



2004-2005 SANTA CLARA COUNTY CIVIL GRAND JURY

CONFIRMATION OF RESPONSES TO 2002-2003 SANTA CLARA COUNTY CIVIL GRAND JURY RECOMMENDATIONS

Introduction

The Santa Clara County Civil Grand Jury annually conducts inquiries into complaints and concerns regarding government agencies within Santa Clara County. These inquiries often result in a Final Report containing Findings and Recommendations. Penal Code Section 933.05 requires each subject agency to respond to each of the applicable Findings and Recommendations with a statement explaining whether or not the agency agrees and what action is planned.

The present inquiry and narrative report resulted from a concern of the 2004-2005 Santa Clara County Civil Grand Jury regarding the extent to which local government agencies actually implement and sustain commitments made in response to previous Civil Grand Jury Recommendations. Six of the thirteen Final Reports issued by the 2002-2003 Santa Clara County Civil Grand Jury (2002-2003 Grand Jury) were selected for follow-up investigations. Specific questionnaires were sent to the appropriate agencies seeking confirmation and status of implemented Recommendations. Such implementation had been identified in responses to the 2002-2003 Jury as already completed or as committed for future completion. It is notable that, because of the limited scope of this inquiry, other possible response options (such as disagreeing with the findings or electing not to implement the Recommendations) were not addressed.

Each of the six selected inquiries and their results are addressed in subsequent sections of this report.

(1) REVIEW OF POLICE DEPARTMENT ARREST AND INFORMATION RELEASE PROCEDURES: THREE CASES

Background

On June 26, 2003, the 2002-2003 Grand Jury published the Final Report regarding, in part, the interviewing of child victims of sexual assault. In response to Recommendations regarding that issue, the San Jose Police Department (SJPD) endorsed the Recommendations and implemented four specific actions: Use of a multi-disciplinary interview system; provision of a comfortable and relaxed setting for child victims during interviewing; provision of audio/video recording options to avoid any necessity of repeating the child victim interview process; and, provision for formal training for all Sexual Assault Investigation Unit (SAIU) personnel.

Results

The SJPD provided clear and satisfactory confirmations that all four of the above actions were in place and are regularly used and evaluated for any necessary updating.

(2) INQUIRY INTO COMPUTER INFORMATION SYSTEMS DISASTER RECOVERY PLANS

Background

On June 24, 2003, the 2002-2003 Grand Jury published the Final Report regarding Information Technology (IT) disaster recovery plans of ten agencies in Santa Clara County. Nine of the agencies responded to the 2002-2003 Grand Jury that they then had or were planning to develop an IT disaster recovery plan.

Results

The nine agencies from which confirmations were sought were requested to confirm the specific commitments they had made in response to the 2002-2003 Grand Jury Final Report. Confirmations were received from all nine agencies.

Of these, only six have IT disaster recovery plans, and five of those have test plans in place. This discussion avoids identifying the agencies which have failed to provide adequate IT disaster recovery plans. This Civil Grand Jury has serious concerns that some agencies may be unprepared for a catastrophic failure or interruption of "mission-critical" systems. On the other hand, some of the agencies with IT disaster recovery plans are better prepared than others.

These results confirm that the required responses to Civil Grand Jury Final Reports need follow-up to assure agencies are performing as asserted.

(3) INQUIRY INTO MANAGEMENT OF INMATE WELFARE FUNDS

Background

On April 8, 2003, the 2002-2003 Grand Jury published the Final Report which recommended four specific steps to improve the management control of the inmate welfare funds:

1. Develop a written policy for facility managers, to be updated annually;
2. Provide monthly financial statement updates;
3. Schedule quarterly meetings of facility managers; and
4. Identify a department fiscal officer.

In response, the Santa Clara County Probation Department endorsed and implemented, or indicated its plan to implement, all four of the Recommendations.

Results

The Santa Clara County Probation Department provided clear and satisfactory confirmation that all four of the actions were effectively implemented and operational.

(4) INQUIRY INTO THE COUNTY MENTAL HEALTH SERVICES

Background

On February 25, 2003, the 2002-2003 Grand Jury published the Final Report regarding, in part, the Recommendation that the Department of Mental Health (Department) under the Santa Clara Valley Health and Hospital System develop and implement a taxi voucher procedure. The vouchers would be made available to those families who cannot obtain transportation to visit their children placed in out-of-county, psychiatric hospital facilities.

Results

The Director of Family and Children's Services has implemented this Recommendation. A formal procedure was developed on January 3, 2005 and will be added to the Policy and Procedure Manual after Department and Mental Health Board review and adoption. However, as of February 28, 2005, no family had required this service or been denied access to visitation due to their lack of financial resources.

(5) INQUIRY INTO MANAGEMENT AND OVERSIGHT OF SAN JOSE UNIFIED SCHOOL DISTRICT 1997 MEASURE C BOND FUNDS

Background

On June 20, 2003, the 2002-2003 Grand Jury published the Final Report regarding, in part, the lack of change-order control during the school construction funded by Measure C. This Final Report also addressed the lack of a member replacement process for the Bond Oversight Committee (BOC).

Results

The change-order procedure was improved by modifying the computer template to show an error message on the computer screen if the change-order exceeded 10 percent of the contract amount specified for that specific item of the project. The updated procedure was then distributed to relevant construction managers.

A BOC committee member replacement process was established via a Board Resolution. However, the BOC did not decide how many missed meetings constitute a "non-attendance" member removal criterion. It is recognized that it is not within the Civil Grand Jury's purview to define *how* the BOC is to implement its replacement process, only that a procedure should be in place.

(6) INQUIRY INTO HIRING PRACTICES FOR YOUTH SPORTS COACHES

Background

On April 8, 2003, the 2002-2003 Grand Jury published the Final Report regarding, in part, the fact that school districts and parks and recreation departments did not use the FBI database to conduct criminal record checks of all volunteers working with youths. In contrast, all credentialed teachers are checked against the FBI database. It was learned that volunteers are fingerprinted, but the prints are checked only against the California Department of Justice database. The 2002-2003 Grand Jury recommended to 11 agencies

that all employees and volunteers working with youths have record checks conducted against both the California Department of Justice *and* the FBI databases. Responses were received representing five of those agencies. Only the City of San Jose's response made a commitment.

Results

The City of San Jose agreed to study the concept and was contacted by the 2004-2005 Santa Clara County Civil Grand Jury to see if they had considered the process as recommended. The City responded that it had studied the feasibility of the Recommendation, but had decided not to implement the process fully. The cost is \$28 per *applicant* for being screened against the FBI database. The City committed that the Parks, Recreation and Neighborhood Services will screen volunteer applicants accepted to work in youth programs through both Department of Justice and FBI databases.

Conclusions

Two major conclusions resulted from this inquiry. First, based on the sample investigated, some agencies (approximately 20% in this investigation) fail to follow through with commitments made in response to Civil Grand Jury Recommendations. Second, the practice of retrospective monitoring for confirmation of Recommendations' follow-through should be refined and considered by future Civil Grand Juries as part of their activities.

References

Documents

1. Letter from Robert L. Davis, Chief of Police, San Jose Police Department, to 2004-2005 Santa Clara County Civil Grand Jury, Re: Request for Information – “Review of Police Department Arrest and Information Release Procedures: Three cases”, 2 March 2005.
2. Letter from James R. Helmer, Interim Chief Information Officer, City of San Jose, to 2004-2005 Santa Clara County Civil Grand Jury, 11 March 2005.
3. Letter from Dean J. Chu, Mayor, City of Sunnyvale, to 2004-2005 Santa Clara County Civil Grand Jury, 14 April 2005.
4. Letter from Jennifer Sparacino, City Manager, City of Santa Clara, to 2004-2005 Santa Clara County Civil Grand Jury, 9 Feb. 2005.
5. Letter from J. Edward Tewes, City Manager, City of Morgan Hill, to 2004-2005 Santa Clara County Civil Grand Jury, Re: IT Disaster Recovery Plan, 24 March 2005.
6. Letter from Mike Wasserman, Mayor, Town of Los Gatos, to 2004-2005 Santa Clara County Civil Grand Jury – Inquiry into Computer Information Systems Disaster Recovery Plans - Status, 1 March 2005.
7. Letter from Philip E. Rose, City Manager, City of Los Altos, to 2004-2005 Santa Clara County Civil Grand Jury, Re: January 27, 2005 Letter, 2003-2004 Civil Grand Jury, 17 Feb. 2005.
8. Letter from Gary Aslanian, Director, Information Services, Office of the Sheriff, County of Santa Clara, to 2004-2005 Santa Clara County Civil Grand Jury, Re: Inquiry into Computer Information Systems Disaster Recovery Plans, 9 Feb. 2005.
9. Letter from Leif Peterson, Acting IT Manager, External Services, City of Palo Alto, to 2004-2005 Santa Clara County Civil Grand Jury, 21 March 2005.
10. Letter from Martin F. Quiroz, Information Technology Manager, City of Gilroy, to 2004-2005 Santa Clara County Civil Grand Jury, 18 Feb. 2005.
11. Letter from Sheila E. Mitchell, Chief Probation Officer, County of Santa Clara – Probation Department, to 2004-2005 Santa Clara County Civil Grand Jury , Re: 2004-2005 Santa Clara County Grand Jury Inquiry – 2002-2003 Civil Grand Jury Inquiry into the Management of Inmate Welfare Funds, 14 Feb. 2005.
12. Santa Clara Valley Health & Hospital System, Department of Mental Health letter to Santa Clara County Civil Grand Jury, 28 Feb. 2005.
13. San Jose Unified School District fax, including School Construction Procedures Manual to 2004-2005 Santa Clara County Civil Grand Jury, 28 Feb. 2005.
14. San Jose Unified School District letter plus School Construction Procedure Manual to 2004-2005 Santa Clara County Civil Grand Jury, 28 Feb. 2005.
15. City of San Jose, Parks, Recreation and Neighborhood Services letter to 2004-2005 Santa Clara County Civil Grand Jury, 11 March 2005.