completion standard in accordance with the spirit and intent of Prop 36.

Response: The Board concurs with the establishment of meaningful treatment completion standards if they have not already been established. The Oversight and Implementation Committees should review and make recommendations for possible changes to the current standards if they find them to be lacking.

R-8: The Operations and Oversight Committee be re-constituted as the representative body for all stakeholders.

Response: The Board favors the retention of the Implementation Committee and the establishment of an Oversight Committee as per recommendation number 1.

R-9: The drug testing protocol should be tightened immediately.

Response: The Board would like the Oversight and Implementation Committees to review new protocols already established by BHD on July 1, 2004 and new protocols recommended by BHD for the first 30 days of treatment before recommending any further changes.

R10: Though, by policy, drug testing is to be used for treatment purposes, public safety concerns require that Probation continue to conduct drug testing.

Response: The Board concurs with this recommendation when Probation has legal jurisdiction or authority to do testing.

R11: A goal of early and positive supervision experience should be pursued to initially set the tone for Prop 36 treatment.

Response: The Board concurs with this recommendation.

R12: The Operations and Oversight committee should institute thoughtful and allowable sanctions for offenders who fail in treatment, submit positive drug tests, or who miss treatment classes.

Response: The Board concurs with the recommendation. The Oversight and Implementation (Operations) Committees should be utilized to accomplish this objective.

If you have additional questions, please contact David Stoll at 654-3838.

C: Paul Derse



OFFICE OF THE DISTRICT ATTORNEY

County of Ventura, State of California

GREGORY D. TOTTE

District Attorney

PATRICIA M. MURPHY

Chief Assistant District Attorney

MICHAEL K. FRAWLEY, Chief Deputy
Criminal Prosecutions

JEFFREY G. BENNETT, Chief Deputy
Special Prosecutions

R. THOMAS HARRIS
Special Assistant District Attorney

GARY G. AUER, Chief
Bureau of Investigation

August 16, 2004

The Honorable Bruce A. Clark
Presiding Judge of the Superior Court
County of Ventura Hall of Justice
800 S. Victoria Avenue
Ventura, California 93009

Re: **Response to the Ventura County 2003-2004 Grand Jury report entitled *Ventura County Proposition 36 Implementation***

Dear Judge Clark:

As required by California Penal Code section 933.05, this letter is a response to the findings and recommendations of the Ventura County 2003-2004 Grand Jury report entitled, *Ventura County Proposition 36 Implementation* (hereinafter "Grand Jury Report").

I concur with the findings of the Grand Jury, with the following additional comments.

Response to Findings

F-15: If a non-violent drug offender chooses not to participate in Prop 36 treatment, another treatment option is available under the Penal Code. In the pre-plea diversion statute and program ("Diversion"), a defendant may plead guilty to a non-violent drug usage offense and receive a "deferred entry of judgment" in order to obtain drug treatment. According to the statute, "The period during which deferred entry of judgment is granted shall be for no less than 18 months nor longer than three years." The courts closely monitor the defendant's progress, and the criminal charge or charges may be dismissed if the defendant successfully completes treatment.



Diversion does not require a choice to never participate in Prop 36 treatment. Diversion eligible defendants often are still eligible for Prop 36 treatment even after they fail to successfully complete Diversion.

- F-45. Sanctions for drug-related Prop 36 probation violations fall within a three-tiered scheme, depending on whether the violation is the defendant's first, second, or third. The criteria used in making a ruling include the number of previous probation violations, the nature and impact of the current violation, and public safety concerns. When the courts record a probation violation, it is commonly referred to as a "strike" against that grant of probation.

Under the current protocol for administration of Prop 36 in Ventura County, multiple instances of drug use are common prior to any finding of a violation of probation. For example, under the current protocol a treatment provider need not report to the court the fact that a defendant has tested positive on multiple occasions (even every day) for the use of drugs during the first 30 days of treatment. After the first 30 days of treatment, a defendant can use drugs illegally up to another five times before a treatment provider is required to report the drug use to the court. At that time, the court may impose a strike on the defendant's Prop 36 record. This allows the defendant to remain in Prop 36 with no consequence for repeated drug use. The same defendant can then use drugs three more times before again being reported to the court, at which time the court can impose a second strike, again with no consequence for illegal drug use. A defendant can then use drugs three additional times before being reported to the court a third time. The court then may issue a third strike and terminate that particular grant of probation. The defendant may subsequently re-enroll in Prop 36 on a new grant of probation and use drugs illegally dozens of times again, under the same scenario as described above, before the court terminates his/her second grant of probation.

- F-50. "Only after three violations of a drug-related condition of probation does a defendant lose the protection of Penal Code section 1210.1, subdivision (a), which requires participation in a drug treatment program and prohibits incarceration as a condition of probation. Then, however, the court has the full range of options otherwise available in a probation revocation proceeding, including imposing a term of incarceration as a new condition of probation or lifting the stay on a previously imposed term of incarceration."

This finding is an accurate quote from an appellate case; however, it can be misleading to those not familiar with legal terms or when taken out of context. The quote makes reference to a finding by the court that a defendant is in violation of probation. Each judge uses his/her own discretion in deciding whether to make a finding of a violation of probation and in most counties judges are guided by the protocol adopted by the county. Technically, each and every time a defendant uses drugs while on probation, he/she has violated probation since a condition of the

grant of probation is that the defendant not use drugs. However, as explained above, in Ventura County the protocol allows a treatment provider or BHD/ADP to wait until a defendant has been found to have used drugs five times subsequent to the initial 30-day period of treatment before even reporting the drug usage to the court for the first time. The current protocol potentially allows dozens of incidents of drug use, as outlined above, before probation is revoked and a jail consequence can be imposed.

F-166: BHD/ADP officials reported to the Jury that the office of the District Attorney has no statistics to prove that any rise in crime can be attributed to Prop 36 clients; however, the office of the District Attorney continues to state these beliefs along with the assertion that the substantiating statistics will eventually be collected when BHD/ADP releases the Prop 36 funds required to hire a statistician.

Property crimes rose 9.3 percent in Ventura County in 2003. An 11-week study conducted by the District Attorney in 2004 counted how many defendants appearing in Prop 36 court during that time period had suffered one or more prior convictions for theft. This study revealed that at least 46.7 percent of defendants appearing in Prop 36 court during this period had previously been convicted of at least one theft offense. This tells us that nearly one-half of the Prop 36 defendants are convicted thieves, a significant statistic when one considers that most property theft crimes go unsolved. We know that most of these individuals are unemployed, still using drugs while on Prop 36 probation, and paying for their drug use by selling drugs or stealing and then selling property. Succinctly, unemployed drug users either deal or steal to support their habit.

Statistical information provided by ADP in July 2004 indicates that 58 percent of defendants enrolled in Prop 36 were unemployed and another 11 percent were employed just part-time. Most defendants enrolled in Prop 36 use illegal drugs in violation of probation while on the program. The protocol implemented by ADP recognizes and accepts this. In fact, the protocol does not mandate a treatment provider report a defendant for illegal drug use even if the defendant uses drugs every day for the first 30 days of treatment. Thereafter, a defendant can get caught using drugs up to 11 additional times before the protocol calls for the defendant to be terminated from the program. The terminated defendant can then re-enroll in the program upon the next arrest for a Prop 36 eligible offense.

It is important to note that each use and/or possession of drugs by a defendant while on Prop 36 probation is actually an independent crime in addition to being a violation of the terms of probation; however, the program has made no attempt to keep a numerical count of these crimes.

The following statistics have been collected by the District Attorney with regard to non-drug related offenses by defendants while on Prop 36 probation. In a period of just three months and four days (April 5 to July 9, 2004), 40 defendants were terminated from the Prop 36 program due

to their commission of non-Prop 36 criminal acts while under Prop 36 supervision. The new offenses included commercial burglary, possession of weapons, petty theft with priors, battery against an elder or dependant adult, spousal battery with injury, breaking/removing vehicle parts, interfering with police, forgery, vandalism, false identification to police, driving under the influence causing injury, vehicle theft, contempt of court, disorderly conduct and making criminal threats.

As explained above, defendants on Prop 36 probation often use drugs dozens of times before even one grant of Prop 36 probation is terminated. Many of those individuals subsequently begin a new grant of Prop 36 probation after a prior grant is terminated. The District Attorney is allocated none of the more than \$2.7 million received annually by ADP to run the Prop 36 program, despite the fact that the District Attorney devotes a deputy district attorney full-time to Prop 36 court. Prop 36 is not saving resources of the District Attorney. Defendants who are placed on Prop 36 probation often tax the resources of the criminal justice system in the traditional manner, contesting their cases in preliminary hearings and jury trials before eventually seeking placement in the Prop 36 program, even after contesting their guilt to a jury and being found guilty. Thus, the Office of the District Attorney is without the resources to adequately compile the statistics the program should have been compiling since July 2001.

BHD/ADP has accumulated a tremendous surplus (over \$1 million) of funds in managing the program. Part of this money should be used to compile useful statistics for county policy makers. For example, BHD/ADP reports that 35 persons completed treatment in 2001/2002 and 245 persons completed treatment in 2002/2003. One of a number of studies that should be conducted to evaluate the success of the program would be to determine how many of those persons have been re-arrested since completion of treatment and for what charges. A study should be done to determine how many and what types of crimes were committed by all defendants while on Prop 36 probation. It should be reported how many defendants have received two, three, four or more grants of Prop 36 probation and how many "completed treatment" and how many "successfully completed treatment."

F-183: A senior BHD/ADP official was asked to comment on the fact that, with the exception of BHD/ADP, everyone the Jury has asked about Prop 36 expresses disappointment in the lack of success. It was stated that, "You have to be careful who you ask." This was followed by, the "District Attorney and Probation are mostly interested in public safety," and they have concerns even though those concerns are not backed up by data.

Claims of success should be viewed with caution unless supported by verifiable data that indicates a defendant has met minimum objective standards. The law dictates that successful completion of treatment has not been attained unless "... there is reasonable cause to believe that the defendant will not abuse controlled substances in the future." (Penal Code section 1210(c))

To date, administrators of the program have largely ignored this statutory guideline, blurring the line between mere completion of a treatment program and successful completion. Failure to implement minimum mandatory requirements for random drug testing and impose a requirement that a defendant be proven drug free for a significant period prior to completion of treatment is evidence that there has been no serious attempt to be guided by the law in awarding a designation of "successful completion." Policy makers should demand a clear definition from program administrators of what gives administrators "reasonable cause to believe that the defendant will not abuse controlled substances in the future" before accepting a claim of success.

The failure to collect meaningful data and yet claim success is unacceptable. At the outset of the implementation of Prop 36, BHD/ADP committed to collecting statistical data. In its second year report, submitted to the Board of Supervisors on October 16, 2003, BHD/ADP stated that it has been working with a computer consultant regarding the collection of data since September 2001. To date, no data collection system exists for tracking the criminality of Prop 36 defendants while enrolled in the program or after a participant's "successful completion." BHD/ADP has had sole control of the budget for the program and has accumulated a huge surplus of funds (over \$1 million at the end of year 2), but has failed to devote any resources to collecting data that meaningfully reflects the impact Prop 36 has had on public safety. The District Attorney has made repeated requests that BHD/ADP spend a portion of the Prop 36 funding to track data so that policy makers can make informed evaluations and decisions.

Response to Recommendations:

In reference to the Grand Jury Report's recommendation:

R-01: The Board of Supervisors undertakes the reorganization of Prop 36 implementation within Ventura County in order to better accomplish the statutory mandates and scheme intended under Prop 36.

I concur that a reorganization of Prop 36 implementation is necessary. State funding of this program will terminate on June 30, 2006, and it is likely that the Board of Supervisors will be asked to fund the program thereafter. In making funding determinations, the Board must have useful and accurate information. Only a short period of time remains to gather that information and to determine if the program can be administered in an effective and fiscally prudent manner.

R-02: The Board of Supervisors withdraws the Lead Agency Designation from BHD/ADP and designates the County Executive Officer (CEO) as the Lead Agency for Prop 36 management and oversight functions.

The Board of Supervisors will have significant funding decisions to make in less than two years and should assign management and oversight to the agency it feels is best suited to provide an objective and comprehensive evaluation of the program.

R-03: Having assumed responsibility for leading Prop 36 treatment programs in the past, BHD/ADP may function as the county's expert in recommending treatment methods and the standards of successful treatment program completion.

BHD/ADP has not moved toward establishing meaningful standards for the successful completion of treatment. Penal Code section 1210(c) instructs that the term "successful completion of treatment" means that a defendant who has had drug treatment imposed as a condition of probation has completed the prescribed course of drug treatment and, as a result, **there is reasonable cause to believe that the defendant will not abuse controlled substances in the future.** This legal standard has been openly ignored and mere completion of treatment has been equated with "successful completion of treatment." Until random testing is incorporated into the treatment program and a condition that a defendant be drug free for a meaningful period of time (e.g. 120 days) before he/she can be deemed to have successfully completed a course of drug treatment, there is no foundation upon which one could base reasonable cause to believe that the defendant will not abuse controlled substances in the future. This is especially true of defendants who have been using drugs for years.

Other jurisdictions have incorporated "random testing" in their programs in recognition of the fact that synthetic drugs are available to mask the use of illegal drugs by defendants. The Board of Supervisors should establish clear guidelines for how to define "successful completion of treatment" and require compilation and submission of meaningful statistics upon which the success of the program can be measured. Without clear definitions and accurate statistical reporting on drug use and other criminal activity by defendants in the program, the bare assertion that a certain number of defendants successfully completed the program is meaningless to anyone who is evaluating the effectiveness of the program.

R-04: The county should address the issue of "unamenability," as described in the statute and case law, with a view toward bringing the concept to bear in county practice.

"Unamenability" is a legal standard which is ultimately the function of a judge to interpret and apply. The judge adjudicating the majority of Prop 36 cases in Ventura County has expressed the opinion that an expert in treatment issues might aid the court in making unamenability determinations. This issue should be explored further with the bench and BHD/ADP should consider hiring an expert who can offer an opinion on these matters if one is not already on staff. While expert witness fees are costly, the savings that may be available to the program from early

determinations of unamenability and consequent earlier terminations may significantly offset expert witness fees.

R-05: In order to organize and provide actionable information to the probationary supervision, top priority should be given to implementing an integrated information system designed for that purpose.

I concur with this recommendation and the noted considerations.

R-06: Probation develops a basic risk management system or protocol to look at key indicators of a client's profile to determine the risk to society.

I concur with this recommendation and the noted considerations. Currently, many defendants who have been convicted of misdemeanor drug offenses and are placed on conditional release have much more serious problems than defendants convicted of a felony and placed on formal probation. Formal probation should be considered for defendants who have long and serious drug histories even if the offense making them eligible for Prop 36 is only a misdemeanor.

R-07: The immediate establishment of a meaningful treatment completion standard in accordance with the spirit and intent of Prop 36.

I concur with this recommendation. There should be a distinction between "successful completion of treatment" and mere "completion of treatment." Those who are found to have used drugs within several months of completion of treatment cannot be viewed as unlikely to abuse drugs in the future and should not be deemed to have "successfully" completed treatment. Random testing is a key component missing from the current treatment model. The Grand Jury's recommendation of a hair follicle test showing complete abstinence from drugs for at least 90 days may not be a long enough time period, given studies that tell us the brain functioning of many users does not return to normal until a period of 180 days of abstinence has passed.

R-08: The Operations and Oversight Committee be reconstituted as the representative body for all stakeholders.

I concur with this recommendation and the noted considerations.

R-09: The drug testing protocol should be tightened immediately.

I concur with this recommendation. In addition to the considerations listed by the Grand Jury, far fewer positive drug tests should be allowed prior to imposition of strikes and it should take fewer positive or missed drug tests to trigger the imposition of each successive strike. All positive and missed tests and absences during the first 30 days of treatment should be reported

The Honorable Bruce A. Clark
August 16, 2004
Page 8

and used to trigger the imposition of strikes. Further discussion is merited as to the consideration raised by the Grand Jury suggesting that the county pay for a drug test when a defendant admits drug use prior to the test. Perhaps no drug test should be administered at that point but another form of positive reinforcement could be awarded for the admission.

R-10: Though, by policy, drug testing is to be used for treatment purposes, public safety concerns require that Probation continue to conduct drug testing.

I concur with this recommendation and the noted considerations, except that further discussion (as noted above) is needed to explore the suggestion that the county pay for a drug test following an admission of use by the defendant prior to the test.

R-11: A goal of early and positive supervision experience should be pursued to initially set the tone for Prop 36 treatment.

I concur with this recommendation.

R-12: The Operations and Oversight Committee should institute thoughtful and allowable sanctions for offenders who fail in treatment, submit positive drug tests, or who miss treatment classes.

I concur with this recommendation and the noted considerations. The exceedingly loose standards for offenders as set forth in the current protocol set the wrong tone for the program.

Very truly yours,



GREGORY D. TOTTEN
District Attorney

GDT/cb

pc: Dawn Hall, Foreperson, 2004-2005 Grand Jury
John F. Johnston, County Executive Officer ✓
Pierre Durand, Health Care Agency Director



VENTURA COUNTY SHERIFF'S DEPARTMENT

• BOB BROOKS
SHERIFF

• CRAIG HUSBAND
UNDERSHERIFF

800 SOUTH VICTORIA AVENUE, VENTURA, CA 93009 PHONE (805) 654-2380 FAX (805) 645-1391

June 24, 2004

RECEIVED
JUL 07 2004

VENTURA COUNTY GRAND JURY

Honorable Bruce A. Clark, Presiding Judge
Superior Court of California, Ventura County
800 S. Victoria Avenue
Ventura, CA 93009

Dear Judge Clark:

Re: Response to the 2003-2004 Grand Jury report entitled, *Ventura County Proposition 36 Implementation*

In accordance with California Penal Code Section 933 (c), this report is a response to the findings and recommendations of the 2003-2004 Grand Jury report entitled, *Ventura County Emergency Operations Center*. The following are my responses:

Recommendations

R-0. The Board of Supervisors undertakes the reorganization of Prop 36 implementation within Ventura County in order to better accomplish the statutory mandates and scheme intended under Prop 36.

Response to R-01: Although, as Sheriff, I agree with the spirit and intent of this recommendation, this is a policy decision of the Board of Supervisors.

R-02. The Board of Supervisors withdraws the Lead Agency designation from BHD/ADP and designates the County Executive Officer (CEO) as the Lead Agency for Prop 36 management and oversight functions.

Response to R-02: This is a policy decision by the Board of Supervisors.

R-03. Having assumed responsibility for leading Prop 36 treatment programs in the past, BHD/ADP may function as the county's expert in recommending treatment methods and the standards of successful treatment program completion.

Response to R-03: Support the recommendation.

☐ SPECIAL SERVICES

6401 Telephone Road, Suite 200
Ventura, CA 93003
(805) 477-7011 FAX (805) 477-7010

☐ PATROL SERVICES

2101 East Olsen Road
Thousand Oaks, CA 91362
(805) 494-8261 FAX (805) 494-8295

☐ DETENTION SERVICES

800 South Victoria Avenue
Ventura, CA 93009
(805) 654-2305 FAX (805) 654-3500

☐ SUPPORT SERVICES

800 South Victoria Avenue
Ventura, CA 93009
(805) 654-3926 FAX (805) 654-2109

- R-04. The county should address the issue of "unamenability," as described in the statute and case law, with a view toward bringing the concept to bear in county practice.

Response to R-04: This recommendation is an issue of law and/or medical determination. I support the intent, but am not qualified to comment.

- R-05. In order to organize and provide actionable information to the probationary supervision, top priority should be given to implementing an integrated information system designed for that purpose.

Response to R-05: Agree with and support this recommendation.

- R-06. Probation develops a basic risk management system or protocol to look at key indicators of a client's profile to determine the risk to society.

Response to R-06: This is an issue of law and statute.

- R-07. The immediate establishment of a meaningful treatment completion standard in accordance with the spirit and intent of Prop 36.

Response to R-07: Support this recommendation.

- R-08. The Operations and Oversight Committee be reconstituted as the representative body for all stakeholders.

Response to R-08: No position on this recommendation.

- R-09. The drug testing protocol should be tightened immediately.

Response to R-09: Although I support this recommendation, it remains a policy decision by the Board of Supervisors.

- R-10. Though, by policy, drug testing is to be used for treatment purposes, public safety concerns require that Probation continue to conduct drug testing.

Response to R-10: This is an issue of operation by the Probation Agency.

- R-11. A goal of early and positive supervision experience should be pursued to initially set the tone for Prop 36 treatment.

Response to R-11: This is a policy decision by the Board of Supervisors.

RE: Prop 36 Implementation
June 25, 2004
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R-12. The Operations and Oversight Committee should institute thoughtful and allowable sanctions for offenders who fail in treatment, submit positive drug tests, or who miss treatment classes.

Response to R-12: I support this recommendation.

Thank you again for allowing me to respond to your recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Brooks", with a stylized flourish at the end.

BOB BROOKS
Ventura County Sheriff



Ventura County Behavioral Health Department

Alcohol & Drug Programs
Mental Health Services

Linda Shulman, M.F.T.
Behavioral Health Director

Michael Ferguson, M.D.
Behavioral Health Medical Director

A Division of Ventura County Health Care Agency

August 16, 2004

Honorable Bruce A. Clark
Presiding Judge of the Superior Court
800 S. Victoria Avenue
Ventura, CA 93009

Subject: 2003-2004 Ventura Grand Jury Report
Behavioral Health Department Response

Dear Judge Clark,

This letter is in reply to the findings and recommendations contained in the 2003-2004 Ventura County Grand Jury report entitled, *Ventura County Proposition 36 Implementation*.

While in many ways the Behavioral Health Department agrees with the content of this report – there is much disagreement in regards to the tone and with some of the statements provided in the Executive Summary. Over the past 3 years, the Department along with our many partners in this area, has worked diligently at implementation of this law and while improvements can and are being sought, the Department remains committed to our efforts in providing services in accordance with the terms of Proposition 36 law.

There are three primary areas that BHD/ADP has already recommended or is recommending that should be highlighted. These three areas are referred to throughout this report and are the main substance of our response.

- 1) BHD/ADP believes that an Oversight Committee – which has never been designated should be created. This Oversight Committee should then meet and officially create an MOU which will provide clarity to the Operations Cabinet on implementation of this law.
- 2) BHD/ADP believes that many of the clients referred to Prop. 36 for treatment may not be appropriate for outpatient treatment. With a greater understanding of the patient population – BHD/ADP recommends a tighter protocol for the first 30 days of treatment. This protocol would include no absences and no “dirty” drug tests (unless the client – not missing any treatment admits to relapse prior to test.)

- 3) At this time, BHD/ADP and the contracted treatment providers are responsible for determining non compliance of clients. BHD/ADP would propose that non compliance be determined by the courts. BHD/ADP would report all activities of clients in treatment – including attendance and drug testing results. The courts would then be responsible for determining if these activities are violation and strikes or a normal part of treatment recovery. Recommendations from treatment, along with Probation and representation of the Public Defender and the D.A. would be included in this process. Details of implementation of this procedure could be determined in the MOU by the Operations Committee.

We have gone through each Finding and Recommendation and where we agree, we have stated our concurrence. Where we disagree or only partially agree, we have stated this with explanation. Throughout this response in those instances where the Department did not feel it was appropriate to comment or did not have sufficient knowledge to comment we have so noted. Where appropriate we have also used the responses as an opportunity to educate in an effort to provide a wider perspective on the issues.

Respectively submitted,


Linda Shulman
Director

Findings:

F-01	<i>Concur</i>
F-02	<i>Concur</i>
F-03	<i>Concur</i>
F-04	<i>Concur</i>
F-05	<i>Concur</i>
F-06	<i>Concur</i>
F-07	<i>Concur</i>
F-08	<i>Concur</i>
F-09	<i>Concur</i>
F-10	<i>Concur</i>
F-11	<i>Concur</i>
F-12	<i>Concur</i>
F-13	<i>Concur</i>
F-14	<i>Concur</i>
F-15	<i>Concur</i>
F-16	<i>Concur</i>
F-17	<i>Disagree</i>

The jail programs and the work furlough Stages program are education programs only and not treatment programs. Not all offenders with substance abuse problems are eligible for these programs. Offenders must fill out a program screening form if they are interested in the Substance Abuse Program and have 30+days left. The Drug and Alcohol Abuse Education (DEUCE) program is only available to inmates in Quad

D of the Todd Road jail facility. Most of the offenders have experienced trauma in their lifetime and need more than education to deal with these underlying factors that play a major role in their addiction.

F-18 *Partially Concur*

Refer to response to Finding 17. The jail programs and the work furlough Stages program are education programs only and not treatment programs. Most PC 1000 Diversion Programs are considered education only. One Ventura County program offers prevention, education, and treatment.

F-19 *Partially Concur*

BHD/ADP concurs with the first two sentences, and disagrees with the last sentence (refer to Finding 17 response). The jail programs and the work furlough Stages program are education programs only and not treatment programs.

F-20 *Concur*

F-21 *Concur*

F-22 *Concur*

F-23 *Concur*

F-24 *Concur*

F-25 *Partially Concur*

Throughout the report the Grand Jury refers to the Oversight Committee. This is erroneous. The Implementation Committee evolved into the Operations Committee. An Oversight Committee was never formed. Final policy oversight rests with the Board of Supervisors.

F-26 *Concur*

F-27 *Concur*

F-28 *Unable to Comment*

F-29 *Unable to Comment*

F-30 *Concur*

F-31 *Concur*

F-32 *Concur*

F-33 *Concur*

F-34 *Concur*

F-35 *Partially Concur*

Probation and Parole are responsible for supervision. BHD/ADP and the treatment providers are responsible for case management.

F-36 *Concur*

F-37 *Unable to Comment*

F-38 *Concur*

F-39 *Concur*

F-40 *Concur*

F-41 *Partially Concur*

The MOA was drafted, but never submitted.

F-42 *Concur*

F-43 *Concur*

F-44 *Concur*

F-45 *Concur*

F-46 *Partially Concur*

BHD/ADP agrees with all except the last sentence. On a first violation persons are usually referred back to treatment, which may be more intensive.

F-47 *Concur*

F-48 *Concur*

F-49 *Concur*

F-50 *Concur*

F-51 *Concur*

F-52 *Concur*

F-53 *Concur*

F-54 *Unable to Comment*

F-55 *Unable to Comment*

F-56 *Concur*

F-57 *Unable to Comment*

F-58 *Concur*

F-59 *Concur*

F-60 *Concur*

F-61 *Disagree*

Providers recognize that some clients experiencing co-occurring mental health and substance abuse disorders cannot benefit from treatment until they have received psychiatric treatment and are stabilized on medications. Just as a client with an acute medical condition cannot benefit from substance abuse treatment until their medical condition is stabilized. Protocols have been developed for referring clients for psychiatric services. Clients with co-occurring or dual disorders have different treatment needs than clients having only an alcohol or other drug use disorder. The most frequently used treatment models include sequential treatment of each disorder, parallel treatment of each disorder,

and integrated treatment of both disorders. Several possible relationships exist between alcohol and drug use and psychiatric symptoms and disorders. Alcohol and drug use can induce, worsen, or diminish psychiatric symptoms, complicating the diagnostic process. (Center for Substance Abuse Treatment, "Assessment and Treatment of Patients with Coexisting mental Illness and Alcohol and Other Drug Abuse", Treatment Improvement Protocol Series 9.)

F-62 *Concur*

F-63 *Disagree*

BHD/ADP is unaware of any staff that made this statement.

F-64 *Disagree*

"Unamenable" is not a behavioral health term.

F-65 *Partially Concur*

The reference should be to a member of the Operations Committee not Oversight Committee. Refer to Finding 25 response.

F-66 *Unable to Comment*

F-67 *Disagree*

BHD/ADP is unaware of any staff that made this statement.

F-68 *Unable to Comment*

F-69 *Unable to Comment*

F-70 *Unable to Comment*

F-71 *Partially Concur*

BHD/ADP concurs with the first sentence. Refer to the response to Finding 61 regarding working with clients with mental health and substance abuse disorders. BHD/ADP disagrees with generalizing mentally ill clients as long-term criminals. The Diagnostic and Statistical

Manual (DSM IV) differentiates between persons with mental disorders and persons with personality disorders. The remainder of this finding appears to be referring to individuals with Antisocial Personality Disorder. There is also a difference between individuals being unable to engage in treatment and those unwilling to participate.

F-72 *Partially Concur*

It was originally understood that Proposition 36 was for non-violent drug offenders. However, the law has been interpreted to mean that the offender was not committing a violent offence at the time of the arrest. In fact, individuals with violent criminal histories and gang involvement are being referred to Proposition 36 by the criminal justice system. This is one of the flaws in the law. Treatment providers have safety concerns, and have done a good job in averting potentially violent situations.

F-73 *Concur*

F-74 *Partially Concur*

This may have been true prior to the high court decision filed 8/8/03. Penal code 1210.1 subdivision (b) sets forth five categories of defendants who are ineligible for Prop. 36; #5 states "have twice failed drug treatment as a condition of probation and been found not to be amenable to drug treatment". This high court decision includes defendant's who do not show up for assessment, treatment, or probation. Since the decision, the judge has been diligent in deeming defendants ineligible.

F-75 *Concur*

F-76 *Partially Concur*

The Court determines strikes, when a defendant strikes out, and when a defendant is unamenable.

F-77 *Partially Concur*

The protocol states, "Clients who are resistant to treatment and refuse to pay program fees may be determined to be non-compliant". Clients can not be deemed non-complaint for not paying their program fees alone. Title 9 also differentiates between the inability to pay and the refusal to pay.

F-78 *Concur*

F-79 *Concur*

F-80 *Partially Concur*

An Operations Committee exists, not an Oversight Committee. Refer to response to Finding 25.

F-81 *Unable to Comment*

F-82 *Partially Concur*

Refer to response to Finding 61. BHD/ADP does not refer to mentally ill clients as being unamenable to treatment. It is important to place clients in the right treatment. Other than MART, and the Juvenile Adelante Court, Ventura County does not have a designated mental health court.

F-83 *Concur*

F-84 *Concur*

F-85 *Unable to Comment*

F-86 *Partially Concur*

Prop. 36 eligible drug offenders with misdemeanor charges who opt out of treatment are usually sentenced to 90 days in jail. Every dollar invested in treatment yields a return of \$7 saved (Department of Alcohol and Drug Programs, CALDATA Report). According to the Justice Policy Institute, Ventura County taxpayers spent \$5.8 million in 1999 to imprison drug offenders, of which nearly two-thirds (\$3.7 million) was spent on prisoners sentenced for low-level drug possession charges.

F-87 *Unable to Comment*

F-88 *Concur*

F-89 *Concur*

F-90 *Concur*

F-91 *Concur*

F-92 *Partially Concur*

The Implementation Committee evolved into the Operations Committee not the Oversight Committee (refer to the response for Finding 25). A representative from the CEO's office was the original chairperson of the Implementation Committee and meeting minutes were published during

this time. When he stepped down in October 2001, the Committee voted a representative from the Public Defenders office as the new chairperson. When the second chairperson stepped down in August 2002, the Committee nominated and unanimously voted in a representative from the Lead Agency (BHD/ADP) as the chair.

F-93 *Concur*

F-94 *Partially Concur*

This is an Operations Committee not an Oversight Committee (refer to response for Finding 25). Numerous reminders of meetings and invitations have been extended to the Sheriffs Department and law enforcement council to attend the Operations Committee meetings, and statewide Making It Work Conferences.

F-95 *Partially Concur*

This is an Operations Committee not an Oversight Committee (refer to response for Finding 25).

F-96 *Partially Concur*

This is an Operations Committee not an Oversight Committee (refer to response for Finding 25).

F-97 *Concur*

F-98 *Concur*

F-99 *Concur*

F-100 *Concur*

F-101 *Concur*

F-102 *Partially Concur*

Clients who do not contact the assessment center within 5 days to schedule an assessment appointment are non-complied. During the first year, there were times when assessment appointments were booked out for three weeks. This was remedied by the second year and is no longer the case. Additional staff were hired and adjustments were made to the scheduling of appointments. The assessment calendar is closely

monitored to ensure timely appointments. Clients usually enter treatment the same week they are assessed.

F-103 *Concur*

F-104 *Concur*

F-105 *Concur*

F-106 *Disagree*

BHD/ADP reviewed various types of the ASI, including self-administered formats. As one of 10 Focus Counties selected to participate in the statewide evaluation of the Substance Abuse and Crime Prevention Act of 2000 (SACPA), UCLA who is conducting the evaluation, did not want us to use self-administered ASI's as the reliability and validity were not as good.

F-107 *Partially Concur*

The last sentence is incorrect. Proposition 36 mental health services are funded through the Substance Abuse Treatment Trust Fund (SATTF) allocation, and not a SAMHSA grant.

F-108 *Concur*

F-109 *Concur*

F-110 *Concur*

F-111 *Concur*

F-112 *Concur*

F-113 *Concur*

F-114 *Partially Concur*

50% of the Prop. 36 clients in Ventura County have not had any prior drug treatment. It is unknown whether they were previously offered an opportunity for treatment.

F-115 *Partially Concur*

Refer to response for Finding 102.

F-116 *Concur*

F-117 *Unable to Comment*

F-118 *Unable to Comment*

F-119 *Unable to Comment*

F-120 *Unable to Comment*

This is a broad generalization that does not apply to all people. Research has shown the different stages of motivation and stages of change that clients go through.

F-121 *Disagree*

BHD/ADP recognizes the importance of holding clients accountable through continual communication. Staff are trained to check out and verify information provided by clients.

F-122 *Concur*

F-123 *Partially Concur*

Probation and Parole supervise, BHD/ADP case manages.

F-124 *Concur*

As stated in the Second Year Report, 2580 initial assessments had been conducted since the inception of the program.

F-125 *Partially Concur*

Treatment providers submit CADDs, PSR and DATAR forms each month. A CADDs form is completed every time there is a change in a client's status (new enrollment, re-enrollment, transfer to another program, discharge). Therefore, a CADDs form is not completed on every client every month. Providers also submit units of service (outpatient programs) or bed days (residential providers) for each client on a monthly basis. Residential providers submit progress reports (treatment level reviews) each month. Outpatient providers report on clients the first 30 days and then submit progress reports every 90 days. Out patient providers submit attendance group logs on a daily basis to the assessment center. Drug test results from the lab come daily to the assessment center and are then

faxed to the various outpatient treatment providers.

F-126 *Partially Concur*

With the removal of the firewall in September 2003, there are no requirements for assessment center case managers to meet with clients face to face, as the treatment providers now contact probation officers directly instead of going through the assessment center.

F-127 *Partially Concur*

Site visits of both residential and outpatient providers are conducted.

F-128 *Concur*

F-129 *Concur*

F-130 *Partially Concur*

Positive lab results are placed in client charts. A record of all of a client's drug tests is printed and placed in the client's chart. Electronic submission of drug testing results from the lab and connected to the CMS database is projected to be completed by the end of the first quarter this year. We are waiting for outside vendor to complete work needed to implement.

F-131 *Concur*

It is the responsibility of the treatment providers to notify the assessment center of client compliance and non-compliance.

F-132 *Concur*

F-133 *Partially Concur*

A report is generated each month showing the number of negative drug tests and positive tests by drug.

F-134 *Concur*

F-135 *Partially Concur*

BHD/ADP has not been given full access to the criminal justice data system and the District Attorney's representative and representative's from Probation continue to not agree with providing information from their areas. Should BHD/ADP be given access and should agreed upon

reporting from each area be provided, BHD/ADP has sufficient staff to analysis, report and provide information. A Statistician is not needed.

F-136	<i>Concur</i>
F-137	<i>Concur</i>
F-138	<i>Concur</i>
F-139	<i>Concur</i>
F-140	<i>Concur</i>
F-141	<i>Concur</i>
F-142	<i>Concur</i>
F-143	<i>Concur</i>
F-144	<i>Concur</i>
F-145	<i>Concur</i>
F-146	<i>Concur</i>
F-147	<i>Concur</i>
F-148	<i>Concur</i>
F-149	<i>Disagree</i>

According to the American Society of Addiction Medicine (ASAM) placement criteria not all clients need the same length of treatment and treatment plans should be individualized based on the needs of the client. The initial referral of 30 days is used as a checks and balances to insure that clients are progressing and getting the treatment they need, and not being kept in treatment just to keep a bed filled. Residential providers must submit a treatment level review form based on ASAM placement criteria on each client every 30 days.

F-150	<i>Concur</i>
F-151	<i>Unable to Comment</i>
F-152	<i>Concur</i>

F-153 *Unable to Comment*

F-154 *Unable to Comment*

F-155 *Concur*

F-156 *Disagree*

BHD/ADP contracts require drug-free workplace and this is enforced.

F-157 *Disagree*

BHD/ADP contract monitoring and quality controls can and are increased whenever necessary.

F-158 *Concur*

F-159 *Concur*

F-160 *Concur*

F-161 *Concur*

F-162 *Concur*

F-163 *Concur*

F-164 *Concur*

F-165 *Unable to Comment*

F-166 *Partially Concur*

Refer to response for Finding 135.

F-167 *Concur*

F-168 *Concur*

F-169 *Concur*

F-170 *Partially Concur*

Protocols, including the satisfactory completion protocol were originally developed by the Implementation Committee. Some of the original

protocols were based on compromises with criminal justice, and research and evidenced based clinical practices. There would be chaos without standardized protocols. Treatment providers were not part of the Implementation Committee, but two representatives are now part of the Operations Committee. As the program has evolved from implementation, certain changes have been made and representatives from treatment programs have been involved in these changes. Treatment providers review and update treatment plans with clients and submit progress reports every 90 days on each client. One treatment provider developed a score card for each client to record individual progress. The Addiction Severity Index (ASI) and drug testing are administered at the time of discharge. Clients testing positive are not discharged, but remain in treatment. Changes and decisions are based on sound clinical, ethical, and legal decisions. Provider contracts were adjusted to units of service in order to better meet the needs of individual clients.

BHD/ADP has agreed to not include the treatment providers in the Operations Committee.

F-171 *Concur*

The Assessment Center liaison to the dedicated court has objected to offenders referred to Proposition 36 to no avail. BHD/ADP is concerned when cases involving drug dealers and gang members are pled down and these individuals have to be referred to treatment. Similar to the referral to mentally ill treatment, BHD/ADP would like to be involved in the assessment and appropriateness of clients prior to their being sentenced to Prop. 36 treatment. Also, refer to response for Finding 72. BHD/ADP has proposed stricter treatment protocols for the first 30 days of treatment to try and determine those who are serious about treatment from those who are not. BHD/ADP hopes that the other partners in criminal justice will also review their protocols to keep these people out of treatment.

F-172 *Concur*

F-173 *Concur*

F-174 *Concur*

F-175 *Concur*

F-176 *Concur*

F-177 *Disagree*

Under the sub-heading "Violation Criteria/Protocol" of the Non-Compliance Policy it states, "The Case Manager submits violation/non-compliance report with the Court/Probation within two business days of latest incident, utilizing the Non-compliance Form". A specific protocol is then listed for each violation.

F-178 *Concur*

F-179 *Unable to Comment.*

F-180 *Partially Concur*

The formula the State used to calculate each county's allocation for 2001-2004 was based on 50% county population, 25 % drug arrests, and 25% treatment case load. The formula that was used on 7/1/04 is based on 50% population, 40% caseload, and 10% drug arrests.

F-181 *Concur*

F-182 *Disagree*

The number of treatment completions are tracked monthly and provided in a report distributed to the BHD/ADP Directors, Operations Committee, and ADP Advisory Board. A copy of this report was given to the Grand Jury several times. As of the end of May 2004, 628 clients had satisfactorily completed treatment. Clients can request to have their cases expunged (removed from their court record) after completing treatment, paying all fines and fees, and complying with all terms of their probation. As of the end of May, 65 clients have had their charges expunged. BHD/ADP does not have access to recidivism information unless the offenders pick up another Prop. 36 related case.

F-183 *Unable to Comment*

F-184 *Disagree*

Treatment providers ask for volunteers who want to speak about their experience in treatment at the Board of Supervisors. These volunteers are not given a script or told what to say. Providers are not aware of what the clients are going to say. Various Board members even ask the clients questions. Volunteers also sign a waiver of confidentiality. Treatment providers and BHD/ADP receives unsolicited letters monthly from clients, family and employers thanking us for the treatment experience that changed client's lives.

F-185 *Concur*

BHD/ADP has repeatedly been denied access to this information.

F-186 *Concur*

F-187 *Concur*

F-188 *Concur*

F-189 *Concur*

F-190 *Concur*

F-191 *Disagree*

The standards and protocols are specifically quantified in the Non-Compliance Protocols. Treatment providers also provide the specifics to clients.

F-192 *Concur*

F-193 *Disagree*

BHD/ADP quoted Senate Bill 223 (SB 223) which states, "... testing is primarily used as a treatment tool".

F-194 *Concur*

F-195 *Disagree*

There is no longer a Drug Court in Ventura County. Comparing drug test results of Prop. 36 clients with Drug Court participants is not a valid comparison. There are several differences between Drug Court participants and Proposition 36 offenders. Drug Court was very exclusive in what offenders were allowed to participate, the caseloads were smaller, and offenders were more motivated. Proposition 36 on the other hand, is much more inclusive even letting in some who shouldn't be considered eligible (i.e. drug dealers, gang members, driving under the influence), the caseloads are much larger, and the offenders have more severe addictions, lengthier criminal histories, and lower motivation. Drug Court only administered random testing which is easier for clients to use drugs or alcohol in between tests versus regular drug testing done 2 to 3 times per week.

F-196 *Concur*

F-197 *Concur*

F-198 *Unable to Comment*

F-199 *Concur*

Drug Testing provided as a part of treatment is a treatment tool. Drug Testing – by Probation – can be used as a tool of compliance with the law. BHD/ADP would encourage a greater amount of drug testing and oversight by Probation of clients participating in Prop. 36

F-200 *Partially Concur*

Working drafts of proposed protocol changes were submitted for review to the Operations Committee not the Oversight Committee. Refer to response to Finding 25. Since marijuana can stay in the body for 30 days or more, a separate protocol was developed during the first year. If nanogram counts do not reduce or go up, clients are non-complied.

F-201 *Partially Concur*

This is an Operations Committee and not an Oversight Committee. Refer to response to Finding 25. Two major outpatient treatment providers drafted the drug testing protocol for 2004-2005. Combined these two providers provide treatment to over 500 Proposition 36 clients per year. These same providers also drafted the new attendance protocol, which is more restrictive than the original protocol, and which the specific details are not mentioned in the Grand Jury report.

F-202 *Partially Concur*

This is an Operations Committee and not an Oversight Committee. Refer to response to Finding 25. BHD/ADP recognized that a consensus was not going to be achieved, and that the new protocols were a clinical decision, and therefore should be incorporated without the approval of the Operations Committee.

F-203 *Partially Concur*

This is an Operations Committee and not an Oversight Committee. Refer to response to Finding 25. Previous copies of the proposed protocol changes were working drafts. The additional sentence regarding clients placed on a residential waiting list had been discussed throughout the

Operations meetings and was placed on the final format.

F-204 *Partially Concur*

This is an Operations Committee and not an Oversight Committee. Refer to response to Finding 25.

F-205 *Concur*

F-206 *Partially Concur*

This is why treatment providers requested that a new drug testing protocol be developed to give them more discretion in testing. Also, if clients test positive at graduation, they are not completed and must remain in treatment.

F-207 *Concur*

F-208 *Disagree*

Refer to the response to Finding 201.

F-209 *Partially Concur*

The drug testing protocol that went into effect July 1, 2004 was drafted by two treatment providers and was based on clinical decisions rather than a financial business decision. The state only allocates a certain amount of funding for drug testing (refer to Senate Bill 223). The original law does not allow funds to be used for drug testing. Since the Proposition 36 lead agency does not receive funding from the County General Fund, there is no where else to obtain additional drug testing funding. After the first year, the Assessment Center quit drug testing every client at assessment in order to allow more funding to go to the treatment providers and the increasing case loads.

F-210 *Disagree*

BHD/ADP has proposed a protocol with higher accountabilities in the first 30 days of treatment.

F-211 *Concur*

F-212 *Partially Concur*

The type of testing changed from the first year to the second year. During the first year on site amino assay tests (dipsticks) were used. Because of

the error rate and false negatives that can occur with on-site tests, all urine specimens were sent to a lab beginning in the second year. On site testing is conducted with pregnant clients and at discharge, and the specimen is also sent to the lab. This is the same lab that Probation uses.

F-213 *Partially Concur*

The table is showing lab tests only and does not include on-site amino assay (dipstick) tests at \$7.00 per test. The table also does not include the cost of supplies.

F-214 *Concur*

F-215 *Unable to Comment*

BHD/ADP has asked Probation for data and reports, and they have commented that they did not keep this information. Probation has not been able to provide UCLA with information they have requested.

F-216 *Partially Concur*

Various different statistics are kept by BHD/ADP. Clients are revolving in and out of treatment. They are non-complied and returned to the court. A warrant will be issued for a client who has lost touch with the treatment provider. Some clients may be arrested right away and others may take longer. An analogy of being "on the tarmac" was given to explain pending clients that are in a holding pattern between assessment, treatment, and the court. BHD/ADP does not know when a client is in jail as access to the VCIJIS jail screen has been denied. After 30 days of no contact with a client, treatment providers are required to close the CADDs and discharge the client. Oversight of clients while in the Community is a function of the Probation department.

F-217 *Partially Concur*

The generalized statement that drug tests average three to four tests per client per month, or less than one test per week is incorrect. Clients are referred to different levels of treatment (Level I, Level II, or Level III) which have different drug testing protocols at different phases in the treatment process. Since the beginning, a Matrix to show the phases of testing in the different treatment levels was created, and shows more testing being done in the beginning of treatment and fewer tests at the end.

F-218 *Disagree*

Some client counts reported to the State are duplicates (i.e. CADDs) and some are unduplicated. Refer to response to Findings 180, 216, and 217.

F-219 *Disagree*

The BHD/ADP and Probation numbers cannot be compared as they are tracked differently. This is an incorrect way of figuring drug tests. Refer to response to Findings 216, 217, and 218.

F-220 *Concur*

This is why BHD/ADP have been trying to get electronic submission of drug results from the lab for over a year and a half. Plans have also been made to connect providers to the BHD/ADP computer database.

F-221 *Disagree*

The 21% positive rate is not extremely high when compared to similar programs. According to the Matrix Institute on Addictions, one of their program "success" completion measures is 70% urine samples drug free. This would be a 30% positive rate. The Grand Jury report mentioned Probation positive rates at 31% in Finding 222. Federal programs may have lower positive rates, but they are also very expensive programs to run, and Prop. 36 has not allocated enough funds to run this type of program. Other programs can have lower positive rates because they test on a random basis and not regularly. It is easier for persons to use when they are only tested randomly once a month.

F-222 *Concur*

F-223 *Concur*

Ventura County provider's believe in the importance of client's taking personal responsibility for their financial involvement in treatment, and therefore, use a sliding scale based on each individual's ability to pay. Title 9 differentiates between the inability to pay and the refusal to pay for treatment.

F-224 *Disagree*

Using this type of device would cost more than the allocation of \$175,274. \$3500 per month x 12 months = \$42,000 x 8 sites = \$336,000 plus the cost of sending positive tests to the lab for confirmation

F-225 *Disagree*

Hair follicle testing would not be practical for this type of program. Proposition 36 treatment providers need immediate results. They need a narrow and most recent window of detection, rather than 90 days. At the expense of this type of testing, fewer tests would be run, and there would be the problem of overlapping tests. Hair follicle testing works better with custody cases.

F-226 *Partially Concur*

Mandated clients often have higher long-term recovery rates than voluntary clients do, because it is harder for them to drop out of treatment.

F-227 *Concur*

F-228 *Concur*

F-229 *Concur*

The Grand Jury did not mention the high recidivism rate of parolees in California as reported by the Little Hoover Commission.

F-230 *Concur.*

F-231 *Concur*

F-232 *Concur*

F-233 *Concur*

F-234 *Concur*

F-235 *Concur*

F-236 *Concur*

F-237 *Concur*

F-238 *Unable to Comment*

F-239 *Concur*

F-240 *Partially Concur*

This is why the Standing Order was changed in May 2004 to allow BHD/ADP to release the Pre-sentence Probation Report to treatment providers. Probation had opposed releasing the report without having the order changed.

F-241 *Concur*

F-242 *Concur*

F-243 *Unable to Comment*

F-244 *Unable to Comment*

F-245 *Concur*

F-246 *Concur*

F-247 *Concur*

F-248 *Partially Concur*

Drug offenders who engage in predatory illegal acts that victimize others (assault, robbery, burglary, theft, forgery, fraud, embezzlement, and dealing in stolen property) are not eligible for Proposition 36.

F-249 *Concur*

F-250 *Concur*

F-251 *Concur*

Other counties report all drug tests to the Court or Probation, however, the tests are not sanctionable.

F-252 *Concur*

F-253 *Partially Concur*

BHD/ADP follows the instructions given by the Court. For each non-compliance submitted the most recent information is recorded. Usually the entire record is requested for a contested hearing.

F-254 *Concur*

F-255 *Concur*

F-256 *Partially Concur*

In his letter the District Attorney does not mention that his office can take up to a year to file charges, that it can take law enforcement officers several months to arrest non-complied clients on warrants, and the number of cases that are pled down. According to the Probation Pre-sentence Reports between November 2001 and June 23, 2004, 70 DUI cases were pled down and the offenders were made eligible for Prop. 36. The Grand Jury failed to reference the Public Defender's response to the District Attorney's letter pointing out the errors and misinterpretations. Refer to Finding 14 that states, "...trials and plea bargains can result in a conviction on the drug charge only, making the defendant eligible for Prop 36 probation".

F-257 *Partially Concur*

Prior to Prop. 36 offenders revolved in and out of jail without treatment. With Prop. 36 they are held accountable and referred back to court when they are not compliant.

F-258 *Concur*

These crimes are not supposed to be eligible for Proposition 36. It is very disruptive to treatment when these cases, especially those involving sales, are pled down and these individuals are allowed into Prop. 36. Having drug dealers in treatment seriously jeopardizes the safety and recovery process of other clients.

F-259 *Partially Concur*

Clients are non-complied when they no show to assessment and when they no show to treatment.

F-260 *Concur*

F-261 *Disagree*

Refer to response to Findings 256 and 258, A random review of Probation Pre-sentence Reports submitted to BHD/ADP between November 2001 and June 23, 2004, revealed that 70 DUI cases were pled down and the offenders were made eligible for Prop. 36. At least one involved an injury with accident, and another involved some one driving into a garage at a high speed and almost striking children. Other counties, such as Santa Barbara County, charge offenders with DUI's.

F-262 *Partially Concur*

As stated previously, an Operations Committee exists, not an Oversight Committee. Refer to the response for Finding 25. The BHD/ADP chair of the Operations Committee was voted into the position and is the third chairperson. Refer to the response for Finding 92.

F-263 *Concur*

F-264 *Partially Concur*

Standards and outcomes are measured according to best practice guidelines. BHD/ADP reserves the right to make necessary clinical decisions based on the welfare of clients. BHD/ADP believe in quality improvement. Prop. 36 distributes quarterly client satisfaction surveys to clients in all County and contracted treatment programs.

F-265 *Partially Concur*

Standards and criteria have been developed in collaboration with treatment providers and the Operations Committee.

F-266 *Partially Concur*

Under the new drug testing protocol that became effective 7/1/04, treatment providers were given the discretion to increase or decrease the frequency of testing based on the individual needs of clients.

F-267 *Partially Concur*

The new attendance protocol that went into effect 7/1/04, was the first change since implementation, and was developed in collaboration with treatment providers and the Operations Committee.

F-268 *Partially Concur*

BHD/ADP has not neglected to track information, BHD/ADP cannot track information we are not given access to that the other agencies have readily available (i.e. VISION/VCIJIS). The Operations Committee sub-committee has not been able to come to an agreement or prioritize what information should be reported. BHD/ADP has collected and submitted all mandated information to the State, and as one of ten Focus Counties submits information weekly to UCLA.

F-269 *Partially Concur*

As the Lead Agency it is BHD/ADP's responsibility to submit all reports to the State of California. In compiling reports, written information and replies are gathered from the various members of the Operations Committee.

F-270 *Concur*

F-271 *Disagree*

The Grand Jury was given the same statistical reports given to the Operations Committee and the ADP Advisory Board. Refer to responses to Findings 216 and 273.

F-272 *Disagree*

As stated in Finding 279, 90% of assessed clients show up to treatment. Refer to responses to Findings 216 and 217.

F-273 *Disagree*

Refer to response in Finding 271.

F-274 *Disagree*

F-275 *Concur*

F-276 *Unable to comment.*

F-277 *Concur*

F-278 *Concur*

F-279 *Concur*

F-280 *Disagree*

The Probation Agency supplied the 1044 client count that is documented in the Second Year Report, which represents the number of clients on formal probation. Offenders are sentenced to 36 months or 3 years of probation. Considering 44% (592) of the 1345 clients assessed the first year, and 42% (519) of the 1235 clients assessed the second year, gives a total of 1111 that were on formal probation. The BHD/ADP number of 1111 does not figure in clients completing probation or having their probation revoked. These numbers are very close. Also, refer to responses to findings 215 and 219.

F-281 *Concur*

This is why the State contracted with CSU at Bakersfield to help define data reporting elements, and develop a users manual for the Lead Agencies. Training was conducted in September 2003. Refer to response to Finding 218.

F-282 *Disagree*

Not all clients who are eligible for services are referred to Prop. 36. Some offenders "opt out" or obtain other charges making them ineligible for Prop. 36.

F-283 *Disagree*

As stated before the 1044 client count represents the number of clients on formal probation. Offenders receive 36 months or 3 years of probation. It is erroneous to use this number to calculate drug tests per month. The Grand Jury attempted to apply simple mathematical calculations to a complex program with many factors involved. Refer to responses for Findings 213, 217, 219, 273, and 280.

F-284 *Partially Concur*

Refer to responses to Findings 216, 217 and 219.

F-285 *Partially Concur*

The Grand Jury received an un-audited version of the demographic report that contained a faulty formula. The 108% was in error and has been corrected to represent 100%. The table does not include clients entering prior to 7/1/03, those opting out, or those that have been non-complied.

F-286 *Concur*

F-287 *Disagree*

769 represents unduplicated new clients. This number does not include clients that started treatment prior to 7/1/03 or that returned to treatment. Refer to response to Finding 216.

F-288 *Disagree*

The 460-500 client count represented the number of clients with the two largest outpatient providers. It does not include clients in treatment at

other locations, out of county or in residential treatment. Refer to response to Findings 216 and 287.

F-289 *Concur*

Refer to response to Findings 216, 287, and 288.

F-290 *Concur*

Refer to response to Finding 215.

F-291 *Concur*

The same applies to clients missing from treatment.

F-292 *Concur*

Refer to response to Finding 216.

F-293 *Concur*

Refer to response to Finding 215.

F-294 *Partially Concur*

Refer to responses to Findings 219 and 273.

F-295 *Disagree*

Duplicated and unduplicated numbers cannot be compared in this manner. The non-compliance number is a duplicated number (clients are usually non-complied more than once), where as the monthly estimated number of clients in treatment per level is an unduplicated number. Refer to responses to Findings 219 and 273.

F-296 *Disagree*

The number of new assessments for clients on formal probation has been decreasing the last two years. FY 2001-2002 44% of the assessed clients were on formal probation, and 42% for FY2002-2003. FY2003-2004 32% of the clients assessed were on formal probation, 62% on conditional release, and 6% on parole. Also, refer to response to Finding 219.

F-297 *Disagree*

Refer to response to Finding 219, 273, and 283.

Recommendations:

- R-1 BHD/ADP believes that this recommendation can be accommodated if:
- a) The Oversight Committee is officially designated by the Board of Supervisors. BHD/ADP would suggest that members of the Committee should be the Chief Probation Officer, The District Attorney, The Public Defender, the Judge from the Operations Committee, the Director of Behavioral Health, a representative from the C.E.O.'s office and a member of the Board of Supervisors.
 - b) Once the Oversight Committee is officially designated, an MOU should be created that defines the various roles of each agency in the operation of Prop. 36.
- R-2 BHD/ADP believes that it should remain the Lead Agency and would Refer to comments in Recommendation 1.
- R-3 BHD/ADP does take the responsibility of leading Prop 36 treatment.
- R-4 BHD/ADP believes that increased requirements in the first 30 days of treatment as we are proposing and some additional review by the Criminal Justice components of this program as to who should be allowed to enter the program at all will address the concerns in this recommendation.
- R-5 BHD/ADP agrees with this recommendation and has made this same Recommendation in prior Annual Reports to the Board of Supervisors.
- R-6 BHD/ADP concurs.
- R-7 BHD/ADP does not agree with the statement "current ambiguous and weak Completion procedure and believes treatment completion is defined appropriately.
- R-8 See Comments with Recommendation 1.
- R-9 BHD/ADP established a new Drug Testing Protocol July 1, 2004. This was Prior to the Grand Jury report release. In addition, BHD/ADP has recommended new protocols for the first 30 days of treatment and BHD/ADP believes additional

oversight and drug testing by Probation will also be necessary.

R-10 BHD/ADP concurs.

R-11 BHD/ADP would be open to having office space in the courts. In addition, the new protocols for the first 30 days of treatment will also address this issue.

R-12 BHD/ADP believes that once established, the Oversight Committee can develop Protocols to meet this objective.



Ventura County Probation Agency

Calvin C. Remington
Director/Chief Probation Officer

August 13, 2004

The Honorable Bruce A. Clark
Presiding Judge of the Superior Court
Ventura County Hall of Justice
800 South Victoria Avenue
Ventura CA 93009

Re: Ventura County 2003-2004 Grand Jury Final Report entitled Ventura County
Proposition 36 Implementation

Dear Judge Clark,

Proposition 36 (Prop 36) is a clear mandate from the citizens of this State to reduce drug abuse through treatment rather than incarceration while preserving public safety. The Grand Jury has serious concerns with regard to the County's Prop 36 implementation and we echo many of those concerns. The findings made by the Grand Jury well articulate the issues and struggles faced in implementing and operating the Prop 36 program. It provides a strong foundation for working through these issues in a collaborative fashion.

This letter is a response to findings and recommendations of the above referenced report, specifically recommendations R-01 through R-12 as requested by the Grand Jury. Attached as well are our statistics and an analysis of those statistics regarding the Prop 36 cases handled by Probation during fiscal year 2003-2004.

Ventura County has consistently maintained innovative inter-agency programs to assist offenders in leading a law-abiding lifestyle while protecting the community from lawlessness. With effective oversight and a few operational changes, we believe the Prop 36 program can be effective in addressing some of the ravages of drug abuse while protecting the citizens of the County.

Recommendation R-01

The Board of Supervisors undertakes the reorganization of Prop 36 implementation within Ventura County in order to better accomplish the statutory mandates and scheme intended under Prop 36.

Response:

Agree: A reorganization appears to be in order to better define the roles of the players and how decisions are made to best accomplish the statutory mandates and scheme intended under Prop 36.

A structural difficulty identified early by the implementation committee was the decision-making process and oversight, particularly when consensus could not be reached. Justice Policy Council was identified as an existing group that could easily take oversight of Prop 36 but did not for a variety of reasons.

The implementation committee transitioned to the operations committee and the composition of the group changed somewhat as day-to-day operations staff joined; policy makers reduced their presence; and treatment and assessment staff were added to the program. Whether the lead Agency makes decisions when consensus is not reached has recently become a major issue.

It is clear that both an oversight group and an operations group are necessary to successfully implement the Prop 36 program.

Recommendation R-02

The Board of Supervisors withdraws the Lead Agency designation from BHD/ADP and designates the County Executive Office (CEO) as the lead Agency for Prop 36 management and oversight functions.

Response

Neutral opinion: While Probation is not opposed to the CEO becoming the lead Agency for Prop 36, we recognize that this may not be a role that the CEO must assume to ensure proper management and oversight functions. In most counties, BHD/ADP is the Lead Agency. We are not opposed to BHD/ADP continuing to function in that role as long as there is reasonable decision-making and oversight. If an appropriate oversight committee is established and operational procedures of the operations committee are agreed upon by all participants, a CEO representative on the oversight committee would be sufficient.

Recommendation R-03

Having assumed responsibility for leading Prop 36 treatment programs in the past, BHD/ADP may function as the county's expert in recommending treatment methods and the standards of successful treatment program completion.

Response

Agree: Public safety considerations and select effective treatment methods and protocols that tend to increase public safety appear necessary to ensure successful outcomes.

Recommendation R-04

The county should address the issue of "unamenability," as described in the statute and case law, with a view toward bringing the concept to bear in county practice.

Response

Disagree: In our opinion, amenability and unamenability are legal concepts and, therefore, under the purview of the sentencing Judge not the County. The Prop 36 Judge follows the law as written. Case law is still being made with Prop 36 cases as the program is relatively new. The operations committee should work closely with the Judge to build consensus in this area and look at how amenability and unamenability are handled by other jurisdictions throughout the state. Feedback to the Court and Probation from assessment and treatment providers regarding unamenability is essential in assisting the Court in making unamenability rulings.

Recommendation R-05

In order to organize and provide actionable information to the probationary supervision, top priority should be given to implementing an integrated information system designed for that purpose.

Response

Neutral response: BHD/ADP and treatment providers have information that should flow to Probation and to the Court in a timely and appropriate manner. Protocols must be agreed upon, in writing, and implemented reliably so all parties have confidence that the system is working. One example is that basic jail information is public record and, therefore, available to BHD/ADP for use in determining non-appearances for assessment and treatment appointments.

Recommendation R-06

Probation develops a basic risk management system or protocol to look at key indicators of a client's profile to determine the risk to society.

Response

Agree in part: The Prop 36 program and Probation have a basic risk assessment system in place. Felons, by and large, are the highest risk offenders and so they are placed on formal probation. Misdemeanor offenders who demonstrate that they are high risk offenders may be placed on formal probation. Approximately one-third of the Prop 36 offenders are on formal probation (approximately 800 offenders). These offenders are supervised in accordance with their risk level as determined by a risk assessment. Supervision is decreased or increased based on performance on probation and risk to the community. Supervision is reduced for offenders who comply with probation terms and conditions, and demonstrate stability. Supervision is increased for those who cannot or choose not to comply.

Drug offenders who are placed on probation prior to incarceration have proven to be an extremely active population and have higher violation rates than other offenders. Tripling the number of offenders placed on formal probation would require triple the resources to supervise. The implementation committee believed, and we agree, that

more resources needed to be allocated for treatment rather than probation supervision for all but the highest risk offenders. Those offenders are supervised on formal probation.

Recommendation R-07

The immediate establishment of a meaningful treatment completion standard in accordance with the spirit and intent of Prop 36.

Response

Agree: A well-reasoned and thoroughly documented completion procedure, requiring successful completion of all classes and supplemental treatment within a reasonable amount of time, is essential. While the large number of offenders preclude a formal graduation ceremony similar to Drug Court, recognition of success is certainly warranted. A hair follicle test, which would require a large capital outlay and significant training, as well as client ability to pay, seems onerous. We suggest instead that at least two random drug tests during the six-month period following the aftercare phase be initiated.

Recommendation R-08

The Operations and Oversight Committee be re-constituted as the representative body for all stakeholders.

Response

Agree in part: An operations committee and an oversight committee are each needed to perform separate functions. The operations committee is currently working toward adopting written operational procedures delineating the composition of the committee; roles and responsibilities; a meeting schedule; and rules of governance. Primary issues appear to relate to voting membership and the chair. Since Prop 36 is a criminal justice program it should fall within the purview of the existing Justice Policy Council as the oversight committee, with the Behavioral Health Director added to that group for purposes of Prop 36 decision-making.

We believe consensus is an important component in the decision-making of the operations group. If consensus cannot be reached, that group can forward the issue(s) and recommendation(s) to the oversight committee. The chair of the operations committee should be either the lead agency or the CEO, not a rotating member of the committee. They should be responsible for formal documentation of meeting minutes, with distribution to both the operations and oversight committee members.

Recommendation R-09

The drug testing protocol should be tightened immediately.

Response

Agree in part: The drug-testing protocol must be reliable and rigorous. It is important that BHD/ADP, as well as the client, understands and accepts that drug testing is a support tool in the decision to attain a drug-free lifestyle. Drug testing and the immediate sharing with stakeholders should be an accepted part of the treatment plan.

The Pass Point drug screening device has expensive up front costs and requires significant training. Therefore, it may not be the best method to achieve these results. There are a number of easy-to-administer, reliable and cost-effective drug tests that are available for use. We routinely use urine testing, various field presumptives and saliva samples depending on situational factors.

Probation also uses random testing very successfully as described, using a call-in number for drug testing schedules. If the client admits, perhaps the client could agree to complete a simple form admitting drug use. That form could be stipulated for use in Court, as necessary. This could be done in lieu of the recommendation that the County pay for the drug test by BHD/ADP if the client admits drug use.

Recommendation R-10

Though, by policy, drug testing is to be used for treatment purposes, public safety concerns require that Probation continue to conduct drug testing.

Response

Agree in part: Probation has no legal jurisdiction or authority over offenders placed on conditional and revocable release and cannot be involved in drug testing those cases. Probation receives no drug testing funds from SB 223 as those funds are allocated to BHD/ADP to recover their drug testing costs. Nevertheless, when offenders are placed on formal probation with drug terms, including all Prop 36 cases, they are tested for drug use by the Probation Officer according to existing protocol and determined by risk assessment.

Recommendation R-11

A goal of early and positive supervision experience should be pursued to initially set the tone for Prop 36 treatment.

Response

Agree: An early and positive supervision experience should certainly be pursued to initially set the tone for Prop 36 treatment. Locating assessment staff in the Prop 36 Courtroom or the Hall of Justice would be ideal. Our experience has shown that proximity and timeliness are key elements to success. For this population, allowing five days for a telephone contact and up to three weeks for an initial assessment will result in higher no-show rates.

Recommendation R-12

The Operations and Oversight Committee should institute thoughtful and allowable sanctions for offenders who fail in treatment, submit positive drug tests, or who miss treatment classes.

Response

Agree: Clients should be required to earn relaxed standards through a program history of positive behaviors and compliance with regulations rather than providing loose structure at the beginning of the program.

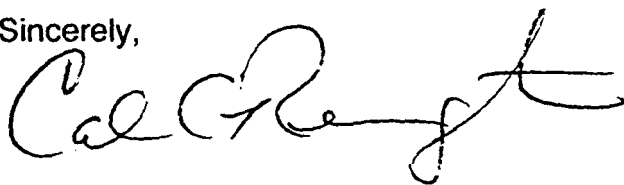
We firmly believe that the Ventura County Prop 36 Program can be improved and better success rates can be achieved with some hard work by all parties. Each member of the Prop 36 team must re-commit to working together, especially in regard to forming a stronger partnership between treatment and justice.

It is clear that both a policy oversight group and a day-to-day operations group are needed to handle issues as they arise. With the commitment of members from both of those groups, I am confident we can solve the difficult issues that must be successfully resolved. The Grand Jury's report provides an excellent guide to tackling these policy and operational stumbling blocks.

Thank you for the opportunity to address Prop 36 implementation. This is an important inter-agency justice program with significant ramifications in regard to public safety and drug abuse treatment. We look forward to reaffirming our commitment to our partner agencies to make this program work effectively and efficiently.

If you have any questions, please feel free to contact me at (805) 654-2100.

Sincerely,

A handwritten signature in black ink, appearing to read "Cal Remington", with a stylized flourish at the end.

Calvin C. Remington
Director/Chief Probation Officer

Attachment

cc: Grand Jury
County Clerk and Recorder (2)
✓ County Executive Office



**COUNTY OF VENTURA
PROBATION AGENCY**



MEMORANDUM

Date: July 29, 2004
To: Alan Hammerand, Adult Services Division Manager
From: Bryan Wilson, Supervising Deputy Probation Officer
Subject: Prop. 36 Yearly Statistical Analysis, July 03 to July 04

Supervision/Cases

- Monthly Average Number of clients supervised: **784**
- Monthly Average of Misdemeanor Cases: **218**
- Monthly Average of Felony Cases: **826**
- Monthly Average of Courtesy Supervision Cases: **7**

Violation Reports

- Monthly Average of Violation Reports: **168**
- Monthly Percentage Average of clients with violation reports: **21%**
- Monthly Average of drug-related offenses : **48**
- Monthly Percentage Average of drug-related offenses: **6.1%**
- Monthly Average of non drug-related offenses: **22**
- Monthly Percentage Average of non-drug related offenses: **2.8%**
- Property offenses percentage*: **45%**
- Violent offenses percentage*: **15%**
- Other offenses percentage*: **40%**

*Percentage of non-drug related offenses monthly average

Drug Tests

- Monthly Average of Urine Samples: 199
- Monthly Average of Clients tested: 25%
- Monthly Average of Positive Drug Tests (non-new offenses): 61
- **Monthly Percentage Average of positive urines samples: 31%**
Methamphetamine Percentage: 76%
Cocaine Percentage: 10%
Heroin Percentage: 5%
Other: 9%

Field Contacts

- Monthly Average of field contacts: 12
- Monthly Percentage Average of field contacts: 2%

Successful Completions (Court ordered)

- Monthly Average of successful completions: 7
- Monthly Percentage Average of successful completions: .0089%

Miscellaneous

Prop. 36 Investigation Reports

- Monthly Average of reports completed: 174.5
- Monthly Average of unassigned pending cases: 23

Adult Investigations (Post Prop.36 Reports)

- Monthly Average of fall-off reports: 34

PROP. 36 Yearly Stats July 2003 to June '04

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total
Number of Prop. 36 clients supervised	886	857	880	907	843	789	755	720	715	691	678	702	9403
Misdemeanor Prop. 36 cases	311	220	221	268	233	147	195	203	204	215	193	204	2612
Felony Prop. 36 cases	955	920	1087	890	821	840	817	773	788	710	655	674	9910
Courtesy Supervision cases	3	8	5	5	4	6	11	10	9	8	7	9	85
Number of clients with no drug violations recorded	682	501	732	750	738	611	581	570	563	396	541	508	7173

Violation reports (NOC, Declarations, etc.)	256	199	129	170	122	177	198	147	158	165	134	155	2010
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Types of Violations Filled													
a. Failure to comply with Probation	238	131	136	108	82	144	168	108	121	79	138	122	1573
b. Failure to comply with ADP/Treatment	165	104	99	133	72	120	128	90	83	82	63	77	1216
c. New offenses (drug related)	58	47	32	40	29	88	82	44	39	41	40	58	578
d. New offenses (non-drug related)													268
* Property/Theft offenses													121
* Violent offenses													41
* Other offenses													106
e. Positive drug test(s) non-new offenses													732
* Methamphetamine													562
* Cocaine													69
* Heroin													33
* Other													68

Urine samples	124	143	162	168	167	215	196	212	239	331	210	220	2387
Field contacts	4	6	13	19	9	16	2	16	9	6	29	16	145

3rd Strike violations	79	78	36	59	26	41	31	39	31	28	29	33	512
Return on warrant reports	28	35	20	3	12	22	25	17	7	16	22	14	221
No. of clients who were revoked & incarcerated on Prop. 36	49	57	33	32	22	25	15	28	19	19	16	13	328
No. of clients who have absconded from Prop. 36 treatment	34	15	24	32	8	34	19	17	5	12	6	6	212
Bench warrants issued	58	25	27	34	16	28	31	22	18	11	32	21	323
Successful completions (Prop. 36 clients)	7	2	5	3	8	8	11	10	6	12	6	9	87

Prop. 36 Investigations Unit													
Total reports completed													2094
* Misdemeanor cases completed													2291
* Felony cases completed													559
Unassigned cases pending	34	29	17	0	24	5	6	34	20	25	36	51	281

Adult Investigations													
Prop. 36 Fail-Off (P/S) reports	46	48	53	37	30	29	28	31	36	20	27	28	413

VENTURA COUNTY ALCOHOL AND DRUG ADVISORY BOARD
300 N. HILLMONT AVENUE
VENTURA, CA 93003
(805) 652-5926

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Director,**
Linda Shulman

Management Asst.
Ilene De La Torre

August 17, 2004

John E. Johnston, CEO
Ventura County
800 S. Victoria
Ventura, CA 93003

RE: 2003-2004 Ventura Grand Jury Report Behavioral Health Department Response

Mr. Johnston,

At the August 16, 2004 meeting of the Ventura County Alcohol and Drug Advisory Board, a unanimous vote took place in support of the Behavioral Health Department/Alcohol and Drug Programs decision that the formation of an Oversight Committee would be in the best interest of the Prop. 36 Program. The Alcohol and Drug Advisory Board also voted that an additional member be added to the Oversight Committee. The Board voted that this person should be a member of the Law Enforcement Community.

The addition of a member of Law Enforcement to the Oversight Committee would provide all agencies concerned with the opportunity to work together to better treat the Prop. 36 population.

Respectfully,



April Jo Rogers, Chair

VC Alcohol and Drug Advisory Board