

Compliance and Continuity Report Regarding the 2018-2019 Humboldt County Civil Grand Jury Reports

Summary

This report by the 2019-2020 Humboldt County Civil Grand Jury evaluates how the various public entities responded to the Findings and Recommendations in the reports issued by the previous 2018-2019 Civil Grand Jury. This report evaluates these responses in accordance with the California Penal Code's requirements as to timeliness and content of the responses.

The Superior Court received five on-time responses and six late responses to the reports issued by the 2018-2019 Civil Grand Jury. All of the replies to the Findings were compliant with Penal Code requirements. Thirty-two percent of the replies to the Recommendations were not in compliance with the Penal Code requirements.

To expand the public dialog the Civil Grand Jury issued invitations for replies to the Findings and Recommendations for the betterment of the local community. None of the seven invited entities in a 2018-2019 report responded.

Efficiency would be improved if responses to reports were submitted in electronic format.

Background

A new Humboldt County Civil Grand Jury (Civil Grand Jury) is impaneled annually to investigate city and county governments, special districts, local law enforcement agencies, and certain non-profit corporations to ensure that their functions are performed in a lawful, economical, and efficient manner.

The 2018-2019 Civil Grand Jury conducted investigations that resulted in five reports being issued:

- 1) Like, Home? There's No Place...
Lack of Low-Income Housing to Address Homelessness
- 2) Here We Go Again
Humboldt County's Failure to Address the Americans With Disabilities Act
- 3) The Last Resort
Mental Health in the Humboldt County Correctional Facility
- 4) Les Misérables: The Criminalization of the Homeless in the City of Eureka
City of Eureka Practices Regarding the Homeless
- 5) The Mis-Fortunes of Humboldt County
Humboldt County's Questionable Accounting Practices

The complete text of these reports and responses can be accessed at the following website:

<https://humboldt.gov/reports2018-19>

The Civil Grand Jury develops Findings and Recommendations from investigations that are contained in reports released to the public. Responses to the Findings and Recommendations are assigned to

specific entities within the reports. These responses must be made within certain time constraints and in accordance with specific formats pursuant to sections 933 and 933.05 of the California Penal Code.

The reports request replies from entities affected by the topics of the reports. These entities included: Humboldt County Board of Supervisors, Humboldt County Sheriff's Office, Humboldt County Department of Health and Human Services, Humboldt County Health and Human Services Mental Health Branch, Humboldt County Chief Administrative Officer, Humboldt County Auditor-Controller, Humboldt County Treasurer-Tax Collector, Humboldt County Public Works, City of Eureka City Council, City of Eureka Police Department. In many responses the entities replied through their respective governing board. For example, the Humboldt County Department of Health and Human Services responded via the Humboldt County Board of Supervisors, or the Eureka Police Department via the Eureka City Council.

The Civil Grand Jury can also invite entities not elected, appointed, or employed by Humboldt County to send replies to the published report. Of the five reports issued by the 2018-2019 Civil Grand Jury only the report entitled, *The Last Resort*, invited replies to the Findings and Recommendations. The following seven entities were invited to respond to Findings and Recommendations in *The Last Resort*:

- Arcata Police Department
- Eureka Police Department
- Ferndale Police Department
- Fortuna Police Department
- Hoopa Valley Tribal Police Department
- Humboldt State University Police Department
- Rio Dell Police Department

None of these seven invited entities in the 2018-2019 report provided responses directly to the Court.

This report by the 2019-2020 Civil Grand Jury evaluates how the various entities responded to the reports issued by the previous 2018-2019 Civil Grand Jury in accordance with the above cited California Penal Code sections.

Discussion

Responses Within Required Timeframes

California Penal Code 933(c) requires all elected county officials and agency heads to submit written replies to the presiding judge of the Superior Court regarding specified Findings and Recommendations in Civil Grand Jury reports within 60 days of the date of final reports. Governing bodies (including, but not limited to; Board of Supervisors, City Councils, and Special District Boards) have 90 days to submit written replies to the presiding judge of the Superior Court regarding specified Findings and Recommendations in final grand jury reports.

The table below (Figure 1) shows the 2018-2019 Civil Grand Jury reports' issue dates and the Penal Code required dates for the responses by the various entities.

Figure 1. Table Showing Dates of Mandated Replies

Report	Date Report Issued	Respondent	Date Reply Due	Date Reply Received	Comply w/P.C. Time?
Like, Home? There's No Place	28 June 2019	Board of Supervisors	28 Sept 2019	21 Oct 2019	No
		City of Eureka	27 Sept 2019	25 Sept 2019	Yes
Here We Go Again	2 July 2019	Board of Supervisors	1 Oct 2019	21 Oct 2019	No
The Last Resort	11 July 2019	Board of Supervisors	9 Oct 2019	21 Oct 2019	No
		Sheriff	1 Sept 2019	7 Oct 2019	No
Les Misérables: The Criminalization of the Homeless in the City of Eureka	8 July 2019	Board of Supervisors	6 Oct 2019	21 Oct 2019	No
		City of Eureka	6 Oct 2019	25 Sept 2019	Yes
		Sheriff	6 Sept 2019	31 July 2019	Yes
The Mis-Fortunes of Humboldt County	11 July 2019	Board of Supervisors	9 Oct 2019	21 Oct 2019	No
		Auditor- Controller	9 Sept 2019	15 July 2019	Yes
		Treasurer-Tax Collector	9 Sept 2019	24 July 2019	Yes

Most of the late responses were from the County Board of Supervisors. Four of those reports were approved by the Board on time but not sent to the Court by the required date. All of the County Board of Supervisors' reports were received by the Superior Court on October 21, 2019.

One of the responses was misplaced and later recovered within the Civil Grand Jury system for processing and reviewing responses. After receiving responses it is important the responses be placed on the County's website for the public to access. This can be done more quickly and efficiently if the responses are submitted in electronic format.

Response Content Requirements

The California Penal Code requires certain language in responses for both Findings and Recommendations.

To each Finding that is directed to a respondent, the respondent must state either:

- 1) The respondent agrees with the Finding; or
- 2) The respondent disagrees wholly or partially with the Finding, in which case the response shall specify the portion of the Finding that is disputed and shall include an explanation of the reason therefore.

To each Recommendation directed to the respondent, the respondent must state:

- 1) The Recommendation has been implemented, with a summary regarding the implemented action.
- 2) The Recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- 3) The Recommendation requires further analysis, with an explanation and the scope of the analysis, and a time frame for response of up to six months from the release of the report.
- 4) The Recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

All responses to Findings in the 2018-2019 Civil Grand Jury reports were compliant with the Penal Code requirements. Thirty-two percent of the responses to the Recommendations in the 2018-2019 Civil Grand Jury reports were not in compliance with the Penal Code. A few of these non-compliant replies were because the response was requested from a party who did not have the authority to make the recommended changes. Most of the non-compliant responses were due to the respondent not providing a time frame to implement or analyze the recommendation.

Civil Grand Jury Effectiveness in Prompting Change

One indicator of a Civil Grand Jury's effectiveness can be measured in how many of its Recommendations were implemented, are in the process of implementation, or are being studied for possible implementation.

The Civil Grand Jury received 91 responses from various entities to its Recommendations. The entities can respond to the Recommendations by stating that the Recommendations either, 1) will be implemented, 2) will be implemented in the future, 3) require further analysis, or 4) will not be implemented. The table below (Figure 2) shows the tally of responses for all of the 2018-2019 reports.

Figure 2 : Responses to 2018-2019 Grand Jury Report Recommendations

Recommendation Response	Quantity	Percentage
Is Implemented	34	37%
To be Implemented in the Future	15	16%
Requires Further Analysis	19	21%
Will Not Be Implemented	23	25%
Total	91	100%

Figure 3 shows the tally of responses to Findings for all of the 2018-2019 reports; 85% either agreeing or partially agreeing indicates the Grand Jury Findings were, largely, effective.

Figure 3 : Responses to 2018-2019 Grand Jury Report Findings

Finding Response	Quantity	Percentage
Agree with Finding	54	47%
Partially Agree with Finding	43	38%
Disagree with Finding	17	15%
Total	114	100%

Findings

- F1 The inability of some public entities to meet the response timeframes required by the Penal Code is indicative of a problem. (R1, R2)
- F2 The lack of responses from invited (non-mandatory) public entities is troubling in that it appears those entities do not value the public oversight process. (R2)

Recommendations

- R1 The Humboldt County Civil Grand Jury recommends all entities carefully review the Penal Code requirements for responses to Findings and Recommendations. (F1)
- R2 Humboldt County Civil Grand Jury will clarify the language in the cover letters used for required and invited responses, and request responses in electronic format. The goal is to encourage civil involvement and cooperation for the betterment of our local government. (F1, F2)

Required Responses

The purpose of this report is to educate the public and local government entities about the response requirements to Humboldt County Civil Grand Jury Reports in accordance with the California Penal Code. For this reason the Humboldt County Civil Grand Jury is not requiring responses to this report.

Bibliography

2018-2019 Humboldt County Civil Grand Jury Reports and Responses

<https://humboldt.gov/reports2018-19>

California Code, Penal Code - PEN § 933

<https://codes.findlaw.com/ca/penal-code/pen-sect-933.html>

California Code, Penal Code - PEN § 933.05

<https://codes.findlaw.com/ca/penal-code/pen-sect-933-05.html>