

J. Matthew Carroll
Assistant County Executive Officer

Paul Derse
Chief Financial Officer

John K. Nicoll
Human Resources Director

August 24, 2009

Honorable Kevin J. McGee
Presiding Judge of the Superior Court
Superior Court of California, Ventura County
800 South Victoria Avenue
Ventura, CA 93009

Subject: **Board of Supervisors' Responses to 2008-09 Grand Jury Reports**

Dear Judge McGee:

In accordance with State requirements, the responses from the Ventura County Board of Supervisors to four 2008-09 Grand Jury reports, "Detention Facilities: Condition and Management", "Ventura County Pensions: An Uncontrollable Cost", "Mentally Ill Housed in Ventura County Jails" and "Land Use Permitting Process: Get to Excellence Plan" are hereby submitted. The Board approved the responses, which pertain to county government under its authority, on August 11, 2009 as *modified*.

The first of two modifications was that the following statement be added to this transmittal letter, "The Board's approval of the response to the Pension Report does not imply a change to established policy or commit or limit future actions by the Board in these areas."

The second modification was regarding its response to the "Mentally Ill in Ventura County Jails" report to the effect that the County is working to implement measures to keep the mentally ill out of jail and to establish alternative housing for mentally ill inmates. The Board's response to Recommendation 2 of the subject report has been revised to reflect this modification

The response to the remaining report under the Board's authority, "Is Your Favorite Restaurant Clean?" is being finalized and will be submitted for Board approval in September, after which it will be forwarded to you.

A copy of the response to the report "Inmate Grievance Procedure", previously submitted directly to the Grand Jury by the Sheriff, is included here for informational purposes only, as the approval of the Board is not required for responses from elected officials.

The County Clerk and Recorder has advised this office that although his response to the report, "Did Your Vote Count?" does not require Board approval, he plans to place it on the Board's agenda in September, at which time the County Clerk and Recorder will provide a copy to the Court.

Should you have any questions, please call Matt Carroll at 654-2864 or Kathleen Van Norman at 654-2566.

Respectfully submitted,


MARTY ROBINSON
County Executive Officer

RECEIVED

SEP 1 2009

VENTURA COUNTY
GRAND JURY

Enclosures – BoS Response to four 2008-09 Grand Jury Reports

cc: County Clerk, James Becker
Superior Court Jury Services (3 copies as listed for distribution)

- For Jury Services, Richard Goldner, Court Program Supervisor
- For transmittal to State Archives
- For transmittal to Grand Jury

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF
CALIFORNIA


SUPERVISORS STEVE BENNETT, LINDA PARKS,
KATHY I. LONG, PETER C. FOY AND JOHN C. ZARAGOZA
August 11, 2009 8:30 a.m.

228.3

COUNTY EXECUTIVE OFFICE – Approval of Responses to Four 2008-09 Ventura County Grand Jury Final Reports Entitled "Detention Facilities: Condition and Management", "Ventura County Pension: An Uncontrollable Cost", "Mentally Ill Housed in Ventura County Jails" and "Land Use Permitting Process Get to Excellence Plan" for Submittal to the Presiding Judge of the Superior Court.

- (X) All board members are present.
- (X) The following persons are heard: Matt Carroll, Marty Robinson, and Meloney Roy.
- (X) Upon motion of Supervisor Long, seconded by Supervisor Zaragoza, and duly carried, the Board hereby Approves as Modified with Direction to staff that statements be added to the transmittal letter, that the Board's approval of the response to the Pension Report does not imply a change to existing County policies or the approval of any new policy positions; and regarding its response to the Mentally Ill in Ventura County Jails Report the County is working to implement measures to keep the mentally ill out of jail and to establish alternative housing for mentally ill inmates.

By:


Deputy Clerk of the Board

CLERK'S CERTIFICATE

I hereby certify that the annexed instrument
is a true and correct copy of the document
which is on file in this office.
MARTY ROBINSON, Clerk of the Board of Supervisors,
County of Ventura, State of California.

Dated: _____

By: _____
Deputy Clerk of the Board

Item # 42
08/11/09

DISTRIBUTION: Originating Agency-CEO, Auditor, File

August 11, 2009

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

Subject: Approval of Responses to Four 2008-09 Ventura County Grand Jury Final Reports Entitled "Detention Facilities: Condition and Management", "Ventura County Pension: An Uncontrollable Cost", "Mentally Ill Housed in Ventura County Jails" and "Land Use Permitting Process Get to Excellence Plan" for Submittal to the Presiding Judge of the Superior Court

Recommendation:

That your Board approves the responses to the four subject Grand Jury reports pertaining to County government under your authority for submittal 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. The 2008-09 Ventura County Grand Jury issued 11 individual reports, seven of which pertain to County government.

Responses from appointed agency and department heads to four of the seven County government reports are addressed in this letter. These responses have been coordinated through the County Executive Office and are submitted for your approval.

For your reference, the report titles and respondents listed in the Grand Jury Final Report are summarized in the table below.

<p>Did Your Vote Count?</p> <p>To be presented in September by County Clerk/Rec</p>	<p>County Clerk & Recorder (CoCkRcdr to make separate presentation to BOS in September) Board of Supervisors (Response from BoS would be accepted, but is not required – so no response will be made)</p>
<p>Inmate Grievance Procedure</p> <p>Sheriff's response is for information only, approval not required.</p>	<p>Sheriff's Department (Copy of response included for information)</p>
<p>Detention Facilities: Condition and Management</p> <p>Sheriff response is for information only, approval not required.</p>	<p>Sheriff's Office (Copy of response included for information) Board of Supervisors (Response provided) County Executive Officer (Response requested and provided)</p>
<p>Ventura County Pension: An Uncontrollable Cost</p> <p>VECERA response is for information only, approval is not required.</p>	<p>Board of Supervisors (Response provided) County Executive Officer (Response requested and provided) VECERA (VECERA is an independent entity, its response is included for information only, approval is not required.)</p>
<p>Mentally Ill Housed in Ventura County Jails</p> <p>D.A. and Sheriff responses are for information only, approval not required.</p>	<p>Board of Supervisors (Response provided) District Attorney (Copy of response included for information) Sheriff's Office (Copy of response included for information) Probation (Response requested and provided) Health Care Agency-Behavioral Health (Response requested and provided) Public Defender (Response requested and provided) National Alliance on Mental Illness (Response from NAMI would be accepted but is not required by the GJ – no response provided)</p>
<p>Land Use Permitting Process: Get to Excellence Plan</p>	<p>Board of Supervisors (Response provided) County Executive Officer (Response requested and provided)</p>
<p>Is Your Favorite Restaurant Clean?</p> <p>To be provided in September</p>	<p>Board of Supervisors (Response to be provided in September) Resource Management Agency (Response requested and will be provided in September)</p>

Board of Supervisors
Responses to Four 2008-09 Grand Jury Reports
August 11, 2009
Page 3 of 3

In all, a total of five responses were required from the Board of Supervisors. Four are included here, the fifth, a response to "Is Your Favorite Restaurant Clean?" will be brought forward at a later date. One other response, to the report "Did Your Vote Count?" was deemed discretionary in that the Grand Jury indicated a response, while not required, would be accepted from your Board. We feel a response from the Board in this case is not necessary as a planned presentation to your Board in September by the County-Clerk and Recorder will address the issues. The Board's required responses were prepared on your behalf by CEO staff and are included in the Exhibits attached to this letter.

The responses submitted under Exhibits 2, 3, 4 and 5 that pertain to County government under your control will serve as your Board's response to the subject 2008-09 Grand Jury Final Reports to be filed as indicated in the above recommended action along with any additional comments your Board may wish to make.

If your Board does elect to amend responses submitted from agencies headed by appointed officials or if your Board elects to change a responses prepared on your behalf by the County Executive's office, then CEO staff, at your direction, will make such changes or additions prior to submitting the responses to the Presiding Judge.

As you are aware, elected officials submit their Grand Jury responses directly to the Presiding Judge. Although your approval is not required for responses from elected officials, a copy of the Sheriff's response to the report "Inmate Grievance Procedure" from the Sheriff's Department is included for your information as Exhibit 1.

Should you have any questions or require additional information, please contact J. Matthew Carroll at 654-2864 or Kathleen Van Norman at 654-2566.


MARTY ROBINSON
County Executive Officer

Attachments:

- Exhibit 1 – Response to "Inmate Grievance Procedure"
- Exhibit 2 – Response to "Detention Facilities: Condition and Management"
- Exhibit 3 – Response to "Ventura County Pension: An Uncontrollable Cost"
- Exhibit 4 – Response to "Mentally Ill Housed in Ventura County Jails"
- Exhibit 5 – Response to "Land Use Permitting Process: Get to Excellence Plan"

August 11, 2009

EXHIBIT 1

RESPONSE TO 2008-09 GRAND JURY REPORT

"Inmate Grievance Procedure"

FROM

Sheriff*

*Sheriff response is included for information only, Board approval is not required.

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VENTURA COUNTY SHERIFF'S DEPARTMENT

- BOB BROOKS
SHERIFF
- MARK BALL
UNDERSHERIFF

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

July 30, 2009

Ventura County Grand Jury
800 South Victoria Avenue, L#3751
Ventura, CA 93009

Dear Mr. Foreman and Grand Jury Members:

Below is the required response to the 2008-2009 Grand Jury report titled, "Inmate Grievance Procedure."

Recommendation R-01

The VCSD should review grievance procedures on a regular basis or as necessary for compliance with Title 15.

Response:

I accept your recommendation and concur. Furthermore, our application of inmate grievance procedure is consistent between the three facilities and warrants consolidation under a Divisional policy. I have attached the draft divisional policy for your records.

We are also proceeding with the development of an electronic version of the grievance form to allow integration into the Ventura County Integrated Justice Information System (VCIJIS). This initiative will allow for all inmate grievances to be categorized into a searchable electronic format, enhancing management's ability to better identify trends related to operational areas of concern and possible employee misconduct.

Recommendation R-02

The VCSD should review its policy concerning kites so that the ability of obtaining kites by inmates is the same at all detention facilities.

I accept your recommendation; however, disagree that our current practice may hinder an inmate's ability to obtain information. Each facility has inmates at differing phases of their incarceration, resulting in slightly different management approaches.

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

The PTDF houses recently booked inmates and, at times, those less familiar with a jail environment and services. These inmates are placed in our reception center for 72 hours as they acclimate to the custody environment. This population has a higher frequency of requests pertaining to access to services, custody rules, and elements within the criminal justice system. In order to facilitate this acclimation process and information flow, kites are often made available openly on dayroom tables.

The inmates at the Todd Road Jail and the East Valley Jail have been in custody for a longer period of time. They understand the rules and programs available to them, thereby reducing the frequency of requests. 30% of the inmates at TRJ and all the inmates at EVJ are sentenced and are no longer involved in court proceedings. We have found that in a sentenced housing environment, the inmates use the kites to write notes to each other, or use them for notepaper to keep score of card or board games. This is not the intended purpose for this form and can become very costly.

One of the most valuable elements of our custody operation is that each facility operates under the "Interactive Inmate Management" philosophy. This philosophy involves regular contact between the deputies and the inmate population. This philosophy is accomplished through regular patrolling inside the inmate housing areas. It is a proven means of controlling the behavior of the inmate population, as well as providing timely information and services. Many requests and problems are handled directly between the inmate and deputy mitigating the need for the inmate to fill out a kite form.

While the distribution process of kites appears to differ from that at the PTDF, in fact, access to kites is not restricted at TRJ. Kites are distributed daily at TRJ, oftentimes multiple times a day, with the deliver of sanitary tissue. This, coupled with the consistent deputy contact and opportunity to request a kite directly from the deputies, provides very consistent access to kites.

I believe the current manner of kite distribution satisfies the needs of the inmate population at this time and does not require modification.

If additional explanation is needed in regards to this Grand Jury report, please feel free to contact my office at 654-2381.

Sincerely



BOB BROOKS
Ventura County Sheriff

C: Honorable Kevin J. McGee, Presiding Judge
Superior Court of California, Ventura County

Ventura County Sheriff's Department
Detention Services
Divisional Policy



Article 38

Inmate Grievances

Drafted: May 19, 2009

Reviewed:

Revised:

PURPOSE:

To describe the grievance procedure that will preclude the necessity for many formal legal inquiries and challenges, and to establish a consistent policy and procedure for the response to grievances submitted by inmates incarcerated in the Ventura County Jail facilities.

BACKGROUND:

Excessive, frivolous federal lawsuits by inmates against corrections officials skyrocketed to almost 40,000 in 1995, the year before Congress passed the Prison Litigation Reform Act (PLRA). The PLRA set several conditions that needed to be met before the filing of a lawsuit by incarcerated persons. Inmates are required to exhaust all administrative remedies available to them prior to filing a Writ in the Superior Court challenging their conditions of confinement or a Federal Civil Rights violation suit.

The inmate grievance system was designed specifically to allow inmates to grieve or appeal any conditions of confinement, including but not limited to: medical care; classification actions; disciplinary actions; program participation; telephone, mail, and visiting procedures; and food, clothing, and bedding issues.

POLICY:

It is the policy of the Detention Services Division to provide inmates with an internal method for resolving complaints about jail conditions or treatment. Any inmate may request and shall be provided with an Inmate Grievance Form as the method to address these issues, conditions or treatment.

PROCEDURE:

The Inmate Grievance Form (SO-1011) is to be used by inmates to:

1. Question a policy, rule or procedure of the facility
2. Complain about custody treatment
3. Complain about medical treatment
4. Appeal discipline related findings
5. Appeal classification or housing related decisions

Inmates who wish to file a grievance shall submit a written request on a "kite" (SO-1012). Housing staff will issue an Inmate Grievance Form to the inmate without unnecessary delay. The inmate will be required to sign for receipt of the grievance form on the kite that was submitted. Staff shall note the date, time, and employee ID number

on the "kite" and forward to Central Inmate Records (CIR) to be filed in the inmate's jacket. The staff member shall also enter the grievance into the IMS tracking system under "Housing Monitors - Grievance" as "issued" and write the assigned grievance number on the top of the grievance.

Upon completion of the Grievance Form, the inmate may submit the form to any staff member. The staff member receiving the form shall fill in the blanks in the upper left corner of the form, indicating Date/Time Received and name of the staff member receiving the Grievance. The staff member shall also enter the grievance into the IMS tracking system under "Housing Monitors - Grievance" as "received." The Grievance Form shall then be routed to the proper level for a response.

If the inmate does not feel the response is satisfactory, the grievance may be resubmitted. Previously answered grievances on the same complaint must be attached to the new one in order to be forwarded to the next staff level. When the new response is completed, both forms will be given back to the inmate with the new response.

There are five levels at which an inmate grievance can be resolved. Every effort will be made to resolve the grievance at the lowest level possible:

1. Housing Deputy - The grievance may be discussed with the inmate to assess the problem and possible resolutions. The Housing Deputy will respond in writing to the grievance by completing the resolution section of the grievance form. The Housing Deputy will enter their name, ID number, and the date in the appropriate blanks and have a supervisor review and initial the response. Housing Deputies have 24 hours to respond to the grievance. *See Medical and Classification subheadings on page three of this policy for exception to the twenty-four time limit.
2. Level Supervisor - A Senior Deputy will respond to the grievance, attempt to resolve the problem, and complete the resolution section of the form. Senior Deputies have 24-hours to respond to the grievance. *See classification subheading on page three of this policy for exception to the 24-hour time limit.
3. Facility Supervisor - A Sergeant will respond to the grievance, attempt to resolve the issue, and complete the resolution section of the form. A Sergeant has 72 hours (excluding weekends/holidays) to respond to the grievance. *See classification and medical subheading on page three of this policy for exception to the 72-hour time limit.
4. Facility Manager - The Facility Manager (Captain) will respond to the grievance, attempt to resolve the issue, and complete the resolution section of the form. Facility Managers have 7 days (excluding weekends/holidays) to respond to the grievance.
5. Facility Commander - The Commander will review the grievance and make a final determination. No further appeal within the Sheriff's Department is possible. If the inmate is still not satisfied with the resolution, the matter must be pursued by filing a Writ of Habeas Corpus. The Commander has 10 days (excluding weekends/holidays) to respond to the grievance.

Grievance System Abuse

When the Facility Manager or Bureau Commander of a detention facility determines that an inmate is filing an excessive amount of grievances, or files frivolous grievances that have already been answered or resolved, he will determine if all grievances from that particular inmate will be forwarded to a designated unit or staff member for handling.

If the inmate is designated as a "frivolous griever," the grievance routing steps shall be bypassed, with all grievances being directed immediately to the designee for a response. The designee will be responsible for responding to all grievances within a period of 7 days, not counting weekends or holidays.

Medical Grievances

All grievances regarding medical treatment will be referred to the involved facility nursing supervisor with the notation "medical treatment grievance/referred to Detention Services Division Medical Department". The supervisor will respond at the level 2 of the grievance form within 3 days.

If the inmate resubmits the grievance, the CFMG Administrator will respond to the inmate grievance in the level 3 of "Inmate Grievance Form" within 7 days. If the inmate resubmits the grievance, it shall be directed to the Bureau Commander.

Placement and Classification Grievances

Grievances relating to placement and classification will be forwarded to the facility Classification Unit. The grievance will initially be investigated and answered by a Classification Deputy. Appeals to the grievance will be directed to the Classification Senior Deputy, the Classification Sergeant, the Facility Manager, and Facility Commander respectively.

Proper investigation of classification grievances generally requires more time than 24-hours. For this reason, the time constraints outlined previously in this policy will not apply to grievances regarding classification. Instead, these grievances will be promptly answered at the conclusion of a thorough investigation.

If the investigation has not been completed within one week, the grievance will be answered and returned to the inmate advising him/her of the status of the investigation.

Note: Any inmate who disagrees with his current classification may appeal his classification through the Inmate Grievance Procedure. Any inmate who has been sentenced to more than 60 days may request a review of his classification no more often than 30 days from his last review (CCR Title 15 Section 1050).

Discipline Grievances

All grievances related to minor discipline violations will be initially directed to the Senior Deputy Level Supervisor who will respond to the grievance in the Level #2 section of the form.

All grievances related to major discipline violations will be directed to the Facility Manager who will respond to the grievance in the Level #4 section of the form.

Any grievances related to major discipline violations resulting in the loss of good time will be initially directed to the Facility Commander.

Inmate Citizen Complaints

Any inmate in custody at any Ventura County Sheriff's Department jail facility wishing to lodge a complaint against an employee of the Ventura County Sheriff's Department's Detention Services Division may do so by submitting his/her complaint on an Inmate Grievance Form.

Any inmate requesting a Citizen Complaint form will be given an Inmate Grievance Form on which to lodge a complaint involving a Detention Services Division employee's conduct or action. If the inmate insists on receiving a departmental "Citizen's Complaint" form, he / she will be advised that all complaints involving personnel submitted on an Inmate Grievance Form will be appropriately investigated. The inmate may write "Citizen's Complaint" on the top of the Inmate Grievance Form to ensure proper routing of the complaint.

Upon receipt of an Inmate Grievance / Complaint form, the Level Senior Deputy shall forward it directly to the Facility Manager for review, response or investigation.

Housing Deputies receiving inmate grievances will take the time to read and review the inmate complaint. The Housing Deputy will try and answer or resolve the issue, if at all possible, at the lowest possible level. There may be times when a simple phone call or inquiry may resolve the grievance. Staff shall direct grievances in accordance with the listed guidelines.

These routing guidelines are not intended for staff to simply route the grievance, without clarifying the issue or ensuring all other avenues for resolution have been used.

It is the responsibility of the staff member receiving the grievance to ensure any prior written response accompanies the grievance, to provide clarity and continuity for consideration at the higher level(s).

It is the responsibility of the staff member answering the grievance to recode the status in the IMS tracking system under "Housing Monitors - Grievance."

INMATE GRIEVANCE RESPONSE ROUTING:

Complaint	Level 1	Level 2	Level 3	Level 4	Level 5
Discipline (Minor)	(Bypass)	Sr. Deputy	Fac./Housing Sgt.	Facility Mgr.	Facility Cmdr.
Discipline (Major)	(Bypass)	(Bypass)	(Bypass)	Facility Mgr.	Facility Cmdr.
Discipline (GT loss)	(Bypass)	(Bypass)	(Bypass)	(Bypass)	Facility Cmdr.
Classification	Class. Dep.	Class. Sr Dep.	Classification Sgt.	Facility Mgr.	Facility Cmdr.
Medical issues	Nursing Supv.	CFMG mgr.	(Bypass)	(Bypass)	Facility Cmdr.

Commissary Issues	Commissary	Comm. mgr	(Bypass)	Facility Mgr.	Facility Cmdr.
Mail/money orders	Mail Clerk	(Bypass)	Fac./Housing Sgt.	Facility Mgr.	Facility Cmdr.
Food Services	(Bypass)	Food Supv.	Food mgr.	Facility Mgr.	Facility Cmdr.
Time Computations	(Bypass)	SRT	Supv. SRT	Facility Mgr.	Facility Cmdr.
I/M Property	Housing Dep.	Sr. Deputy	Fac./Housing Sgt.	Facility Mgr.	Facility Cmdr.
Religious Issues	Fac. Chaplain	(Bypass)	Fac./Housing Sgt.	Facility Mgr.	Facility Cmdr.
I/m Programs	I/M Services	Sr. Deputy	Fac./Housing Sgt.	Facility Mgr.	Facility Cmdr.
Maintenance Issues	Housing Dep.	Sr. Deputy	Fac./Housing Sgt.	Facility Mgr.	Facility Cmdr.
Staff Misconduct	(Bypass)	(Bypass)	Fac./Housing Sgt.	Facility Mgr.	Facility Cmdr.
All Other Issues	Housing Dep.	Sr. Deputy	Fac./Housing Sgt.	Facility Mgr.	Facility Cmdr.

REFERENCES:

- California Code of Regulations, Title 15, section 1073
- Prison Litigation Reform Act (PLRA) - passed by Congress in 1996
- 42 USCA Sec. 1983
- Department General Order: "COMPLAINT PROCEDURE, PUBLIC/INTERNAL"

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