

Santa Cruz County Grand Jury



2005-2006

Final Report

June 2006

Greetings Citizens of Santa Cruz County,

It is with great pride that we present the 2005-2006 Santa Cruz County Grand Jury Final Report. State law charges the Grand Jury with review and oversight of county agencies and entities that receive county funds. We hope that the information presented, the issues raised, and the problems found will contribute to a more responsive, accessible, and responsible government. The Grand Jury believes this report will add to your understanding of issues within Santa Cruz County.

This report is a compilation of information provided by your public officials, research by the Grand Jury, and the insights we gained during our interviews. Our charge is to make sure the information is correct and presented to you without bias. We have done our best to be objective, and it is our great hope that much good comes from our efforts.

For Santa Cruz County and the governmental entities within it, the current budget picture is challenging, and we must all do our part to ensure we make the most of our limited funds. We all have a responsibility to ensure we have the best, most efficient government possible.

We would like to thank the various entities and employees that took the time to educate us and answer our questions. I would also like to thank the fifteen remaining jurors (some of whom were alternates who stepped in mid-year) who have given generously of their most precious commodity, their own time. We are anxious for your response.

Sincerely,

Maxine R. McNamara, Foreperson
2005-2006 Santa Cruz County Grand Jury

Santa Cruz County Grand Jury 2005-2006 Final Report

Table of Contents

Introduction to the Santa Cruz Grand Jury

Grand Jurors

Section 1: Audit and Finance Committee Reports

The Dollars and Sense Don't Add Up: Bond Measures E and H, Santa Cruz City Schools	1 - 1
---	-------

Section 2: Cities and County Committee Report

Watsonville Municipal Airport: Headed for a Crash?	2 - 1
--	-------

Section 3: Criminal Justice Committee Reports

Santa Cruz County Jails Review	3 - 1
The Taser – Don't Be Shocked	3 - 25

Section 4: Health and Human Services Committee Report

Domestic Violence: Have We Kept the Promise?	4 - 1
--	-------

Section 5: Schools and Libraries Committee Report

No report included	5 - 1
--------------------	-------

Section 6: Special Districts Committee Reports

No report included	6 - 1
--------------------	-------

Section 7: Instructions for Respondents

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Introduction to the Santa Cruz County Grand Jury

Two Types of Grand Juries in Santa Cruz County

As with many California counties, Santa Cruz County has two types of Grand Juries. The regular, or civil, Grand Jury is an investigative body that serves for one year. There are nineteen members on the jury. The civil Grand Jury is not involved with trials but rather serves as a watchdog over local government and other tax-supported entities.

The other Grand Jury is a criminal Grand Jury that deals with issuing indictments (charging a person with a criminal or public offense). This jury is called up on a case-by-case basis.

Duties and Powers of the Civil Grand Jury

The Civil Grand Jury has three primary functions:

- to randomly audit local governmental agencies and officials;
- to publish its investigative findings and recommendations toward improving those governmental operations in the interest of the community being served; and
- to investigate citizens' complaints

The Civil Grand Jury investigates local government agencies and officials to evaluate if they are acting properly. If a Grand Jury determines that they are not, it has various options. The most frequently used option is the presentation of a report outlining the Grand Jury's findings and recommendations in the matter. Such reports are public and sometimes attract media attention. Agencies or elected officials discussed in the report must respond specifically to the report's findings and recommendations.

Citizens may file complaints with the Grand Jury to request that it investigate what they perceive as wrongdoing by a public agency, such as a school district or a police department. The Jury will decide if the complaint has merit and is not obligated to pursue the complaint. County complaint forms are available from the following address:

Santa Cruz County Grand Jury
701 Ocean Street, Room 318-I
Santa Cruz, CA 95060
(831) 454-2099
FAX (831) 454-3387
grandjury@co.santa-cruz.ca.us
www.co.santa-cruz.ca.us/grandjury

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Grand Jurors

2005-2006

Maxine R. McNamara, Foreperson

Mary Bassano

Paula Berman

Mary Carlon

William H. Fitler, Jr.

Marilyn Humphrey

Yamindira KanagaSundaram

Rick Lofvendahl

Raymond McDonald

Joseph Moreno

Joseph Pedota

Ian Sanderson

George Sisson

Barbara Smith

Des Stuart-Alexander

John Thiemann

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2005-2006 Santa Cruz County Grand Jury

Back Row: Ray McDonald, Joe Pedota, Ian Sanderson, Bill Fitler, George Sisson, Joe Moreno, John Thiemann
Middle Row: Marilyn Humphrey, Mary Bassano, Yamindira KanagaSundaram, Barbara Smith, Rick Lofvendahl
Front Row: Des Stuart-Alexander, Mary Carlon, Maxine McNamara, Paula Berman



Santa Cruz County

Grand Jury

Final Report:

Section 1
Audit and Finance Committee Report

The Dollars and Sense Don't Add Up: Bond Measures E and H Santa Cruz City Schools

Synopsis

Bond Measures E and H, passed in 1998, provided funds for much-needed renovation and modernization of schools within the Santa Cruz City Schools District. Overall, the Grand Jury found school site personnel pleased with the work completed at their schools, and acknowledges the scope and complexity of the construction projects undertaken in the last eight years. Those projects, however, took longer and cost more than original estimates, and students are now occupying classrooms that have not been certified by the Division of the State Architect as being in compliance with all Code of Regulations, Title 24 provisions for structural, life/fire safety, and ADA projects.

The Grand Jury discovered that Measure E bonds were sold for more than the voter-approved \$28 million, and questions remain about the 2005 bond refinancing. The Grand Jury is concerned that: bond money was spent on district administrative offices; lease revenues generated from sites that were renovated using bond funds went into the Santa Cruz City Schools general fund; bond funds and property tax deposits have earned and will continue to earn interest that could be used to reduce bond debt; and promises to keep the public well-informed about the bond projects have not been kept.

Definitions

ADA: Americans with Disabilities Act

Alternate: an optional component of a construction project

BAN: Bond Anticipation Note; a note issued in anticipation of later issuance of bonds, usually payable from the proceeds of the sale of the bonds anticipated

BOC: Santa Cruz City Schools Bond Oversight Committee

California Code of Regulations (CCR), Title 24: also known as the California Building Standards Code. Public school construction in California is governed by these building standards.

Change Order: a written order that modifies the plans, specifications, or price of a signed construction contract agreement. Change orders can be initiated for a variety of reasons, including unforeseen conditions, owner-requested changes, design errors or omissions, contractor error, and weather-related problems during construction.

DSA: Division of the State Architect

DSA Form-5: the official DSA form that details the project inspector's qualifications

2005-2006 Santa Cruz County Grand Jury Final Report

IOR: Inspector of Record; a state-certified inspector that performs state-mandated site inspection services for public school construction and who is hired and paid by the owner (school district)

Multiple-prime contracting: the owner (school district) holds separate contracts with contractors of various disciplines (such as general, mechanical, electrical). The owner, or its construction manager, manages the overall schedule and budget during the entire construction phase.

RFP: Request for Proposal; an invitation to bid, or a proposal inviting bids from possible suppliers of a product or service

SB50: the 1998 state bond measure that provided matching funds to the Santa Cruz City Schools District for modernization projects. District matching funds were generated from Bond Measures E and H.

SCCS: Santa Cruz City Schools

SCCS Bond Project, Status of Project Closeout, May 10, 2006: This was the version of the summary document detailing construction costs, change orders, and project completion dates that the Grand Jury used for this report.

Stop Notice: a notice to withhold payment from a contractor and to set money aside to satisfy a claim

Background

Bond Measures E and H

In April 1998, voters in the Santa Cruz City Schools (SCCS) District passed two bond measures worth a total of \$86 million. The district spent over \$300,000 for this special election for Measure E and Measure H that was held just seven weeks prior to the regularly scheduled June primary election.¹

Measure E, approved by seventy-nine percent (79%) of the voters, was for elementary school improvements not to exceed \$28 million, and Measure H, approved by seventy-four percent (74%) of the voters, was for junior and senior high school improvements not to exceed \$58 million. The measures stated that the bond money would be used to rehabilitate the schools, including replacing inadequate electrical, plumbing, heating, and window systems; to comply with fire, earthquake, health, safety, and accessibility standards; and to renovate, construct, and modernize classrooms, restrooms, and other school facility improvements. Bond money would not be used for administrator salaries. Expenditures would be monitored by a community bond oversight committee, with all proceeds spent to benefit district schools. All elementary and secondary school sites in the district were included in the bond measures.

Voter Information Pamphlet arguments in favor of Measures E and H stated that “By law, absolutely none of the funds raised by these ballot measures can be used for

¹ County of Santa Cruz Sample Ballot and Voter Information Pamphlet for Special School District Election, Tuesday, April 14, 1998.

administrative salaries, offices, or operating expenses. All of the funds raised by these measures will stay in our local community and will be used to fix our schools.”²

Bond Details

The E and H bonds were originally each sold in three series: A, B, and C. Series A was sold in 1998, Series B in 2000, and Series C in 2001. According to the Voter Information Pamphlet, “Impartial Analysis by County Counsel,” the term for each bond sale was to be 25 years, which was the maximum term under California law when the measures were passed. On April 13, 2005, the SCCS Board of Education passed resolutions authorizing the refinancing of the general obligation Bond Measures E and H, Series A and B to take advantage of decreased interest rates. This refinancing did not require voter approval.

As each series was sold, the money from the sale was deposited into the Santa Cruz County Treasury to be withdrawn by the Santa Cruz City Schools District as needed for the bond projects. As property taxes are collected, they are also deposited in the County Treasury. These funds are withdrawn to make payments to the bond holders.

The Santa Cruz County Assessor’s Office establishes the rate that each property owner in the Santa Cruz City Schools District must pay toward the bonds. For the tax year 2005-2006, the rate is:³

- Series A and B, Elementary .035%
- Series A and B, High School .033%
- Series C, Elementary .007%
- Series C, High School .006%
- **TOTAL .081%**

At this rate, taxes resulting from Bond Measures E and H on property within the City of Santa Cruz with an assessed value of \$300,000 would be \$243 for the 2005-2006 tax year. Property owners outside the city limits, but within the high school district, would pay only the high school percentage, or .039%.

Additional Funding

The school renovation projects were not funded solely by the proceeds of bonds E and H sales. Under the State Construction Program, the district applied in 1999 for SB50 (State Bond 50) funds for modernization that it began receiving in July 2000. These state funds were earmarked for renovation of schools that met the age requirement for modernization (twenty-five years or older). This was a cash-matching program, and E and H funds were used for the match. The district received over \$28 million from the state. Additions including bond interest, developer fees, deferred maintenance funds, and donations

² County of Santa Cruz Sample Ballot and Voter Information Pamphlet for Special School District Election, Tuesday, April 14, 1998.

³ Figures supplied by the Santa Cruz County Auditor/Controller Office, June 2, 2006.

2005-2006 Santa Cruz County Grand Jury Final Report

brought the total revenue for bond projects to \$128,683,715 as of April 30, 2006. Total revenue for the bond projects is summarized as follows:⁴

REVENUE SOURCE	REVENUE AMOUNT
Bond Proceeds	
Series A (6/98)	\$21,854,000
Series B (3/00)	\$46,300,077
BAN Funds (Series C, 10/00)	\$15,990,000
Series C (10/01)	\$110,171
Subtotal Bond Proceeds	\$84,254,248
Other Revenue	
Bond Interest	\$10,411,303
Bond Arbitrage Liability	(\$419,412)
BAN Interest	\$976,905
BAN Arbitrage Liability	(\$210,905)
Deferred Maintenance	\$974,499
Food Services	\$175,000
Capital Facilities Fund	\$2,597,047
State SB-50 Rel. 1	\$1,906,616
State SB-50 Rel. 2	\$26,514,241
SB-50 Interest	\$620,037
Grants	\$345,024
Donations	\$231,801
Insurance Reimb (Pool Deck)	\$122,748
Building Fund	\$19,814
General Fund	\$164,749
Subtotal Other Revenue	\$44,429,467
TOTAL REVENUE	\$128,683,715

Table 1. Revenue, SCCS Bond Projects Budget, July 1, 1998 to April 30, 2006.

Setting Priorities/Determining Projects

Prior to the bond campaign, a Facility Assessment Team comprised of construction professionals and district staff evaluated each of the school sites, worked with site and district staff in developing a needs assessment, prioritized each site's needs, and developed a cost estimate for needed and desired school construction projects. This facilities audit, along with community input, was used by the district to determine the amount of money that was requested in the bond election. Although approximately \$130 million in needed and desired improvements were identified, a community survey indicated voters would be willing to support bonds totaling \$86 million. Projects were

⁴ Santa Cruz City Schools, Bond Projects Budget, Report from July 1, 1998 to April 30, 2006.

prioritized based on the \$86 million figure, and renovations and repairs addressing code requirements, health and safety concerns, and systems projects such as roofing, electrical, and plumbing were given priority.

After the election, district staff, together with architects and construction managers, developed a Master Schedule to accomplish the Facility Assessment projects. The schedule defined the sequence for planning and construction of the projects at each school site from June 1999 through December 2003. The schedule was discussed with all site principals and the Bond Oversight Committee. Within the Master Schedule, each school site was listed along with an anticipated planning and construction timeline. The work at each school site was divided into the following tasks: pre-design, design, state review, bidding, and construction.

In the “Road to Renovation” pamphlet mailed out by SCCS in May 2000 to residents within the SCCS boundaries, it was stated that the construction schedule called for all projects to be completed by the end of the 2003-2004 school year. Due to state funding and additional revenues, in May 2003, with SCCS Board approval, site planning committees began meeting to identify and prioritize additional modernization projects at each school site. As of June 2006, there are still three projects to be bid, and eighteen projects under construction. Projects may extend well beyond the end of 2006.

Project Management

Bond projects were originally overseen by the Director of Bond Projects, a district administrative position, to provide general oversight and management of the program. Two architect/construction management teams (DES-WLC Architects/Turner Construction Management for the elementary schools, and Beverly Prior/Kitchell Construction Management for the secondary schools) assisted. Projects were put out to bid for multiple prime contractors, that is, a prime contractor for each trade. Due to the difficulty in managing multiple and separate contracts, missed work, and instances of poor work quality, the district discontinued its use of multiple prime contractors.

The bond projects are now managed by district staff and contracted firms. The organizational components for project management include:

- the Assistant Superintendent, Business Services, providing district administration oversight;
- general contractors bidding for projects;
- a construction management firm providing overall program management for bond projects (Strategic Construction Management);
- two architecture firms, one for the elementary and junior high schools (DES Architects), and one for the high schools (Beverly Prior Architects), providing design services and project administration;
- Inspectors of Record providing state-mandated site inspection services; and
- district employees (3.2 positions) paid by bond funds: a full-time district Construction Project Coordinator, a full-time clerical support person; a full-time accounting person; and support from the district purchasing manager for bidding and contracting processes.

Bidding

In California, public school construction is governed by the California Public Contract Code. Construction contracts must be awarded to the lowest responsible bidder as defined in these code sections:⁵

“Responsible bidder,” as used in this part, means a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract. (Section 1103)

On the day named in the public notice, the department shall publicly open the sealed bids and award the contracts to the lowest responsible bidders. (Section 10180)

SCCS District officials stated that the lowest, responsive, responsible bidder is hired by the district. A responsive bidder is one that has provided all necessary documents and meets all specified qualifications in a timely manner.

When construction projects are put out to bid, a Request for Proposal (RFP) is published in the newspaper, and interested contractors are invited to submit bids by a specified date. On that date, the bids are publicly opened, recorded, and awarded to the lowest, responsive, responsible bidder.

Division of the State Architect Oversight

The Division of the State Architect (DSA) reviews all public school construction involving structural, fire/life safety, and ADA compliance projects. Construction plans and documents drafted by the district’s hired architects and engineers are submitted to the DSA for plan checking to make sure they conform to the California Code of Regulations, Title 24. After plans are checked and approved, they are stamped with an identification stamp, and are ready for the construction phase. When a project is under construction, it is supervised by DSA field operations. Field engineers go to the site to make sure plans are being followed and work is up to code. The field engineer receives reports from state-certified Inspectors of Record (IOR) at least twice a month. The IORs make sure work is performed according to the DSA-approved documents. Public school construction is not inspected by city and county building inspectors, but by state-certified inspectors.

Once a project is completed, a Notice of Completion is recorded at the County Recorder’s office and is publicized. The project closeout process then begins. The DSA reviews all required project documentation to verify that all work was performed and inspected in accordance with code requirements. If documentation indicates that construction met these requirements, the DSA issues a Letter of Certification to the school district. If documentation is incomplete, the DSA sends the Architect of Record a letter, with a ninety-day deadline to submit all remaining documents. If these documents are not submitted, the project is closed without DSA certification. The file can be reopened when documentation is complete, but a fee of \$150 for each project is assessed.

⁵ California Public Contract Code, <http://www.aroundthecapitol.com/code/contents.html?sec=pec>.

Bond Oversight Committee

In Fall 1998, a committee consisting of volunteer community members was formed by the district to provide oversight for the bond projects. The Bond Oversight Committee (BOC) is an advisory body only and makes recommendations to the school board. Final authority for all aspects of the bond measures resides with the SCCS Board of Trustees. The BOC meets every other month and receives reports on financial and construction status; reviews standard bid documents and change orders; reviews contracts for design, construction management, construction contractors, and contract amendments; and has been involved in the reallocation of dollars between school sites. Specified roles and responsibilities include attending all committee meetings; becoming familiar with the laws, regulations, and processes that the school district must satisfy in completing the projects authorized by the bond; and working with all interested parties to facilitate communication about the status of the bond projects.⁶

According to district officials, by the end of Summer 2006, ninety-eight percent (98%) of the bond funds will have been spent as projects are nearing completion. The BOC's final meeting is scheduled for November 2006. A subcommittee has been established to work with school district staff and Strategic Construction Management to prepare a final report on the bond projects for the board and community members, detailing how both time and money were spent under Measures E and H.

Scope

This investigation was undertaken to review financial documentation for the Santa Cruz City Schools Bond Measures E and H. The investigation included:

- reviewing SCCS Board of Education minutes, Bond Oversight Committee minutes, site summaries, project completion documents, and financial documents pertaining to Bond Measures E and H;
- reviewing web sites, newspaper articles;
- conducting interviews with district staff and volunteers; and
- visiting school sites to view bond project results.

As the investigation progressed, the bond details and issues of project management, bidding, and oversight were also examined.

Sources

Interviewed:

- Santa Cruz City Schools District personnel.
- Bond Oversight Committee members.
- Division of the State Architect personnel.
- Santa Cruz County personnel.

⁶ Santa Cruz City Schools, "Bond Oversight Committee Roles and Responsibilities," revised April 17, 2002.

Reviewed:

Memoranda/Reports/Minutes/Agendas:

Advantages/Disadvantages of Using Multiple Prime v. Single General Contractor, agenda packet, Bond Oversight Committee meeting, January 27, 2000.
California Department of General Services, Division of the State Architect, Project Inspector Qualification Record, DSA-5, revised March 27, 2003.
Communications Matrix for Bond Projects Participants, November 29, 2001.
IOR Bi-Monthly Progress Reports, Santa Cruz High, May 2002.
Memo from Northcross, Hill and Ach, June 8, 2006.
Official Statements, Santa Cruz City Elementary School District, General Obligation Bonds, Election of 1998, Series A, B, and C.
Official Statements, Santa Cruz City High School District, General Obligation Bonds, Election of 1998, Series A, B, and C.
Official Statement, Santa Cruz City Elementary School District, 2005 General Obligation Refunding Bonds.
Official Statement, Santa Cruz City High School District, 2005 General Obligation Refunding Bonds.
Santa Cruz City Schools, Agreement for Consultant Services, Construction Program Management Services, Strategic Construction Management, February 1, 2002.
Santa Cruz City Schools, Board of Education for the Elementary and Secondary Districts Minutes, May 12, 1999 to May 10, 2006. [Please see Appendix for specific dates.]
Santa Cruz City School Bond Oversight Committee Meeting Minutes, May 16, 1998 to May 18, 2006. [Please see Appendix for specific dates.]
Santa Cruz City Schools “Bond Oversight Committee Roles and Responsibilities,” revised April 17, 2002.
Santa Cruz City Schools Bond Project, Status of Project Closeout, May 10, 2006.
Santa Cruz City Schools, Bond Projects Budget, Report from July 1, 1998 to April 30, 2006.
Santa Cruz City Schools District Bond Projects Status Reports, November 17, 1999 to January 25, 2006. [Please see Appendix for specific dates.]
Santa Cruz City Schools, Request for Proposals, Management Services for Construction Projects, undated.
Soquel High School Bond II Modernization Project IIIA, Bid #2004-21, Opened June 3, 2004.
Soquel High School Bond 2 Phase II Rebid, Bid #2006-09, Opened December 22, 2005.

Newspaper Articles/Pamphlets:

Contra Costa Times, “Schools’ refinancing questioned,” April 30, 2006.
County of Santa Cruz Sample Ballot and Voter Information Pamphlet for Special School District Election, Tuesday, April 14, 1998.
“Road to Renovation: Keeping You Informed,” Santa Cruz City Schools, undated.

Santa Cruz Sentinel:

- “Bond-funded school repairs set to start in Santa Cruz,” May 13, 1999.
- “Bonds making a difference,” March 22, 2001.
- “Branciforte remodeling project disappoints staff,” October 14, 2001.
- “Error could cost schools thousands,” April 8, 2005.
- “Firm will oversee school construction projects,” February 15, 2002.
- “Moving costs stir school-bond debate,” May 29, 2003.
- “Santa Cruz City Schools finds surplus in general fund,” April 20, 2006.
- “Students say last goodbye to Natural Bridges, Branciforte schools,” June 12, 2004.

Web sites:

- Building Standards Commission, <http://www.bsc.ca.gov>.
- California Code of Regulations,
http://www.bsc.ca.gov/title_24/documents/part1/2001_part1.pdf.
- California Education Code, <http://caselaw.lp.findlaw.com/cacodes/edc/15200-15205.html>.
- California State Constitution, <http://www.leginfo.ca.gov/const.html>.
- California Public Contract Code,
<http://www.aroundthecapitol.com/code/contents.html?sec=pcc>.
- “Choosing the Best Delivery Method for Your Facility Projects,”
http://www.mbpce.com/news_pubs_delivery.html.
- Division of the State Architect, <http://www.dsa.dgs.ca.gov>.
- Division of the State Architect On-Line Project Tracking System,
<http://www.applications.dgs.ca.gov/dsa/etrackerweb/DistrictProject.asp?clientid=44-h2> and
<http://www.applications.dgs.ca.gov/dsa/etrackerweb/DistrictProject.asp?clientid=44-42>.
- General Obligation Bonds, <http://www.calschools.com/static/GOBond.htm>.
- Santa Cruz City Schools, <http://www.sccs.santacruz.k12.ca.us>.
- Santa Cruz City Schools, Bond Projects,
<http://www.sccs.santacruz.k12.ca.us/bizservices/BondProject/bondproject.htm>
(this web site is no longer accessible).
- Santa Cruz County Office of Education,
<http://www.santacruz.k12.ca.us/board/index.html>.
- Santa Cruz Sentinel, <http://www.santacruzsentinel.com>.
- State Education Oversight Commissions,
<http://www.ecs.org/clearinghouse/57/86/5786.htm>.
- Strategic Construction Management, <http://strategic-cm.com/main/santacruzcityschools.htm>.
- TBW&B, Public Finance Strategies, LLC, <http://www.tbwb.com/clients.htm>.
- 2001 California Building Standards Administrative Code, California Code of Regulations, Title 24, Part 1,
http://www.bsc.ca.gov/title_24/documents/Part1/2001_part1.pdf.

Visited:

Ten Santa Cruz City School sites.

Findings

Bonds E and H

1. The E and H bonds were originally each sold in three series: A, B, and C:⁷

Bond Sold	Date	Bond Amount	Bond Term Ends
Series A, Elementary	July 1, 1998	\$7,000,000.00	August 1, 2027
Series B, Elementary	March 1, 2000	\$15,500,000.00	August 1, 2029
Series C, Elementary	October 2001	\$5,598,115.65	February 1, 2026
TOTAL ELEM.		\$28,098,115.65	
Series A, High School	July 1, 1998	\$15,000,000.00	August 1, 2027
Series B, High School	March 1, 2000	\$31,000,000.00	August 1, 2029
Series C, High School	October 2001	\$11,997,433.50	February 1, 2026
TOTAL HIGH SCH.		\$57,997,433.50	

In April 2005, Series A and B Elementary and High School bonds were refinanced:

Refinance, Series A and B, Elementary	April 2005	\$22,785,000	August 1, 2029
Refinance, Series A and B, High School	April 2005	\$45,500,000	August 1, 2029

Table 2. Santa Cruz City Schools Bond Sales, Measures E and H.

2. Total Elementary bond sales, Series A, B, and C exceeded the \$28 million dollar cap established in Bond Measure E.
3. When asked about exceeding the \$28 million cap on the Elementary bonds, district administrative staff referred the Grand Jury’s questions to the district’s bond financial advisor, Northcross, Hill and Ach. The Grand Jury was told, “Unintentionally, \$98,115.65 was issued in bonds over the 28 million dollar amount approved by the voters. The district has made provision to repay the \$98,115.65 and all interest that has accrued.” The amount of the interest earned is unknown to the Grand Jury.

⁷ Official Statements, Santa Cruz City Elementary School District, General Obligation Bonds, Election of 1998, Series A, B, and C; Official Statements, Santa Cruz City High School District, General Obligation Bonds, Election of 1998, Series A, B, C; Official Statement, Santa Cruz City Elementary School District, 2005 General Obligation Refunding Bonds; Official Statement, Santa Cruz City High School District, 2005 General Obligation Refunding Bonds.

4. The last of the original Elementary bonds was sold in 2001, but repayment of the \$98,115.65 overage has not yet been made as of June 10, 2006.
5. When Elementary and High School Bonds, Series A and B were refinanced in April 2005, the total amount of the refunding bonds was \$4,280,000 higher than the remaining principal of the original Series A and B bonds. The Elementary Series A and B Bonds were refinanced for \$22,785,000 (the outstanding principal was \$21,030,000); the High School Series A and B Bonds were refinanced for \$45,500,000 (the outstanding principal was \$42,975,000).⁸
6. SCCS District's bond financial advisor stated that "the amount of the refunding bonds is determined by the amount needed to establish an escrow to pay off the old bonds, which includes interest and principal due . . . and pay the costs of issuance."
7. Elementary bonds, Series C and Elementary 2005 Refunding Bonds total \$28,383,115.65, again exceeding the \$28 million cap established by the bond measure.
8. The April 2005 refinancing of the Elementary and High School Bonds, Series A and B is not detailed on the SCCS Bond Projects Budget, Report from July 1, 1998 to April 30, 2006.
9. According to the Official Statements for the bond sales, property owners residing in the Santa Cruz City Schools District will be repaying bonds E and H until 2029.
10. The Voter Information Pamphlet for Bond Measures E and H contained an "impartial analysis by County Counsel" stating that "under current California law, the term of the bonds cannot exceed twenty-five years."⁹ This term is also stated in the California Education Code, Section 15144: "The number of years the whole or any part of the bonds are to run shall not exceed 25 years, from the date of the bonds or the date of any series thereof."¹⁰
11. On April 13, 2005, the SCCS Board of Education passed resolutions authorizing the refinancing (refunding) of the general obligation Bond Measures E and H, Series A and B to take advantage of decreased interest rates.
12. SCCS District's bond financial advisor stated that the refunding of the bonds will result in lower debt service payments, with the majority of savings in 2006-2010, and that the refinancing will lower taxes.
13. For tax year 2004-2005, property owners residing in the Santa Cruz City Schools District within the City of Santa Cruz were paying property taxes at a rate of .068% toward bonds E and H. In tax year 2005-2006, the rate increased to .081%.

⁸ Official Statement, Santa Cruz City Elementary School District, 2005 General Obligation Refunding Bonds; Official Statement, Santa Cruz City High School District, 2005 General Obligation Refunding Bonds.

⁹ County of Santa Cruz Sample Ballot and Voter Information Pamphlet for Special School District Election, Tuesday, April 14, 1998.

¹⁰ California Education Code, Section 15144, <http://caselaw.lp.findlaw.com/cacodes/edc.html>.

2005-2006 Santa Cruz County Grand Jury Final Report

14. Interest earned on bond sale proceeds has been used for the bond projects and has not been used to repay the bond.¹¹
15. As property tax is collected to repay bonds E and H, the money is deposited in the pooled investment fund of the county until the district draws it out. These deposits earn interest.

Budget Expense Summary

16. Following is a summary of the SCCS Bond Projects Budget expenses from July 1, 1998 to April 30, 2006:¹²

ITEM	EXPENSE	PERCENTAGE OF EXPENSES
Construction Contracts	\$82,431,328	74%
Architects/Engineers	\$11,212,596	10%
Construction Management	\$6,928,864	6%
Miscellaneous Construction Costs	\$4,178,084	4%
Reserves	\$3,901,483	4%
Staff Salaries and Other Support	\$2,225,522	2%
TOTAL EXPENSES	\$110,877,877	100%

Table 3. Summary of SCCS Bond Projects Budget Expenses, July 1, 1998 to April 30, 2006.

Project Management

17. In January 2001, the Bond Projects staff requested authority from the school board and the BOC to use their discretion before bidding projects in the future, and to decide whether to bid projects with one general contractor or use multiple-prime contractors.
18. Results of the first four major bond projects undertaken at one high school, one junior high school and two elementary were described as follows: “All four projects were completed late, two of the four projects are over budget, the quality of some of the work was sub-standard on two projects, and sub-standard work was allowed to stand when first done, assuming it would be rectified as part of the punch list at the end of the projects, but after many spaces had been reoccupied. Some work that was planned to be included in some projects was left out of the initial plans and specs and had to be added with change orders, adding time and cost to the project.”¹³
19. At the October 24, 2001, SCCS Board of Education meeting, district administrative staff dissatisfaction with the ability of the construction managers to monitor and

¹¹ Santa Cruz City Schools, Bond Projects Budget, Report from July 11, 1998 to April 30, 2006.

¹² Santa Cruz City Schools, Bond Projects Budget, Report from July 11, 1998 to April 30, 2006.

¹³ Santa Cruz City Schools, Request for Proposals, Management Services for Construction Projects, 2001.

control the work on multiple prime projects was reported. District staff recommended:

- bidding future construction projects using general contractors
 - terminating the two elementary and secondary Construction Managers' contracts
 - increasing Inspector of Record time on projects to better monitor quality of work
 - increasing architect involvement in construction administration
 - reorganizing district support and oversight of projects
 - pre-qualifying bidders for future projects
20. District administrative staff stated that using general contractors had the advantages of less contract administration, total coverage of work, and direct lines of accountability. Disadvantages were that the general contractor might not select the lowest subcontractor bid and could charge up to a fifteen percent markup on subcontractor change orders.¹⁴ District administrative staff stated that using general contractors could cost more, but there would be clear lines of responsibility and "headaches would be reduced."
21. On November 15, 2001, district administrative staff reported to the BOC that the SCCS Board had approved a plan to hire a consultant to provide general oversight and management of the construction program. The board's preference was to hire professionals in the construction management field to manage future projects, instead of having district employees in the project management role. The board stated that it did not have confidence that district employees could provide management, in light of the problems that had been reported by school staff at Branciforte Junior High on that school's projects.¹⁵
22. Seven firms responded to the district's Request for Proposal (RFP) for a construction program manager. Three finalists were interviewed, and Strategic Construction Management was chosen by the SCCS Board as the Construction Program Manager to be effective February 1, 2002. District administrative staff and volunteers stated the board liked the fact that Strategic Construction Management was local and had ties to the community.
23. The district has not been able to produce the fixed-price bids and requested supporting documentation for this selection process. This documentation is public record.
24. The Grand Jury could find no documentation that the bids for the Construction Program Manager were opened publicly as required by the Public Contract Code.¹⁶

¹⁴ "Advantages/Disadvantages of Using Multiple Prime v. Single General Contractor, agenda packet, Bond Oversight Committee meeting, January 27, 2000.

¹⁵ Santa Cruz City School Bond Oversight Committee Meeting Minutes, November 15, 2001.

¹⁶ California Public Contract Code, Section 10180,
<http://www.aroundthecapitol.com/code/contents.html?sec=pcc>

2005-2006 Santa Cruz County Grand Jury Final Report

25. “Previously, the district used its staff to oversee multiple contractors at individual schools. Officials expect the new system, which includes hiring a general contractor for each project, will simplify the process and attract more bids, particularly from area contractors. The district will pay Strategic \$1.2 million. District officials expect to finish all projects by December 2004.”¹⁷
26. Construction Management budgets were reduced by \$2,128,663 due to termination of the two previous Construction Management contracts. Architect Fee budgets were then increased \$1,288,160 for increased services for construction administration due to reorganization of management for the projects. These adjustments, when combined with the new Strategic Construction Management contract for \$1.2 million, produced an immediate overall increase for the bond projects of over \$360,000.
27. Since February 1, 2002, there have been numerous contract extensions and additional payments approved for Strategic Construction Management, summarized as follows:

	Original Contract¹⁸	Moving Services¹⁹	Contract Renewal²⁰	Contract Extension²¹	Moving Contract²²	Contract Extension²³	TOTAL
Term	2/2/02 – 2/28/04	8/23/02 – 2/28/04	3/1/04 – 8/31/05	10/1/05 – 6/30/06	5/05 – 9/05	7/1/06 – 12/31/06	
Amount	\$1,205,104	\$99,825	\$958,058	\$374,325	\$27,254	\$224,500	\$2,889,066

Table 4. Approved Contracts for Strategic Construction Management Paid by Bond Funds.

28. In addition to bond funds, payments totaling \$68,273 to Strategic Construction Management have been approved by the SCCS Board: \$48,221 from the General Fund to “plan and coordinate moving of furniture, equipment and supplies (March 24, 2004); and \$20,052 from the Capital Facilities Fund to “plan and coordinate the relocation of 21 portable classrooms” (April 21, 2004).

¹⁷ Santa Cruz Sentinel, “Firm will oversee school construction projects,” February 15, 2002.

¹⁸ Santa Cruz City Schools, Board of Education for the Elementary and Secondary Districts Minutes, February 27, 2002.

¹⁹ Santa Cruz City Schools, Board of Education for the Elementary and Secondary Districts Minutes, August 14, 2002.

²⁰ Santa Cruz City Schools, Board of Education for the Elementary and Secondary Districts Minutes, December 10, 2003.

²¹ Santa Cruz City Schools, Board of Education for the Elementary and Secondary Districts Minutes, June 8, 2005

²² Santa Cruz City Schools, Board of Education for the Elementary and Secondary Districts Minutes, June 8, 2005.

²³ Santa Cruz City Schools, Board of Education for the Elementary and Secondary Districts Minutes, April 26, 2006.

29. In the RFP for Management Services for Construction Projects that was part of the Strategic Construction Management Agreement with the district, one requirement is to “plan and coordinate the moving of staff, furniture, material and equipment related to the construction projects.” Strategic Construction Management submitted a fixed fee proposal to secure this contract.
30. In March 2002, the board approved a district Construction Projects Coordinator position to serve as a liaison between Strategic Construction Management and the district sites. The position is funded through the elementary and secondary bonds. The head of the district Maintenance Department was appointed to the position.

Bidding

31. The SCCS Board of Education approved a resolution to no longer require a public re-bidding of work once change orders exceeded the cost of the original bid by over ten percent (10%), as had been previously required. It was stated that the re-bid process can cause a six- to eight-week delay, and since the district had a general contractor in charge of bond-funded projects, the chances of exceeding a ten percent overrun were considerably less.
32. The SCCS Bond Project, Status of Project Closeout, May 10, 2006, revealed that out of sixty-nine projects, thirty-seven (or 54%) exceeded a ten percent cost overrun due to change orders.
33. In October 2005, the SCCS Board voted to become subject to the Uniform Public Construction Cost Accounting Procedures and to provide for informal bidding procedures under the Uniform Public Construction Cost Accounting Act Procedures. This allowed projects from \$35,000 to \$125,000 to be bid using a pre-approved list of satisfactory contractors, while projects over \$125,000 were subject to formal bidding procedures. The rationale was that this would allow more flexibility in the execution of work; speed up bidding procedures; improve timeliness of project completion; reduce paperwork and expenses related to advertising; and simplify administration.
34. The SCCS District was advised by legal counsel to set a consistent policy for the acceptance of bids. Subsequently, it was decided to award contracts based on the lowest total bid on each project. Projects often contain several alternates, which may or may not be actually included in the final project. The contract, however, is still awarded on the total bid.
35. When projects contain alternates, contractors can bid low or even zero (0) on some alternates, thereby lowering their overall total bid.
36. In March 2006, the district awarded a bond project contract to a bidder whose past projects for the district included a project that had change orders totaling 34.1% of the original contract amount, a Stop Notice, and had gone to court. That same bidder had previously completed district bond projects with change orders of 32.3%, 36.9%, and 118.8% of the original contract amounts.

37. Contracts were not always awarded to the lowest bidder as evidenced by Bid # 2006-09. The contract was awarded for \$1,204,700 when the lowest bid was actually \$1,151,399.

Change Orders

38. The SCCS Bond Project, Status of Project Closeout, May 10, 2006, document does not include all bond projects, notably those undertaken in 1998-1999. Approximately \$4 million worth of projects are not detailed, nor are their change orders.
39. The SCCS, Bond Project, Status of Project Closeout, May 10, 2006, showed twenty projects with change orders exceeding twenty percent (20%) of the original project contract. These percentages range from 21.7% to 118.8%, resulting in additional costs of \$5,479,544 above the original contract amount of \$17,779,162 for those twenty projects. This reflected a 30.8% increase over the original contract amounts.
40. Sixty-nine completed or nearly-completed projects detailed on the SCCS, Bond Project, Status of Project Closeout, May 10, 2006, had change orders totaling \$9,621,580, or fourteen and one-half percent (14.5%) of their original contract total of \$66,457,279.
41. District officials stated that general contractors typically make a fifteen-percent markup on change orders.

Division of the State Architect Oversight

42. According to the Santa Cruz City Schools, Bond Project, Status of Project Closeout, dated May 10, 2006, sixty-four projects have had Notices of Completion filed. Of those sixty-four projects, only one is listed in the “DSA Closeout Complete” column, and only two are listed in the “Closeout Sent to DSA” column. The Architect of Record is responsible for submitting the required closeout documents for final certification.²⁴
43. The Grand Jury found at least one instance of a project being started without prior DSA notification by the IOR (DSA Project Code 01-106000). This appears to be a violation of the Code of Regulations, Title 24, Part 1, Section 4-331.
44. Inspector of Record assignment date records obtained from the SCCS District and the DSA do not match.
45. “The school board must provide for and require competent, adequate and continuous inspection by an inspector . . .” and; “The project inspector . . . must be approved by the DSA for each individual project.”²⁵

²⁴ 2001 California Building Standards Administrative Code, California Code of Regulations, Title 24, Part 1, Sections 4-339 and 4-341, http://www.bsc.ca.gov/title_24/documents/Part1/2001_part1.pdf.

²⁵ 2001 California Building Standards Administrative Code, California Code of Regulations, Title 124, Part 1, Section 4-333(b).

46. In reviewing the IOR field reports for Santa Cruz High Modernization, project number 01-103363, there is a gap of eighteen days with no IOR reports or notations. One inspector had been terminated on May 2, 2002, and the next IOR report was dated May 20, 2002.
47. DSA Field Notes from the supervising field engineer from July 10, 2002, stated the first item requiring resolution on project 01-103363 was that the IOR had been replaced by two subsequent IORs, the last of which had not submitted DSA Form-5. The DSA Form-5, which must be signed by the district, architect, and engineer, must be filed ten days prior to an IOR beginning a project.²⁶

School Closures/Leasing

48. In January 2001, the BOC questioned the prudence of using bond funds to modernize schools that might be closed in the future due to declining enrollment.
49. In June 2004, Natural Bridges and Branciforte Elementary schools closed. Branciforte became a campus for small district alternative schools. Natural Bridges is leased by Pacific Collegiate, a charter school that is funded by the state. This site is not being used as part of Santa Cruz City Schools. Proposition 39 obligates the district to provide a certain amount of space rent free since sixty percent of the students come from within SCCS boundaries. Pacific Collegiate leases space for the forty percent of the students from outside the district. The district also leases space to another school, Carden El Encanto, at the former Loma Prieta High School site. Lease funds go into the general fund. Following is a summary of the current and projected lease income for these two sites:²⁷

LEASE REVENUES					
	04-05	05-06	06-07	07-08	08-09
Natural Bridges	\$68,000	\$83,232	\$84,897	\$86,595	\$88,326
Loma Prieta	\$140,000	\$165,000	\$200,000	\$228,400	\$275,500
	\$208,000	\$248,232	\$284,897	\$314,995	\$363,826

Table 5. Santa Cruz City Schools Lease Revenues, 2004-2009.

50. In August 2004, a citizen who attended two BOC meetings expressed concern about bond funds that had been used on schools that were later closed. The citizen felt that the lease money from those schools should be used to reduce the bond debt.
51. District administrative staff reported to the BOC committee that legal counsel said it was not illegal to lease out the renovated schools and not use the revenues to defray

²⁶ California Department of General Services, Division of the State Architect, Project Inspector Qualification Record, DSA-5, revised, March 27, 2003.

²⁷ Agenda Packet, Santa Cruz City Schools, Bond Oversight Committee Meeting, November 18, 2004.

the debt. The BOC approved a motion to not recommend using lease revenues to retire bond debt.

District Office Relocation/Renovation

52. Even after Natural Bridges and Branciforte elementary schools had been closed, and the four alternative schools on three sites were moved to the former Branciforte Elementary campus, the district still needed to reduce overhead and save operating expenses due to declining enrollment. The district offices on Mission Street were sold, and ten classrooms at Soquel High School were chosen to serve as administrative offices (Soquel High School's enrollment dropped from 1693 students in 1998 to 1234 students in 2005-06). The Adult Education Office, the Purchasing Department, and District Warehouse were moved to Palm Street. The Workability Program and Food Services Office were moved to DeLaveaga Elementary School.
53. Classrooms identified to house the district offices at Soquel High had already been remodeled using bond funds. At least an additional \$460,537 in bond money was spent for the district office remodel.
54. At its April 9, 2003 meeting, the SCCS Board approved the use of up to \$1 million in bond funds for district office relocation and improvements. In its advisory capacity, the BOC did not recommend this action.
55. To date, at least \$1,285,486 of bond project money has been spent on district office and adult education relocation. This total includes \$274,424 for change orders, or twenty-seven (27%) of the original contract amount of \$1,011,062.
56. A BOC member called the use of bond money for offices "not ethical," and stated that the district could use anticipated redevelopment revenue to pay for the classroom conversions and other relocation projects. "There was a promise (the bond money) would never be used for administrative costs. It was to improve the student environment, not the district office environment."²⁸

Oversight/Public Communication

57. The BOC has been meeting bi-monthly since 1998. These meetings are open to the public. Minutes and any reports released are public information. Meetings are held at Soquel High School, Room 312. Oversight committee members stated that meeting notices are posted at school sites and the district office.
58. In 1998, a bond web page was developed with links to each school site providing regular updates on bond-related issues.
59. In June 1999, the communications sub-committee of the BOC worked on placing bond-related information on the SCCS web page. Signs relating to bond projects were designed for placement at the school sites.

²⁸ Santa Cruz Sentinel, "Moving costs stir school-bond debate," May 29, 2003.

60. On August 26, 1999, the BOC stated that the Board of Education, Bond Oversight Committee, and district administration should work jointly to create a public relations program and method of presentation for each school site, the press, and the public in general.
61. District staff and BOC members were interviewed for “Community Express,” a Community Television of Santa Cruz show. The show aired four times in Fall 1999 and outlined the school bond issues and future project plans.
62. A brochure “The Road to Renovation” detailed the status of Measure E and H projects and was distributed to parents from the school sites and mailed to households within the district in May 2000. This brochure indicated there would be ongoing communication to keep the public aware of progress and improvements.
63. In July 2000, a Board of Education member noted that the district’s web site was in need of updating.
64. The Grand Jury observed that as late as October 17, 2005, there was a “Bond Projects” section on the Santa Cruz City Schools web site. Information was out of date; the last update had been posted in 2001. By February of 2006, that section of the web site was no longer accessible, and posts “Forbidden: You don’t have permission to access ... (this site) on this server.”
65. When asked about the inaccessibility of the web site, district staff responded that the webmaster worked one half-day per week and that there were no resources in the district to put more effort into the web site.
66. Strategic Construction Management publishes SCCS site construction newsletters on its web site. Newsletters for completed bond projects include construction budget summaries, schedules, and architect, inspector, and contractor information. Web site summaries of current projects have none of this information.²⁹
67. The construction budget summaries for “Completed Projects” on the Strategic Construction Management web site do not match the figures printed on the Santa Cruz City Schools Bond Project, Status of Project Closeout, May 10, 2006. The Strategic Construction Management web site is the only one displaying information on the SCCS bond construction projects.
68. According to district administrative staff, by the end of summer 2006, ninety-eight percent (98%) of bond funds will be spent. The BOC’s final meeting is scheduled for November 2006. If there is any money left over, district staff will oversee expenditures. Construction projects could extend into Spring 2007.
69. Strategic Construction Management will be paid \$34,500 to produce a Bond Projects Report. This fee is included in their July 1, 2006 to December 31, 2006 contract extension.

²⁹ Strategic Construction Management, <http://strategic-cm.com/main/santacruzcityschools.htm>.

70. At its May 18, 2006 meeting, the BOC reviewed options for its final committee report which may be in the form of newspaper ads or inserts, postcards, a newsletter, a twenty-four page report, or a video.

Conclusions

Bonds E and H

1. Measure E, Series A, B, and C bond sales exceeded the voter-approved amount of \$28 million by \$98,115.65. The \$28 million cap was exceeded a second time when the Measure E, Series A and B bonds were refinanced, this time by \$383,115.65.
2. A savings of over \$3 million in interest is projected due to the refinancing of the Elementary and High School Bonds, Series A and B that were sold for \$4,280,000 million more than the principal remaining. Although interest was decreased, the total debt was increased. The purpose of the refinancing appears to be to extract more funds and not to lower property taxes.
3. The 2005 refinancing of the Elementary and High School Bonds is not shown on the SCCS Bond Projects Budget, Report from July 1, 1998 to April 30, 2006. Voters are entitled to full disclosure regarding all bond details.
4. Contrary to the language of the Voter Information Pamphlet, the bond terms of both the Elementary and High School bonds are greater than twenty-five years.
5. Property owners in the Santa Cruz City Schools District are paying a higher percentage of their property taxes to repay bonds E and H in the 2005-2006 tax year than they paid in the 2004-2005 tax year. To date, the decreased bond interest rates have not reduced property taxes.
6. Over the next twenty-three years, property tax deposits will earn interest that could be used to reduce bond debt.
7. The SCCS District has exceeded its fiscal authority granted in Measures E and H by selling bonds for more than the voter-approved limit. By so doing, it could make it more difficult for voters to approve future bond projects.

Project Management

8. As of April 30, 2006, expenses for architects/engineers, and construction management total sixteen percent (16%) of the total bond project expenditures, or over \$18 million.
9. The district did not have personnel on staff with adequate construction knowledge to manage large construction projects.
10. The district could not find an efficient and cost-effective method of construction program management. There were many layers of construction supervision and

coordination paid for with bond dollars: general contractors, architects, Strategic Construction Management, and the district's Construction Program Coordinator.

11. Originally, the Strategic Construction Management contract was for \$1.2 million and all projects were to be completed by December 2004. By the end of 2006, payments to Strategic Construction Management will reach nearly \$3 million, and projects are still continuing.
12. Additional payments were made to Strategic Construction Management for moving services that were part of their original contract with SCCS for which a fixed-price bid had been submitted.
13. Total bond project construction management fees from 1998 to present appear excessive, and will top \$7 million before the end of 2006.
14. The bidding process for the Construction Program Manager was not conducted according to Public Contract Code Procedures. Bid documentation is not available from the district to determine whether the lowest bidder was accepted; and documentation that the bids were opened in public as mandated by the Public Contract Code has not been made available by the district.

Bidding

15. When the board voted to no longer require re-bidding projects that surpassed the ten percent change order threshold, it removed the cap on change orders.
16. A contractor should not have been considered "responsible" if that contractor's previous jobs had excessive change orders and if court action was necessary.
17. When projects were bid with alternates, this allowed contractors to manipulate the system by giving a low bid or zero on alternates, thereby allowing a contractor to submit the lowest bid. The bid would not necessarily be awarded to a responsible bidder.

Change Orders

18. The SCCS Bond Project, Status of Project Closeout, May 10, 2006 is incomplete; therefore, a true assessment of costs and overruns cannot easily be made.
19. The amount of change orders appears excessive. This could be due, in part, to the removal of the ten percent (10%) cap requiring project re-bidding.
20. There was no financial incentive for contractors and architects to keep change orders to a minimum.

Division of the State Architect Oversight

21. The Architects of Record have not fulfilled their responsibilities to secure project closeout and certification by the DSA.

2005-2006 Santa Cruz County Grand Jury Final Report

22. District administrative staff has not seen the projects through to closeout by insisting that the Architects of Record submit all closeout documentation.
23. The district, architect, and engineer failed to file DSA Form-5 before IORs started project 01-103363 as required by the California Code of Regulations.
24. IOR documentation for project 01-103363 is incomplete and shows a gap of eighteen days with no IOR site notations or reports. It is a violation of the California Code of Regulations for a project to proceed without an IOR.
25. Since district and DSA documentation of IOR assignments and dates do not match, the Grand Jury was unable to determine whether projects progressed without an assigned IOR, or without a DSA-approved IOR.

School Closures/Leasing

26. Although bond funds were used to renovate the Natural Bridges and Loma Prieta sites, lease revenues have not been used to repay bond debt.

District Office Relocation/Renovation

27. Despite the fact that the Voter Information Pamphlet arguments in favor of the bond measures clearly stated that bond funds were not to be used for administrative offices, the SCCS Board used bond funds for this purpose.
28. The SCCS Board ignored BOC recommendations not to use bond funds for district office renovations and relocation.
29. Lack of planning resulted in wasted money at Soquel High when ten classrooms that had already undergone renovation and modernization were remodeled for district offices.
30. The SCCS District spent more than \$1.2 million on district office renovations and relocations. The district inappropriately approved \$1 million for this purpose; no bond money should have been used.

Oversight/Public Communication

31. The BOC is scheduled to disband in November 2006. Projects may continue until at least Spring 2007, and there will be no BOC oversight. Bonds were passed under the assumption that an oversight committee would be in place for the duration of the projects.
32. The district has not maintained the bond project information on its web site. This could have been a valuable means of providing ongoing, up-to-date public information on the bond projects.
33. Over the last eight years, there has been no ongoing form of public communication with district residents regarding the bond projects. Efforts made, such as starting a

web page, being interviewed for Santa Cruz Community Television, and producing a brochure, all took place between 1998-2000.

34. As of this late date, the BOC has not yet determined the format and scope of its final report. The Grand Jury questions whether this will give the BOC time to prepare a comprehensive report.
35. Paying Strategic Construction Management \$34,500 to help prepare a final report detailing the bond projects could result in a loss of objectivity and detail in evaluating the projects' successes and failures.

Recommendations

1. The Grand Jury recommends that the Santa Cruz County Auditor initiate an outside, independent audit to scrutinize the bond sales and refinancing, and expenditure of bond funds. If there was surplus cash gained from the refinancing, it should be accounted for and used to reduce the bond debt.
2. An outside, independent performance audit should be conducted to analyze, assess, and report on the Santa Cruz City Schools District's operational and construction management policies, procedures, and practices regarding Bond Measures E and H. Investigation as to whether all California Code of Regulations, Title 24 standards were followed should be included.
3. The SCCS District should insist that the architects submit all documents related to completed bond projects under DSA supervision so the projects can be certified and closed out. Architect fees should be withheld until DSA certification is complete.
4. For future major construction projects, the SCCS District should consider hiring an experienced, qualified construction project manager or team as a limited-term district employee(s). This would cost less than hiring a construction management firm.
5. The SCCS District should replace the funds used for District Office relocation and renovation to reduce bond debt.
6. The SCCS District should use lease revenues and interest on future property tax collections to reduce the bond debt.
7. The SCCS District should provide a complete bond projects budget document that includes bond refinancing details.
8. The SCCS District should provide a complete bond projects closeout document detailing all bond construction projects.
9. Future construction projects should be awarded to the contractor submitting the lowest base bid. Alternates should be bid separately.

2005-2006 Santa Cruz County Grand Jury Final Report

10. For future construction projects, the contractors hired should adhere to the ten-percent cap on change orders previously in effect.
11. The SCCS District should provide an objective summary and analysis of bond projects from beginning to end. This should include project details, budget, and completion dates; financial accounting; analysis of successes and failures; and suggestions for improvement for any future bond or construction projects.
12. The SCCS District should make sure its web site is comprehensive and updated frequently. The final bond projects report and analysis should be posted on that web site.
13. The BOC should continue to operate until all bond projects are completed.
14. District support staff is to be commended for its helpfulness, promptness, and courtesy when providing requested documentation.

Responses Required

Entity	Findings	Recommendations	Respond Within
Santa Cruz City Schools Board of Trustees	2-12, 14, 15, 19, 20, 23, 24, 27-29, 31, 32, 34-44, 46, 47, 51, 53-56, 64-70	1-13	90 Days (October 1, 2006)
Santa Cruz County Auditor/Controller	1-15	1	60 Days (September 1, 2006)

Appendix A – Source Details

Santa Cruz City Schools, Board of Education for the Elementary and Secondary Districts
Minutes:

May 12, 1999.	February 28, 2001.
May 26, 1999.	March 14, 2001.
June 9, 1999.	March 28, 2001.
June 28, 1999.	April 25, 2001.
July 14, 1999.	May 9, 2001.
August 11, 1999.	May 23, 2001.
August 18, 1999.	June 6, 2001.
August 25, 1999.	June 27, 2001.
September 8, 1999.	July 11, 2001.
September 22, 1999.	August 8, 2001.
October 13, 1999.	August 22, 2001.
October 27, 1999.	September 12, 2001.
November 17, 1999.	September 26, 2001.
December 8, 1999.	October 24, 2001.
January 12, 2000.	November 7, 2001.
January 26, 2000.	November 28, 2001.
February 9, 2000.	December 5, 2001.
February 23, 2000.	December 19, 2001.
March 15, 2000.	January 16, 2002.
March 29, 2000.	January 23, 2002.
April 13, 2000.	January 30, 2002.
April 26, 2000.	February 13, 2002.
May 10, 2000.	February 20, 2002.
May 24, 2000.	March 13, 2002.
June 7, 2000.	March 27, 2002.
June 28, 2000.	April 17, 2002.
July 12, 2000.	May 8, 2002.
August 3, 2000.	May 22, 2002.
August 16, 2000.	June 6, 2002.
September 6, 2000.	July 9, 2002.
September 20, 2000.	August 14, 2002.
October 11, 2000.	August 28, 2002.
October 25, 2000.	September 11, 2002.
November 8, 2000.	September 25, 2002.
November 29, 2000.	October 2, 2002.
December 13, 2000.	October 9, 2002.
January 17, 2001.	October 23, 2002.
January 31, 2001.	November 6, 2002.
February 6, 2001.	November 13, 2002.
February 14, 2001.	November 20, 2002.

2005-2006 Santa Cruz County Grand Jury Final Report

December 11, 2002.
January 15, 2003.
January 29, 2003.
February 11, 2003.
February 12, 2003.
February 26, 2003.
March 5, 2003.
March 12, 2003.
March 26, 2003.
April 9, 2003.
April 30, 2003.
May 9, 2003.
May 14, 2003.
June 25, 2003.
July 23, 2003.
August 6, 2003.
August 27, 2003.
September 10, 2003.
September 24, 2003.
October 8, 2003.
October 22, 2003.
November 5, 2003.
November 10, 2003.
December 10, 2003.
January 14, 2004.
January 28, 2004.
February 11, 2004.
February 25, 2004.
March 10, 2004.
March 24, 2004.
April 21, 2004.
May 5, 2004.
May 12, 2004.
May 26, 2004.
June 9, 2004.
June 16, 2004.
June 29, 2004.
August 11, 2004.
August 21, 2004.
September 8, 2004.
September 22, 2004.
October 13, 2004.
October 27, 2004.
November 10, 2004.
December 15, 2004.
January 12, 2005.
February 9, 2005.
February 23, 2005.
March 9, 2005.
April 13, 2005.
April 20, 2005.
April 27, 2005.
May 25, 2005.
June 8, 2005.
June 20, 2005.
July 27, 2005.
August 10, 2005.
August 24, 2005.
September 14, 2005.
September 28, 2005.
October 10, 2005.
October 26, 2005.
November 21, 2005.
December 14, 2005.
January 9, 2006.
January 25, 2006.
February 8, 2006.
February 22, 2006.
March 8, 2006.
March 22, 2006.
April 19, 2006.
April 26, 2006.
May 10, 2006.

2005-2006 Santa Cruz County Grand Jury Final Report

Santa Cruz City Schools Bond Oversight Committee Meeting Minutes:

May 16, 1998.	January 17, 2002.
June 25, 1998.	March 21, 2002.
July 20, 1998.	May 16, 2002.
September 30, 1998.	July 11, 2002.
December 10, 1998.	September 12, 2002.
January 21, 1999.	September 19, 2002.
March 4, 1999.	October 2, 2002.
April 22, 1999.	November 21, 2002.
June 24, 1999.	January 23, 2003.
August 26, 1999 (agenda packet).	March 20, 2003.
September 30, 1999.	May 22, 2003.
October 28, 1999.	June 12, 2003.
January 27, 2000 (agenda packet).	July 10, 2003.
March 30, 2000.	September 18, 2003.
May 18, 2000.	November 13, 2003.
May 18, 2000 (revised).	November 20, 2003.
June 22, 2000.	January 22, 2004.
June 22, 2000 (revised).	March 19, 2004.
July 20, 2000.	May 20, 2004.
July 20, 2000 (revised).	August 5, 2004 (agenda packet).
September 21, 2000.	September 16, 2004.
October 19, 2000.	November 4, 2004.
November 16, 2000.	November 18, 2004 (agenda packet).
January 18, 2001.	January 20, 2005.
March 22, 2001.	March 15, 2005.
May 17, 2001.	April 7, 2005.
July 19, 2001.	May 19, 2005.
September 20, 2001.	July 21, 2005.
October 11, 2001.	September 22, 2005.
October 23, 2001.	November 17, 2005 (agenda packet).
November 15, 2001.	January 19, 2006 (agenda packet).
November 29, 2001.	March 16, 2006 (agenda packet).
December 5, 2001.	May 18, 2006 (agenda packet).

Santa Cruz City School District Bond Projects Status Reports:

November 17, 1999.
February 9, 2000.
April 13, 2000.
May 24, 2000.
August 2, 2000.
September 6, 2000.
October 11, 2000.
March 28, 2001.

2005-2006 Santa Cruz County Grand Jury Final Report

April 25, 2001.
August 8, 2001.
October 10, 2001.
October 24, 2001.
November 7, 2001.
November 28, 2001.
March 27, 2002.
May 22, 2002.
August 14, 2002.
September 25, 2002.
December 11, 2002.
February 12, 2003.
March 26, 2003.
May 28, 2003.
August 6, 2003.
September 24, 2003.
December 10, 2003.
February 11, 2004.
March 24, 2004.
June 16, 2004.
September 22, 2004.
January 26, 2005.
April 13, 2005.
May 25, 2005.
July 27, 2005.
September 28, 2005.
January 25, 2006.

Appendix B – Santa Cruz City Schools, Bond Projects Budget, Report from July 1, 1998 to April 30, 2006

SCCS-Bond Projects Budget Report from 7/1/98 to 4/30/06

	Elementary			Secondary			Total		
	FAT Budget	Budget	Actual	FAT Budget	Budget	Actual	FAT Budget	Budget	Actual
REVENUE									
Bond Proceeds									
Series A (0/98)	\$4,937,000	\$6,937,000	\$6,937,000	\$14,917,000	\$14,917,000	\$14,917,000	\$21,854,000	\$21,854,000	\$21,854,000
Series B (0/00)	\$15,425,000	\$15,410,338	\$15,410,338	\$30,889,737	\$30,889,737	\$30,889,737	\$46,300,077	\$46,300,077	\$46,300,077
BAN Funds (Series C)(1000)		\$5,100,000	\$5,100,000	\$10,680,000	\$10,680,000	\$10,680,000	\$15,990,000	\$15,990,000	\$15,990,000
Series C (10/01)	\$8,828,000	\$35,139	\$35,139	\$75,032	\$75,032	\$75,032	\$110,171	\$110,171	\$110,171
Subtotal Bond Proceeds	\$27,887,000	\$27,482,478	\$27,482,478	\$58,771,768	\$58,771,768	\$58,771,768	\$84,284,248	\$84,284,248	\$84,284,248
Other Revenue									
Bond Interest		\$3,204,245	\$3,204,245	\$7,207,057	\$7,207,057	\$7,207,057	\$10,411,303	\$10,411,303	\$10,411,303
Bond Arbitrage Liability		(\$114,581)	(\$114,581)	(\$304,831)	(\$304,831)	(\$304,831)	(\$419,412)	(\$419,412)	(\$419,412)
BAN Interest		\$216,790	\$216,790	\$780,115	\$780,115	\$780,115	\$976,905	\$976,905	\$976,905
BAN Arbitrage Liability				(\$210,905)	(\$210,905)	(\$210,905)	(\$310,905)	(\$310,905)	(\$310,905)
Deferred Maintenance		\$34,192	\$34,192	\$941,366	\$941,366	\$941,366	\$975,878	\$975,878	\$975,878
Food Services		\$175,000	\$175,000	\$1,984,106	\$1,984,106	\$1,984,106	\$178,000	\$178,000	\$178,000
Capital Facilities Fund		\$612,891	\$612,891	\$1,906,818	\$1,906,818	\$1,906,818	\$2,597,047	\$2,597,047	\$2,597,047
State SB-50-Ref. 1				\$20,158,002	\$20,158,002	\$20,158,002	\$28,514,241	\$28,514,241	\$28,514,241
State SB-50-Ref. 2		\$6,388,179	\$6,388,179	\$492,346	\$492,346	\$492,346	\$620,037	\$620,037	\$620,037
SB-50 Interest		\$127,851	\$127,851	\$95,486	\$95,486	\$95,486	\$346,024	\$346,024	\$346,024
Grants		\$248,558	\$248,558	\$90,000	\$90,000	\$90,000	\$231,801	\$231,801	\$231,801
Donations		\$141,801	\$141,801	\$122,748	\$122,748	\$122,748	\$122,748	\$122,748	\$122,748
Insurance Reimb(Pool Deck)		\$6,983	\$6,983	\$145,886	\$145,886	\$145,886	\$37,281	\$37,281	\$37,281
Building Fund		\$19,083	\$19,083	\$30,388	\$30,388	\$30,388	\$184,749	\$184,749	\$184,749
General Fund		\$11,028,803	\$11,028,803	\$33,418,311	\$33,418,311	\$33,418,311	\$184,749	\$184,749	\$184,749
Subtotal Other Revenue	\$27,887,000	\$38,812,281	\$38,812,282	\$90,160,081	\$90,160,081	\$90,160,081	\$128,683,716	\$128,683,716	\$128,683,716
Total Revenue									
	\$27,887,000	\$38,812,281	\$38,812,282	\$90,160,081	\$90,160,081	\$90,160,081	\$128,683,716	\$128,683,716	\$128,683,716
EXPENSE									
Construction									
Construction	\$18,727,000	\$25,812,693	\$24,281,000	\$64,810,923	\$64,810,923	\$65,150,226	\$82,278,000	\$82,431,328	\$82,431,328
Construction Contingency	\$1,353,513	\$605,170	\$1,307,067	\$1,307,067	\$1,307,067	\$4,230,218	\$2,412,237	\$0	\$0
A/E Fees	\$1,940,008	\$3,891,071	\$3,807,888	\$4,958,080	\$4,958,080	\$6,083,317	\$12,850,138	\$11,212,596	\$11,212,596
CM Fees	\$1,388,024	\$1,719,958	\$1,719,958	\$2,731,438	\$2,731,438	\$4,244,320	\$4,481,374	\$4,387,352	\$4,387,352
Inspections	\$388,007	\$580,380	\$483,531	\$824,856	\$824,856	\$880,148	\$1,503,838	\$1,373,878	\$1,373,878
Testing	\$194,004	\$604,029	\$482,342	\$1,832,748	\$1,832,748	\$1,142,741	\$2,236,779	\$1,625,083	\$1,625,083
DSA Fees	\$194,004	\$228,502	\$144,381	\$970,308	\$970,308	\$606,333	\$686,808	\$481,425	\$481,425
Permits	\$194,004	\$1,528	\$1,528	\$6,113	\$6,113	\$255	\$7,641	\$2,083	\$2,083
Miscellaneous	\$870,021	\$372,318	\$195,781	\$1,301,438	\$1,301,438	\$36,440	\$1,873,788	\$641,508	\$641,508
Moving(District Office)		\$19,083	\$19,083	\$36,440	\$36,440	\$36,440	\$54,824	\$54,824	\$54,824
CEQA Environmental Study		\$8,983	\$8,983	\$12,820	\$12,820	\$12,820	\$21,383	\$19,814	\$19,814
Subtotal Construction	\$23,318,643	\$33,738,604	\$30,802,448	\$83,287,387	\$83,287,387	\$71,408,812	\$117,030,871	\$102,209,380	\$102,209,380
Reserves									
Design Contingency	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Escalation	\$3,028,456	\$238,834	\$238,834	\$238,222	\$238,222	\$475,058	\$475,058	\$30,443	\$30,443
Facilities Services Reserve	\$0	\$221,558	\$221,558	\$467,568	\$467,568	\$21,597	\$700,000	\$300,000	\$300,000
Litigation Reserve	\$0	\$246,000	\$246,000	\$465,000	\$465,000	\$0	\$700,000	\$0	\$0
Interim Housing	\$882,011	\$1,784,945	\$1,784,945	\$3,088,088	\$3,088,088	\$2,088,088	\$3,871,040	\$3,871,040	\$3,871,040
Subtotal Reserves	\$4,882,384	\$2,780,335	\$2,780,335	\$3,234,878	\$3,234,878	\$2,107,881	\$6,025,211	\$3,901,483	\$3,901,483
Support Costs									
Support Staff Salaries		\$686,831	\$686,831	\$1,278,916	\$1,278,916	\$1,208,087	\$1,874,847	\$1,786,888	\$1,786,888
Construction Management		\$1,009,886	\$903,120	\$1,792,917	\$1,792,917	\$1,638,382	\$2,882,812	\$2,541,512	\$2,541,512
Other Support		\$312,489	\$312,489	\$413,427	\$413,427	\$344,883	\$725,816	\$658,584	\$658,584
Subtotal Support		\$1,999,306	\$1,999,306	\$3,485,260	\$3,485,260	\$3,186,412	\$5,485,975	\$4,787,034	\$4,787,034
Total Expense									
	\$28,200,027	\$38,467,254	\$34,173,882	\$90,012,502	\$90,012,502	\$78,704,018	\$128,508,758	\$110,877,877	\$110,877,877
Surplus/(Shortfall)	(\$513,027)	\$15,027	\$4,338,420	(\$2,847,465)	\$177,578	\$13,487,418	(\$2,827,882)	\$180,808	\$17,805,838

Appendix C – Santa Cruz City Schools Bond Project, Status of Project Closeout, May 10, 2006

SANTA CRUZ CITY SCHOOLS BOND PROJECT

Project	Contractor	Original Contract	Change Order	C/O % of Total Contract		Claims	Liquidated Damages	As-Built Tech Mems. Backlog	Notice of Completion Filed	Retention Released	Contract Balance & Retention Held	Closeout Sent to DSA	DSA Closeout Date	Warranty Expiration Date
				Contract	Contract									
Status of Project Closeout 5/10/2006														
Natural Bridges Modernization	Robt. Bothman (Gen.) JM Electric (Elect.) Geo. H. Wilson (Mech.) Systems Abatement (Hazard)	968,375 587,200 707,745 56,400 2,287,724	48,901 61,252 7,828 3,280 121,356	5.1% 10.6% 1.1% 6.0% 5.3%	1,005,276 628,452 715,574 59,780 2,409,082	No No No No No	No No No No No	X X X N/A N/A	3/25/1902 11/25/1902 2/14/1902 6/15/1902 N/A	Yes Yes Yes Yes Yes			03/25/03 11/25/03 02/14/03 06/15/03	
Sequel High Modernization	APC Contractors (Hazard) Dibock & Sons (Gen.)	183,780 3,885,889	86,145 418,883	38.0% 10.8%	249,925 4,314,572	No 56,487(Pd) 62,027(Pd)	No No	N/A X	3/14/1902	Yes Yes		07/21/02	03/14/03	
Delaveaga Modernization	Quest Environmental (Hazard) Edward Scott Elect. (Elect.) Geo. H. Wilson (Mech.) L&M Fire Protection	154,790 1,383,300 1,254,730 52,000 5,904,289	6,662 143,109 24,939 6,196 865,934	4.3% 10.5% 2.0% 11.9% 9.6%	181,452 1,506,409 1,279,669 58,198 7,570,223	No No No No No	No No No No No	N/A X X X N/A	5/18/1901 3/14/1902 3/14/1902 3/14/1902 1/31/1903	Yes Yes Yes Yes Yes			05/18/03 03/14/03 03/14/03 03/14/03 01/31/04	
Branciforte Jr. High Modernization	JM Electric (Elect.) West Bay Builders (Gen.) Geo. H. Wilson (Mech.) Parr Environmental (Hazard)	654,700 1,872,000 448,800 97,312 2,872,812	84,227 155,557 20,877 0 290,461	12.9% 9.3% 4.6% 0 9.1%	738,927 1,827,557 469,477 97,312 3,133,273	No Yes No No No	No No No No No	X X X N/A X	1/31/1903 4/19/1902 2/14/1902 1/15/1901 11/25/1902	Yes Yes Yes Yes Yes			04/19/03 02/14/03 01/15/03 02/28/03 11/25/03	
Westlake Modernization	CRW Industries (Gen.) CC McDonald (Mech.) West Bay Builders (Gen.) Parr Environmental (Hazard) El Camino Paving	1,122,516 372,765 518,865 83,380 2,097,926	124,626 50,703 16,527 0 192,058	11.1% 13.6% 3.2% 0 9.2%	1,247,444 423,468 535,392 83,380 2,289,684	No No No No No	No No No No No	X X X N/A N/A	11/25/1902 4/19/1902 4/19/1902 1/15/1901 2/29/1902	Yes Yes Yes Yes Yes			11/25/03 04/19/03 04/19/03 01/15/03 02/28/03	
Harbor High (New Construction)	Ralph Larson & Sons	8,129,000	245,300	3.0%	8,374,300	No	No	X	12/3/2003	Yes			12/03/04	
Harbor High Modernization	Barry Swanson Builder	5,963,174	1,118,552	19.1%	6,881,726	No	No	X	6/24/2004	Yes			06/24/05	
ARK/Monarch Modernization	Slatter Construction	2,193,000	284,068	13.0%	2,477,068	No	No	X	11/12/2003	Yes	04/12/05		11/11/04	
Branciforte Elem. Modernization	Selden and Son	2,194,095	305,808	13.9%	2,500,003	Stop Notice	No	X	11/18/2005	To Court			11/18/06	
Mission Hill Jr. High Modernization	Rosewell Construction	3,960,460	868,831	21.9%	4,829,291	No	No	X	3/31/2004	Yes			03/31/05	
Bay View Modernization	Watsonville Construction	2,471,000	535,395	21.7%	3,006,395	No	No	X	2/7/2005	Yes			02/07/06	
Santa Cruz High Modernization	West Coast Contractors	5,890,000	2,059,176	29.9%	6,949,176	No	No	X	9/28/2004	Yes			09/28/05	
Gault Elem. Modernization	Stevell Construction	1,568,934	254,618	16.2%	1,823,552	No	No	X	11/23/2004	Yes	04/12/05		11/23/05	
Loma Prieta Modernization	Wamsher Construction	1,433,950	9,688	0.7%	1,443,638	No	No	X	10/1/2004	Yes			10/01/05	
Tenant Improvement- Watsonville Construction	Watsonville Construction	74,000	18,275	24.7%	92,275	No	No	N/A	10/5/2004	Yes			10/05/05	
Adult Education Relocation	CRW Industries, Inc.	615,370	209,579	34.1%	824,949	Stop Notice	No	X	4/27/2004	To Court			04/27/04	
District Office Relocation	Selden & Son	395,662	64,845	16.4%	460,537	No	No							

SANTA CRUZ CITY SCHOOLS
BOND PROJECT
Status of Project Closeout
5/10/2006

Project	Contractor	Original Contract	Change Orders	C/O % of Contract	Total Contract	Claims	Liquidated Damages	As-Builts Tech Mans. Received	Notice of Completion Filed	Retention Released	Contract Balance & Retention Held	Closeout Sign to DSA	DSA Closeout Complete	Warranty Expiration Date
Mission Hill Middle School-Modernization II	Contractor: Roofing- Legacy Roofing Robert A. Bohman, Inc	86,000	27,513	0.0%	66,000	No	No	N/A	10/5/2004	Yes	12,065			10/05/06
Track/Field Complex- Roofing II- Louis & Riparelli		1,311,000	27,513	2.1%	1,338,513	No	No	X	4/3/2006	Yes				11/03/06
Window Replacement & Landscape/Paving		144,186	5,774	4.0%	149,960	No	No	N/A	11/5/2005	Yes				
		1,510,186	33,287	2.2%	1,543,473									
Sequel High School-Modernization II	Contractor: Exterior Painting- Leneve Painting Project IIIA- Busch Construction Stadium Lighting- Cupertino Electric Quad Renovation & Field Upgrade- Robert A Bohman, Inc	141,371	40,491	28.6%	181,862	No	No	N/A	11/23/2004	Yes				11/23/05
		1,423,842	63,386	4.5%	1,487,228	No	No	X	2/23/2005	Yes				02/23/06
		231,756	7,760	3.3%	239,516				11/15/2005	Yes				
		1,204,700	111,637	3.7%	1,204,700									
		3,001,769			3,113,406									
Harbor High School-Modernization II	Contractor: HVAC Replacement- Geo. H. Wilson, Inc. Project IV- Busch Construction Duct Replacement- Geo. H. Wilson, Inc. Exterior Painting- Color Chart Theater Renovation- Watsonville Construction Bond 2 Phase II BCI Builders	1,279,840	64,238	5.0%	1,344,076	No	No	X	9/28/2004	Yes				09/28/05
		383,660	25,715	6.5%	419,385	No	No	X	9/28/2004	Yes				09/28/05
		366,740	9,137	2.5%	375,877	No	No	X	10/14/2005	Yes				10/14/06
		24,568	6,200	25.1%	30,888	No	No	N/A	10/5/2005	Yes				10/05/06
		245,500			245,500					No				
		429,000			429,000									
		2,739,628	105,266	3.8%	2,844,915									
Santa Cruz High School-Modernization II	Contractor: ADA Ramp- Busch Construction Project II- Busch Construction Kin Bldg. Replacement- CRW Industries Exterior Repair(Main Bldg)- New Pool	125,664	121,564	96.7%	247,228	No	No	X	3/1/2005	Yes				03/01/08
		1,466,560	112,272	7.7%	1,578,832	No	No	X	2/23/2005	Yes				02/23/06
		131,782			131,782									
		1,724,036	233,836	13.6%	1,957,872									

Appendix D – County of Santa Cruz Sample Ballot and Voter Information Pamphlet for Special School District Election, Tuesday, April 14, 1998

SANTA CRUZ

COUNTY OF



SPECIAL SCHOOL DISTRICT ELECTION

TUESDAY, APRIL 14, 1998

Sample Ballot & Voter Information Pamphlet

WARNING
Your polling place may have been changed! See back cover for polling place location.

SAVE TIME AT THE POLLS

- Mark your choices in this Sample Ballot and take it to your polling place for reference.
- Your polling place location is shown on the back cover.
- If possible, vote in the mid-morning or mid-afternoon hours. This will help shorten lines during the evening rush.
- Polls are open from 7 a.m. to 8 p.m.

OR VOTE BY MAIL, APPLICATION ON BACK.

IMPORTANT NOTICE / AVISO IMPORTANTE

This Sample Ballot is in English only. A Spanish translation of ballot measures is available by calling the Elections Department at 454-2060.

Esta Muestra de Balota solamente está en inglés. Se puede obtener una traducción en español de las medidas de la balota por llamar al Departamento de Elecciones a 454-2060.



FOR VOTER'S INFORMATION,
& ELECTION NIGHT RESULTS ON THE INTERNET:

VOTER'S PAMPHLET

Arguments in support of or in opposition to the proposed law are the opinions of the authors.

ARGUMENT IN FAVOR OF MEASURE E

Many of Santa Cruz's schools pre-date World War II. Measures E and H are our community's chance to make badly needed repairs to these rapidly deteriorating schools. Most importantly, all money raised by these measures stays here in our community.

Overcrowding, leaking roofs and inadequate heating hinder learning in many classrooms. Too many of our schools desperately need safety modifications to prevent injury in earthquakes or fires. Upgrades to school bathrooms and boilers are needed immediately, as is the continued removal of asbestos.

Passage of Measures E and H will improve the quality of learning in classrooms by accommodating the class size reduction effort currently underway. It will also bring schools up to modern safety codes, and make classrooms suitable for computers.

The amount paid by the average homeowner under each measure would be under 13 cents per day, a small price to pay for protecting the safety of our children and improving the quality of their education. Passage of these measures can generate millions of additional dollars in state matching funds, and all funds must be used for classroom improvements.

By law, absolutely none of the funds raised by these ballot measures can be used for administrative salaries, offices, or operating expenses. All of the funds raised by these measures will stay in our local community and will be used to fix our schools.

An oversight committee of community and business representatives will ensure that every dollar is spent effectively and appropriately on projects that directly impact the quality of learning in the classrooms.

With this responsible investment, we will help guarantee a safe and excellent education for generations of children to come.

Please join Congressman Farr, Senator McPherson, Assemblymember Keeley, local teachers, business leaders and parents in supporting Measures E and H on April 14th.

s/ Ellen Scott Santa Cruz City School Teacher	s/ Daniel Nane Alejandro Director Santa Cruz Barrios Unidos
s/ Steven R. Belcher Chief of Police	s/ Charles Canfield President Santa Cruz Seaside Co.
s/ Ann E. McCrow Parent, Harbor High Site Council	

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE E

JUST SAY NO!!

It's often been said that a fool and his money are soon parted; we have to ask ourselves if we are fools.

When is the last time you saw a bond issue on the ballot to raise public employees' salaries or benefits and or to build cushy facilities for administrators? The answer is never!! The reason for this is that our elected officials find money for what they deem important and float bonds and or levy additional fees and assessments to make us pay extra for what they don't. They know that we all have a soft spot in our hearts for children and schools which makes us an easy mark for school bonds. On the other hand, we probably wouldn't approve a bond issue to be used to increase public employee salaries or benefits or to build cushy facilities (Taj Majahal) for administrators. Doesn't it seem ludicrous that the city schools would build themselves a Taj Majahal and spend over \$300,000 to hold a special election for Measure E and Measure H just seven weeks prior to the regularly scheduled up coming June primary election.

So once again...

JUST SAY NO!!

NOT TO EDUCATION!!

NOT TO KIDS!!

SAY NO TO IRRESPONSIBLE SPENDING!!

VOTE NO ON MEASURE E (AND ALSO VOTE NO ON MEASURE H)

Committee Against Measure E	s/ Vernon C. Bohr Jr. Businessman
s/ Carolyn Busenhart, Chairman	

ARGUMENT AGAINST MEASURE E

VOTE NO ON MEASURE E

JUST SAY NO!!

NOT TO EDUCATION!!

NOT TO KIDS!!

SAY NO TO IRRESPONSIBLE SPENDING!!

Despite massive infusions of cash into the educational system since proposition 13 (due to escalating property values over the past 20 years) our schools are worse off than ever. Facilities are rundown and we're producing kids that can't read or write.

What should be up is down and what should be down is up. School revenues are up. Education is down. School Revenues are Up. School facilities are run down. Contractors and developers school impact fees are up. School Facilities are run down. Redevelopment Agency revenues are up at the expense of revenues that should go to schools.

There will never be enough money for schools as long as we the taxpayers continue to be deep pockets. There will never be enough money for schools until we the taxpayers demand fiscal responsibility of our schools.

SO, JUST SAY NO!!

NOT TO KIDS!!

NOT TO EDUCATION!!

SAY NO TO IRRESPONSIBLE SPENDING!!

VOTE NO ON MEASURE E AND ALSO ON MEASURE H

Committee Against Measure E	s/ Vernon C. Bohr Jr. Businessman
s/ Carolyn Busenhart, Chairman	

REBUTTAL TO ARGUMENT AGAINST MEASURE E

A quality education is one of the most important gifts our community can bestow on our children. Can we afford not to repair leaky roofs and substandard conditions in our schools? Are we willing to show our children we care enough about their future to provide them with safe, up-to-date, and uncrowded classrooms? Funds from Measure E are vital to ensure safe and modern schools!

Fact: Test scores show that the instruction our students receive prepares them well for the "real world". In fact, Expansion Management magazine recently ranked Santa Cruz City Schools as a Gold Medal District. Passage of Measure E will enhance students' education even further, by providing the decent classrooms they need.

Fact: California ranks 41st nationally in per-pupil expenditures for K-12 education. The Santa Cruz City School District is in the bottom third of districts in per-student income received from the state.

Fact: Many of our schools pre-date World War II, having survived earthquakes and decades of weather. Now our schools are in desperate need of repairs to ensure our children's safety is not in jeopardy.

Fact: By law, Measure E funds must be used for school repairs, not administrative salaries or operating expenses. It would take 100 years to fund the improvements we need from the developer fees currently paid to the district.

Most importantly, every dollar from Measure E will stay in our local community to fix our aging schools.

Please join us in supporting Measure E.

s/ Mary Beth Campbell Santa Cruz City Council Harbor High English Teacher	s/ Gelia Scott Mayor, Santa Cruz City Council
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VOTER'S PAMPHLET

The following pages contain the ballot question, analyses, arguments, rebuttals and resolution.

SANTA CRUZ CITY ELEMENTARY SCHOOL DISTRICT

E To rehabilitate elementary schools, including replacing inadequate electrical, plumbing and heating systems; complying with fire, earthquake, health, safety and accessibility standards; renovating, constructing and modernizing classrooms, restrooms and other school facility improvements (not for administrator salaries), with expenditures monitored by a community oversight committee, shall the Santa Cruz City Elementary School District issue bonds in an amount not to exceed \$28 million, at an interest rate within legal limits, with all proceeds spent to benefit local children?

IMPARTIAL ANALYSIS BY COUNTY COUNSEL MEASURE E

If approved by at least two-thirds of those voting, this measure will permit up to \$28,000,000 of bonds to be issued on behalf of the Santa Cruz Elementary School District. These bonds would constitute a debt of the District.

The money raised through sale of the bonds could be used by the School District to rehabilitate elementary schools, including replacing inadequate electrical, plumbing and heating systems, complying with fire, earthquake, health, safety and accessibility standards, and renovating, constructing and modernizing classrooms, restrooms and other school facility improvements.

Under current California law, the term of the bonds cannot exceed twenty-five years. The interest paid on the bonds cannot exceed a rate set by state law.

Payment of interest on the bonds (and principal, when applicable) would be financed by a tax levied on real property within the School District. The Tax Rate Statement for Measure E which is printed in this ballot pamphlet provides information about that tax, as required by law. The precise effect of the bonds upon the property tax rate within the District would only be determined after sale of the bonds.

A "yes" vote on Measure E is a vote to approve the bonds described above. A "no" vote on Measure E is a vote against approving those bonds.

Dated: January 26, 1998

DWIGHT L. HERR, COUNTY COUNSEL

By/ Jane M. Scott
Assistant County Counsel

TAX RATE STATEMENT BOND MEASURE E

As shown in the enclosed sample ballot, an election will be held in the Santa Cruz City Elementary School District of Santa Cruz County to authorize the sale of \$28,000,000 in general obligation bonds.

In compliance with Elections Code Section 9400-9404, the following information is submitted:

1. The best estimate of the tax rate which would be required to fund the above bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$0.007 per \$100 assessed valuation in fiscal year 1998-1999.
2. The best estimate of the tax rate which would be required to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$0.040 per \$100 assessed valuation in fiscal year 2003-2004.
3. The best estimate of the highest tax rate which would be required to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is \$0.043 per \$100 assessed valuation in fiscal year 2004-2005.

These figures are based on projections and estimates only and are not binding upon the District. The actual timing of the sale of bonds and the amount sold at any given time will be governed by the needs of the District, the debt limit at the time of sale, the condition of the bond market and other factors. The actual future assessed values will depend upon the amount and value of taxable property within the District as determined in the assessment and equalization process. The actual tax rates and the years in which they will apply may vary from those presently estimated.

s/ Roy G. Nelson, Superintendent
Santa Cruz City Elementary School District



VOTER'S PAMPHLET

Arguments in support of or in opposition to the proposed law are the opinions of the authors.

ARGUMENT IN FAVOR OF MEASURE H

Many of Santa Cruz's schools pre-date World War II. Measures E and H are our community's chance to make badly needed repairs to these rapidly deteriorating schools. Most importantly, all money raised by these measures stays here in our community.

Overcrowding, leaking roofs and inadequate heating hinder learning in many classrooms. Too many of our schools desperately need safety modifications to prevent injury in earthquakes or fires. Upgrades to school bathrooms and boilers are needed immediately, as is the continued removal of asbestos.

Passage of Measures E and H will improve the quality of learning in classrooms by accommodating the class size reduction effort currently underway. It will also bring schools up to modern safety codes, and make classrooms suitable for computers.

The amount paid by the average homeowner under each measure would be under 13 cents per day, a small price to pay for protecting the safety of our children and improving the quality of their education. Passage of these measures can generate millions of additional dollars in state matching funds, and all funds must be used for classroom improvements.

By law, absolutely none of the funds raised by these ballot measures can be used for administrative salaries, offices, or operating expenses. All of the funds raised by these measures will stay in our local community and will be used to fix our schools.

An oversight committee of community and business representatives will ensure that every dollar is spent effectively and appropriately on projects that directly impact the quality of learning in classrooms.

With this responsible investment, we will help guarantee a safe and excellent education for generations of children to come.

Please join Congressman Farr, Senator McPherson, Assemblymember Keeley, local teachers, business leaders and parents in supporting Measures E and H on April 14th.

s/ Don Maxwell President Greater Santa Cruz Federation of Teachers/ Art Teacher Harbor H.S.	s/ Mark Tracy Santa Cruz County Sheriff
s/ Nancy Litvak Santa Cruz High School Librarian	s/ Terre Thomas Soquel High School Parent/Volunteer
s/ George Ow, Jr., Business Owner, Land Developer	

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE H

JUST SAY NO!!

It's often been said that a fool and his money are soon parted; we have to ask ourselves if we are fools.

When is the last time you saw a bond issue on the ballot to raise public employees' salaries or benefits and or to build cushy facilities for administrators? The answer is never! The reason for this is that our elected officials find money for what they deem important and float bonds and or levy additional fees and assessments to make us pay extra for what they don't. They know that we all have a soft spot in our hearts for children and schools which makes us an easy mark for school bonds. On the other hand, we probably wouldn't approve a bond issue to be used to increase public employee salaries or benefits or to build cushy facilities (Taj Majahal) for administrators. Doesn't it seem ludicrous that the city schools would build themselves a Taj Majahal and spend over \$300,000 to hold a special election for Measure E and Measure H just seven weeks prior to the regularly scheduled up coming June primary election .

So once again.....

JUST SAY NO!!

NOT TO EDUCATION!!

NOT TO KIDS!!

SAY NO TO IRRESPONSIBLE SPENDING!!

VOTE NO ON MEASURE H

Committee Against Measure H s/ Carolyn Busenhart, Chairman	s/ Vernon C. Bohr Jr. Businessman
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ARGUMENT AGAINST MEASURE H

VOTE NO ON MEASURE H

JUST SAY NO!!

NOT TO EDUCATION!!

NOT TO KIDS!!

SAY NO TO IRRESPONSIBLE SPENDING!!

Despite massive infusions of cash into the educational system since proposition 13 (due to escalating property values over the past 20 years) our schools are worse off than ever. Facilities are rundown and we're producing kids that can't read or write.

What should be up is down and what should be down is up. School revenues are up. Education is down. School Revenues are Up. School facilities are run down. Contractors and developers school impact fees are up. School Facilities are run down. Redevelopment Agency revenues are up at the expense of revenues that should go to schools.

There will never be enough money for schools as long as we the taxpayers continue to be deep pockets. There will never be enough money for schools until we the taxpayers demand fiscal responsibility of our schools.

SO, JUST SAY NO!!

NOT TO KIDS!!

NOT TO EDUCATION!!

SAY NO TO IRRESPONSIBLE SPENDING!!

VOTE NO ON MEASURE H

Committee Against Measure H s/ Carolyn Busenhart, Chairman	s/ Vernon C. Bohr Jr. Businessman
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REBUTTAL TO ARGUMENT AGAINST MEASURE H

A quality education is one of the most important gifts our community can bestow on our children. Can we afford not to repair leaky roofs and substandard conditions in our schools? Are we willing to show our children we care enough about their future to provide them with safe, up-to-date, and uncrowded classrooms? Funds from Measure H are vital to ensure safe and modern schools!

Fact: Test scores show that the instruction our students receive prepares them well for the "real world". In fact, Expansion Management magazine recently ranked Santa Cruz City Schools as a Gold Medal District. Passage of Measure H will enhance students' education even further, by providing the decent classrooms they need.

Fact: California ranks 41st nationally in per-pupil expenditures for K-12 education. The Santa Cruz City School District is in the bottom third of districts in per-student income received from the state.

Fact: Many of our schools pre-date World War II, having survived earthquakes and decades of weather. Now our schools are in desperate need of repairs to ensure our children's safety is not in jeopardy.

Fact: By law, Measure H funds must be used for school repairs, not administrative salaries or operating expenses. It would take 100 years to fund the improvements we need from the developer fees currently paid to the district.

Most importantly, every dollar from Measure H will stay in our local community to fix our aging schools.

Please join us in supporting Measure H.

s/ Robert Garcia Capitola City Council	s/ Judy Parsons Business Person
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VOTER'S PAMPHLET

The following pages contain the ballot question, analyses, arguments, rebuttals and resolution.

SANTA CRUZ CITY HIGH SCHOOL DISTRICT

H To rehabilitate junior and senior high schools, including replacing inadequate electrical, plumbing, heating systems; complying with fire, earthquake, health, safety and accessibility standards; renovating, constructing and modernizing classrooms, restrooms and other school facility improvements (not for administrator salaries), with expenditures monitored by a community oversight committee, shall the Santa Cruz City High School District issue bonds in an amount not to exceed \$58 million, at an interest rate within legal limits, with all proceeds spent to benefit local children?

IMPARTIAL ANALYSIS BY COUNTY COUNSEL MEASURE H

If approved by at least two-thirds of those voting, this measure will permit up to \$58,000,000 of bonds to be issued on behalf of the Santa Cruz City High School District. These bonds would constitute a debt of the District.

The money raised through sale of the bonds could be used by the School District to rehabilitate junior and senior high schools, including replacing inadequate electrical, plumbing and heating systems, complying with fire, earthquake, health, safety and accessibility standards, and renovating, constructing and modernizing classrooms, restrooms and other school facility improvements.

Under current California law, the term of the bonds cannot exceed twenty-five years. The interest paid on the bonds cannot exceed a rate set by state law.

Payment of interest on the bonds (and principal, when applicable) would be financed by a tax levied on real property within the School District. The Tax Rate Statement for Measure H which is printed in this ballot pamphlet provides information about that tax, as required by law. The precise effect of the bonds upon the property tax rate within the District would only be determined after sale of the bonds.

A "yes" vote on Measure H is a vote to approve the bonds described above. A "no" vote on Measure H is a vote against approving those bonds.

Dated: January 26, 1998

DWIGHT L. HERR, COUNTY COUNSEL

By/ Jane M. Scott
Assistant County Counsel

TAX RATE STATEMENT BOND MEASURE H

As shown in the enclosed sample ballot, an election will be held in the Santa Cruz City High School District of Santa Cruz County to authorize the sale of \$58,000,000 in general obligation bonds.

In compliance with Elections Code Section 9400 - 9404, the following information is submitted:

1. The best estimate of the tax rate which would be required to fund the above bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$0.007 per \$100 assessed valuation in fiscal year 1998-1999.
2. The best estimate of the tax rate which would be required to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$0.040 per \$100 assessed valuation in fiscal year 2003-2004.
3. The best estimate of the highest tax rate which would be required to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is \$0.043 per \$100 assessed valuation in fiscal year 2004-2005.

These figures are based on projections and estimates only and are not binding upon the District. The actual timing of the sale of the bonds and the amount sold at any given time will be governed by the needs of the District, the debt limit at the time of sale, the condition of the bond market and other factors. The actual future assessed values will depend upon the amount and value of taxable property within the District as determined in the assessment and equalization process. The actual tax rates and the years in which they will apply may vary from those presently estimated.

s/ Roy G. Nelson, Superintendent
Santa Cruz City High School District





Santa Cruz County

Grand Jury

Final Report:
Section 2
Cities and County Committee Report

Watsonville Municipal Airport: Headed for a Crash?

Synopsis

Watsonville Municipal Airport is a valuable asset to the City of Watsonville and to the entire County of Santa Cruz. While land-use planning around most airports is monitored by regional commissions specializing in airport issues, a unique loophole in California State law permits the Watsonville City Council to serve in this capacity for the airport. The airport's existence is now threatened because the city is meeting its mandated housing goals by planning housing developments in airport safety zones, which could lead to increased noise complaints and untold liability in the event of an accident.

The airport is economically valuable to the city, providing steady employment, business opportunities, a substantial tax base, and drawing business and recreational visitors. Strategically, the airport is a key asset in low frequency but high impact disaster relief efforts, as was demonstrated following the Loma Prieta earthquake. Before any irrevocable decisions are made, the benefits of the airport to the entire region must be carefully evaluated through the formation of an independent Airport Land Use Commission. Such a commission will provide an opportunity for community input and to make impartial land use decisions more frequently to protect this critical regional resource.

Definitions

ALUC: Airport Land Use Commission

ALUP Handbook: State of California Department of Transportation, Division of Aeronautics, Airport Land Use Planning Handbook, 2002

AMBAG: Association of Monterey Bay Area Governments; a forum for study of regional problems of the counties and cities in Monterey, San Benito, and Santa Cruz

APV: Action Pajaro Valley; a consensus-based, nonprofit planning organization based in Watsonville

Blast pad: a section of asphalt placed at the end of a runway to prevent erosion from the blast of jet engines or large twin-engine aircraft as they are preparing for takeoff

CalTrans: in this document exclusively refers to State of California Department of Transportation, Division of Aeronautics

City Council Resolution 00-00: the first two or three digits represent the resolution number and the second two represent the calendar year, thus -00 is 2000, -99 is 1999.

2005-2006 Santa Cruz County Grand Jury Final Report

Crosswind runway: a second airport runway at an angle to the first runway. This permits aircraft activity when the wind is blowing across the first runway, rather than parallel to it. At Watsonville Airport, this is Runway 8-26.

Direct economic impact: spending in the local area for goods and services by airport tenants

FAA: Federal Aviation Administration

Indirect economic impact: the perception that the business community has on the airport's impact on local business operations

Induced economic impact: the multiplier effect that results from the re-spending of the direct impact

LAFCO: Local Agency Formation Commission, governmental entity created by State law in 1963 to regulate the boundaries of cities and special districts within a county

Low activity runway: a runway with less than 2,000 takeoffs and landings a year. The ALUP Handbook allows elimination of the outermost Safety Zone 6 (Traffic Pattern Zone) for a low activity runway.¹

Measure U: Urban Limit Line and Timing Initiative, City Council of Watsonville, Resolution, 199-02, presented to the voters in June 2002

OES: Office of Emergency Services

PUC: Public Utilities Commission

Runway 26: southeast end of Runway 8-26

Runway 8: northwest end of Runway 8-26

¹ Frederick - CalTrans letter to Watsonville, April 21, 2006.

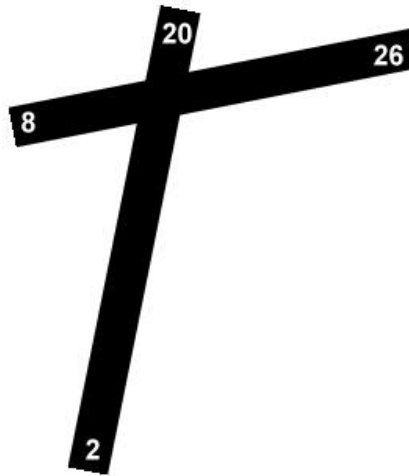


Figure 1: Runway Designators Each of the two paths of concrete at Watsonville Airport contains two runways, depending upon the direction the aircraft is heading when using the runway. The runway designators (e.g. “8”) refer to the compass direction divided by 10. Thus, an airplane landing on Runway 8 will approach from the west (left side of figure) landing near the “8” with a compass heading of (approximately) 80 degrees. Runway 8-26 refers to the entire path of concrete, consisting of Runway 8 and Runway 26.

Safety zones: land near the airport where construction of buildings is limited. These restrictions are mandated by the ALUP Handbook. [See Figure 2.]

- Safety Zone 1: Runway Protection Zone
- Safety Zone 2: Inner Approach/Departure Zone
- Safety Zone 3: Inner Turning Zone
- Safety Zone 4: Outer Approach/Departure Zone
- Safety Zone 6: Traffic Pattern Zone

Tie-down: parking space for an airplane on the tarmac with facility to allow the airplane to be literally tied down in place

Urban Limit Line: the boundary for city-provided services

WatsonvilleVISTA 2030: the City of Watsonville’s general plan for housing development extending to the year 2030. This updated the “Watsonville 2005 General Plan.”

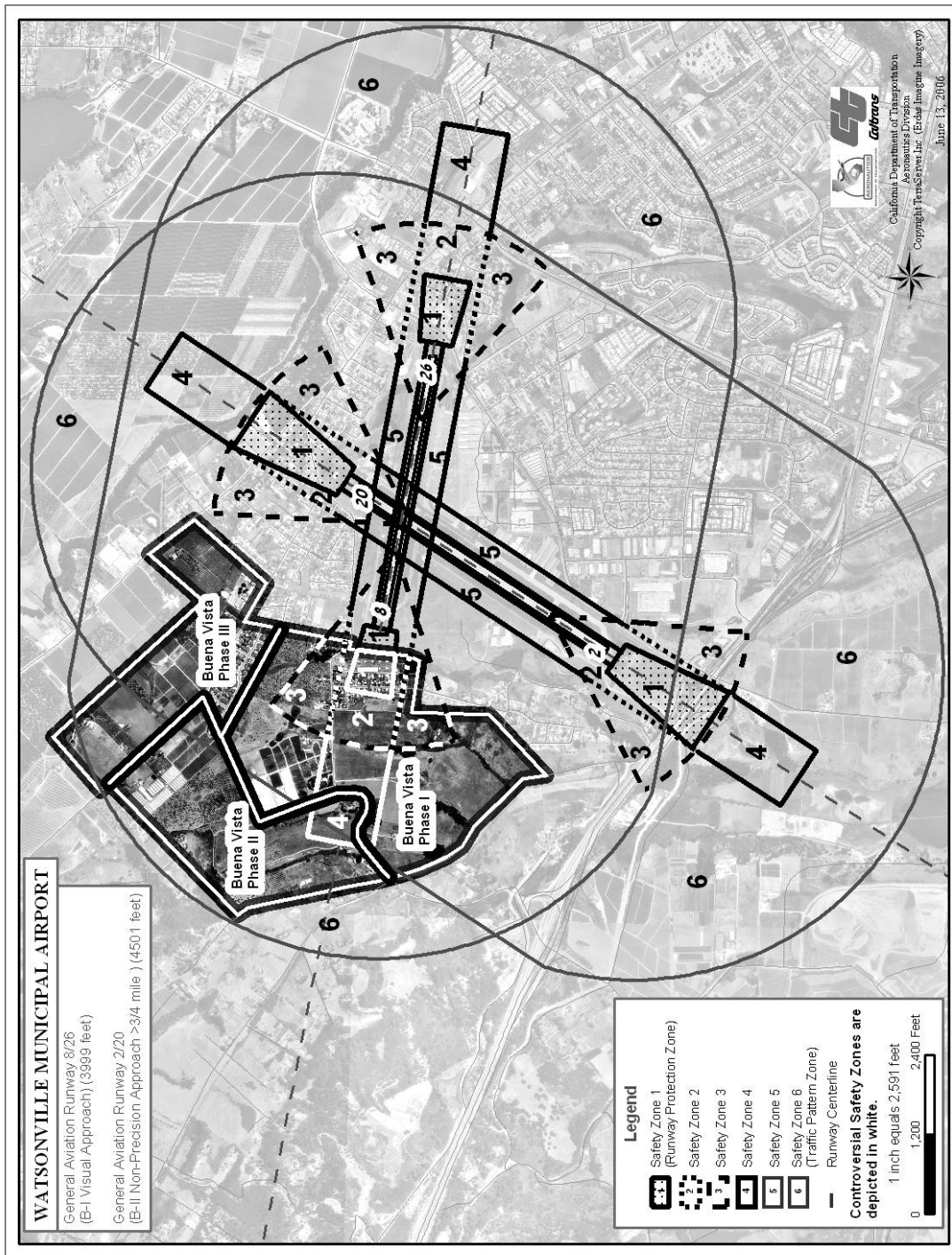


Figure 2: Watsonville Municipal Airport Safety Zones and Buena Vista Areas I, II, and III, showing how Runway 8 Safety Zones overlap Buena Vista Area I and how Zone 4 intrudes into Buena Vista Area II. (Special thanks to California Department of Transportation, Division of Aeronautics for providing this map.)

Background

The Watsonville Municipal Airport was constructed by the Navy during World War II on land purchased by, and incorporated into, the City of Watsonville. In 1947 the airport was transferred back to the city for \$1 provided the land would be used as an airport in perpetuity. Initial construction consisted of two runways, both built to military specifications that make them suitable for use by heavy aircraft such as C-130s and business jets. Two runways are needed to accommodate weather variations. The primary runway, Runway 2-20, is the longest and can be used ninety-four percent of the time. The shorter runway, Runway 8-26, can be used ninety-eight percent of the time and is necessary not only for wind variations, but particularly in summer fog conditions.

Economic factors that make the airport valuable include revenue from taxes, businesses, fuel sales, tie-down and hangar rentals, and direct fiscal impact from itinerant business and pleasure aircraft. Two studies were conducted on the economic impact of the airport to the City of Watsonville and the region. The first was conducted by citizens appointed by the City of Watsonville in 1991.² This study found the Watsonville Airport had an estimated economic impact of more than \$19 million annually to the region. It also presented employment figures of sixty-one jobs at the airport and 188 induced and indirect jobs, with taxes of \$1.4 million, of which \$1 million was retained locally. The second study was conducted by AMBAG in 2003 and estimated that \$35 million annually accrued to the region as both direct and induced income.³ The AMBAG study estimated that the indirect economic impact of the airport on the region could be as high as \$600 million a year, with 291 direct jobs, 329 induced jobs, and 1,030 indirect jobs.

The Watsonville Airport played a vital role in the disaster relief efforts following the Loma Prieta earthquake. Both four-lane roads into the county were closed due to earthquake damage, although Highway 17 opened a few days later to limited traffic while major repairs were carried out. During that time, the airport was the county's major conduit for incoming supplies. At present, many state, federal, and local government entities have aircraft based at the airport for local emergency response.⁴

Housing development is a priority for the City of Watsonville: 2,283 units were mandated by AMBAG in its 2002 report on regional housing needs.⁵ State law requires that adequate sites be identified during the 2002-2007 planning period. These goals necessitate increasing the Urban Limit Line for the city, which is where conflicting economic interests come into play. There is strong public support for preserving agricultural land to the east and west without encroachment by housing. The

²Watsonville Airport, *Airport Economic Impact Study*, p. 3, 1991.

³AMBAG, *Airport Economic Impact Study for Monterey, San Benito and Santa Cruz Counties*, p. 4, August 13, 2003.

⁴Watsonville Airport: *Airport Economic Impact Study*, June 9, 1991.

⁵City of Watsonville, *Housing Element*, chart 4, p. 4-1.

compromise negotiated by Action Pajaro Valley includes environmentally sensitive lands, open space, and relatively undeveloped land around the north side of the airport, some of which is currently under agricultural use.

The City of Watsonville addressed the land acquisition issue by amending the “Watsonville 2005 General Plan” with Watsonville City Council Resolution 199-02. This resolution was presented to, and passed by, Watsonville City voters as Measure U in 2002. The measure outlined several areas for increasing the Urban Limit Line, including the Buena Vista areas (on the map referred to as phases – see Figure 2) designated as I, II, and III, with Area I to be developed first. This area overlaps parts of the safety zones to the north of Runway 8-26.

Scope

This investigation originated as a survey of California airport runways that had been closed due to safety issues and noise complaints after housing densities had increased nearby.

This report examines Watsonville Municipal Airport’s current importance to the entire county as well as to the City of Watsonville. Federal and state regulations governing airports were examined, particularly as they pertain to safety requirements around an airport. City of Watsonville housing plans for areas contiguous to the airport were also studied.

Sources [see Appendix]

Findings

1. AMBAG has declared that the City of Watsonville must plan for 2,283 new housing units in the 2000-2007 period.⁶
2. City Council Resolution 199-02 was the text for Measure U and amended 1994’s “Watsonville 2005 General Plan” (now replaced by Watsonville VISTA 2030) by extending the city boundaries to include Buena Vista areas I, II, and III as proposed locations for meeting mandated housing goals.
3. Santa Cruz County’s Local Agency Formation Commission (LAFCO) must approve any city boundary extensions.
4. Measure U as presented in the pre-election voter information pamphlet reduced the text of Resolution 199-02 from eighteen (18) pages to a single sentence with a generic analysis by the City Attorney regarding Urban Limit Lines:
“Shall the City of Watsonville amend the Watsonville 2005 General Plan thereby imposing certain restrictions on growth, as specified, and restricting

⁶City of Watsonville Housing Element, chart 4, p. 4-1.

later amendments all as provided in the Watsonville Urban Limit Line and Development Timing Initiative?”

A copy of the full text of Resolution 199-02 was only available upon request.⁷

5. A group called the Friends of Buena Vista presented their opposition to Measure U on the voter’s information pamphlet, but because the area is currently outside the city limits, none of the residents of the areas to be annexed were able to vote on the measure.
6. The Friends of Buena Vista and other entities hired an attorney in 2005 to challenge the City of Watsonville’s draft environmental impact document regarding construction in the Buena Vista areas.
7. Neither City Council Resolution 199-02, nor Measure U, mentioned any possible impact on the airport nor possible conflicts between housing and the airport, such as safety and noise pollution.
8. The Watsonville Air Show is a significant regional event, generating annual revenue between \$500,000 and \$3 million.⁸
9. Studies show the overall annual economic impact of the airport to the region is a minimum of \$45 million (in 2006 dollars) and could range as high as \$600 million when indirect economic impacts are included.⁹
10. Businesses and independent owners from all over the county base their aircraft at the airport.¹⁰
11. Itinerant aircraft use the airport, bringing business and recreational visitors who add approximately \$9 million a year to the area.¹¹
12. Watsonville Airport is used in the day-to-day operations of local government entities including the California Highway Patrol, Civil Air Patrol, Drug Enforcement Agency, FEMA, the FBI, National Oceanic and Atmospheric Services, and the Department of Fish and Game.
13. The Watsonville City Council has discussed the possibility of shortening Runway 8-26. This would limit the number of aircraft that could land there, particularly in restrictive weather conditions. The Watsonville City Council rejected this option.
14. One of the guiding principles of Watsonville planners is to “encourage development patterns that protect and are compatible with agricultural lands”¹² which also exist in the Buena Vista areas I, II, and III. In addition, these areas are part of aircraft safety zones. In Buena Vista I, this space includes Safety Zone 1, 2, and 3 (Runway Protection Zone, Inner Approach Zone, and Inner Turning Zone) for Runway 8.

⁷[City of Watsonville Voter Information Pamphlet, Measure U](#), 2002.

⁸www.watsonvilleairport.com; Don French, quoted in Register-Pajaronian, p. 6, June 18, 2005.

⁹[AMBAG Airports Economic Impact Study](#), p 14, 2003.

¹⁰[AMBAG Monterey Bay Regional Airport System Plan](#), Table 2-10, 2005.

¹¹[AMBAG Airports Economic Impact Study](#), p. 12, 2003.

¹²WatsonvilleVISTA2030.

15. Watsonville Airport provided essential logistical support during the Loma Prieta earthquake disaster relief operation. County emergency planners assume the airport, if available, will be used again in this capacity during future major disaster relief operations.
16. County emergency planners believe that in the event of a massive evacuation, all highways would be gridlocked with outbound traffic, as happened in Houston during the 2005 Hurricane Rita evacuation. Should a massive evacuation occur here, Watsonville Airport will be the only practical means of getting significant disaster relief assistance into Santa Cruz County.
17. The airport is not included in the county's OES planning process. Although it is acknowledged as an essential facility in the Santa Cruz County Operational Area Emergency Management Plan, there has been no significant direct contact between county or city emergency planners and airport personnel regarding the coordination of emergency efforts.
18. Runway 8-26 has been used to significantly increase capacity during disaster relief operations.
19. Runway 8-26 is used in twelve percent (12%) of all takeoffs and landings at the airport.¹³
20. Runway 8-26 can be used by all aircraft currently based at the airport. The importance of the runway to future airport operation is demonstrated by the improvements planned, such as the blast pads built at each end of the runway to protect against erosion from heavier aircraft taking off.
21. Runway 8-26 increases airport availability from ninety-four (94%) to ninety-nine percent (99%). Crosswind Runway 8-26 is particularly important during adverse wind and fog conditions¹⁴ prevalent in the summer. Summer weekends tend to be the busiest time at the airport.
22. Runway 8-26 can keep the airport open during maintenance of Runway 2-20 or if an accident closes 2-20 again.
23. The proposed densities for Buena Vista I specified in Watsonville VISTA 2030 will result in more households being exposed to the risks of off-airport accidents and subject to noise pollution.
24. The Watsonville City Council has eliminated Safety Zone 3 (Inner Turning Zone), northwest of Runway 8 to justify greater housing density in Buena Vista I.¹⁵ This action has been opposed by Santa Cruz County Second District Supervisor Ellen Pirie, CalTrans, and others.¹⁶

¹³ Watsonville Municipal Airport Master Plan, p. 26, 2002.

¹⁴ Watsonville Municipal Airport Master Plan, p. 36, 2002

¹⁵ City Council Resolution 74-05, p.3 & p. 5

¹⁶ Pirie letter to Watsonville, May 5, 2006; Frederick - CalTrans letter to Watsonville, April 21, 2006; agenda packet for Watsonville City Council meeting, May 23, 2006.

25. Construction of additional housing northwest of Runway 8-26 will increase the danger from an off-airport landing. Such an event occurred to aircraft N23039 in the late 1970's in the Buena Vista area. At that time, there were no serious consequences because the aircraft was able to land safely in a plowed field.¹⁷
26. Watsonville VISTA 2030 proposes a school in the Buena Vista II area within Zone 6 (Traffic Pattern Zone), less than a mile from the northwest end of Runway 8-26. CalTrans has stated that Watsonville City Council cannot omit school placement safety investigation requirements within Zone 6.¹⁸
27. Discussion has occurred by attendees at Watsonville City Council meetings regarding the possibility of shortening Runway 8 to reduce Safety Zones 2 (Inner Safety Zone) and 4 (Outer Safety Zone).
28. A shortened runway could raise safety concerns, as was demonstrated when an aircraft had to abort a takeoff from Runway 8. The extra length of the runway allowed the aircraft to land safely, just barely within the confines of the airport.¹⁹
29. Excessive noise is already becoming an issue at the new Pajaro Valley High School.²⁰
30. The purpose of an Airport Land Use Commission (ALUC) is "to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."²¹ Santa Cruz County is specifically exempted from requiring the formation of an ALUC by Public Utilities Code, PUC, Section 21670.1 (e), provided that they follow the requirements of Section 21670.1 (d)(2) that "height, use, noise, safety, and density criteria that are compatible with airport operations" are adopted as part of the general plans of the county and city.²²
31. The Watsonville City Council has been acting in the capacity of an ALUC. Because it is acting as an ALUC, the Watsonville City Council is mandated by PUC Section 21670.1 (e) to incorporate height, use, noise, safety, and density criteria that are compatible with airport operations, as described in the ALUP Handbook.
32. Because Watsonville Airport does not have a separate ALUC, CalTrans often has not received timely notifications of Watsonville City Council actions, especially those outside the guidelines of the ALUP Handbook. CalTrans has stated that this has hampered its ability to offer expert opinions, and has precluded it from timely oversight of planning decisions.

¹⁷Maintenance log of aircraft N23093, January 1, 1976.

¹⁸Frederick - CalTrans letter to Watsonville, April 21, 2006.

¹⁹Chauvet, power point presentation to APV, February 25, 2005.

²⁰Frederick - CalTrans letter to Watsonville, April 21, 2006.

²¹ALUP Handbook, p 1-1, 2002.

²²California Public Utilities Code 21670.1(e).

33. Without adequate documentation to support the critical change to this designation, the Watsonville City Council designated Runway 8 as a low activity runway.²³
- Waddel Engineering Corporation provided data in 1994 to the airport showing that Runway 8-26 carried twelve percent (12%) of all airport traffic, with five percent (5%) on Runway 8 and seven percent (7%) on Runway 26.²⁴ Watsonville's City Council Airport Committee reported an adjustment of this pattern [two percent (2%) on Runway 8 and ten percent (10%) on Runway 26] based solely on the estimates of the airport manager.²⁵
 - Extrapolating from a ten-day airport count, total annual aircraft operations (takeoffs and landings) were estimated at 120,000 in 1991,²⁶ and were later estimated at 122,500 annually.²⁷ Two percent (2%) of this number (2,450) exceeds the guidelines for a low activity threshold (less than 2,000 annual operations)²⁸ by twenty-two percent (22%). However, the new estimate is less than 100,000 aircraft operations annually, again based solely on the estimates of the airport manager without a published study.
34. In its April 12, 2005 report, the City Council Airport Committee claims "CalTrans confirmed that the policies in the ALUP Handbook are intended as guidelines and that variations in design, configuration and land use compatibility was [sic] available and within the scope of the City Council."²⁹ This authority is used to eliminate Safety Zone 3 (Inner Turning Zone), thereby overriding housing densities mandated by the ALUP Handbook.
35. CalTrans has stated that formally designating a runway as low activity does not justify the elimination of Safety Zone 3.³⁰ Enforcing lower population densities in Safety Zone 3 by limiting housing construction is intended to reduce the consequences of an off-airport accident. Safety zones are intended to delineate higher probabilities of an off-aircraft accident based on large numbers of operations at airports across the country.
36. The recommendation approved by Watsonville's City Council Airport Committee was inconsistent with the report prepared by their airport planning consultant, Walter Gillfillan and Associates. That report's Option 3 presents the pros and cons for shortening Runway 8 and moving Safety Zone 3 (Inner Turning Zone) onto

²³Boyle, Principal Planner, "Final EIR Comments", citing Don French, Airport Manager, March 22, 2006.

²⁴Watsonville Municipal Airport Master Plan 2001-2020, p. 28, August 2002.

²⁵Recommendations on Revision to the Watsonville Airport Crosswind Runway (8-26), City Council Airport Committee, April 1, 2006.

²⁶Watsonville Airport: Airport Economic Impact Study, Appendix, 1991.

²⁷Watsonville Municipal Airport Master Plan 2001-2020, p.30, August 2002.

²⁸ALUP Handbook, p. 9-42

²⁹Recommendations on Revision to the Watsonville Airport Crosswind Runway (8-26), City Council Airport Committee, p. 4, April 1, 2006.

³⁰ALUP Handbook, fig. 9K; Frederick - CalTrans letter to Watsonville, April 21, 2006.

airport property. The Gillfillan report did not recommend eliminating Safety Zone 3 in any of its options.

37. The maximum densities recommended by the ALUP Handbook in Safety Zones as shown in the following table:³¹

Safety Zone	Maximum Density (dwelling units per acre)
1: Runway Protection Zone	0
2: Inner Approach/Departure Zone	.05 to .10
3: Inner Turning Zone	.20 to .50
4: Outer Approach/Departure Zone	.20 to .50

If the proposed 2,250 homes are built on the 458 acres in the Buena Vista areas, the resulting average housing density (approximately 5 dwelling units per acre) will exceed the maximum density in Safety Zone 3 by a factor of 10 to 25. Any of the planned “medium” (10-17 dwelling units per acre) density occurring within Safety Zone 3 will exceed by 20 to 80 times the maximum density permitted.

38. CalTrans has recommended that an independent ALUC be formed.³²

Conclusions

1. While the City of Watsonville has a mandated housing goal, it does not have a mandated location for the housing.
2. Watsonville Municipal Airport is not sufficiently valued as an economic asset to the City of Watsonville and to Santa Cruz County.
3. Watsonville Airport is an essential regional asset in future disaster relief operations in Santa Cruz County.
4. Crosswind Runway 8-26 is critical to the vitality and efficacy of Watsonville Municipal Airport.
5. If development proceeds according to WatsonvilleVISTA 2030, noise pollution may become a serious issue in the Buena Vista areas.
6. If development proceeds according to WatsonvilleVISTA 2030, the risk that an engine failure will have life threatening consequences to those on the ground is unacceptably increased.

³¹ALUP Handbook, Table 9-C p 9-47.

³²Frederick - CalTrans letter to Watsonville, April 21, 2006.

7. In the event of an off-airport accident in the Buena Vista areas, there will likely be a significant demand for closure of Crosswind Runway 8-26 or even the airport itself.
8. The Watsonville City Council's failure to enforce the maximum population densities in airport safety zones may increase Watsonville's exposure to legal liability in the event of an off-airport accident in these areas. The fact that there are high populations within the safety zones of other runways at the airport does not justify continuing the practice of violating airport safety zone building densities northwest of Runway 8.
9. Watsonville VISTA 2030 threatens the viability of the Crosswind Runway 8-26.
10. The Watsonville City Council has chosen to fulfill its housing planning needs at the expense of airport safety and noise pollution.
11. Failure to enforce ALUP Handbook regulations to achieve the planning goals of Measure U demonstrates an inherent conflict of interest in the City of Watsonville's ability to serve in the role of an ALUC.
12. The Watsonville City Council has not given appropriate weight to either the airport's or Santa Cruz County's interests while serving as Watsonville Airport's ALUC.

Recommendations

1. Santa Cruz County should form an ALUC, with the help of the City of Watsonville, Action Pajaro Valley, Watsonville Pilots Association, and LAFCO.
2. The City of Watsonville should comply with the Airport Land Use Planning requirements of the FAA and the State of California.
3. When LAFCO considers extending the Urban Limit Line to include the Buena Vista areas, it should evaluate all aspects of the airport's importance to the entire county of Santa Cruz as well as to the City of Watsonville, its housing needs, and the safety of the citizens.
4. Santa Cruz County should officially recognize the importance of the airport to its general welfare, both financially and in disaster response, by helping form an ALUC. This will help in ensuring the airport's preservation as an asset to the entire county.
5. The Santa Cruz County Office of Emergency Services and the city managers of the Scotts Valley, Santa Cruz, Capitola, and Watsonville must interact with Watsonville Municipal Airport personnel to include the airport in all emergency preparedness plans that could require use of the airport.
6. Runway 8-26 is a vital component of Watsonville Municipal Airport and its current operational capacity should be fully maintained.

Responses required

Entity	Findings	Recommendations	Respond Within
Santa Cruz County Board of Supervisors	5, 9, 14-17, 29-30, 35, 37	1, 3, 4, 5	60 Days (September 1, 2006)
City of Watsonville	7, 14, 17-38	1, 2, 5, 6	90 days (October 1, 2006)
City of Santa Cruz	17	5	90 days (October 1, 2006)
City of Capitola	17	5	90 days (October 1, 2006)
City of Scotts Valley	17	5	90 days (October 1, 2006)
LAFCO	3, 30	1, 3	90 days (October 1, 2006)
Office of Emergency Services County of Santa Cruz	15-17	5	90 days (October 1, 2006)

Responses requested but not required

Entity	Findings	Recommendations	Respond Within
Action Pajaro Valley	30	1	90 days (October 1, 2006)
California Department of Transportation, Division of Aeronautics	13-14, 23-26, 28, 32, 34-38	1, 2	90 days (October 1, 2006)
Watsonville Pilots Association	30	1	90 days (October 1, 2006)

Appendix - Sources

Interviews

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Santa Cruz County personnel.
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2005-2006 Santa Cruz County Grand Jury Final Report

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DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S.#40

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*Flex your power!
Be energy efficient!*

April 21, 2006

Mr. Keith Boyle
City of Watsonville Community Development Department
250 Main Street
Watsonville, CA 95076

Dear Mr. Boyle:

Re: City of Watsonville's March 22, 2006 Response to Comments for the General Plan Update for Watsonville Vista 2030; SCH# 1991123081

The California Department of Transportation, Division of Aeronautics, responded to the Draft Environmental Impact Report (EIR) for the Watsonville Vista 2030 General Plan update in a letter dated October 24, 2005. We recently received the City of Watsonville's (City) March 22, 2006 Response to Comments. We take this opportunity to voice our concerns with the City's response and to request that this letter be provided to the City Council for consideration prior to certification of the Final EIR and adoption of the General Plan.

In the City's March 22, 2006 Response to Comments, the City refers to Resolution 74-05. The Division of Aeronautics did not receive copies of Resolution 74-05 or the notice of intent prior to or in a timely manner following the April 12, 2005 adoption. We have since obtained copies that enabled us to respond to the March 22, 2006 Response to Comments.

It is our position that Resolution 74-05 should be invalidated for the following reasons:

1. Resolution 74-05 amended several pages of the Watsonville Municipal Airport Master Plan. Exhibit A, Table 37 identifying "Safety Compatibility Zones" on page 75, specifically states that the source is the "California Airport Land Use Planning Handbook (January 2002), Modified by City Council on April 12, 2005." The City Council does not have the authority to modify the State of California Airport Land Use Planning Handbook (Handbook).
2. The Draft June 2005 General Plan does not reference the Resolution; reference to the Resolution should have been incorporated into the draft General Plan.
3. We question the modification of the Watsonville Municipal Airport Master Plan through a resolution process and not an accepted master plan public notification process. A Master Plan study includes the creation of a public involvement program. Over the course of the study, the public involvement program will encourage information sharing and collaboration among the airport sponsor, users and tenants, resource agencies, elected and appointed public officials, residents, travelers, and the general public. Collectively, these various groups form the stakeholders who have an interest in the outcome of the study. An effective public involvement program should provide these stakeholders with an early opportunity to comment, before major decisions are made; provide adequate notice of opportunities for their involvement; and should

provide for regular forums throughout the study. We consider amendments that change the basis for nearly all Master Plan forecast projections to be a significant impact. We question not only the modified safety zones, but also the basis for designating the crosswind runway as low activity. One of the justifications cited by the City Council for designating Runway 8-26 as a "low activity runway" is its use by "small aircraft". In contrast, for example, the Airport Master Plan as adopted on June 24, 2003, provides for construction of blast pads for Runway 8-26. (Blast pads are sections of asphalt placed at the ends of runways.) This is done out of necessity where the exhaust and propeller blast from jets and larger turbine aircraft erode the soil in the Runway Safety Area immediately off the end of the runway pavement. This is not consistent with operational characteristics of "small aircraft".

4. Resolution 74-05 violates the State's interpretation of the Handbook. As we stated in our October 24, 2005 letter, adjusting safety zones for the Crosswind Runway 8-26 on the basis that it is a "low activity runway" is incorrect. The Handbook has six different designated safety zones. The Handbook only allows the elimination of the Traffic Pattern Zone (Zone 6) for a low activity runway. Eliminating the Inner Turning Zone (Zone 3) is not an option. The only way to modify Zone 3 is to obtain approval from the Federal Aviation Administration (FAA) to re-designate the runway for a single-sided traffic pattern. A single-sided traffic pattern would result in the elimination of only one wing of Zone 3 on the same side, at both ends of the runway. Safety Zone 3 was established because this area "traditionally experiences aircraft accidents". By unjustifiably eliminating Zone 3 and then removing the language to "avoid children's schools, large day care centers, hospitals, and nursing homes from Zone 6, Resolution 74-05 allows development of incompatible "special function" land uses in the immediate vicinity of Watsonville Municipal Airport and its most critical safety zone, the Runway Protection Zone (Zone 1). Special function uses require special protection. The significant common element is the relative inability of the people occupying the space to move out of harm's way.

Resolution 74-05 does not change the requirement for a school site investigation by the Division of Aeronautics in accordance with Education Code Section 17215. It is also our understanding that representatives from the recently constructed Pajaro Valley High School to the southwest of the airport are already voicing noise complaints. Pajaro Valley High School was constructed within airport safety Zone 6 and just outside Zone 3.

Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. Airport operators and pilots are trained to practice and promote safety and community awareness. Although the chance of an aircraft injuring someone on the ground is historically quite low, and we cannot stress this enough, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport aircraft accidents, restrictions on land use are essential. The potential severity of an off-airport aircraft accident is highly dependent upon the nature of the land use at the accident site. The Handbook and airport land use commissions (ALUC) were created to identify and prevent incompatible development in the vicinity of airports.

Mr. Keith Boyle
April 21, 2006
Page 3

Decisions that cities and counties make regarding the use of land must not conflict with State law. Public Utilities Code (PUC) Section 21670 (1) states "it is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports...and to prevent the creation of new noise and safety problems." The City of Watsonville must comply with PUC section 21670, 21670.1 and in particular 21670.1 (e) which mandates that the "affected city" utilize the State's Airport Land Use Planning Handbook regarding height, use, noise, safety, and density criteria's.

PUC Section 21670.1(e) **requires** the City of Watsonville to incorporate the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the Division of Aeronautics. Failure to comply with these criteria requires that a County ALUC and an airport land use compatibility plan be established. In previous correspondence with Santa Cruz County and the City of Watsonville, the Division of Aeronautics' position has been to *not request* the establishment of an ALUC provided they have policies in their respective General or Specific Plans that prevent the creation of new noise and safety problems. We now recommend the formation of a County ALUC.

If the City of Watsonville does not intend to implement the State's request in complying with the State Aeronautics Act, please consider the subject letter as a request for an administrative appeal before the appropriate body that is granted jurisdiction to address the State's concerns.

If you have any questions, please call me at (916) 654-5470.

Sincerely,

Original Signed by

MARY C. FREDERICK
Acting Chief
Division of Aeronautics

c: State Clearinghouse, Watsonville Municipal Airport, Santa Cruz County



Santa Cruz County

Grand Jury

Final Report:

Section 3
Criminal Justice Committee Reports

Santa Cruz County Jails Review

Definitions

Commissary: a place where inmates can purchase goods and toiletry items while in custody. An inmate may request individuals from outside the jail to put money in his/her account for these purchases, or an inmate can earn credits by attending classes or working in the jail for these purchases.

County Jail: a jail facility, usually operated by the County Sheriff, to hold un-sentenced prisoners suspected of felony or misdemeanor crimes and sentenced prisoners facing a term of one year or less

Electronic Monitoring: a program run by the Probation Department in which the offender is fitted with an ankle bracelet that is programmed to apprise the Probation Department of his/her whereabouts

Felony: a major crime punishable by confinement in a state prison, county jail, or by serving probation

Infirmary: an area within a healthcare unit set up and operated for the purpose of caring for patients who need skilled nursing care but are not in need of hospitalization or placement in a licensed nursing facility, and whose care cannot be managed safely in an outpatient setting. It is not the area itself, but the scope of care provided that makes the bed an infirmity bed.

Medium Security: a facility for inmates whose crime and criminal history do not pose a high security risk. They are housed in a locked facility, but often in a dorm-like setting, rather than in individual cells.

Minimum Security: a facility for inmates whose crime and criminal history pose very little security risk. They are housed in an unlocked facility.

Misdemeanor: a less serious crime punishable by confinement in a county jail normally for a period of one year or less, and/or probation

“O” Unit: the observation unit that includes rooms within the medical unit, where inmates who are physically or mentally ill are monitored both by video and medical staff

Parole: a condition of a sentence whereupon a person convicted of a felony crime is closely supervised by an agent (Parole Officer) of the California Department of Corrections and Rehabilitation after being released from prison

Parole Hold: a parolee is placed in custody at the local county jail by his/her Parole Officer for having violated the conditions of parole or for committing a new crime. A hearing is held while the parolee is in custody (Valdivia Hearing) to determine the disposition of the parole violation.

Plastic Boats: used by the Sheriff to sleep inmates when the population surpasses the maximum capacity of the facility. The boat-shaped plastic bed sits directly on the floor within a cell block.

Prison: a place of confinement operated by the State of California to house persons convicted of a felony crime

Probation: a condition of the sentence whereupon a person convicted of a felony or misdemeanor crime, who is out of custody, is supervised by an agent (Probation Officer) of the county Probation Department

Rated Capacity: California Department of Corrections and Rehabilitation, Corrections Standards Authority, minimum standards for detention facilities, contained in Title 15 of the California Code of Regulations. It includes the number of inmates each detention facility was built to hold (rated capacity) and the number of inmates that can safely be housed in the facility (maximum capacity).

Rubber Room: an isolated room in which the walls and floors are covered in a rubber material. Inmates who present a serious danger to themselves can be housed in this room, which is monitored by a surveillance camera and visited by staff every fifteen minutes.

SAFE: Safe and Free Environment Program which is derived from the Residential Substance Abuse Treatment Grant (RSAT). This program is in operation at the Rountree Medium Security facility for male inmates.

Sobriety Cell: used if a newly arrested individual needs time to sober up before going through the booking process

Ward: an offender who is under the age of eighteen years whose case is under the jurisdiction of the Juvenile Court

Background

There are seven facilities that comprise the jail system in Santa Cruz County:

1. Main Jail
2. Rountree Medium
3. Rountree Minimum
4. Blaine Street
5. Court Holding
6. Juvenile Hall
7. Camp 45

The first five facilities listed are operated by the Santa Cruz County Sheriff. Juvenile Hall is operated by the Probation Department. The budget for each of these facilities is under the control of the county Board of Supervisors. Camp 45 is operated by the California Department of Corrections, and its budget is under the control of the State of California.

Scope

The Grand Jury is mandated by California Penal Code § 919(b) to inspect and report on the conditions and management of the jail facilities within the county. To satisfy this mandate, the Criminal Justice Committee of the Grand Jury:

- inspected each facility at least once;
- spoke with management, staff, and inmates at each facility;
- reviewed previous Grand Jury reports, paying particular interest to prior recommendations;
- reviewed relevant laws in the California Penal Code and Code of Regulation;
- reviewed California Department of Corrections and Rehabilitation inspection reports for each facility.

Main Jail

The Santa Cruz Main Jail is located at 259 Water Street, across the street from the County Courthouse. Two visits were made. The first visit was during the day on September 29, 2005, and the second visit was in the evening on March 2, 2006.

Main Jail Findings

1. On September 29, 2005, the total inmate population was 384. On March 2, 2006, the population was 330. The current rated capacity is 311, with a maximum capacity of 400. The jail population consists of both male and female inmates who have cases pending, have been sentenced, or who are awaiting sentencing. When beds are not available due to overcrowding, temporary beds called “boats” are used.
2. All law enforcement agencies must bring newly arrested individuals to the main jail for processing. This process is known as being “booked.” Additionally, all newly booked inmates are shown a video that explains the rules and what the inmate should expect while being housed at the jail. A copy of the video was provided to this Grand Jury for review. The video is available in English and Spanish.
3. The County of Santa Cruz had two significant issues of non-compliance issued by the California Department of Corrections. The issues included overcrowding and inadequate staffing.¹
4. In the 2004-2005 Santa Cruz County Grand Jury Final Report Jail Review, it was reported that the booking fees per inmate for the fiscal year through April 2005 were \$168.00. This fee was paid by each city law enforcement agency, and then each city agency was reimbursed by the State of California. Figures

¹ California Department of Corrections Inspection Report, November 17, 2005.

2005-2006 Santa Cruz County Grand Jury Final Report

provided by a county analyst reflect that revenue actually collected as of April 2005, was approximately \$850,380.00. In May 2005, the booking fee was increased to \$211.35. However, due to the change in Government Code § 29550, the county is now only able to bill for half of the actual costs of booking. The actual “reimbursed” booking fee amount is now \$105.68. Due to this reduction in reimbursable booking fees, the actual revenue seen in the past year will be lowered by thirty-seven percent.

5. The Grand Jury observed that this facility’s ongoing maintenance was apparent. The smell of fresh paint was in the air, and painting of the inside was reported to be continuous. Inside doors were being upgraded and/or repaired. Plans are in place to renovate the plumbing and shower system in one of the cell block areas. The jail was clean in appearance. Inmates were respectful toward all officers.
6. While there are cameras at the main entrance to the jail, surveillance cameras were lacking on the outside of the facility by the vehicle entrance to the booking area.
7. Visiting rooms, both “non-contact” and “contact” were inspected. Visiting hours for both attorneys and civilians had strict requirements. A survey was sent to ten defense attorney offices in the county soliciting input regarding conditions of the visiting rooms and hours of visiting.² Soon after that survey, the visiting hours for attorneys were expanded to allow 24-hour access, except at meals. The “non-contact” attorney visiting rooms had been greatly improved. Feedback has been positive.
8. Inmate grievances are reviewed by detention staff. Responses to the inmates’ grievances are made both orally and in writing.
9. An upgraded “strip search room” is pending construction. Plans are in progress to enlarge and remodel the kitchen facility.
10. A formal meeting room, once used as a library, is now being used to conduct parole hearings.
11. Programs and classes that are available to the inmates include: educational and GED programs, religious services, counseling, anger management, parenting classes, domestic violence classes, and drug and alcohol classes. Attendance is high.
12. Prior to inmate placement in a housing unit, strict criteria of classification are followed. This placement process includes: an interview with the inmate to determine criminal sophistication, gender, whether there is a need for the inmate to be in protective custody due to gang affiliation and charges, if the inmate is an escape risk, if the inmate has any physical, medical, or mental health needs.
13. Tuberculosis (TB) testing is an optional component of the booking process.

² See Appendix.

14. There was one reported death this year at the jail prior to our first site visit. A copy of the report on this incident was requested from the Sheriff, but has not been provided.
15. There have been no escapes in the past year.
16. Correctional officers receive twenty-four hours of training each year under the Standard Training for Corrections, which is under the Department of Corrections. This is state-mandated training to review commonly accepted practice and to further educate officers and deputies on changes in the field and in dealing with inmates.
17. The Medical Unit treats inmates from all county jail facilities. All medical staff are employed by the county Health Services Agency (HSA), and their budget is approved by the Board of Supervisors.
18. A member of the medical staff is on-site twenty-four hours a day, seven days a week. Medical staff includes one physician, registered nurses, unlicensed assistive personnel (UAP), a mental health psychiatric technician, a nurse practitioner, and a medical assistant.
19. As stated in previous jail reviews, the nurses' pay schedule is below what a nurse can earn in the private sector. Detention facility nurses earn \$37.00 per hour, while a nurse at a local hospital could earn \$51.00 per hour. In December 2005, there were three vacancies for registered nurses. These positions include nursing responsibilities at the Main Jail, Juvenile Hall, and Rountree.
20. When an inmate requires medical treatment that cannot be provided by the medical unit, for conditions such as stroke, heart attack, cancer, or broken bones, the inmate is taken by ambulance or patrol car to Dominican Hospital, Doctors on Duty, or the County Health Clinic. The hourly cost for a deputy to transport an inmate is \$65.00. The Sheriff's Department has a contract for services with a private security company to guard hospitalized inmates for \$18.08 per hour.
21. "O" unit is designated for inmates with serious psychiatric problems. Seven of the rooms have video monitoring. One healthcare worker is present in this unit. There is a padded or "rubber" room known as Room 13 that is used to house inmates who are a danger to themselves or others. The room is monitored by video surveillance and physically inspected every fifteen minutes.
22. Inmates who need to take medication receive it in the form of a bubble pack. By taking advantage of this method of dispensing medications to inmates, the jail is able to return any unused medications. The County of Santa Cruz, through the Health and Human Services Agency, has contracted with a company that allows unused medication to be returned. Approximately ten to eighteen percent of the jail population is on psychotropic drugs.
23. The jail has been, and continues to be, a no smoking facility.
24. The Grand Jury observed that the surrounding grounds were clean and well maintained.

Main Jail Conclusions

1. All officers and staff conducted themselves in a professional manner during site inspections.
2. Upgrades to the plumbing, kitchen, and the “strip search” rooms are being undertaken.
3. The outside grounds are being maintained.
4. Overcrowding remains an issue.
5. The low pay scale for nursing staff makes it difficult to attract and keep personnel.
6. The new “bubble pack” for dispensing medications has proven to be cost effective.
7. A video prepared for newly arrested individuals has proven to be of assistance in the booking process.
8. The recent improvements made to the interview rooms, the increase in attorney visiting hours, and the renovation of the old library into a room used for parole hearings have received positive responses.
9. Because TB testing for a newly booked inmate is non-mandatory, it raises a health risk due to the fact that TB can be easily transmitted. The health risk to staff and other inmates is a concern.
10. The lack of cameras for monitoring the outside garage/booking area needs to be addressed for enhanced security.
11. The recent loss of booking fee revenue, due to the reduction in reimbursement amounts from the State of California, will have an effect on the jail budget.

Main Jail Recommendations

1. The Sheriff’s Department should continue with its improvement projects currently in progress for the renovation of the plumbing, the kitchen, and the “strip search” rooms.
2. The Board of Supervisors should review nurses’ salaries and consider pay increases to attract and retain competent staff.
3. The projected loss of revenue due to the decrease in booking fees collected and the impact that it will have on the jail and jail staff should be addressed by the Board of Supervisors and the Sheriff.
4. Potential liability could be reduced by upgrading surveillance cameras for the areas around the jail and garage/booking area. These upgrades should be budgeted by the Board of Supervisors and implemented by the Sheriff.

5. TB testing for newly booked inmates should be mandatory. Funding should be provided by the Board of Supervisors and testing implemented by the Health Services Agency.
6. Jail administrators and staff should be commended for their professionalism in managing day-to-day duties and keeping up with modern advances in running an efficient, secure facility.

Responses required

Entity	Findings	Recommendations	Respond Within
Santa Cruz County Board of Supervisors	3, 4, 6, 9, 13, 19, 20	2 - 6	60 Days (September 1, 2006)
Santa Cruz County Sheriff-Coroner	3, 4, 7, 9, 13, 14, 20	1, 3, 5	60 Days (September 1, 2006)

Rountree

The Rountree Facility is located in Watsonville on Rountree Lane and includes medium and minimum security facilities for sentenced males. Two site visits were made to both facilities. The first visit was made in October 2005 in the late evening. The second visit was made in February 2006 in the early morning hours. Each facility is unique in its operational rules and programs offered.

Medium Security

The facility, located at 90 Rountree Lane in Watsonville, was built in 1993. The interior of the building is maintained by inmates and is exemplary in appearance. The California Department of Corrections has given the facility a rated capacity of 96 inmates and a maximum of 110. All inmates are sentenced. There were seventy-five inmates at the time of the first visit and sixty-six at the time of the second visit.

Medium Security Findings

25. Spanish is the primary language for forty-five to sixty percent of the inmate population, although there is only one bilingual staff person per shift.
26. The Grand Jury observed that the four visiting stations were clean and generally well maintained. Appointments for visiting are scheduled in advance and are usually for one hour, two times per week. Visitors cannot be on parole or have been in custody within the past sixty days.
27. A statewide no smoking policy was initiated in all detention facilities in September 2005 and seems to be relatively well accepted. Correctional officers have assisted in facilitating inmate acceptance.
28. There are several small, quiet rooms off a hallway across from the dormitories. Some of the rooms are equipped with a computer, although there is no internet access. The rooms allow for “time-off,” “cooling down,” separation of inmates, or a space to discuss personal problems with a correctional officer.
29. The kitchen area is clean, and meals are sufficient in quantity. Inmates eat in two twenty-minute shifts and are free to sit where they wish in the cafeteria. Vending machines are located in the cafeteria area.
30. The living areas are dormitory style with five bays, each with eleven beds. A correctional officer is present in the dormitory at all times.
31. The SAFE Program (an in-house drug program) has forty allocated beds. The annual budget for the program is \$200,000. There were twenty-seven inmates in the program in October and twenty-four in the program in February.
32. The SAFE Program is voluntary, but has eligibility criteria. Volunteers must complete all four phases of the program, even though it could result in an extension of an inmate’s release date from Medium Security.
33. Funding for the SAFE Program is in jeopardy. When funding ran out in January 2006, the County of Santa Cruz agreed to fund the program through June.
34. Inmates in the SAFE Program have only one opportunity to participate in the program. A discipline problem may result in removal from the program.
35. Several classrooms exist within the facility. Classes offered include: GED, English as a Second Language, Substance Abuse, and Ray of Hope. Meetings include A.A. and anger management. An AIDS class and testing are scheduled quarterly.
36. During the October site visit, inmates were unable to view donated videos due to copyright infringement. The issue had been resolved by the February visit. The inmates now have satellite TV purchased entirely through the inmate welfare fund.
37. Inmates who need frequent medical attention or have chronic conditions such as diabetes mellitus, or psychiatric disorders are, generally, not placed at either

Rountree facility. However, on occasion, inmates who take single psychotropic drugs may be placed at either facility if they are considered stable.

38. As noted in last year's Santa Cruz County Grand Jury Final Report, the lack of an on-site nurse precludes inmates who require cardiac, psychotropic drug combinations, or injectable medications from being placed in the medium or minimum security facility.
39. No physician comes to the facility. It is reported that a nurse comes to the facility eight hours every day, Monday through Friday, to check and/or replenish medications. The nurse may check an inmate's temperature and/or blood pressure, if needed.
40. Medications are in bubble packs, kept in an alphabetical file, and are dispensed under the supervision of an officer at mealtime. The process of medication administration involves an inmate identifying himself, removing appropriate medication from the bubble pack, taking the medication, and signing a card to indicate receipt of the medicine. The medicine and files are secured except for meal times. The most common medications are antihistamines, antibiotics, and non-steroidal anti-inflammatory drugs.
41. An inmate requiring medical attention must be transported to the Main Jail Facility, Doctors On Duty, or a local emergency room. The costs for transportation, an accompanying officer, and services provided are significant.
42. Inmate dental work is performed at the Main Jail Facility one day a month. Only basic services are rendered such as pulling teeth; fillings and crown work are not considered basic. Transportation costs are incurred.
43. Testing for HIV, hepatitis C, tuberculosis, and sexually transmitted diseases is optional.
44. Grievance procedures are posted in several areas. Grievances are generally minor. The complaint form is filled out by the inmate and responded to by the subject of the complaint. Typically, the supervisor will review the complaint and subject's response within several days and will seek a resolution.
45. Depending on the severity of the violation, discipline problems may be handled with a verbal warning, revocation of privileges, or a return to the Main Jail.

Medium Security Conclusions

12. The physical appearance of the facility, including the kitchen and visiting areas, is exemplary.
13. Bilingual staffing is minimal and is not always adequate to serve the inmate population.
14. The SAFE Program is costly for the small number of inmates served.
15. Staff seem to be oriented toward problem resolution. Resolution of the recent video copyright infringement issue was cost-effective and timely.

16. Grievances are handled in a timely manner.
17. An on-site nurse would allow placement of additional low-risk inmates from the main jail facility who require closer medication administration monitoring.
18. Inmates share an enclosed facility twenty-four hours a day with other inmates who may not have agreed to medical testing for transmissible diseases.
19. Expenses for medical care, transportation to and from medical care, and the additional cost of accompanying security personnel could be reduced.
20. Classes offered at the facility are located in formal classrooms and are in keeping with the structured environment.
21. A mutually respectful relationship was consistently observed between the correctional officers and inmates.

Medium Security Recommendations

7. The Board of Supervisors and the Health Services Agency should seek reduction of medical transportation and security costs by contracting with appropriate local medical personnel. Contracting with a Physician Assistant or Nurse Practitioner for one day a week (or even an on-call status) would reduce the costs of transportation for non-urgent medical care.
8. The Sheriff should weigh the cost-effectiveness of the SAFE program (lacking outcome statistics) against other needs at the facility.
9. As recommended in the 2004-2005 Santa Cruz County Grand Jury Final Report, to alleviate overcrowding at the main jail, the Health Services Agency should consider employing an on-site registered nurse to facilitate the transfer of lower risk main jail inmates who require medication or monitoring of chronic conditions to the Rountree Medium Facility. Appropriate funding should be included in the budget by the Board of Supervisors.
10. Given the close proximity of inmates and the ease of air-borne transmission, tuberculosis testing by the Health Services Agency should be mandatory and incorporated into the booking process by the Sheriff.
11. The Sheriff should increase bilingual staff at the next hiring opportunity.
12. The Sheriff should remain open to the addition of vocational classes that build self-esteem and facilitate preparation for employment and re-entry into society.
13. Staff should be commended by the Board of Supervisors for their knowledge, professionalism, display of genuine concern for inmates, and the conscientious manner in which they fulfill their duties.

Responses required

Entity	Findings	Recommendations	Respond Within
Santa Cruz County Board of Supervisors	26-33, 36-45	7-10, 13	60 Days (September 1, 2006)
Santa Cruz County Sheriff-Coroner	25, 31-35, 41	7, 8, 11, 12	60 Days (September 1, 2006)

Minimum Security

The Minimum Security Facility, previously known as “The Farm,” is an older, barracks-style facility built in the 1970s. The facility is located at 100 Rountree Lane in Watsonville. The minimum security facility has a rated capacity for 162 and a maximum of 250. It housed 114 inmates in October 2005 and 100 in February 2006.

Minimum Security Findings

46. Many of the inmates participate in work-release programs. The programs allow employers within the county to request a certain number of inmates with particular skills to work for them on a particular date.
47. Other inmates attend vocational classes on-site, go to Adult Education Computer Assembly and Repair programs in Watsonville, or attend Adult Education GED classes in Watsonville.
48. Educational programs are provided through a contract with the Pajaro Valley Unified School District.
49. On-site vocational programs include classes about: computer skills development, gardening and landscaping, English as a Second Language, substance abuse (in English and Spanish), anger management, bible study, and an animal bonding program.
50. An immensely popular series of vocational courses includes auto body, advanced auto body, auto detailing, and auto paint mixing. This series has been in existence since 1979. It commonly has a waiting list of thirty applicants.
51. Each of the programs/classes requires a certain number of hours (150-350) of participation in order to earn a certificate.
52. Certificates earned by an inmate may be a consideration when an inmate requests a modification of sentence.
53. A separate bicycle refurbishing program was started in 1998 in cooperation with a local Marines Toys for Tots program. The Marines purchase parts for the bikes and inmates refurbish eighty to one hundred bicycles per year. Marines then distribute the bikes to children and teens in the Santa Cruz area.
54. The facility is partially sustained by inmates who are responsible for a portion of the laundry service, maintenance of all buildings, and landscaping services.
55. The plumbing and septic systems are using outdated seven-gallon flush toilets. Due to the older plumbing system, some of the laundry must be contracted out to prevent system overload.
56. There is no perimeter fence on the thirty-acre site between the facility and residential neighborhoods.

57. Inmates are screened and selected for the minimum facility based on interviews with the Sheriff's Department correctional officers to determine appropriate fit.
58. In the past four years, escapes (walkaways) have been reduced in number from thirty-three per year to nine per year.
59. Within the past year, cameras that monitor the facilities and grounds have been upgraded from black and white to color, but are still too limited in their range and clarity, according to detention staff.

Minimum Security Conclusions

22. The facility offers a substantial number of quality vocational programs.
23. Vocational and work-release programs facilitate skill-building and opportunities for potential employment upon release from custody.
24. The bicycle refurbishing program directly benefits the community.
25. The necessity to contract a portion of the laundry services is costly.
26. A residential neighborhood borders the perimeter of the property. The lack of a fence around the property perimeter is a potential liability for the county.
27. The reduction in the number of walkaways is commendable and reflects the integration of appropriate screening criteria.
28. Security of the facility and officer and inmate safety would be enhanced with updated camera and monitoring equipment.

Minimum Security Recommendations

14. The Sheriff should continue all vocational programs and work-release opportunities and should remain open to the addition of vocational programs that prepare for employment.
15. The Board of Supervisors needs to be aware of and reduce potential liability for the county by installing a fence to secure the grounds.
16. Bringing the plumbing and septic system up to modern standards would reduce water usage and laundry services and should be implemented by the Board of Supervisors and the Sheriff.
17. Upgrading camera and monitoring equipment would contribute to officer and inmate safety and security of the facility. Sufficient funding should be provided by the Board of Supervisors and implemented by the Sheriff.
18. Staff should be commended for their success in screening and inmate placement.
19. Staff should be commended for offering a variety of programs leading to potential future employment, self-esteem, and community benefit.

20. Staff is to be commended by the Board of Supervisors for their organization of programs, work-release scheduling, and dedication to the goals of operating a safe, structured, but humane facility.

Responses required

Entity	Findings	Recommendations	Respond Within
Santa Cruz County Board of Supervisors	49-53	14-19	60 Days (September 1, 2006)
Santa Cruz County Sheriff	46-59	14-19	60 Days (September 1, 2006)

Blaine Street

This jail facility is located at 144 Blaine Street, Santa Cruz. It was opened in 1984. This is a minimum security facility housing sentenced female inmates who are suited for minimum security. The California Department of Corrections and Rehabilitation has given this facility a rated capacity of thirty-two with a maximum capacity of forty-two. The jail facility, a converted residence, is located in a residential neighborhood behind the main jail.

Blaine Street Findings

- 60. This facility houses sentenced female inmates who pose a minimum threat to the community. Common crimes are substance abuse, welfare fraud, bad checks, and identification theft.
- 61. The inmate population is often from the community transient population. When discharged, most inmates have no permanent residence.
- 62. The average monthly inmate population is twenty-seven. On October 13, 2005, the population was twenty-eight and on March 2, 2006, the population was thirty-two.
- 63. There were two escapes last year. If an inmate walks away from the facility, she is charged with the crime of escape. The facility has a no-chase policy on escapes in progress.
- 64. There is one correctional officer on duty each shift. The facility is supervised by a Supervising Correctional Officer.
- 65. The Grand Jury observed that staff and inmates show mutual respect to each other while at the facility.

66. The Grand Jury observed that the grounds and facility are well maintained.
67. The Grand Jury observed that kitchen facilities were clean and appeared adequate despite their non-institutional design. Meals are prepared by inmate kitchen staff.
68. Inmates at this facility can work in the kitchen at the main jail and learn food preparation job skills.
69. Inmates serve as Kitten Foster Parents, in cooperation with the Animal Shelter, caring for kittens until they are old enough to be placed for adoption.
70. Inmates attending GED classes must be transported to the Adult Education campus in Santa Cruz as there are not sufficient numbers of students to qualify for on-site teaching.
71. Inmates and staff are not permitted to smoke at this facility.
72. Drugs and other prohibited items can be easily introduced into the facility by throwing them over the fence from the public sidewalk.
73. On-site programs available to inmates include:
 - Alcoholics Anonymous
 - Narcotics Anonymous
 - computer skills class
 - parenting skills class
 - literacy skills
 - yoga instruction
74. Job skills training is minimal. The only training available is in the areas of computer skills and kitchen skills.
75. The recidivism rate is high for inmates at this facility, as many do not have a residence to return to or do not have useful job skills.
76. The facility passed inspection by the California Department of Corrections and Rehabilitation.
77. Inmates are housed in two-person bedrooms that were observed to be clean and well organized.

Blaine Street Conclusions

29. The facility is operated by a professional staff.
30. The facility is well maintained and designed to meet the needs of the community.
31. The Kitten Foster Parent program provides a good service to the community and inmates benefit from the act of caring for the animals.

- 32. Additional fencing could reduce introduction of drugs and other prohibited material into the facility.
- 33. More job skills training would help inmates find gainful employment upon release from custody.

Blaine Street Recommendations

- 21. The Board of Supervisors should commend the staff for their professionalism.
- 22. Additional fencing that would not distract from the neighborhood setting should be considered by the Sheriff, with sufficient funding provided by the Board of Supervisors, to reduce the introduction of drugs and other prohibited items into the facility.
- 23. The Sheriff should solicit additional job training classes from educational, professional, and community organizations to help inmates be successful upon their return to the community.

Responses required

Entity	Findings	Recommendations	Respond Within
Santa Cruz County Board of Supervisors	72	22	60 Days (September 1, 2006)
Santa Cruz County Sheriff-Coroner	74, 75	23	60 Days (September 1, 2006)

Court Holding Facility

The Court Holding Facility is located in the basement of the Superior Court building located at 701 Ocean Street in Santa Cruz and is operated by the Office of the Sheriff. Inmates are transported by vehicle from their custodial facility and held at this facility before and after their court appearances.

Court Holding Facility Findings

- 78. This facility passed inspection by the California Department of Corrections and Rehabilitation as a holding facility.
- 79. The facility consists of five large concrete rooms for holding inmates.
- 80. Between forty and fifty inmates per day pass through the facility.
- 81. Inmates may change into personal clothing before appearance at a jury trial.

- 82. Holding rooms are monitored by video surveillance.
- 83. There is no video surveillance covering the outside entrance to the facility or the stairwell leading to the courts.
- 84. The facility was found to be clean and well maintained.

Court Holding Facility Conclusions

- 34. The facility is well organized and operated in an efficient manner.
- 35. Security would be enhanced by the addition of video surveillance cameras to the exterior of the facility and stairwell leading to the courts.

Court Holding Facility Recommendations

- 24. The Board of Supervisors should commend the staff for their professionalism.
- 25. Sufficient funding should be provided by the Board of Supervisors for the Sheriff to enhance the video surveillance capabilities to provide better security for the public and staff in and around the facility.

Responses required

<i>Entity</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within</i>
Santa Cruz County Board of Supervisors	83	25	60 Days (September 1, 2006)
Santa Cruz County Sheriff-Coroner	83	25	60 Days (September 1, 2006)

Juvenile Hall

Juvenile Hall is located at 3650 Graham Hill Road in Felton and is operated by the Santa Cruz County Probation Department. It was established in 1968. It houses sentenced and unsentenced juvenile offenders, both male and female, between the ages of twelve and eighteen. It has a rated capacity of forty-two. The Juvenile Court branch of the Superior Court of California is located within the facility and presides over all juvenile cases.

In 1999, Santa Cruz County Juvenile Hall was selected by the Annie E. Casey Foundation as one of only four facilities in the nation as a model site for the reduction of the unnecessary incarceration of juvenile offenders.

Juvenile Hall Findings

85. Juvenile Hall has been rated to house forty-two wards by the California Department of Corrections. The average daily population between March 2005 and February 2006 was 18.4. This is down from 24.7 in 2004.
86. Approximately seventy-nine percent of the population is juvenile boys and twelve percent is juvenile girls.
87. Sixty percent of staff are bilingual.
88. The average stay is five days. This figure is down from 10.6 days in 2002.
89. Juvenile Hall has passed inspections by the California Department of Corrections, County of Santa Cruz Environmental Health Services, Scotts Valley Fire Protection District, Superior Court of California, and the Santa Cruz County Juvenile Justice and Delinquency Prevention Commission.
90. The County of Santa Cruz was found to be delinquent in conducting the mandated medical/mental health inspections.
91. Wards are housed in two units, one of which houses more criminally sophisticated wards. The units are connected by a common hallway.
92. Wards are housed in private rooms that are small but contain necessary personal features. Wards spend most of their day outside their rooms.
93. Upon intake, wards are given an orientation on the rules of the facility and the consequences of a violation. Rules are also posted on bulletin boards.
94. Grievances can be filed and placed in a grievance box that is checked daily.
95. Parents are charged a daily fee of \$24 while their child is housed at Juvenile Hall.
96. Local law enforcement agencies are not charged a booking fee. There is a local protocol for booking criteria.
97. A Grand Jury inspection showed the grounds and facility to be clean and well maintained.
98. The outside exercise area is considered too small by current state standards, and the facility does not have a gymnasium or covered (shaded) courtyard. The facility is exempted from conforming due to its age.
99. Staff and wards continue to complain of poor heating and air conditioning within the facility.
100. According to staff, the video monitoring system is old and inadequate.
101. Most doors are secured by key-locking systems that can cause a delay during an emergency response.
102. The food facilities were clean and appeared adequate. Food Services passed the Nutritional Health Evaluation.

103. Nursing services are available seven days a week. There is one mental health therapist to every four wards. Medications are administered in the morning and evening. A physician assistant is present one time per week as is a physician.
104. The County Office of Education provides educational services at Juvenile Hall. The school is named Robert A. Hartman School, and was one of only a few detention facility schools that received a six-year accreditation from the Western Association of Schools and Colleges (WASC).
105. The Probation Department continues to operate the Oasis Program that offers home supervision and encourages pro-social activities. The program reports a ninety percent success rate.
106. National studies have shown it is more beneficial to return offending juveniles back to their community than detaining them in secure detention facilities such as Juvenile Hall.
107. Santa Cruz County Juvenile Hall was selected as the model site in the nation for small counties in the elimination of unnecessary use of secure detention of juveniles. Model sites for larger counties were in Chicago, Oregon, and New Mexico.
108. Santa Cruz County is prominently featured in a DVD produced by the Annie E. Casey Foundation documenting the power and effectiveness of juvenile detention alternatives to better protect public safety, help kids in trouble, and save taxpayer dollars.
109. Juvenile Hall provides many programs to enrich the wards such as Barrios Unidos, yoga, substance abuse counseling, writing, and poetry instruction.
110. The poetry program is immensely popular among the wards and offers them instruction in the writing arts. It gives participants the opportunity to have their writing published in a weekly newsletter published by Pacific News Service. This program provides a therapeutic opportunity and builds self-esteem.
111. There have been no escapes from Juvenile Hall during the last year.
112. The Board of Supervisors appoints qualified members of the community to the Santa Cruz County Juvenile Justice and Delinquency Prevention Commission, which is charged with monitoring the practices and performance of staff at Juvenile Hall and recommend changes.
113. This commission's report reflects that Santa Cruz County has one of the most highly regarded juvenile justice systems in the country.

Juvenile Hall Conclusions

36. Juvenile Hall is well managed and operated by a professional and caring staff.
37. Juvenile Hall buildings and grounds are well maintained despite the age of the facilities.

38. A covered outside exercise area would provide a better place for physical activity during poor weather conditions.
39. Juvenile Hall provides excellent programs to enrich the wards.
40. Juvenile Hall has been nationally recognized for its efforts in reducing the detention of juveniles.
41. Home supervision programs continue to be successful.
42. Video monitoring is inadequate and should be upgraded along with the necessary electronic infrastructure to ensure safety and security.
43. Electronic security doors and intercom systems would provide better security and safety.
44. The heating and ventilation system in Juvenile Hall continues to be inadequate despite numerous recommendations for its upgrade.
45. The county and Juvenile Hall were delinquent in obtaining the required medical/mental health inspection.

Juvenile Hall Recommendations

26. Sufficient money should be budgeted by the Board of Supervisors to upgrade the security system with emphasis on video monitoring, electronic security doors, and the necessary infrastructure upgrades. This recommendation was made by the Santa Cruz County Grand Jury in 2003, 2004, and 2005. The county agreed with the recommendation, but it has not yet been implemented.
27. Sufficient money should be budgeted by the Board of Supervisors to upgrade the heating and ventilation system at Juvenile Hall. This recommendation was also made by the Santa Cruz County Grand Jury in 2003 and 2005. The county agreed with the recommendation, but it also has not yet been implemented.
28. Sufficient money should be budgeted by the Board of Supervisors for the construction of a covering over the courtyard area which would provide an exercise area during poor weather conditions.
29. The Probation Department should ensure that medical/mental health inspections (as with all other mandated inspections) are conducted in a timely fashion.
30. The Board of Supervisors should commend the Probation Department and Juvenile Hall staff for their professionalism and their dedication to the community.

Response required

Entity	Findings	Recommendations	Respond Within
Santa Cruz County Board of Supervisors	90, 99-101	26, 27, 28, 30	60 Days (September 1, 2006)
Santa Cruz County Probation Dept.	90	29	90 Days (October 1, 2006)

Camp 45

Camp 45 is located at 13575 Empire Grade Road in Santa Cruz and is operated by the California Department of Corrections and Rehabilitation. It opened in June 2005 as a prison camp to house low-risk adult male prisoners. The facility was previously operated by the California Youth Authority from 1947 to 2005.

Camp 45 is a satellite facility of the California State Prison, Susanville, and is a minimum security facility that is operated as a fire conservation camp in cooperation with the California Department of Forestry and Fire Protection (CDF).

Camp 45 is operated by the State of California and is, therefore, not obligated to respond to the Santa Cruz County Grand Jury, but it is invited to do so.

Camp 45 Findings

- 114. The facility has a rated capacity of 110 inmates.
- 115. The average daily population was 102 for the first quarter and 107 for the second quarter.
- 116. As of December 13, 2005, there had been only one escape (walk-away).
- 117. Most inmates have less than one year remaining on their sentence. For every day working in a program or on a fire crew, an inmate receives credit for two days served.
- 118. Inmates convicted of a crime of violence and verified prison gang members are not permitted to serve time at a camp.
- 119. No inmates from Santa Cruz County are permitted to serve time at this camp.
- 120. Probable cause and random drug testing is performed one to four times a month.
- 121. After an inmate is assigned to the camp, he must participate in a one-week physical fitness training program and then attend a fire fighting school. Upon

successful completion of these two programs, he is assigned to a fire crew led by a CDF captain.

122. In preparation for opening the facility, staff met with local residents and agreed to notify local homeowners' associations and schools of any escapes.
123. Only non-prescription products are available unless specific medication is prescribed by a physician. Inmates with more serious medical problems are either taken to a local medical facility or returned to their original institution for treatment.
124. During the off season, fire crews are sent out to schools, parks, and other facilities to perform vegetation removal.
125. There is a pre-release class to help inmates prepare for their return to society.
126. In the first five months of operation, four staff members transferred from the camp due to the high cost of living in the area and lack of family living quarters. To maintain minimum staffing, correctional officers often work overtime or must be brought in temporarily from other institutions.
127. Staff reported the recidivism rate is lower from camps than standard institutions.
128. There were no reported assaults on correctional officers. Inmate violation of rules can result in loss of privileges or immediate return to their original institution, depending on severity.
129. Due to the newness of the facility, there were few books and educational materials in the library for inmates to read.
130. A Grand Jury inspection showed that the grounds and facilities were very clean and well maintained.

Camp 45 Conclusions

46. The facility is operated by a conscientious and professional staff.
47. Due to the high cost of living in Santa Cruz County, retaining trained staff has been a problem.
48. Additional books for the inmates to read would be a benefit.
49. The camp provides a service to the community.

Camp 45 Recommendations

31. Department of Corrections staff should continue to meet with neighborhood and community organizations and be an active partner in the community.
32. Department of Corrections staff should reach out to community organizations to obtain donations of appropriate books and learning materials for the educational enrichment of the inmates.

33. Department of Corrections should continue to seek solutions to affordable housing problems to retain qualified professional staff.

Responses requested but not required

<i>Entity</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within</i>
California Dept. of Corrections and Rehabilitation	122, 126, 129	31-33	90 Days (October 1, 2006)

Appendix

RESULTS OF QUESTIONNAIRE PRESENTED TO SANTA CRUZ COUNTY DEFENSE LAWYERS

Ten letters sent out to defense lawyers; some sole practitioners and two public defender offices

Twenty-two responses received

Question: How long have you been a criminal defense attorney practicing in Santa Cruz County?

From five months to over thirty years

Question: What is the average length of time that you wait to see a client at the main jail in Santa Cruz?

Responses: Fifteen to twenty minutes, with the rare wait of over thirty minutes

Question: What interview room do you prefer (or request) when visiting a client?

Responses: Majority preferred "contact rooms" and the old library was mentioned three times

Question: What is the most common problem, if any, that you encounter at the main jail when seeing a client?

Twelve responses complained about lengthy waits

Twelve responses complained about restrictive hours

Four responses complained that the interview rooms were being used as holding cells for Department #11

Eleven responses complained re: lengthy waits after pushing button alerting staff when interview was over

Eleven responses complained of the smell of urine in "contact" interview rooms

Eleven responses complained that the "contact" interview rooms were dirty

Four responses complained that there were not enough interview rooms

Question: How would you characterize the attitude of the jail staff toward you and your client(s)?

No complaints about jail personnel/detention officers

Question: Briefly describe the conditions of the interview rooms.

Good (one response)

Smelly, disgusting, stuffy (sixteen responses)

No place to write (seven responses)

Conversations can be heard in other rooms and in the hallway (one response)

Cold (one response)

Fine (one response)

Unsafe (no place for attorney to exit if problem arises) (one response)

Question: Is there anything else you would like to add regarding the conditions of the Santa Cruz Main Jail?

“Non-contact” rooms are completely unacceptable - Can hear other interviews and conversations

Jail needs expanded mental health treatment teams

Four responses specifically requested expanded visiting hours for attorneys

Five responses complained about the slow response to “panic button” when interview is over.

Two responses compare other counties to Santa Cruz’ procedure of seeing inmates and the word “inefficient” was used to describe the Santa Cruz Main Jail process

The Taser: Don't Be Shocked

Synopsis

Local law enforcement agencies use a variety of lethal and non-lethal weapons. One of these weapons, the Taser, receives both positive and negative publicity. The 2005-2006 Grand Jury looked at the use of the Taser by local law enforcement agencies, focusing on established policy and training.

The Grand Jury found that all local law enforcement agencies within the County of Santa Cruz had current policies that thoroughly addressed important factors regarding Taser use. The Grand Jury also found agencies were providing up-to-date training to their officers. The overall reported reduction in injuries to officers and suspects, since Taser usage was introduced, was an unanticipated finding.

Recommendations are made encouraging continued policy review and additional training.

Definitions

Afid Tags: Each air cartridge contains over forty minute particles that identify the serial number of the air cartridge used.

Air cartridge: a replaceable cartridge for the Taser that uses compressed nitrogen to fire two barbed probes on connecting wires, sending high-voltage current into the target

Barb: sharp point of the probe that is intended to penetrate clothing or skin. Penetration of skin is not required for successful deployment.

Drive Stun: bringing the Taser into direct contact with the target after the air cartridge has been expended or removed

Excited delirium: a behavioral condition whereby a person exhibits extremely agitated and non-coherent behavior, elevated temperature, high tolerance to pain, and excessive endurance without fatigue

Taser: a conducted-energy weapon that utilizes compressed nitrogen to shoot two probes up to twenty-one feet. The probes are connected to the weapon by wires and when the probes make contact with the target, the Taser transmits electrical pulses along the wires and into the body of the target. Taser is both the company name and the product name.

Lethal Weapon: weapon that, by design, is capable of causing death

Non-Lethal or Less-Lethal Weapon: weapon that is designed and normally employed to incapacitate, while minimizing fatalities

OC: Oleoresin Capsicum; also known as pepper spray; used as a non-lethal, self-defense tool that irritates the eyes to cause tears, pain, and even temporary blindness

POST: Commission on California Peace Officer Standards and Training; the agency that regulates standards and training for California law enforcement officers

Use of Force: California Penal Code § 835a provides that: “Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.”

Background

Every day throughout the country, law enforcement officers are faced with difficult split-second decisions to use lethal or non-lethal force to protect their lives, or the life of another person. This difficult decision also falls upon law enforcement officers serving in Santa Cruz County.

When lethal force is not justified, and sometimes when it is, law enforcement officers employ non-lethal weapons to perform their duties. Various types of non-lethal weapons are used by law enforcement including impact weapons, chemical agents, and defensive tactics. More recently, less lethal munitions that deploy a bean-bag or a plastic projectile have been available to law enforcement officers.

Most non-lethal weapons and force options depend on pain-compliance to be effective. The effectiveness of these measures can be diminished by size, strength, mental condition, or being under a chemically influenced state.

People under the influence of an illicit stimulant substance such as cocaine or methamphetamine, or people with a history of mental illness who are not taking their medications properly, are particularly prone to the condition of excited delirium. Pain-compliance weapons and force are minimally effective on those in a state of excited delirium. Therefore, law enforcement personnel are at greater risk for injury when they must take control of such a person. Using hands-on force, or the Taser, can escalate a state of excited delirium.

Taser, the brand name for the Thomas A. Swift Electronic Rifle, manufactured by Taser International, is advertised as a less-lethal weapon that does not depend on pain-compliance. The most current models of the Taser in use by local law enforcement, the M26 (introduced in 1999) and the X26 (introduced in 2003) override the central nervous system and incapacitate the subject. It is, therefore, more effective against persons who have the ability to resist painful stimuli.

Taser International asserts that their current model, the X26, produces a low-amperage, high-voltage discharge. Training material shows the amperage output of a standard Christmas tree bulb as 1 amp, and that of the Taser as 0.0036 amps. Taser International additionally asserts that the static discharge from a door knob can range from 35,000 to 100,000 volts compared to 50,000 volts from the Taser.

When oleoresin capsicum (OC) or Pepper Spray was first introduced for use by law enforcement its use was controversial. Use of the Taser is likewise controversial. While news articles often focus on detrimental effects of Taser usage, the successful deployment of Tasers and their effectiveness are less frequently reported. The American Civil Liberties Union (ACLU) and Amnesty International are two organizations that have been particularly critical of Taser use. Many studies have been conducted concerning the Taser that reflect both sides of the controversy. The results are often contradictory. Published articles often encourage a completely independent government-sponsored study of the Taser, rather than studies conducted or commissioned by Taser International.

A study published by the Florida Gulf Coast University¹ examined 1,400 Orange County (Florida) Sheriff's Department use of force reports from 2001 to 2003. This study showed that while subduing a target:

- impact weapons had high injury rates and lower effective rates
- chemical agents had very low injury rates but were often ineffective
- defensive tactics caused the largest number of suspect and officer injuries and were often ineffective
- Taser was effective seventy-seven to ninety-five percent of the time and was effective in de-escalation ninety percent of the time with a very low injury rate

The ACLU of Northern California (ACLU-NC) published a Taser Study in September 2005.² Included in this study was a "Best Practices Taser Policy." This did not represent a "model policy," rather "some of the best policies currently being employed by regional law enforcement agencies." Portions of the policies of Capitola and Scotts Valley Police Departments were favorably cited by the ACLU-NC.

The Criminal Justice Committee of the 2005-2006 Grand Jury reviewed the departmental policies of the five local law enforcement agencies (Capitola Police Department, City of Santa Cruz Police Department, Scotts Valley Police Department, Watsonville Police Department, and Santa Cruz County Sheriff-Coroner's Office) pertaining to the use of the Taser, and compared each policy with the "Best Practices Taser Policy" presented by the ACLU-NC. State law enforcement agencies were excluded from the study.

Specific Taser training is not currently available from California Peace Officer Standards and Training (POST). Law enforcement personnel are trained by department in-house training staff who were previously trained by Taser International. Training material is constantly updated. The current training version provided by Taser International is version 12.0.

¹ Florida Gulf Coast University, "Taser Deployment and Injuries: Analysis of Current and Emerging Trends," undated document.

² American Civil Liberties Union of Northern California, "Stun Gun Fallacy: How the Lack of Taser Regulation Endangers Lives," September 2005.

Scope

This investigation focused on the policies and procedures of each local law enforcement agency in the County of Santa Cruz for deployment of the Taser, training provided to officers, and maintenance of the weapons to ensure Tasers are being used properly. The investigation sought to determine if education was consistent with recognized training standards. The purpose of the investigation was not to encourage or discourage the use of the Taser by local law enforcement, nor to make any finding on the safety or science of the Taser.

Sources [See Appendix]

Findings

1. Every local law enforcement agency has a Taser policy in place.
2. All local law enforcement agencies have reviewed and revised their Taser Policies within the past twelve months.
3. Not all local law enforcement agencies publish a “use of force” report that includes Taser use and deployment.
4. Every local law enforcement agency uses either the M26 or X26 Taser. No local agency currently issues a Taser to each individual officer.
5. Every local law enforcement agency currently employs an officer trained to instruct in the proper use of the Taser according to individual department policy.
6. Every local law enforcement agency uses the most current Taser training material provided by Taser International for initial and updated Taser training. POST does not provide Taser training to California law enforcement officers.
7. Taser training officers must be re-certified every two years.
8. Only officers who have received Taser training are authorized to carry a Taser.
9. Every local law enforcement agency requires that officers who are going to carry Tasers on their duty shifts, must test the weapon prior to departing the office.
10. Officers carry a Taser on the opposite side of their bodies from their lethal weapons.
11. It is reported by training officers that the mere threat of using a Taser will often de-escalate a volatile situation.
12. The range of probes from a Taser is fifteen to twenty-one feet from weapon to target, thus reducing the proximity of physical contact.
13. When either the M26 or the X26 is discharged, small, colored and transparent, coded microdots, called afids, disburse into the surrounding area. The afids facilitate the collection of evidence and are traceable to the taser weapon used.
14. Barbs that penetrate the skin can be removed easily by officers or medical personnel.
15. Commonly, photos are taken of barb sites after removal.

16. The M26 and X26 Taser models have built-in memory that documents use of the weapon and are capable of being downloaded and used for statistical data gathering. Not all local law enforcement agencies have purchased the computer hardware to download this information.
17. Local law enforcement agency administrators were knowledgeable about the Taser and the controversy surrounding its use.
18. A search of the literature by the Grand Jury found that death or injury, associated with Taser utilization by law enforcement, occurred disproportionately in suspects on drugs, in states of excited delirium, or in those who received persistent multiple shocks.
19. It is difficult for law enforcement officers to quickly recognize the broad range of symptoms exhibited in states of excited delirium.
20. All of the policy items listed in the ACLU-NC “Best Practices Taser Policy” are partially or fully addressed in the Taser Policy of every local law enforcement agency.
21. Local law enforcement administrators and training officers have told the 2005-2006 Grand Jury that officer Workers Compensation claims and suspect injuries have declined since Taser use began.

Conclusions

1. Local law enforcement agencies have policies that regulate Taser use that meet or exceed the “Best Practices Taser Policy” recommended by the ACLU-NC.
2. Departmental administrators and Taser training officers are knowledgeable in the use of the Taser and its possible risks.
3. Local law enforcement agencies are using the most current Taser training material.
4. Law enforcement agencies must have less-lethal weapons at their disposal to better protect themselves and the public.
5. POST does not provide independent training in the use of the Taser.
6. Less-lethal weapons, such as the Taser, decrease the need for traditional defensive tactics by law enforcement officers, and are reported to be responsible for a reduction in costly Workers Compensation claims.
7. A person in a state of excited delirium poses a serious threat to law enforcement personnel, as well as the general public.
8. Community outreach and the sharing of published reports showing the circumstances and use of less-lethal weapons, including the Taser, would help to educate the public and improve law enforcement relationships with the community.

Recommendations

1. Local law enforcement agencies should continue to be diligent in updating their Taser policies to conform to changing regulations and technology.
2. Currently, all Taser training officers receive their training from Taser International. Local law enforcement administrators should lobby POST to provide independent training for Taser use.
3. Local law enforcement agencies should publish a Use of Force Report to include Taser usage. Portions of this report could be shared with members of the community to foster educational awareness and improve community relations.
4. The Grand Jury recommends that law enforcement agencies within the county begin a tracking system to determine if a correlation between Taser deployment and the number of law enforcement officer Workers Compensation claims exists.
5. Local law enforcement agencies should train their personnel in the recognition of symptoms related to excited delirium and establish policies for handling persons in that state. As soon as reasonably possible, the services of medical professionals should be enlisted to render appropriate care.

Responses required

Entity	Findings	Recommendations	Respond Within
Santa Cruz County Sheriff-Coroner	3, 6, 16, 19, 21	1-5	60 Days (September 1, 2006)
Capitola Police Department	3, 6, 16, 19, 21	1-5	90 Days (October 1, 2006)
City of Santa Cruz Police Department	3, 6, 16, 19, 21	1-5	90 Days (October 1, 2006)
Scotts Valley Police Department	3, 6, 16, 19, 21	1-5	90 Days (October 1, 2006)
Watsonville Police Department	3, 6, 16, 19, 21	1-5	90 Days (October 1, 2006)

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Santa Cruz County

Grand Jury

Final Report:

Section 4

Health and Human Services Committee Report

Domestic Violence in Santa Cruz County: Have We Kept the Promise?

Synopsis

The Grand Jury chose to investigate domestic violence as a result of reviewing three reports: the State Attorney General's Task Force on Domestic Violence released in July 2005,¹ the 2003 and 2004 editions of the Santa Cruz County Community Assessment Project - crime and domestic violence data sections, and the 2003 and 2004 Santa Cruz County Domestic Violence Commission Annual Reports to the Community. The Grand Jury wanted to determine if victims of domestic violence had an opportunity to be safe and if batterers involved in domestic violence were being held accountable. A broad approach was taken and the answers to these questions were only partially answered by this investigation due to limitations imposed on the Grand Jury investigative process. Recommendations are made to further address and improve upon the services related to domestic violence in Santa Cruz County.

The Grand Jury initially looked at the two locally established advisory bodies, the Domestic Violence Commission (DVC) and the Commission for Prevention of Violence Against Women (CPVAW), to determine if they were effective as proactive, watchdog entities on behalf of victims. The CPVAW was found to be proactive and effective. The DVC was found to be minimally effective in several areas and woefully inadequate in many other areas. Subsequently, a large number of recommendations are being made to assist the DVC in re-gaining focus and organizational effectiveness.

Funding, while not the focus of this investigation, was addressed to assess the environment in which all domestic violence-related service providers must function. Limited resources exist beyond the federal, state, and county funding streams that often vacillate with political and economic changes. Although the two primary, local, charitable organizations within the county are well respected and efficiently run, it is difficult for new organizations to be acknowledged or funded. Suggestions for consideration are included.

The Grand Jury then focused attention on organizations that provided direct services to victims. While not an easy path, the Grand Jury found that the opportunity to be safe exists. In general, direct services were found to be good to excellent. Domestic violence service providers would benefit from sharing information, experience, and referrals. Several recommendations are made regarding the need for collaboration as a cost-effective measure.

¹ Lockyer, Bill, California State Attorney General, Keeping the Promise: Protecting the Victims of Domestic Violence and Holding Batterers Accountable, June 2005.

Batterers' Intervention Programs in Santa Cruz County include both state-certified fifty-two week programs and support groups for batterers. State-certified programs, reviewed by the Probation Department, include consequences for noncompliance with program rules concerning attendance and homework. Since the Grand Jury is specifically excluded from investigating the courts, research was limited to whether batterers' programs are holding batterers accountable. The Grand Jury found that programs are run well by qualified and dedicated staff. However, not every segment of society in Santa Cruz County is served. For example, there is no specific program for gay, lesbian, or transgender batterers. Only one program has groups for female perpetrators.

Finally, the Grand Jury looked at legal components related to domestic violence: law enforcement, legal assistance available to victims, the role of the District Attorney's Family Protection Unit, and the role of the Probation Department in ensuring compliance with mandated fifty-two week intervention programs. Each component plays an important role in determining victim safety and batterer accountability. When each component functions optimally, batterers are held accountable and victims experience a greater degree of safety. To this end, several recommendations are made to strengthen the infrastructure that is in place.

Definitions

501 (c) 3 Corporation: a nonprofit, nonstock corporation in California, organized for religious, charitable, social, educational, recreational, or similar purposes formed under the Nonprofit Corporation Law

ALTO: Adults Learning to Take Opportunity; assists with long-term recovery from drug and/or alcohol abuse and confronting violent behavior. Services include a state-certified Batterers' Intervention Program.

ASR: Applied Survey Research; an independent, nonprofit research organization

Batterers' Intervention Program: a fifty-two week program that consists of two-hour weekly sessions. Batterers are to file proof of enrollment in a Batterers' Intervention Program with the court within thirty days of conviction.

BWTF: Battered Women's Task Force, a collective of facilitators that provides support to battered women through weekly support group meetings

CALWorks: a welfare program that gives cash aid and services to eligible needy California families

CAP: Community Assessment Program, a United Way and county-funded community profile assessment

CASA: Court Appointed Special Advocate; a trained volunteer appointed by a judge to become a child's consistent support through the court system

Children's Network: an interagency planning council formed to improve the delivery of services to the children and families of Santa Cruz County

CLETS: California Law Enforcement Telecommunication System. CLETS allows law enforcement agencies to access information such as criminal checks, Department of Motor Vehicles information, warrant checks, and records of stolen property.

Community Foundation of Santa Cruz County: a nonprofit, charitable organization based in Santa Cruz County.

Court Watch Programs: volunteers who sit in court and carefully observe court proceedings and record and report court actions. This program serves two purposes: the observer's presence reminds judges and prosecutors of the importance the community places on how cases are handled, and their observations provide invaluable problem analysis.

CPO: Criminal Protective Order, issued in criminal courts when sentencing a domestic violence defendant to probation

CPVAW: Commission for the Prevention of Violence Against Women, a Santa Cruz City commission formed in 1982

DdM: Defensa de Mujeres, a nonprofit agency that provides services to victims of domestic violence. It merged with Women's Crisis Support in 2005.

Deferred Judgment: a program in which some people arrested for lower-level drug offenses, such as non-violent offenses and possession for personal use only, may be eligible to plead guilty, accept this program, complete the program, and then have the charges dropped from their record

DOJ: Department of Justice. Criminal protective orders must be recorded in a statewide database maintained by the DOJ.

DV: domestic violence and emotional abuse are behaviors used by one person in a relationship to control the other. Partners may be married or not married; heterosexual, gay, or lesbian; living together, separated, or dating.

DVC: Domestic Violence Commission; a Santa Cruz County advisory commission to the Board of Supervisors

DVROS: Domestic Violence Restraining Order System; a Department of Justice tracking system for all domestic violence recorded cases

EPO: Emergency Protective Order; can be obtained by a victim at any time from a police officer who responds to a call for assistance. This is a stop-gap measure that can be obtained immediately, after which the victim can seek a TRO.

Familia Center: a nonprofit agency that provides services to low-income people within the community

Family Court: court where divorce and child custody cases are heard

Family Court Services: include mediation, family dispute resolution, and custody evaluations

Family Law Facilitator: a program in the Santa Cruz County Superior Court that assists people who do not have attorneys with the following: child support orders; health insurance orders; spousal support orders, custody and visitation orders; and starting, responding to, or finalizing a divorce, separation, or parentage case

Family Matters: a now-defunct nonprofit organization that provided services to survivors of domestic violence, most recently to male victims

Fenix Outpatient Services: a nonprofit organization whose services include a state-certified Batterers Intervention Program

First Five Santa Cruz County: the government agency in Santa Cruz County that administers local revenues from Children and Families First Act

Formal Probation: when a Probation Officer is regularly in contact with an offender

Healthy Kids: a First Five program designed to provide comprehensive healthcare coverage for children without health insurance

HRA: Human Resource Agency; the Santa Cruz County government agency that includes Family and Children's Services, Adult and Long Term Care, Benefit Services, and Careerworks

HSA: Health Services Agency; the Santa Cruz County government agency including the following departments: Environmental Health, Public Health, Medical Care, Substance Abuse Prevention and Treatment, and Mental Health

Informal Probation: when an offender is not supervised by the county Probation Department or by the court

JANUS: a community-based, private, nonprofit organization that treats both alcohol and chemical dependencies

MOAB: Men Overcoming Abusive Behavior, a men's peer support group for anger management

OAH: Order After Hearing; orders issued in Family Court that include all requirements listed in a restraining order

OES: Office of Emergency Services; receives reports of domestic violence by telephone or in writing

PTA: Pacific Treatment Associates; a for-profit agency that includes a state-certified Batterers' Intervention Program

Proposition 36: This initiative allows most people convicted of first- and second-time, nonviolent, simple drug possession, to receive drug treatment instead of incarceration.

RO: Restraining Order, issued in family court in the form of an Order After Hearing. Restrained person shall not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy the personal property of, disturb the peace of, keep under surveillance, or block movements in public

places or thoroughfares of the person seeking the order. The order expires three years from the date of issuance.

SAFE Connections for Kids: a supervised child visitation program

S.A.N.E.: Sexual Assault Nurse Examiner

S.A.R.T.: Sexual Assault Response Team

SCCC: Santa Cruz Community Counseling Center is a nonprofit organization providing a wide range of mental health and social services.

Survivor: a positive reference to those who have experienced domestic violence and are seeking to change their circumstances

SYB: Simply Your Best; a for-profit agency, services include a state-certified Batterers' Intervention Program for both men and women

Treatment/Diversion programs: Judges can "divert" defendants from criminal prosecution to these programs. If convicted of domestic violence, a batterer would have to attend and complete such a program. If a defendant successfully completes the program, the arrest would be wiped off the books; if not, prosecution could be reinstated.

TRO: Temporary Restraining Order, issued in Family Court when a victim offers "reasonable proof" of domestic violence. The duration of a TRO is twenty days and can be extended by the judge pending a hearing. Its purpose is to ensure a period of separation, prevent a recurrence of domestic violence, and prohibit personal contact with the victim.

Vertical Prosecution: each case is handled by the same prosecution team from the time a complaint is reviewed and sent to the county level until final disposition of the case.

Victim: defined under Family Code § 6211 as spouse, former spouse, cohabitant, former cohabitant, person with a dating or engagement relationship

Victim Advocate: a trained support person who provides services to survivors of domestic violence. These services may include being present during a S.A.R.T. examination or helping with completion of legal forms and court processes.

Victim Witness Assistance Center: a state-funded agency located in the Santa Cruz County District Attorney's Office can assist a victim of violent crime with emergency services, such as food, shelter, clothing, and transportation. The program can also provide counseling, restitution, and an advocate to assist during court proceedings.

VINE: a program that offers twenty-four-hour, 365-day a year, toll-free telephone services in English and Spanish to victims of crime and other concerned individuals. Callers can anonymously access vital offender information, including custody status, inmate location, upcoming court events, and sentence expiration. Callers can register to be notified of any change in an offender's custody status, such as release, transfer, escape, court event, or sentence expiration.

WAWC: Walnut Avenue Women’s Center, a nonprofit family resource center established seventy years ago

WCS: Women’s Crisis Support; a nonprofit agency established in 1977, provides services to victims of domestic violence; merged with Defensa de Mujeres in 2005

Overview

One in every three women will be affected by domestic violence in her lifetime. On average, more than three women are murdered by their husbands or boyfriends in this country every day. In 2000, intimate partner homicides accounted for thirty-three percent of the murders of women. Between the years 2000 and 2005, two homicides occurred within Santa Cruz County related to domestic violence.

Domestic violence is defined as a pattern of coercive and abusive behaviors that is perpetrated by adults or adolescents against current or former intimate partners in order to control the partner. Of those involved in organizations related to domestic violence, most would agree that power and control are central issues of domestic violence. Behaviors may include repeated physical abuse, psychological abuse, or sexual assault, all of which typically progress in severity, leading to social isolation and potentially resulting in death. Psychological abuse may include behaviors such as: threats, physical or social isolation, ridicule, financial constraints, or public humiliation. The vast majority of assaults on current or former partners are committed against women.

Domestic violence is a serious concern at county, state, and national levels. Three recent reports, two county and one state, each address the issue of domestic violence in Santa Cruz County. The state report is a one-time project authorized by the State Attorney General, while the other two are annual reports within the county. Each publication addresses distinct components of domestic violence. This investigation seeks to determine an accurate picture of domestic violence in Santa Cruz County with a focus on victim safety and batterer accountability.

The Community Assessment Project (CAP), a United Way and county-funded eleven-year community profile assessment, provides data for the county as a whole and then breaks down data by city (Capitola, Santa Cruz, Scotts Valley, and Watsonville). There are two sections relevant to the topic of domestic violence. The first, *Crime Rate*, separately identifies rape statistics; the second, *Domestic Violence*, includes number of calls, cases with weapons, community feelings, and prevalence of child witnesses to domestic violence.

A thirty percent increase countywide in domestic violence calls occurred within the County of Santa Cruz for the reporting year of 2004. Domestic violence calls have increased in all cities except Capitola over the past ten years. The largest increase occurred in the City of Santa Cruz and the smallest in Watsonville. When looking at the past five years, the percentage change reflects a decrease in Capitola, Scotts Valley, and Watsonville while the City of Santa Cruz and the unincorporated areas continue to report an increase in calls. Still, in 2003, the domestic violence call rate for Santa Cruz County

rose by 25.8 percent while the call rate for the state of California fell by 30.4 percent. The number of domestic violence calls reported by cities within the county varies considerably and may be due to differences in reporting and whether sexual assault reports are included within the category of domestic violence or are reported separately. However, the number of calls related to domestic violence reported within the county serves as a point of departure and merits closer scrutiny. Do the increased numbers reflect a greater awareness of community support or do the numbers reflect an actual increase of domestic violence within our population?

The number of domestic violence cases with weapons has decreased in the cities of Capitola and Scotts Valley within the past year but has increased twenty percent in unincorporated areas and fifty percent in the cities of Watsonville and Santa Cruz. In contrast, the number of domestic violence cases with weapons has been dramatically declining for the state as a whole.

When reviewing crime rates as a whole in Santa Cruz County, violent crime, (homicide, rape, robbery, and aggravated assault), has dropped 28.6 percent in the past ten years. The violent crime rate per 1,000 population is 4.6 and has remained relatively stable for the past five years. This appears to be good news. However, the crime of rape has increased within the county 47.6 percent over a ten-year period and nearly twenty-five percent over the past five years. A review of major cities in the county reveals that rape as a crime has increased in every city except the unincorporated area for the past ten years. Five year rates show a less dramatic increase ranging from one hundred (one to two incidents) to two hundred (eight to twenty-five) percent but, nonetheless, an increase. Tables reflecting ten-year rape data are from the Community Assessment Project and are located in Appendix B.

The Domestic Violence Commission (DVC), an advisory commission to the Board of Supervisors, is composed of members who are representatives of county organizations concerned with the issue of domestic violence. The DVC began issuing an annual report on domestic violence within the county under the auspices of the District Attorney's Office in 2003. To the extent data can be compared from 2003 to 2004, the number of clients placing domestic violence calls to law enforcement agencies increased nearly sixty-three percent while felony arrests decreased twenty-two percent, and misdemeanor arrests remained the same despite the increase in reporting. The 2004 report does not identify cities making felony and misdemeanor arrests in contrast to the previous year when Watsonville had the highest number of felony arrests and Santa Cruz the highest misdemeanor. Of 1,061 cases sent to the District Attorney's Office in 2004, 663 or sixty-two percent were filed as either felony or misdemeanors. The average number of felony domestic violence cases filed by the District Attorney's Office each month decreased by twenty-eight percent. Emergency Protective Orders decreased by twenty-eight percent. Temporary Restraining Orders, often filed with the assistance of an advocate, remained essentially the same (Order After Hearing) and Permanent Restraining Orders, requiring a court process, declined thirty-three percent. The 2005 Domestic Violence Commission Annual Report to the Community, usually distributed in April, had not yet been published

2005-2006 Santa Cruz County Grand Jury Final Report

at the time of this report and was unavailable for comparison to the previous year. A proof copy of the document was requested by the Grand Jury but was denied.

The State of California released a two-year task force report in June 2005 titled, Keeping the Promise – Victim Safety. The report focused on four areas: victim safety, enforcement, health care reporting, and batterer accountability. While data for the report was obtained primarily from ten counties within the state, many specific statistical profiles within the report were obtained from all counties, including Santa Cruz, and reflect comparative regional data. Data that included Santa Cruz County was related to the issuance of restraining orders and the number of unserved orders. Santa Cruz was ranked among counties (thirty-four) with a population of 100,000 or more and was positively identified in the first quartile for the issuance of Criminal and Emergency Protective Orders. The county was identified in the second quartile for the issuance of Family Court Orders After Hearing. Both of the above are positive indicators. A less than desirable ranking, third quartile, occurred for Santa Cruz County in the areas of the number of unserved Criminal Protective Orders (5.4% unserved), as well as the number of unserved Family Court Orders After Hearing (28.9% unserved). A DVC Commissioner stated that strategies to improve the numbers of unserved restraining orders will need to be addressed by appropriate constituents of the legal community.

An additional report, a twenty-year retrospective (1984 -2004) on sexual assault in the City of Santa Cruz, was conducted under the direction of the Commission for Prevention of Violence Against Women. The report was made public in April 2006 and revealed the increasing level of sexual assault in the City of Santa Cruz. The request by the CPVAW to form an investigative task force was deemed to be redundant and unnecessary by the City of Santa Cruz Police Department representative. Subsequently, the request was declined by the Santa Cruz City Council.

In addition to the Santa Cruz County Sheriff's Department, there are four municipal police departments within the county (Capitola, Santa Cruz, Scotts Valley, and Watsonville). California Penal Code § 273.5 identifies domestic violence as a criminal act. Statistical reporting occurs monthly and is sent to the District Attorney's Office where a determination is made to file a complaint or dismiss. Information to stakeholder organizations regarding disposition of a case is available *only if* a mutually agreed-upon procedure for exchange of this information between the District Attorney's Office and the agency is in place.

Many service providers for both victims and batterers exist within the county. Most agencies are non-profit and receive county and/or state funds. A few are privately funded. While never sufficient, funding may come from a variety of sources and is often competitively sought. Court referrals to non-profit and private agencies for batterers and/or victims for counseling, classes, shelter, and/or legal assistance are common.

The Santa Cruz County Grand Jury last addressed the issue of domestic violence in 1995. However, the report addressed only mortality rates in relation to domestic violence.

Scope

In an attempt to reflect an accurate picture of domestic violence in Santa Cruz County, the report is divided into the following sections:

- Advisory bodies
- Funding
- Direct services for victims
- Sexual assault response
- Batterers' Intervention Programs
- Legal system

Victim safety and batterer accountability is the primary focus of this investigation.

Methods utilized to gather information included:

- Interviews
- Literature search
- Document reviews
- Questionnaire
- Site visits

Sources [see Appendix A]

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Advisory Commissions: A Finger on the Pulse?

Background

For more than twenty-five years, domestic violence advisory groups in Santa Cruz County have advocated for survivors and influenced and guided policy. This section of the report covers two of these bodies, the Santa Cruz City Commission for the Prevention of Violence Against Women (CPVAW) and Santa Cruz County Domestic Violence Commission (DVC).

CPVAW was formed in 1981 by community initiative and became a Santa Cruz City commission in 1982. CPVAW is a self-described, “pro-active think tank that creates solutions to ending violence against women and girls.” Each Santa Cruz City Council member nominates one commissioner for appointment and approval. Seven commissioners, who are all volunteers and must be Santa Cruz City residents, serve four-year terms. Officers, including a chair and vice chair, serve one-year terms. The focus of CPVAW varies with the interest of its members. Presently, the commission is centered on sexual assault more than domestic violence.

According to the bylaws of the commission, its purposes are to:

- prevent sexual assault and domestic violence against women in the City of Santa Cruz;
- ensure quality services for women who have experienced sexual assault and domestic violence in the City of Santa Cruz; and
- make issues of sexual assault and domestic violence public concerns of the citizens of Santa Cruz.²

CPVAW programs include: self-defense classes for women and girls, the Safe Place Network, educational events for teen men and women, a grants program, and collaboration with the City of Santa Cruz Police Department (SCPD). With the cooperation of proprietors, CPVAW also distributes coasters at bars citing the penal code for assault upon one who has consumed too much alcohol. In addition, a media release advice packet in both Spanish and English for law enforcement, and educational outreach at high schools has been developed.

² City of Santa Cruz, Commission on the Prevention of Violence Against Women, “Community Resources Brochure,” October 2002.

2005-2006 Santa Cruz County Grand Jury Final Report

On April 25, 2006, CPVAW presented a report on rape and sexual assault to the Santa Cruz City Council. The report indicated an increase in both rape and sexual assault in the city. As a result, CPVAW called for the formation of a task force to address the issue. The report included:

- long-term data regarding the increase in reported rapes in the City of Santa Cruz over a ten- and twenty-year period;
- a comparison of the rate of rape in the City of Santa Cruz with the State of California and five cities of similar character (Huntington Beach, San Diego, San Luis Obispo, Santa Barbara, and Berkeley); and
- demographics (age, location, ethnicity, stranger, non-stranger, brief encounter, etc.) of reported sexual assaults in Santa Cruz for a focused two-year period of 2003 and 2004.³

Although all data used in the report was provided by SCPD, questions were raised by the SCPD regarding accuracy and interpretation of the data. Rather than participating in a task force, the SCPD believed that its limited resources should be directed toward victim assistance and investigation.⁴ Subsequently, the Santa Cruz City Council denied the task force proposal and proposed an alternate plan. In this proposal, the Santa Cruz City Public Safety Committee and CPVAW will combine to devise an action plan.

The Domestic Violence Commission (DVC), established by the Board of Supervisors in 1994, has approximately twenty-four to twenty-eight volunteer members who represent a variety of domestic violence-related agencies throughout the county. There are three types of membership seats on the DVC: membership by *ex officio* status (based on the office they hold), membership by agency representation, and membership at-large. Members appointed by position serve as long as they hold their qualifying positions. At-large members and agency representatives serve for four years with staggered terms. Terms of office for non-*ex officio* members begin on April 1. A representative from the County Administrative Office holds a position seat. A complete list of members is on the DVC web site.⁵

The DVC has five county-mandated responsibilities [County Code Chapter 2.118.050]:

- helping to increase coordination between agencies, departments, and the courts, and with victims of domestic violence and abuse;
- promoting effective and accessible education and treatment;

³ Applied Survey Research, The Commission for the Prevention of Violence Against Women: Report on Rape and Sexual Assault, presentation to the Santa Cruz City Council, April 25, 2006.

⁴ See Appendix C.

⁵ Santa Cruz County Domestic Violence Commission web site, <http://sccounty01.co.santa-cruz.ca.us/da/dvc/mission.asp>.

- improving responses to domestic violence to reduce incidents of domestic violence;
- examining domestic violence issues and making recommendations to the Board of Supervisors; and
- establishing a committee from among the membership to develop protocols for use by law enforcement officers.

The DVC's major projects include producing an annual report on domestic violence for the past three years, hosting an annual recognition ceremony to honor direct service providers, and procuring several grants. In addition, meetings provide an opportunity for domestic violence-related agencies to network.

CPVAW Findings

1. CPVAW bylaws state that its goals include preventing domestic violence against women, providing quality services, and ensuring public awareness of domestic violence as well as programs to prevent sexual assault.
2. CPVAW pursues its preventative role through educational outreach.
3. There is an ongoing demand for CPVAW self-defense classes.
4. Grand Jury members observed that CPVAW meetings are well organized and productive.
5. The CPVAW has posted a written mission statement, agendas, and minutes on the CPVAW web site.⁶
6. Terms on CPVAW are staggered so that no more than two commission seats expire at the end of a given year. Commissioners may not serve more than two consecutive terms. The commission bylaws mandate monthly meetings. Commissioners are allowed three absences with notification or two without notification per calendar year.
7. The Grand Jury conducted an informal survey of downtown business sites (identified by the Safe Place Network decal) that showed out of twelve employees at different business establishments, only six were aware of the network and how to respond to an incident. Only one employee offered a brochure. Several employees were completely unaware of what the sticker represented; some offered creative responses.
8. CPVAW provides information on domestic violence in Spanish both on its web site and in its pamphlets.
9. CPVAW has an annual budget of \$70,000 that pays for a half-time administrative assistant, educational outreach, and instructors for self-defense classes. All CPVAW commissioners are volunteers.

⁶ Santa Cruz City Commission for the Prevention of Violence Against Women web site, <http://www.ci.santa-cruz.ca.us/>.

10. According to a CPVAW member, CPVAW “has had significant difficulty in obtaining District Attorney’s Office dispositions and updates.”⁷
11. The CPVAW report to the Santa Cruz City Council states that the rate of reported rape is higher in the City of Santa Cruz than comparative cities, counties, surrounding regions, and the State of California. The 2004 rate in Santa Cruz is 2.10 per 1,000 females while the rate in California is .53 per 1,000 females.
12. Santa Cruz City Police officials stated at the April 25, 2006, Santa Cruz City Council meeting that “the higher number of reported rapes may be due to more victims reporting such crimes and a new electronic reporting system started in 1999 that better captures crime statistics.”⁸ The SCPD officials did not have evidence supporting the reason for the increase.
13. One of the reasons the Santa Cruz City Council cited for denying the establishment of the Rape and Sexual Assault Task Force is that it has no jurisdiction to compel some of the potential members of the proposed task force, such as the Santa Cruz City Schools Superintendent, to participate in this project.

DVC Findings

14. The DVC held a retreat in February 2006 to establish goals and revitalize the commission. Goals agreed upon at this retreat included:
 - improving and reorganizing commission structure;
 - evaluating and improving the annual report to the community, emphasizing the effectiveness of Batterers’ Intervention Programs; and
 - providing the community with education about domestic violence.According to the Executive Summary of the DVC Retreat Preparation Questionnaire Report, “The members’ issues and concerns in 2006 are strikingly similar to the ones reported in 2002.”⁹
15. The goals of the DVC and its subcommittees vary from year-to-year depending on the interests of the chair and the membership.
16. The DVC produces an annual report for the Board of Supervisors that highlights activities, accomplishments, and future goals. The 2003-2004 report was not approved as of October 12, 2005 due to lack of quorum in meetings.
17. The annual report by the DVC to the Board of Supervisors is not on the DVC web site. DVC operating subcommittees are not identified on the web site, and their

⁷ Santa Cruz City Council Meeting Minutes, July 28, 1987.

⁸ Santa Cruz Sentinel, “City works to increase rape awareness,” April 26, 2006.

⁹ Archer, Kay Bowden, “Santa Cruz County Domestic Violence Commission, 2006 Retreat Preparation Questionnaire Report,” February 2006.

reports, if they exist, are not included in DVC minutes. The DVC web site does not include a full set of DVC agendas and minutes.

18. The Domestic Violence Commission Annual Report to the Community includes information and statistics on advocacy groups, rate of child witness to domestic violence, law enforcement, District Attorney filings, and court protective orders.
19. The DVC web site and annual report to the community are not translated into Spanish.
20. The DVC has no budget. Staff has been provided by the organization to which the chair belongs. Printing of the annual reports has been paid for by a variety of sources: the Sheriff's Department, the District Attorney's Office, and the Community Foundation. The DVC is seeking donations to print the 2004-2005 report to be released in Spring or Summer 2006.
21. Grand Jury members have observed that agendas are not followed and reports from subcommittees were not made at DVC meetings, and action items were not tracked from meeting to meeting. The meetings also lack member attendance and participation.
22. DVC meeting requirements are set by the bylaws of the DVC that state meetings are to be held monthly.
23. On February 11, 2004, the DVC approved a motion to hold six and not twelve meetings per year. Three were to be held in Watsonville. Some commissioners expressed concern that the reduction would impact the work of the commission.¹⁰
24. The DVC minutes of March 9, 2005, state, "a quorum consists of one person more than one-half of the appointed members (i.e., fourteen members). An absence policy states that if a member is absent from three consecutive regular meetings without good cause, he or she could be removed from the commission.
25. DVC meetings in which a quorum was present are represented below:

¹⁰ Santa Cruz County Domestic Violence Commission, Minutes, October 12, 2005.

YEAR	NUMBER OF MEETINGS	QUORUM
2001	10	10
2002 ¹¹	10	8
2003 ¹²	10	7
2004	7	4
2005	7	5

Table 1: Domestic Violence Commission Quorum Meeting Record.

26. The DVC chair and vice chair are elected to one-year terms beginning in April. However, there has been no scheduled meeting in April for the past three years.
27. For the past three years, the DVC has had no latino or gay/lesbian/transgender representatives. Three vacancies on the DVC have been open since January 2005.
28. In November 2005, the DVC had existing subcommittees composed of a commissioner chair and private citizens who may or may not have been members of the DVC. At its February 2006 retreat, subcommittees were formulated consisting solely of commission members.
29. Subcommittees reported on their activities at DVC meetings from 2001 until 2004. The minutes of 2004 and 2005 do not reflect subcommittee action.

CPVAW Conclusions

1. According to its bylaws, CPVAW's stated focus is on both sexual assault and domestic violence; however, current focus seems to be primarily on sexual assault.
2. CPVAW has a long history of action and accomplishment and serves the City of Santa Cruz conscientiously.
3. Due to turnover in downtown businesses, not all employees in businesses displaying the Safe Place Network decal are as informed as they should be about the network.
4. CPVAW meets regularly according to its bylaws and has sufficient attendance to accomplish its goals. CPVAW reviews its bylaws in a timely manner.
5. CPVAW's documents are readily available to the public. Agendas, minutes, bylaws, and mission statement are on its web site.
6. CPVAW's membership and leadership terms are established to maintain energy and promote infusion of new ideas.

¹¹ Two sets of minutes missing in 2002.

¹² One set of minutes missing in 2003.

7. Providing CPVAW information in Spanish is a valuable service to an important segment of survivors.
8. Receiving updates on case dispositions from the District Attorney's Office would allow for better statistical collection and a more complete understanding of domestic violence and sexual assault in the City of Santa Cruz.
9. Both SCPD and CPVAW agree that there is an increase in rape and sexual assault in the City of Santa Cruz. The first step in any action plan to address this problem would be to obtain hard evidence on the reason for the increase.
10. The Santa Cruz City Council does not have the authority to compel county, law enforcement, and school officials to participate in a task force on rape and sexual assault.

DVC Conclusions

11. The DVC membership is concerned about the structure and goals of the commission and has taken preliminary steps in identifying its problems.
12. The Domestic Violence Commission Annual Report to the Community provides Santa Cruz County with valuable information about the trends in domestic violence reporting, services of local providers, and responses of law enforcement.
13. Translating the Domestic Violence Commission Annual Report to the Community into Spanish would increase its readership in an important constituency.
14. Because the DVC has no budget for publishing its annual report, valuable volunteer time is lost by having to solicit funds.
15. The DVC's mandated responsibilities are not routinely addressed. DVC meetings with the required quorum are not frequent enough to conduct the work of the commission. Comparison of concerns stated at the two DVC Retreats (2002 and 2006) shows that these issues have not been adequately addressed. Evaluating Batterers' Intervention Programs has been a DVC goal for several years.
16. The DVC violates its own bylaws by not meeting on a monthly basis and not meeting in Watsonville.
17. Since 2004, attendance and interest have decreased with the reduction in number of meetings per year. Due to the reduction in number of meetings, the DVC is unable to accomplish its stated goals in depth.
18. Information on DVC activities and organization are not readily available to the public.
19. DVC membership terms are long and can be for extended periods of time leading to disinterest and lack of participation. Vacancies leave the DVC without representation in key areas.

20. A term of one year as DVC chair is not sufficient for the chair to gain experience and to allow for established goals to be implemented.
21. Opportunities for networking are not exploited at DVC meetings.
22. Without hundreds of hours of volunteer work, advisory groups in Santa Cruz County would not exist.

CPVAW Recommendations

1. CPVAW should address issues of domestic violence so that efforts are equal to those expended on sexual assault.
2. CPVAW volunteers are to be commended for their dedication and accomplishments in increasing awareness of domestic violence and sexual assault in the City of Santa Cruz.
3. CPVAW should continue to serve the City of Santa Cruz and its citizens by maintaining all current programs and by publicizing the activities of CPVAW in a timely and organized manner.
4. CPVAW is to be commended for providing information on domestic violence in Spanish.
5. CPVAW should continue to conduct ongoing education about the Safe Place Network with downtown business employees.
6. The District Attorney's Office should report sexual assault and domestic violence case dispositions to CPVAW and DVC regularly rather than requiring a request.
7. The 2006-2007 Grand Jury should consider investigating the crime of rape and sexual assault in Santa Cruz County.

DVC Recommendations

8. DVC volunteers are to be commended for recognizing problems with commission function and organization and taking preliminary steps to remedy them.
9. The DVC should establish clear and focused goals and strategies at the beginning of each year and submit them to the Board of Supervisors annually. These goals and objectives should be published on the DVC web site.
10. The Board of Supervisors should hold established commissions responsible for achieving goals and objectives and for following their bylaws.
11. The DVC should post the annual report to the Board of Supervisors on the county web site along with goals, agendas, and minutes. The DVC should base its annual report to the Board of Supervisors on the achievement of previously stated goals. The web site should be updated with these items in a timely manner.

12. The DVC should continue to publish the annual Domestic Violence Commission Report to the Community. The 2005-2006 Grand Jury Final Report is a beginning step in evaluating batterers' intervention programs. The DVC can build on this research to evaluate batterer accountability throughout the legal system. In addition, the report should identify cities making felony and misdemeanor arrests as does the 2003 report rather than just giving totals for the county.
13. The Board of Supervisors should guarantee funding for the annual DVC report to the community.
14. Domestic violence advisory groups should make sure their literature is in both Spanish and English.
15. Individual members of the DVC should insist on compliance with bylaws concerning monthly meetings and attendance. With established goals and productivity as the highest concern, bylaws could be amended if necessary.
16. The DVC should consider changing its bylaws to shorten and stagger terms of office to infuse the DVC with fresh ideas and energy.
17. The DVC should consider re-establishing an executive committee and identifying these members on the DVC web site. It should also consider increasing the number of officers to share responsibilities.
18. The DVC should fill its vacancies and remedy the attendance problem.
19. The DVC should consider amending its bylaws to increase the chair's term of office.
20. The DVC should develop an orientation process for new members.
21. The DVC should require each member to give an annual presentation on the organization he or she represents to update the commission as a whole.
22. Individual members of the DVC should take full advantage of networking opportunities to collaborate, problem solve, and determine whether unaddressed needs of survivors exist.
23. The DVC should include information about its subcommittees on the county web site. It should also include progress reports on projects.
24. DVC volunteers are to be commended for increasing awareness of domestic violence in Santa Cruz County.

Responses required

Entities	Findings	Recommendations	Respond Within
Santa Cruz County Board of Supervisors	17 - 18, 23 - 26	10 - 13	60 Days (September 1, 2006)
Santa Cruz City Council	4, 7, 11 - 13	1 - 5	60 Days (September 1, 2006)
Santa Cruz County Domestic Violence Commission	15, 18 - 30	8 - 9, 11 - 12, 14 - 24	90 Days (October 1, 2006)
Santa Cruz City Commission for the Prevention of Violence Against Women	4, 7, 11 - 13	1 - 5	90 Days (October 1, 2006)
District Attorney's Office	10	6	60 Days (September 1, 2006)

Shallow Pockets, Deep Needs: Funding

An appropriate quote from the Community Foundation of Santa Cruz County's recent 2005 Nonprofit Landscape Study offers a reflective thought in regard to funding of service providers, in general, and for the purposes of this report, to domestic violence service providers. "Providing nonprofits with the technical, financial and volunteer support necessary to help them thrive is ultimately in the best interest of all Santa Cruz County residents."¹³

Background

Organizations providing services related to domestic violence are funded through federal, state, and local grants, private donors, and charitable distributions. Of all the service providing agencies related to domestic violence that were reviewed by the Santa Cruz County Grand Jury, most were among the nonprofit sector, two were for profit, and one was self-sustaining with little or no funds.

The Santa Cruz County Human Resource Agency (HRA) subcontracts with at least sixty Health and Human Services nonprofits to provide a wide range of social services within the county. The Health Services Agency (HSA) funds health-related nonprofits that provide drug and alcohol abuse programs. Funding for these agencies comes from county, federal, and state funding sources. Additional monies from a fee on marriage licenses and from the Probation Department are allocated to domestic violence-related programs in the county. At present, no single-source document identifies the total funding of nonprofits in the county by service provider, the granting agency that allocates funds to their organization, and the mix of public and private monies from various sources. Contracts with nonprofits totaled over six million dollars in fiscal year 2004-2005.¹⁴ Because there is no single-source document, the Grand Jury was unable to determine the percentage of funds specifically allocated to domestic violence service providers. Decisions to allocate county funds are made by the Board of Supervisors and are based on recommendations of budget analysts, department directors, and oversight boards. In this time of budget constraints, legitimate concerns are raised regarding the cost of duplicated services and administrative costs. The recent administrative consolidation (1999) and subsequent merger (2005) of Defensa de Mujeres and Women's Crisis Support provides an example of potential budget efficiency (economy of scale).

"In contrast to other California counties that have experienced a slow down in nonprofit growth, [the number of] Santa Cruz County nonprofits have continued to grow by forty-

¹³The Community Foundation of Santa Cruz County, 2005 Santa Cruz County Nonprofit Landscape Study.

¹⁴The Community Foundation of Santa Cruz County, 2005 Santa Cruz County Nonprofit Landscape Study.

five percent in the last fifteen years; fifteen percent in the last five years.”¹⁵
Consequently, those making funding allocation decisions must consider many more organizations than previously.

The nonprofit funding environment is limited and competitive in Santa Cruz County. Currently, only two local charitable organizations, the United Way and the Community Foundation of Santa Cruz County, fund the growth or creative projects, such as a pilot project or new materials, of domestic violence service providers beyond their established funding base. Contributions from local charities and individual contributions represent a minimal percentage of an organization’s total operating budget. Consequently, reliance on federal, state, and local funding sources becomes central to maintaining a core operational budget.¹⁶

With salaries often higher for comparable positions in nearby larger cities, many organizations rely on the passion and compassion of individuals dedicated to a particular cause. Based on a recent study of nonprofits in Santa Cruz County by the Community Foundation of Santa Cruz County, “one-third of nonprofits operate with an annual budget of less than \$50,000; half with two or fewer staff members, and nearly one-third rely on an all volunteer workforce.”¹⁷

Establishing a diverse funding base through fund raising, grant writing, and development of marketing and solicitation materials requires staff, time, energy, and specific skill sets. The Grand Jury has deduced that young organizations with less staff, visibility, and minimal strategic short- and long-term goals often flounder and struggle for years before becoming established or disappearing altogether. One such organization, offering a unique service, ceased operation within the past year. The majority of organizations reviewed in this report relies heavily on volunteers within the community to support and implement organizational goals.

Core funding of nonprofit organizations related to domestic violence is established through federal and state grants, service contracts with local government, and private donations. Additional monies could be obtained from two local charitable, funding organizations, the United Way of Santa Cruz County and the Community Foundation of Santa Cruz County. An assessment of these sources follows.

United Way Findings

1. The Executive Director of United Way has held the position for fourteen years. The organizational structure includes a board of trustees and decision-making committees. A mission statement exists and a recently adopted Fund Distribution Plan document details the process for funding.

¹⁵The Community Foundation of Santa Cruz County, 2005 Santa Cruz County Nonprofit Landscape Study.

¹⁶The Community Foundation of Santa Cruz County, 2005 Santa Cruz County Nonprofit Landscape Study.

¹⁷The Community Foundation of Santa Cruz County, 2005 Santa Cruz County Nonprofit Landscape Study.

2. United Way has sixteen staff members, half of whom are First Five employees. United Way also staffs the Children's Network.
3. United Way raises approximately \$1.3 million per year through local agencies, employers, businesses, and corporate and private donors.
4. Consideration for initial funding by United Way must meet criteria in one of five funding areas: Youth, Disabled, Homeless Families, Healthy Families, and Elders.
5. In addition to the established funding areas, three United Way initiatives currently underway are: Go for Health, Together for Youth, and Success by Six.
6. An extensive application for funding by United Way must be submitted. The application process is coordinated by the Human Resource Agency and can be shared with and utilized by other city and county funding sources.
7. The United Way currently funds thirty-three organizations, each for a three-year cycle.
8. The Walnut Avenue Women's Center Support Groups have been funded by United Way for the past three years.
9. A designated United Way committee determines if funding for an agency will be renewed for an additional three-year cycle.
10. Individual donors can designate monies to the United Way general fund, to one of the thirty-three agencies selected for funding, or to any other agency in the community.
11. A scheduled one-hour, on-site evaluation of United Way-funded agencies occurs each year by an evaluation team. The evaluation team consists of one United Way employee and three or four volunteer community members who have received a two-hour training. The evaluation form used by the team is thorough in scope. Some volunteer evaluators have served for many years.
12. United Way plays a directive and contributory role in the development and annual distribution of the Community Assessment Project (CAP). The CAP has been produced for eleven years and provides access to trended data related to many social issues of concern to various members of the community.

Community Foundation of Santa Cruz County Findings

13. The Community Foundation of Santa Cruz County was established in 1982. The current Executive Director has been in the position for ten years. An eighteen-member volunteer board of directors actively guides a staff of 9.3 employees all of whom have nonprofit experience.
14. The Community Foundation recently participated in a study of time/cost analysis to streamline its operations and guide strategic planning.

2005-2006 Santa Cruz County Grand Jury Final Report

15. Web site and marketing materials for Community Foundation are current and thorough.
16. The Community Foundation of Santa Cruz County funds nonprofit organizations or agencies designated by donors.
17. The range of total funds distributed annually by Community Foundation is \$500,000 - \$4,000,000 depending on monies earned, raised, or received that year.
18. Annual distributions by Community Foundation for all selected competitive grants range from \$500,000 - \$770,000.
19. Funding sources for the Community Foundation include investments, donors, partnerships, and fundraising.
20. The Community Foundation maintains seven fields of interest in which to receive and disburse monies: Arts and Humanities, Community Development, Education, Environment, Health, Historic Preservation, and Human Services.
21. Funds are disbursed by Community Foundation to local nonprofits based on grant application or donor-advised funds.
22. Community Foundation funding for 2003 to domestic violence-related service providers included Walnut Avenue Women's Center, Women's Crisis Support-Defensa de Mujeres, and Familia Center.
23. Community Foundation funding for 2004 and 2005 to domestic violence-related service providers included Walnut Avenue Women's Center, Defensa de Mujeres, and Women's Crisis Support.
24. There is an annual competitive application process for Community Foundation grant funds.
25. After receiving grant funds from the Community Foundation, an agency must wait for three years before submitting another grant application. However, some agencies receive annual distributions from donor-advised funds.
26. Community Foundation staff evaluate the expenditure of distributed funds through site visits and mid-term and final reports. On occasion, site visits are made prior to funding.
27. Other programs and services of benefit to the community offered through the Community Foundation include:
 - management training workshops;
 - grant application workshops;
 - a CD-ROM data base of other funding foundations;
 - a board match program to assist nonprofits in finding board members;
 - estate planning; and

- a list of nonprofits and their purposes to assist donors in making their contribution decision.
28. The Community Foundation underwrote a study of local nonprofits in 1999 and 2005 to assess the local nonprofit landscape.
 29. There is no single-source document that identifies the budgets of domestic violence-related agencies in Santa Cruz County.
 30. Representatives of the United Way and Community Foundation of Santa Cruz County expressed concern regarding the duplication of services within the county and subsequent duplicated administrative costs.

Conclusions

1. Leadership in both organizations is stable.
2. Both organizations are well entrenched within the community, are efficiently run, and provide valuable services to the community.
3. Both organizations maintain a degree of transparency with information readily available through current web site access, printed materials, and media exposure.
4. Many grass roots service agencies in the county rely on yearly funding from United Way. However, it is difficult for a new organization to become one of the thirty-three organizations selected for annual funding.
5. Since funding by United Way is for a three-year cycle, it is important that evaluations yield accurate information. Scheduled one-hour site evaluations may not provide an accurate assessment.
6. The Community Foundation provides an important source of financial assistance to local, stable, 501(c) 3 nonprofits seeking funds for specific projects. It is difficult for young organizations or established non-501 (c) 3 agencies that have no funding source, such as Battered Women's Task Force, to receive small grant consideration.
7. The United Way produces the annual Community Assessment Project (CAP) that provides a broad range of trended and comparative data for the community. In relation to this Grand Jury report, the areas of crime and domestic violence are of import. It is a valuable resource for county organizations and residents.
8. The 2005 Santa Cruz County Nonprofit Landscape study underwritten by the Community Foundation is a valuable point-in-time resource that serves the community.
9. The broad variety of programs and projects offered by the Community Foundation reflects its philanthropic goal of outreach to the community.
10. An overall picture of domestic violence-related funding in a single-source funding document would be useful to the DVC in meeting its goals.

11. In an environment of continuing countywide budget constraints, and the continuing growth in the numbers of nonprofits, a study of duplicated services and administrative costs by nonprofit agencies within the county has not occurred. Representatives from the United Way and the Community Foundation would be likely leaders to initiate and/or participate in such a study.

Recommendations

1. The Grand Jury commends the United Way for fulfilling its purpose, for its organization and transparency, and the annual production of the Community Assessment Project and strongly recommends that it maintain its role in this project.
2. The Grand Jury commends the Community Foundation of Santa Cruz County for its organization, transparency, and its broad range of services provided to the nonprofit sector and recommends that it maintain all services.
3. The United Way should consider periodic, spontaneous, rather than scheduled, evaluative site visits.
4. The United Way should consider a small funding category for new or young organizations that provide unique services.
5. The Community Foundation may want to consider a trial program wherein a selected, young (less than four years old) nonprofit, offering a unique service, or an established, productive but unfunded agency could be assisted financially and managerially for a selected period of time.
6. Representatives from both organizations should be active participants in future county-wide discussions on the collaborative efforts of nonprofits and the impact of duplicated services and costs.
7. The DVC should collect budgetary information on direct service providers and Batterers' Intervention Programs to get an overall picture of funding.

Responses requested, but not required

Entity	Findings	Recommendations	Respond Within
United Way	9, 11, 30	1, 3, 4, 6	90 Days (October 1, 2006)
Community Foundation of Santa Cruz County	20, 24, 30	2, 5, 6	90 days (October 1, 2006)

Responses required

Entity	Findings	Recommendations	Respond Within
Domestic Violence Commission of Santa Cruz County	29	7	90 Days (October 1, 2006)

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A Trusted Hand When Needed: Direct Services to Survivors

Background

Two primary nonprofit organizations, Women's Crisis Support-Defensa de Mujeres and Walnut Avenue Women's Center, provide a variety of services and programs that enable female victims to address their life situations and, eventually, to rebuild their lives. A third organization that provides direct services to women is the Battered Women's Task Force (BWTF). It is housed within the Walnut Avenue Women's Center. A fourth organization, Familia Center, offers services to low-income families. One additional organization, Family Matters, offered services to male victims, but ceased operation within the past year.

Women's Crisis Support (WCS) was established in 1977 in Santa Cruz. Defensa de Mujeres (DdM) was established in Watsonville in 1990. The two organizations were administratively consolidated in 1999 and officially merged in 2005. Four facilities exist under the umbrella of WCS-DdM: an administrative office in Watsonville, a service provider center in Watsonville, a service provider center in the City of Santa Cruz, and an emergency shelter located within the county. The organization owns the administrative building, the service center in Watsonville, and the shelter. The service center located in the City of Santa Cruz is leased. WCS-DdM has a ten-member board of directors currently working on a five-year strategic plan. Operational bylaws are in existence. The Executive Director has been in the position for nine years. There are approximately thirty-nine staff members, all of whom are bilingual. A newsletter, N.E.W.S. (Networking to Ensure Women's Safety), is published quarterly. Several other brochures and flyers list pertinent information about the organization and the services provided. All services are available in English and Spanish. Services include:

- emergency shelter for women and their children
- telephone and in-person individual crisis support
- legal assistance with document preparation
- individual and group support and counseling
- court advocacy
- victim advocate with Sexual Assault Response Team
- neighborhood outreach
- parenting classes

2005-2006 Santa Cruz County Grand Jury Final Report

- workshops for families
- self-defense classes for adult and teen women
- state-mandated domestic violence training for employees and volunteers
- victim advocate training
- community presentations
- training for law enforcement agencies
- healthy families program
- children's and teen's support groups

Approximately 1,700 clients were provided domestic violence-related services in the year 2004-2005. The most frequently used services were: advocacy, peer counseling, crisis intervention, and legal services. Services were utilized by all ethnicities. In 2005, WCS-DdM provided emergency shelter to fifty-six women and sixty-eight children. Length of stay ranged from one to ninety-one days with an average of twenty-four days. Total bed nights provided were 2,972. The Client Satisfaction Survey, conducted by Applied Survey Research in 2002-2003, reflected quite favorably on the organization. Large numbers of volunteers support the organization.

The Walnut Avenue Women's Center (WAWC) is located in the City of Santa Cruz. It was established seventy years ago as part of the YWCA. It later became independent and assumed its present name. The center owns the building in which it is located. The WAWC currently has an eight-member board of directors that meets monthly. The board operates under established bylaws. The Executive Director has been in the position for thirteen years. Seventy-five percent of the WAWC's thirty-eight employees are bilingual. The WAWC is considered a family resource center and offers a variety of programs including:

- childcare centers
- a family literacy program
- youth programs
- a domestic violence program
- teen mom program
- mentoring program for youth
- parenting classes
- SAFE Connections for Kids (a supervised child visitation program)

WAWC has a satellite presence in Live Oak and at Santa Cruz High School. The center does not have a shelter but collaborates with the WCS-DdM shelter and can provide safe

houses for those in need. Nearly fifty percent of clients served in the domestic violence program are Latina. Ninety percent of those in the Literacy Program and sixty percent of those in the childcare program are Latina. There is a large number of volunteers who serve the center. Services are free unless the ability to pay on a sliding scale is established. WAWC served approximately 1,900 clients seeking domestic violence services in 2005.

Both WCS-DdM and WAWC receive funding through federal, state, and county funding streams. Federal and state funding sources include the Office of Emergency Services and the Department of Health Services – Domestic Violence Division. County funding is administered through the Health Services Agency and the Human Resource Agency. In addition, cities within the county contribute annually to operational budgets. Federal, state, and county funding varies from year-to-year with the political and economic climate. Both organizations receive monies from the United Way and the Community Foundation of Santa Cruz County. Funds from other foundations are sought and received. It is common for one organization to have six or more funding sources. Each source must be tracked, and the organization must be available for audits and site visits by the funding agency. The instability of funding necessitates fundraising activities each year. Although time-consuming, grant writing is a common and necessary endeavor to procure funds for on-going programs and special projects.

The Battered Women's Task Force (BWTF) has been in existence for over fifteen years. It is a collective of ten to fifteen facilitators who provide support to battered women through weekly support group meetings. The meetings are conducted at the WAWC. Those attending the groups are referred to as *survivors* and are assisted through three levels of self-development to process their experiences and strengthen their decision-making for the future. Meetings are confidential and serve to facilitate the *healing process*. Drop-ins are welcome. Grocery supplies from Second Harvest Food Bank are often distributed at the end of meetings. The BWTF has no consistent funding source but may receive small amounts of money from time-to-time through grants. Monies obtained through grants are used to produce materials for the survivors and to increase public awareness. The BWTF has produced an excellent resource book for participants, however, it is currently available only in English.

The Grand Jury developed an open-ended questionnaire in English and Spanish to solicit survivor input. The questionnaires were distributed to facilitators in areas where support groups or shelters were located. The intent was to provide a voice to survivors and to gather information from survivors about problematic areas encountered within the system. Respondents overwhelmingly indicated their appreciation for the centers that offered them services. Respondents from shelters expressed gratitude for having a safe and supportive environment in which to begin healing and to take positive steps. With childcare services offered, the opportunity to attend a support group without the responsibilities of childcare promoted attendance and participation at the service centers. Survivors viewed support groups as a lifeline to continued growth. Legal assistance and

court advocacy were reported to strengthen their resolve and facilitate personal progress. Other amenities such as food distribution, social service and health referrals, and clothing distribution were also appreciated. Frustrations included the large number of agencies to be contacted by survivors to access needed assistance. The lack of transportation was reported to hamper the ability to access assistance, seek employment, access health care, and provide for the welfare of children. Personal frustrations centered around living with fear for personal safety, perceived indifferent response by female police officers, the unknown, and the emotional rollercoaster of deciding to start anew.

Familia Center is a nonprofit organization that was started in 1983 as a satellite clinic of the Women's Health Center in the Beach Flats area. After closing for one year, it reopened in 1993 in the City of Santa Cruz as a health services agency education center. The center has a board of directors and is in the process of purchasing its building. Criteria for employment at Familia Center includes the ability to read, write, and speak English. The eight current employees are bilingual. Familia Center's primary purpose is to provide services to low-income people within the community. Familia Center is part of the Healthy Kids Program through First Five. The center's day care program serves twenty to twenty-five children each day. Additional drop-ins are also welcome. Court referrals to Familia Center are few and are primarily from Child Protective Services and police agencies. The center offers five, six-week parenting classes each year throughout the county. One of the classes is conducted at WAWC. The parenting classes are free. When appropriate, referrals are made to Defensa de Mujeres for shelter services. Other services provided by Familia Center include:

- advocacy and support
- assistance with health insurance enrollment
- a home visitor program to assist families with referrals
- assistance with translation in completing applications and forms
- a school readiness program for children ages three to five
- food and clothing distribution
- educational workshops including computer use for beginners, ESL, diabetes education and nutrition, and vegetarian cooking
- youth enrichment programs include the homework club, teen homework lab, fun Friday, and summer fun

The average number of clients served on a monthly basis is 285. Unduplicated contacts for the year 2004-2005 were 1,626. Eighty-one percent of all clients are Latino and two-thirds of those receiving services are female. Seventy-three percent of all clients receiving services are monolingual Spanish. Ninety-two percent are considered to be in a very low-income bracket despite a majority being employed. The services most utilized were food and clothing assistance. Familia Center coordinates with a large number of other nonprofit organizations within the county. All materials are in English and Spanish.

Funding for Familia Center is from a diverse funding stream that includes federal pass-through monies, state grants, foundation and endowment funds, First Five funds, private donors, and the Community Foundation of Santa Cruz County. Client satisfaction surveys conducted in 2004 and 2005 revealed a strong level of trust with staff at the center.

Family Matters was started in Scotts Valley in 2001 as a nonprofit organization to provide services related to domestic violence. It ceased operation in December 2005. All five staff members were volunteers. The Executive Officer and the Administrative Assistant were bilingual, but only the Executive Officer could translate in confidential settings. Five brochures, available only in English, addressed specific topics. Services provided by Family Matters included crisis intervention for males and females, assistance with legal documents, court advocacy, referrals, and educational outreach. Funding was through small grants and charitable donations. With the exception of one filing fee, services were free. During 2005, focus was on male victims. Although the outreach was unique, law enforcement agencies within the county relate that less than ten percent of domestic violence cases involve the male as victim. It is possible that male victims do not report as readily. Nonetheless, this agency may have remained viable if it had collaborated with other existing agencies to offer services under their name, as does BWTF, or if sufficient funding or assistance for start-up agencies existed within the county. Without paid staff, it is difficult to develop the stability (organizational structure, mission and goal statements, strategic plans, and evaluative measures) required for funding by most organizations.

Women's Crisis Support-Defensa de Mujeres Findings

1. The Women's Crisis Support and Defensa de Mujeres are one organization.
2. WCS-DdM has a board of directors, established bylaws, and an Executive Director who has been in the position for nine years.
3. WCS-DdM is transparent in its operations. All materials requested by the Grand Jury were promptly submitted and indicated an efficient level of organization and tracking of data.
4. The Women's Crisis Support service center is located in the City of Santa Cruz and offers individual and group counseling to women who have experienced domestic violence or sexual assault.
5. The DdM service center is located in Watsonville and offers individual and group counseling to women who have experienced domestic violence or sexual assault.
6. WCS-DdM offers a wide variety of programs in English and Spanish that serve women, teens, and families.

2005-2006 Santa Cruz County Grand Jury Final Report

7. WCS-DdM provides the sixty-hour, state-mandated training for those planning to work or volunteer in the field of domestic violence. Two training sessions are conducted each year. Approximately thirty-six to forty persons were trained in 2005.
8. Over 1,700 women received support through WCS-DdM in the past year. Additional services were provided to families and those in parenting and self-defense classes.
9. A fifteen-bed emergency shelter exists within the county and is operated by WCS-DdM. The shelter provided bed space to fifty-six women and sixty-eight children in 2005. Total bed nights was 2,972.
10. WCS-DdM trains and is the sole source within the county for Victim Advocates who function as part of the Sexual Assault Response Team. There are over fifty trained Victim Advocates with at least three people on call at all times. All employees of WCS-DdM are advocate trained and can function in the role of Victim Advocate.
11. Information regarding WCS-DdM is available to the public through brochures, flyers, a quarterly newsletter, and its web site www.wcs-ddm.org.
12. WCS-DdM partners with the Commission for Prevention of Violence Against Women (CPVAW) to offer the Safe Place Network among downtown Santa Cruz businesses.
13. The Executive Director of WCS-DdM holds a commissioner seat on the Domestic Violence Commission, has a moderate attendance record, and actively participates in meetings attended.

Walnut Avenue Women's Center Findings

14. The Walnut Avenue Women's Center (WAWC) is located in the City of Santa Cruz.
15. WAWC has an established board of directors, established bylaws, and an Executive Director who has been in the position for thirteen years.
16. WAWC is a family resource center that offers programs for children, families, and women with issues related to domestic violence.
17. Seventy-five percent of the employees at WAWC are bilingual.
18. WAWC operates three childcare centers. There is a waiting list for childcare. One of the childcare programs is for newborns of teen moms, and another is for toddlers of teen moms.
19. WAWC provides for the presence of a victim advocate within the Santa Cruz County Court building to facilitate immediate assistance in completing legal forms and to explain other court processes. Judges are aware of the advocates' presence and are able to make immediate referrals.

20. WAWC partners with the Commission for Prevention of Violence Against Women (CPVAW) to address sexual assault issues in the workplace. CPVAW supplies a video, and WAWC sends an advocate to speak and answer questions on the topic.
21. The Executive Director of WAWC holds a commissioner seat on the Domestic Violence Commission and has attended and participated sporadically over the past several years.
22. Both WCS-DdM and WAWC have a large number of volunteers. Many volunteers were previously victims of abuse. It is reported that they volunteer to express their belief in, and appreciation for, the support they received.
23. Funding for WCS-DdM and WAWC comes from federal, state, county, and city sources. Additional monies are received from foundations, grants, and private donors. Each source requires tracking, audits, and possible site visits.

Battered Women's Task Force Findings

24. The Battered Women's Task Force (BWTF) has been in existence for over fifteen years and is located within the Walnut Avenue Women's Center in the City of Santa Cruz.
25. The purpose of the BWTF is to provide support to women who have been abused and to facilitate their *healing process*.
26. BWTF has no consistent funding source.
27. Survivors in support groups at BWTF, surveyed by the Grand Jury, confirm the importance of being able to attend the group sessions.
28. The brochure produced by the BWTF deals thoroughly with the subject of domestic abuse and serves as a resource to participants.
29. The BWTF brochure is only available in English.
30. The director of the BWTF holds an approved commissioner seat on the DVC and has an excellent record of attendance over the past several years.

Survivor Survey Findings

31. Childcare is provided during all support group sessions at WCS-DdM, WAWC, and BWTF.
32. Survivors, surveyed by the Grand Jury, express gratitude for the services offered through WCS-DdM, WAWC, and BWTF.
33. Survivors, surveyed by the Grand Jury, express frustration about negotiating the myriad number of contacts necessary to secure assistance in rebuilding their lives.

Some of their frustrations related to perceived indifference shown by female police officers during the initial contact.

Familia Center Findings

34. Familia Center was established in 1983 and is located in the City of Santa Cruz.
35. Familia Center serves low-income families and offers a broad array of programs for children, teens, parents, and adults.
36. All staff at Familia Center are bilingual but are not trained in the state-mandated domestic violence curriculum.
37. There is no domestic violence screening tool as part of the initial application for services at Familia Center.
38. Clients receiving services from Familia Center are predominantly Latino, female, low-income, and monolingual Spanish. The majority of clients is employed.
39. Customer service surveys conducted by Familia Center over the past three years consistently indicate a strong level of trust in staff.
40. Parenting classes are offered throughout the county by Familia Center and are attended primarily by women. One of the classes is conducted at the WAWC site. Parenting classes include information on domestic violence and alcohol abuse during the last class session.

Conclusions

1. Women's Crisis Support-Defensa de Mujeres is a well established, well organized agency that provides a broad array of domestic violence-related services to the community. The public can readily obtain information about WCS-DdM through their outreach materials.
2. The state-mandated training programs conducted by WCS-DdM for volunteers and potential domestic violence-related employees support employment in the field.
3. Programs conducted by WCS-DdM to train Victim Advocates provide knowledgeable participants in the S.A.R.T. process and ensure an adequate supply of advocates.
4. The emergency shelter and safe houses located within the county serve their intended purpose.
5. Sensitivity to demographics through employment of bilingual personnel, and the availability of agency materials in English and Spanish, demonstrate an inclusive outreach to members of the community seeking domestic violence-related services.
6. Individual and group counseling and support services offered by WCS-DdM, WAWC, and BWTF are well attended and valued by participants.

7. The provision of supervised childcare at service centers promotes attendance at support groups.
8. WAWC is an established, organized agency that has provided services for seventy years. Currently, it serves as a family resource center offering services to children, parents, teens, and victims of domestic violence.
9. Court advocacy provided by WAWC helps to decrease confusion and stress within victims and contributes to time efficiency within the court system.
10. A great deal of time is spent at each organization securing funds, writing grants, tracking expenditures, writing reports, and preparing for audits and site visits. The efforts are duplicated at each entity and for each funding source.
11. The BWTF has a fifteen-year history of providing confidential support in a peer setting that is valued by its participants.
12. With no funding source, BWTF is limited in its production of materials.
13. Survivors are currently dependent on counselors and/or facilitators to express their concerns, frustrations, and needs. Counselors and/or facilitators may or may not be able to advocate for or have access to other appropriate agencies.
14. Representatives of WCS-DdM, WAWC, and BWTF are approved commissioners on the DVC. As providers of direct services to those experiencing domestic violence, their attendance and participation is vital in assisting other DVC commissioners to meet the mandated goals.
15. Familia Center is an established, well organized agency that provides a broad array of services for low-income families.
16. As an agency trusted by its clients, Familia Center could serve as a referring agency to those needing domestic violence-related services. With no employee training or intake screening tool, an opportunity to screen applicants for domestic violence concerns is missing. Without such a tool, employees may not readily recognize the need for a domestic violence-related referral.
17. Parenting classes and childcare centers, provided by Familia Center, are well attended and are strategically located to appeal to clients considering or receiving other domestic violence-related services.
18. Offering related services (such as parenting classes) within other established agencies promotes utilization of services, efficient use of space, and is cost-effective by reducing overhead costs.
19. The organizations providing direct services to victims of domestic violence rely on volunteers to assist with accomplishing their goals.

20. WCS-DdM, WAWC, BWTF, and Familia Center have a history of collaborating with other community agencies to accomplish their goals and may partner with a specific agency for focused projects.
21. It would serve the community if WCS-DdM, WAWC, BWTF, and Familia Center met several times each year to share program offerings, assess programs, discuss potential collaborations, and determine duplicative efforts and costs.

Recommendations

1. The Grand Jury commends WCS-DdM for their organization, responsiveness, transparency, collaboration with other agencies, and the variety and quality of services offered.
2. The Grand Jury commends WAWC for the variety of services they provide for children, teens, families, and victims of domestic violence, especially court advocacy, and for their collaboration with other agencies.
3. The duplicated efforts of WCS-DdM and WAWC in grant and report writing, as well as fundraising, should be assessed. Creative solutions to reduce time and effort expended by the Executive Directors in these activities should be sought. (An example of such efforts might be a shared position for grant writing or fundraising).
4. The Grand Jury commends BWTF for its long-standing history of volunteerism and its front-line service to survivors.
5. The BWTF should seek small grant funding to provide materials in English and Spanish for participants and for public outreach efforts.
6. Representatives from WCS-DdM, WAWC, and BWTF, who serve as commissioners on the Domestic Violence Commission, should attend monthly meetings regularly, serve as proactive members, and ensure compliance of the commission with stated bylaws.
7. A system should be developed wherein survivors can express their thoughts and frustrations at strategic points in time within the healing process. The input should be collected by group facilitators, forwarded to a representative DVC commissioner, and discussed at DVC meetings.
8. The Grand Jury commends Familia Center for its vast outreach to low-income members of the community and the wide variety of services offered.
9. Familia Center should collaborate with WCS-DdM for domestic violence training for its employees so they may readily recognize a need for referral.
10. As a trusted agency within the community, Familia Center should incorporate a domestic violence screening tool with its intake application for services in order to recognize and refer clients as early as possible to appropriate agencies.

11. The Grand Jury commends the many volunteers of Santa Cruz County who assist domestic violence-related agencies in meeting their goals.
12. The Grand Jury recommends that WCS-DdM, WAWC, BWTF, and Familia Center meet at least twice each year to share program information, discuss program utilization, address common concerns, discuss potential collaboration projects, and assess duplicated efforts and cost.

Responses requested but not required

<i>Entity</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within</i>
Women’s Crisis Support – Defensa de Mujeres	13, 23, 32-33	1, 3, 6-7, 12	90 days (October 1, 2006)
Walnut Avenue Women’s Center	21, 23, 32-33,	2 - 3, 6 - 7, 12	90 days (October 1, 2006)
Battered Women’s Task Force	26 - 30, 33	4 - 7, 12	90 days (October 1, 2006)
Familia Center	36 - 37, 39 - 40	8 - 10, 12	90 days (October 1, 2006)

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A Painful Secret: Sexual Assault Response Team

Background

The recently released Commission for Prevention of Violence Against Women (CPVAW) twenty-year study of sexual assault in the City of Santa Cruz and the eleventh annual report by the Community Assessment Project indicate an increase in the number of sexual assaults and rapes in the county.¹⁸ It is unknown what percentage of sexual assault or rape is a component of the broader picture of domestic violence. Specific data linking the two is not reported by any agency. A Sexual Assault Response Team (S.A.R.T.) exists within the county and is composed of a peace officer from the jurisdictional agency, a sexual assault nurse examiner (S.A.N.E.), and a Victim Advocate. The Santa Cruz County Sheriff's Office monitors the budget and implementation of the S.A.R.T. process. Funding for the program is on a pro rata basis from each of four police departments and the Sheriff's Office. In addition, Dominican Hospital and the University of California Santa Cruz contribute annually to the S.A.N.E. budget.

Three registered nurses, with specific training in sexual assault forensic evidence collection and certification in pediatrics, share S.A.N.E. responsibilities within the county. Designated sexual assault examination rooms are maintained by the S.A.N.E. in the Emergency Departments of Dominican Hospital and Watsonville Hospital. When a sexual assault is reported, a peace officer is dispatched to the scene. Once an evaluation has been made by a responding officer or deputy, a sexual assault examination may be authorized by law enforcement. Initially, the S.A.N.E. is notified by dispatch or a peace officer. Response must be within one hour. The evaluation and decision by law enforcement to proceed with an examination begins the S.A.R.T. process. An advocate for the victim is notified by dispatch or the nurse examiner. Victim Advocates have received specific training to provide support to victims of sexual assault and are on-call through Women's Crisis Support-Defensa de Mujeres.

Evidence is collected only with the consent of the victim, and only if a police report is filed. The law enforcement officer makes the determination if a crime has been committed and may file a report regardless of victim consent. Under these protocols, a victim of sexual assault has the right to refuse the collection of evidence and may do so for a variety of reasons including fear of retaliation from an alleged suspect. A victim also has the right to withhold cooperation in a criminal investigation once evidence has been collected. If a police report is filed and evidence is collected, reports are forwarded to the District Attorney's Office for evaluation. As a result, certain time and material

¹⁸ See tables in Appendix B.

2005-2006 Santa Cruz County Grand Jury Final Report

costs are incurred, regardless of whether the victim recants, is making a false claim, or wishes to proceed. If a police report is not filed, California State Law still requires a mandatory report (Mandatory Report of Injury – Penal Code § 11160).

In contrast to Santa Cruz County protocol, San Francisco County protocol allows victims of sexual assault to determine if they want police involvement prior to examination at the hospital, after examination, or not at all. This allows the control and decision-making to remain with the victim rather than with an outside agent. If police involvement is not desired, evidence is collected, the examination is performed, and a report is telephoned or mailed to the San Francisco Police Department, Domestic Violence Unit in compliance with California State Law, Mandatory Report of Injury. Mandatory reporting does not generate an official police report and does not result in police action unless the victim makes a direct request to a police department. Although mandatory reporting by a health care worker does not require consent of the victim, it is customary for the health care worker to inform the victim of mandatory reporting requirements. Completed mandatory reports are maintained in a confidential file at the hospital or the police department.

In Santa Cruz County, responsibilities of the S.A.N.E. include: collecting and preserving evidence, maintaining extensive records on specific state-approved forms, and providing testimony in court, if needed. The type of evidence collected is broad in scope and may be collected from the victim and/or the suspect. The average length of time for a S.A.N.E. process is three to four hours. The average length of time for a victim advocate to be present is eight to ten hours. In addition, S.A.R.T members participate in bi-monthly and quarterly meetings to review and critique recent incidents. Crime lab updates, regulation changes, and current policies and procedures are also discussed. Representatives of other community agencies related to sexual assault (law enforcement, health services, Child Protective Services, Family and Children's Services, Women's Crisis Support-Defensa de Mujeres, the District Attorney's Office) are invited to attend the bi-monthly meetings.

In 2004, Victim Advocates responded to sixty-four S.A.R.T. requests. In 2005, Victim Advocates responded to sixty-five requests. The monthly average of calls for Victim Advocate participation is 5.4. Reported sexual assaults for 2004 were ninety-eight; for 2005, ninety. In each of the years 2004 and 2005, the S.A.N.E performed seventy-eight sexual assault examinations each year (2004 and 2005). Crime statistics and domestic violence data are posted monthly to the Sheriff's Department web site, however, the number and location of sexual assaults are not specifically identified. The web site includes a section of frequently asked questions related to sexual assault and domestic violence. The Santa Cruz County Sheriff's Office has reviewed and revised specific documents related to sexual assault. These include: Santa Cruz County Sheriff-Coroner Sexual Assault Investigations, S.A.N.E. budget for 2005-2006 and 2006-2007, and Santa Cruz County Sheriff-Coroner Sex Offenders/Notifications and Disclosures.

Findings

1. The current process of the S.A.R.T. response is under the auspices of the Santa Cruz County Sheriff's Office.
2. No agency in the county tracks data to determine the number of sexual assaults related to domestic violence.
3. Multiple expenses are incurred by the county when filing a sexual assault police report, regardless of whether the victim cooperates or recants.
4. The S.A.R.T. model utilized in Santa Cruz County is law enforcement driven.
5. The sexual assault response model utilized in San Francisco County is victim driven.
6. The Sexual Assault Investigations Unit of the Santa Cruz County Sheriff's Office works cooperatively with other related community organizations.
7. In Santa Cruz County, the number of sexual assaults, with a breakdown by city and the number of call-outs to a S.A.N.E. and Victim Advocate, are not readily available to the public.
8. The Sheriff's Office has reviewed and revised documents related to sexual assault in a timely manner.

Conclusions

1. Tracking sexual assault and domestic violence incidents should be an on-going process of the county advisory body, the Domestic Violence Commission.
2. Some expenses incurred by the law enforcement-initiated model could be reduced by adopting a victim-initiated model.
3. The Sheriff's Office includes other community agencies in its meetings and discussions related to sexual assault.
4. Data that accurately reflects sexual assault by location should be made accessible to the public.

Recommendations

1. The Santa Cruz County Sheriff's Office should select a liaison commissioner from the DVC who would receive and report monthly sexual assault statistics to the Domestic Violence Commission and attend bi-monthly S.A.R.T. meetings.
2. The Santa Cruz County Sheriff's Office should consider a trial program to analyze costs and effectiveness of a victim-driven sexual assault response model.
3. The Santa Cruz County Sheriff's Office should include the city locations of sexual assault incidents in the monthly updates to its web site.

2005-2006 Santa Cruz County Grand Jury Final Report

4. The Grand Jury commends the Santa Cruz County Sheriff's Office for its oversight of the S.A.R.T. program and for its inclusion in meetings of other appropriate agencies within the county.
5. The DVC should collect and analyze monthly sexual assault statistics.

Responses Required

Entity	Findings	Recommendations	Respond Within
Santa Cruz County Domestic Violence Commission	2	1, 5	90 Days (October 1, 2006)
Santa Cruz County Sheriff-Coroner	2, 3, 4, 5, 7	1 2, 3, 4	60 Days (September 1, 2006)

Power and Control: Breaking a Cycle Batterers' Intervention Programs

Background

Batterers' Intervention Programs are an important part of a comprehensive community effort to eliminate domestic violence. Batterers' programs in Santa Cruz County fit a variety of models but have similar goals. This section will cover five programs. Four are state-certified, and one program is predominately a peer support group.

In addition to these five programs, a ten-week program on anger management is offered at the Rountree Minimum Security Facility. This program is a peer support group and is not a state-certified Batterers' Intervention Program. The Pajaro Valley Unified School District conducts this well-attended program that has been existence for ten years.

Minimum standards for Batterers' Intervention Programs were established by California Penal Code § 1203.097(c)(2) that states the court "shall refer persons for diversion only to batterers' programs that have been approved by the probation department."¹⁹ State-certified programs are fifty-two weeks in length, have a mandated curriculum, and require attendance tracking. Topics include, but are not limited to: accepting responsibility, emotional abuse, responsible parenting, anger control, conflict resolution, and cycle of violence.

Adults Learning to Take Opportunity (ALTO), a state-certified program, has been in existence for thirty years. ALTO means stop in Spanish. ALTO's stated purpose is to assist in long-term recovery from behaviors of drug and/or alcohol abuse and to confront violent behavior. It focuses on education rather than therapy and introduces batterers to community support groups. ALTO participants explore their belief systems and decision-making processes as a way of learning to avoid violent behavior. Services include: adult outpatient mental services, youth services, and outpatient recovery (mainly from drugs). All participants in the domestic violence program must accept responsibility for their actions and sign a contract stating such.

ALTO serves approximately 1,700 people per year. Clients must be eighteen years or older. The waiting period to enroll in the program is three to five days. Some participants are referred by a drug court, Family Sobriety Court, or are on a deferred judgment. ALTO shares clients with JANUS and refers the clients to an appropriate twelve-step program. Domestic violence clients are in a fifty-two week program and pay on a sliding scale. Due to an increase in the number of local Batterers' Intervention Programs, the percentage of domestic violence enrollment in overall ALTO programs has dropped in

¹⁹ California Alliance Against Domestic Violence, Model Guidelines for Batterers' Programs, Modesto, California, May 1994.

recent years from ninety-five to seventy percent per year. Approximately eighteen percent of participants do not complete the program.

ALTO receives funding from the county through the Health Services Agency (HSA), CALWorks, and Proposition 36 monies, as well as from private sources such as the Human Race fundraiser. It also receives funding from private fees charged on a sliding scale. Participants with drunk driving convictions must pay their own fees.

Fenix, Inc. began in the early 1980s and went out of business in 2003. At that time, the Santa Cruz Counseling Center (SCCC) took over the service that was renamed Fenix Outpatient Services (Fenix). According to a Fenix administrator, the transition from Fenix, Inc. to SCCC was seamless. Hermanas Recovery Program, a residential drug and alcohol program, is also under the auspices of SCCC and shares a director with Fenix Outpatient Services. Fenix conducts drug and alcohol outpatient counseling and offers a domestic violence program. The Fenix domestic violence program is a state-certified, fifty-two week Batterers' Intervention Program. It receives referrals from the court. As of May 2006, the program had no waiting list and four openings. The Fenix domestic violence program has four groups conducted in Spanish. Each group can accommodate twelve participants. The group facilitator has over twenty years of experience in domestic violence counseling.

The Fenix domestic violence program costs \$1,350 per year, but the fee can be paid in installments. Fenix sends monthly attendance reports to the Probation Department. In addition, batterers make regular court appearances to report on their progress. Fenix tries to work with participants who cannot continue to pay their fees instead of immediately terminating them from the program.

Fenix receives funding from Santa Cruz County through both HSA and HRA. Hermanas receives funding from San Benito County Substance Abuse and Child Protective Services and Monterey County Health and Human Services as well as from Santa Cruz County.

Men's Overcoming Abusive Behavior (MOAB), established in 1994, is a men's peer support group for anger management. The program began with five volunteer members and has had several name changes in its history. The program is not certified as a fifty-two week Batterers' Intervention Program for men on parole or probation. However, MOAB will confirm a participant's attendance to his Probation Officer. Some meeting facilitators also have experienced, and been helped by, anger management support. The drop-in program has no specific curriculum and meets twice a week at a local church. MOAB receives some court referrals, but most participants attend as a result of word-of-mouth referrals. MOAB meeting participants must maintain their sobriety and not participate in violence. Meetings are usually attended by twenty to thirty-five participants, and there is no waiting list.

Pacific Treatment Associates (PTA), a state-certified program, began as a treatment program for sex offenders in 1988. In 1991, the PTA domestic violence intervention program was added. PTA works with perpetrators, and emphasizes preventing re-offense

through “learning to understand, predict and control abusive behavior.”²⁰ Program components include education, individual sessions, and enrollment in a twelve-step program. Participants must stay clean and sober and demonstrate a change in their thinking about domestic violence.

The PTA domestic violence group has five staff members. Most of them have Master’s degrees, and all of them have forty hours of core-basic domestic violence training. In addition, they take sixteen continuing education units per year.²¹

PTA receives referrals from the courts and the Probation Department. Generally, the public is unaware of this agency. It has provided some educational outreach to schools, the CASA organization, and churches to publicize the issues of domestic violence and sexual assault. Few participants are self-referred; most are referred by other agencies.

PTA coordinates with other agencies: Family and Children’s Services, federal probation, parole, public defenders, the District Attorney’s Office, and other counties such as Santa Clara, San Benito, and Monterey. PTA is satisfied with the coordination and cooperation among these agencies.

The PTA domestic violence program has served 805 clients since inception and is currently serving forty-two. Approximately twenty percent of its clients have been terminated from the program before completion due to absenteeism, not paying fees, violating probation, or transferring out of county. Attendance for the domestic violence program is set by legislation and is provided to the Probation Department on a monthly basis. If participants have three unexcused absences a year, PTA informs the Probation Department.

PTA is a for-profit organization and does not receive or apply for grants. All funding comes from client fees, and nonpayment is a cause for termination from the program. Domestic violence participants pay \$25-35 per week for a two-hour group session.

Because domestic violence and sexual assault may be linked, with both characterized by aggressive behavior, a program for sexual offenders is also offered by PTA.

Simply Your Best (SYB), a state-certified program, is a private educational service that began in 2001. The program is only for adults and offers a range of classes such as Domestic Violence Intervention, Parenting, Anger Management, Skill Building, Personal Development, Healthy Teens, and a course on aggressive driving prevention. At its inception, SYB was the only domestic violence intervention program in Santa Cruz County that met and exceeded the standards for such programs as established by California law. The SYB Domestic Violence Intervention Program is certified and reviewed by the Probation Department.

²⁰ Pacific Treatment Associates, “Introduction to Domestic Violence Prevention Program,” no date.

²¹ California Penal Code § 1203.098.

SYB is a service-on-demand organization instituting new classes as necessary. SYB's focus is educational rather than counseling. Assigned homework from facilitators includes reading assignments.

Currently, SYB has fifty-five to sixty clients. More men than women attend the program. There is a separate class for women offenders. The majority of participants is not court ordered. Survivors are notified by mail that their partners are attending the program, and survivors are invited to attend or receive information. However, few survivors attend classes with their partners.

SYB referrals are from County Mental Health, Family and Children's Services, University of California Santa Cruz, the Santa Cruz County Probation Department, and Criminal, Civil, Family Court, Family Court Services, and area businesses. In addition, SYB has printed materials and a web site.

Classes vary in length. Materials and curriculum are predominately in English. The anger management and parenting curriculum are also in Spanish. If demand warranted, SYB would translate materials into Spanish.

Funding is private, and SYB is self-sustaining. SYB programs are offered on a sliding scale of \$20-50. The initial enrollment fee is \$50. Class fees depend on the length of the class. If a client owes a balance of more than \$100, he or she is barred from the next class.

Batterers' Intervention Program Findings

1. Exact statistics on the numbers of Spanish-speaking batterers in Santa Cruz County are not known.
2. According to Batterers' Intervention Program administrators, the needs of the gay/lesbian/transgender community are not being specifically addressed in any of these five programs. A representative from WCS-DdM reported an increase in the number of lesbians seeking services for domestic violence.
3. Resources exist for men on probation for domestic violence, but currently, there is no state-certified program in local detention facilities.
4. Illiteracy is sometimes a problem for participants in Batterers' Intervention Programs. These programs require written homework assignments. None of the Batterers' Intervention Programs has tutors or other academic support to help clients with dyslexia or other learning disabilities.
5. According to Batterers' Intervention Program administrators, alcohol and drug use are major problems related to domestic violence. Reportedly, eighty percent of men participating in Batterers' Intervention Programs were abusing substances when the domestic violence incident happened.

6. According to a Batterers' Intervention Program administrator, domestic violence intervention programs in the county compete for the same client population and do not systematically network.
7. The fifty-two week Batterers' Intervention Program must be completed before probation can be terminated. The program is considered a term of probation.

ALTO Findings

8. ALTO has materials in both Spanish and English.
9. ALTO has approximately twenty-three employees including seven full-time and seven part-time certified drug and alcohol state-licensed staff. These staff members must take forty hours of continuing education units (CEUs) every two years to maintain their licenses. ALTO also uses interns.
10. ALTO's success rate is about fifty percent for domestic violence program graduates. An ALTO administrator determines the success rate by manually tracking cases through the District Attorney's Office and compiling statistics. The District Attorney's Office does not provide statistics to ALTO. Determining the success rate of a program is used to adjust curriculum and teaching methods.

Fenix Findings

11. Fenix has over twenty years of experience in outpatient counseling. The domestic violence group facilitator has over twenty years of experience.
12. The state-certified Fenix domestic violence program serves the Spanish-speaking community. The program is fifty-two weeks in length, and there are consequences for absences and non-payment of fees.
13. The Fenix domestic violence program is self-supporting.

MOAB Findings

14. MOAB has literature on anger management in both Spanish and English.
15. At present, MOAB does not receive public funding. Participants are requested to make a donation at each meeting. A portion of donations is given to the church in which they meet. In the past, MOAB received a grant from CPVAW to place an ad in Good Times.
16. MOAB is not a state-certified program and does not formally coordinate with other agencies that deal with domestic violence.

Pacific Treatment Associates Findings

17. The state-certified PTA domestic violence program has been in existence since 1991. Most of the domestic violence staff have Master's degrees and appropriate training. PTA is a for-profit organization and does not receive or apply for grants. Its focus is educational. Court-referred participants experience consequences for not following the program guidelines.
18. Once a client's probation is completed, PTA does no formal follow up. There is no established avenue for PTA to receive status reports from the District Attorney's Office. PTA informally asks participants for information on their progress but cannot always verify facts.

Simply Your Best Findings

19. SYB staff are trained and certified human development professionals and anger management consultants. Five of the staff have backgrounds in education. Independent contractors have Master's degrees in education. Three of the facilitators are bilingual. The director's background is in education and counseling.
20. Court referrals to SYB pay on a sliding scale, and progress reports are sent to the referring agency. Clients may be concurrently attending Alcoholics Anonymous or Narcotics Anonymous and must obtain a signature for attendance. An unexcused absence can be cause for removal from the program. In the fifty-two-week program, participants can have five excused absences and are terminated if a sixth occurs. Clients must pay a class fee for absences. Not completing a homework assignment is considered an absence.
21. SYB is developing a relapse prevention program. A program representative stated that follow-up is important to find out if skills learned by participants are actually being used with positive results.

Conclusions

1. Valuable volunteer and paid staff time is taken up by tracking cases when those statistics could be provided by the District Attorney's Office. Knowing case dispositions assists state-certified Batterers' Intervention Programs evaluating and improving the success of their programs.
2. It is unclear whether every segment of society in Santa Cruz County needing treatment is adequately served by Batterers' Intervention Programs.
3. Batterers' Intervention Program staff would benefit from sharing information, experience, and referrals.
4. Batterers' Intervention Program staff spend a lot of time processing paperwork associated with funding, often undergoing similar audits from different agencies.

5. Domestic violence is an ongoing problem that lasts longer than fifty-two weeks. Outreach and follow-up for graduates of domestic violence intervention programs might help prevent relapses.
6. A participant's problems with alcohol and substance abuse complicate treatment in a domestic violence intervention program.
7. ALTO is a long-standing and successful program in Santa Cruz County. ALTO is a valuable resource for Spanish-speaking batterers. ALTO participants who do not follow program guidelines experience consequences that help emphasize batterer accountability.
8. Fenix provides a valuable service to the Spanish-speaking community. Fenix participants who do not follow the program guidelines experience consequences that help emphasize batterer accountability.
9. MOAB facilitators are a dedicated group of volunteers who have been serving Santa Cruz County for over ten years with few resources. They provide support groups for batterers who wish to change their behavior. Participants attend these support groups voluntarily.
10. PTA is a well-established program with trained staff. Its curriculum is well designed. Experiencing consequences for not following program guidelines helps to make batterers accountable for their actions.
11. SYB staff is certified and trained to facilitate and lead classes in anger management and domestic violence intervention. They have both academic credentials and experience. SYB holds its participants accountable for attendance, homework, and fees.

Recommendations

1. To enable evaluation of the success of Batterers' Intervention Programs, the District Attorney's Office and local law enforcement should provide these state-certified programs with case dispositions and progress reports on their participants.
2. The domestic violence intervention community should coordinate efforts to ensure that all segments of society are served and that services are not duplicated.
3. The County of Santa Cruz and Batterers' Intervention Programs should work to ensure adequate services to Spanish-speaking batterers.
4. The Santa Cruz County Sheriff's Office and Batterers' Intervention Programs should work to ensure improved services for incarcerated batterers.
5. Batterers' Intervention Programs should consider providing academic support for participants with learning disabilities.
6. Batterers' Intervention Programs should explore the need for programs for gay, transgender, or lesbian batterers.

2005-2006 Santa Cruz County Grand Jury Final Report

7. Advisory bodies and domestic violence providers should put continuing emphasis on drug and alcohol issues.
8. Advisory bodies and domestic violence intervention providers should share program information, experience, and referrals in a systematic manner.
9. ALTO is to be commended for its work in assisting participants through their recovery from drugs, alcohol, and violent behavior.
10. Fenix is to be commended for its dedication and service to the Spanish-speaking community.
11. MOAB facilitators are to be commended for their long-standing dedication in volunteering to support batterers in eliminating their violent behaviors through peer support and suggested behavioral changes.
12. MOAB should consider outreach to and coordination with other domestic violence intervention providers. Graduates of other programs could be referred to MOAB as a source of continuing support.
13. PTA should be commended for hiring qualified and credentialed staff.
14. PTA should be commended for providing a valuable resource to assist the community in ending domestic violence.
15. SYB should be commended for hiring qualified and credentialed staff.
16. SYB should be commended for its continuing dedication to improving its curriculum to try to address all components that lead to domestic violence and for providing a valuable resource to the community.

Responses required

Entities	Findings	Recommendations	Respond Within
Santa Cruz County Board of Supervisors	3, 7, 10, 18	1	60 Days (September 1, 2006)
Santa Cruz County Probation Department	2, 3, 4, 7	2, 3, 5, 6	90 Days (October 1, 2006)
Santa Cruz County Sheriff-Coroner	3, 7	4	60 Days (September 1, 2006)
Santa Cruz County District Attorney	5, 10, 18	1	60 Days (September 1, 2006)

Responses requested but not required

<i>Entities</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within</i>
ALTO	2 - 4, 6	2 - 8	90 Days (October 1, 2006)
Fenix	2 - 4, 6	2 - 8	90 Days (October 1, 2006)
MOAB	2 - 4, 6	2 - 8	90 Days (October 1, 2006)
Pacific Treatment Associates	2 - 4, 6	2 - 8	90 Days (October 1, 2006)
Simply Your Best	2 - 4, 6	2 - 8	90 Days (October 1, 2006)

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To Serve and Protect: What's Law Got To Do With It? The Legal System

Law Enforcement Protocol

California Penal Code²² defines a domestic violence offender as follows:

Any person who willfully inflicts upon a person who is his or her spouse, former spouse, cohabitant, former cohabitant, or the mother or father of his or her child, corporal injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both that fine and imprisonment.

Interviews were conducted with five local law enforcement agencies regarding their protocol in responding to domestic violence calls. The five agencies interviewed were the City of Santa Cruz Police Department, the Santa Cruz County Sheriff's Office, Scotts Valley Police Department, Capitola Police Department, and the Watsonville Police Department. Additionally, interviews were conducted with representatives from the Santa Cruz County District Attorney's Office, the Family Law Facilitator, and the Santa Cruz County Probation Department.

Law enforcement agency representatives stated that they follow the countywide Domestic Violence Protocol for Law Enforcement, Santa Cruz Law Enforcement Chief's Association, last updated in May 2002. Listed below are procedures that all interviewed law enforcement agencies are to follow when responding to a domestic violence call.

1. When responding to a domestic violence call, the dispatcher verifies whether a restraining order has been issued by contacting the California Law Enforcement Telecommunication System (CLETS). All restraining orders issued are entered into CLETS.
2. Prior to arriving at the scene of a domestic violence call, the responding officer receives all pertinent information about the reported incident from the dispatcher. The dispatcher is responsible for obtaining as much information from the caller as possible to assist the officer. The officer is fully informed about: the address of the incident; the reporting party; summary of the event; the need for an ambulance;

²² California Penal Code § 273.5, subdivision (a), Felony to Inflict Corporal Injury on Current or Former Spouse or Cohabitant; Conditions of Probation.

2005-2006 Santa Cruz County Grand Jury Final Report

presence of a suspect; if weapons are involved or present in the home; if there is a suspicion of drugs or alcohol; the presence of children at the scene; if a restraining order is on file; and the criminal status of the suspect. Jurisdiction is determined by location of incident.

3. Once an officer has arrived at the scene, he or she determines: the location of the victim, suspect, and any witnesses; if weapons are in the home or involved in the incident; if there are any injuries so aid may be provided; and the need to separate victim, witnesses, and suspect. An audio tape recording is used to memorialize the interviews.
4. When conducting interviews with the victim and perpetrator, officers observe the following: victim's and suspect's conditions and demeanors, including victim's emotional state, torn clothing, condition of make-up, and any injuries.
5. If it is difficult for the officer to determine which party is the victim, the officer must establish:
 - a. which party is in actual fear of the other; whether one party escalated the level of violence, i.e., did one party retaliate to a provocation;
 - b. who made the 911 call;
 - c. a comparison of victim's and perpetrator's physical appearances;
 - d. any history of violence by one of the parties against the other, if one party is usually the aggressor; and,
 - e. if there are injuries, do they appear to be defense wounds.
6. The officer should obtain a photograph of the suspected perpetrator and have the victim identify that person as being the person who committed the acts described. By having the victim positively identify the person, the case can proceed without the victim if that becomes necessary.
7. The officer obtains a copy of the restraining order, if any, and verifies proof of service. If there is no restraining order on file, the victim is advised how to obtain one. The officer also has the authority to issue an Emergency Protective Order (EPO) for the victim if requested. The EPO will provide the victim protection for five days, sufficient time to obtain a Temporary Restraining Order (TRO).
8. If there is a restraining order on file that has not been served, the officer informs the restrained person of the order and its terms. There are two avenues to verify the existence of the order; the protected person produces a copy of the order, or the officer verifies the existence of the order by contacting the dispatcher. The restrained person can be served with the restraining order by the investigating officer. In that case, the officer completes a proof of service and files it with the Superior Court.
9. The victim is advised of the following:

- a. he or she has a right to request confidentiality pursuant to Penal Code § 293 and Government Code § 6524(f); and
 - b. prosecution of the suspect is the decision of the District Attorney's Office. The victim should never be asked if he or she wishes to "press" or "drop" charges or if he or she will cooperate in the prosecution of the offender.
10. The officers supply victims with an Emergency Resource Card. The Emergency Resource Card is in both English and Spanish and lists contact information for:
- a. all advocacy groups;
 - b. Victim Witness Assistance;
 - c. health care providers;
 - d. Child Protective Services;
 - e. Adult Protective Services;
 - f. Santa Cruz City Commission for the Prevention of Violence Against Women; and
 - g. definitions of sexual assault and domestic violence.

Additionally, victims of domestic violence can contact Victim Information and Notification Everyday (VINE) to obtain offender information. This service is a free, twenty-four telephone service that allows the victim to check on the custody status of an offender in the Santa Cruz County Jail. The victim can register for automatic notification when an inmate is released, transferred, or escapes. This service is provided through the Santa Cruz County Sheriff's Office.

11. The officer shall follow his or her department's procedure for notifying an advocacy agency to provide telephone, or in-person, crisis support for the victim. Most law enforcement agencies have a memorandum of understanding with an advocacy agency to provide twenty-four hour crisis support.

Once the above procedures have been followed with the victim, the suspect is taken into custody. The suspect is read his or her Miranda rights, and evidence is collected. The officer prepares a crime report, which includes the Domestic Violence Incident Report form. The officer, in preparing the report, must maintain objectivity in reporting and avoid personal opinions regarding comments from victim or suspect. The Domestic Violence Incident Report form is used by all local law enforcement agencies.

The Domestic Violence Protocol for Law Enforcement also includes:

- a policy statement
- definitions
- mandatory reporting of domestic violence by health care providers

2005-2006 Santa Cruz County Grand Jury Final Report

- 911 operator/dispatcher response
- procedure for follow-up investigation
- enforcement of restraining orders
- victim assistance
- training
- “officer involved” cases (a domestic violence allegation involving a peace officer)

Additionally, the protocol directs each agency to develop a policy of report writing to classify whether the situation is a crime, an incident, or for information only. Reports are forwarded to the District Attorney’s Office.

All agencies interviewed indicate that a “pro arrest policy” exists within the county. A “pro arrest policy” refers to a philosophical position in which physical arrest is encouraged in every situation where an arrest is legally permissible.

Four out of the five law enforcement agencies contact an advocate from the Women’s Crisis Support-Defensa de Mujeres (WCS-DdM) to assist victims. The City of Santa Cruz Police Department is the only agency with an in-house advocate who is a full-time employee, on-call twenty-four hours a day, seven days a week and who regularly attends Domestic Violence Commission meetings.

Santa Cruz County Sheriff’s Office has created a protocol specifically for sexual assaults. This department gives training to WCS-DdM; it is a two-hour training that is conducted twice a year. Sergeants receive training updates through the District Attorney’s Office and also attend seminars and conferences with the encouragement of the department. The Sheriff’s Office receives approximately 357 domestic violence calls a year.

Santa Cruz County Sheriff’s Office uses the “Tiburon” interagency communication system to obtain information on suspects. All other county law enforcement agencies use the “Alliance” interagency communication system that allows each agency to share and access information. Law enforcement agencies did not see the different communication systems as an obstacle to obtaining information through CLETS.

All other law enforcement agencies interviewed receive training from WCS-DdM, attend seminars and conferences specific to domestic violence, and meet with advocates from WCS-DdM.

The Court Process

Once an individual has been arrested, the arresting agency prepares a report and forwards it to the District Attorney’s Office for review and filing. The District Attorney has forty-eight hours to file charges against the alleged perpetrator. The decision to file a case is determined by the supervising Assistant District Attorney or the District Attorney based on a preponderance of evidence. Filed case statistics, as well as “no file” cases, are

entered into a database system known as the “Damien” system. These statistics are provided to the Domestic Violence Commission for its annual report. Additionally, a Victim Witness Assistance representative receives a copy of the police report and contacts the victim to assess needs. The victim is eligible to receive relocation money and counseling. Victim Witness Assistance has two counselors in Santa Cruz, one in Watsonville, and volunteers.

Domestic violence cases are handled by the “Family Protection Unit” within the District Attorney’s Office. Currently, there are three Assistant District Attorneys in this unit with one supervisor. Of the three, one bilingual Assistant District Attorney splits time between the Santa Cruz County Courthouse and the Watsonville Courthouse. Training is provided through the California District Attorney’s Association and is offered twice a year. However, an Assistant District Attorney initially assigned to the Family Protection Unit is not required to have a background in prosecuting domestic violence cases. Training occurs during that Assistant District Attorney’s assignment, and on-the-job training is considered invaluable. Domestic violence cases are described as being the most difficult to prosecute. Currently, there are twenty-five to thirty cases for each of three Assistant District Attorneys. Most cases do not reach the trial stage. A plea bargain is common. Probation is used more often in sentencing than incarceration.

The Family Protection Unit of the District Attorney’s Office relies on the arresting agency to follow protocol in writing reports and collecting evidence. As much evidence as possible must be collected. Tape recording, as well as taking photographs, is essential in prosecuting these cases successfully.

Grant monies are sought by and awarded to the District Attorney’s Office. Common funding sources are: Violence Against Women (VAWA); California Spousal Abuser Prosecution Program (SAPP), established by California Penal Code § 273.8 and the 1994 Battered Women’s Protection Act; and the Office of Emergency Services. Assistant District Attorneys in the Family Protection Unit do not participate in the grant-writing process and do not receive progress reports subsequent to grant implementation. It was announced at the January 2006 DVC meeting that the District Attorney’s Office had been awarded a three-year \$300,000 grant. The grant was to provide funding for the South County District Attorney’s Office to employ a Spanish-speaking Assistant District Attorney, Investigation Inspector, and support staff to help Latino victims of domestic violence. The positions have yet to be filled. In addition, the District Attorney’s Office has received grant monies (\$70,000) from the Violence Against Women Vertical Prosecution Program. The grant is called “No Mas” and is also proposed to partially fund a prosecutor, investigator, and advocate, all of whom would be Spanish speaking, for the Watsonville office. Outreach to the community will emphasize the fact that immigration status is irrelevant to the prosecution of domestic violence crimes. Performance timelines for the grants are not known.

Since November 2005, approximately three hundred domestic violence related cases have been heard by the courts. The Family Protection Unit has the highest caseload of any

felony or misdemeanor unit in the District Attorney's Office. Domestic violence cases are difficult and time intensive for the District Attorney's Office to prosecute partly because there are no mandatory sentencing requirements. While a sexual assault case may have strict sentencing mandates, the charge in domestic violence cases could be reduced from a felony to a misdemeanor by the presiding judge.

According to a District Attorney's Office representative, sexual assault in domestic violence cases is rarely reported. If a victim were to report sexual assault rather than a slap or push, the prosecution of the domestic violence charge could carry a more severe sentence. Domestic violence cases are also difficult because of the emotional issues present. Approximately, eighty percent (80%) of domestic violence victims recant or are uncooperative in the prosecution process. Nevertheless, even if a victim recants, the case can go forward without his or her cooperation.

Although a batterer is rarely female, there are currently three cases pending in which a female perpetrator is being charged with domestic violence. Gay/lesbian/transgender cases are rare.

The victim commonly chooses an advocate from WCS-DdM or WAWC to assist her through the court process. That advocate attends all court proceedings to support the victim. Additionally, the advocate communicates with the prosecuting Assistant District Attorney to keep the victim informed as to the case status.

A victim can obtain a temporary or permanent restraining order by contacting the WCS-DdM, the Family Law Facilitator, WAWC, or by retaining an attorney. Additionally, WCS-DdM and WAWC provide assistance by guiding victims of domestic violence through the paperwork and court process. Once a restraining order is issued, the court clerk is responsible for entering it into CLETS. An advocate will assist the victim in obtaining and serving a temporary restraining order and will attend all court hearings to make sure the final orders are processed and served on the perpetrator.

The Family Law Facilitator has been in existence since 1977. This free service assists people attempting to obtain court orders for divorce, domestic violence concerns, and child support matters. The two facilitators, who are attorneys, do not represent these individuals in court. The facilitator's office is located in the county building, and individuals are seen on a first-come, first-served basis. The facilitator sees individuals at the Watsonville courthouse on Thursdays. One part-time facilitator is bilingual. Three volunteer attorneys who work four hours per week are basically training in family law practice. University of California Santa Cruz interns also assist in the facilitator's office for approximately three months. The office receives about 2,000 calls a month and assists approximately ten to thirty people a day, five days a week.

When a victim has requested a temporary restraining order and the perpetrator has been served, the victim must then go to court to obtain the restraining order. Typically, the final restraining order is valid for three years from the date it is issued and can be renewed by making an application to the court.

A temporary restraining order protects the individual for approximately twenty days. The term of this temporary order can be extended by a judge if the protected person cannot locate and serve the perpetrator. Once the perpetrator has been served, the victim, or his or her legal representative, and the perpetrator must appear before a judge of the Superior Court. The perpetrator has a right to respond to the allegations in the victim's temporary orders, and it is up to the judge to review and process both the allegations and responses. A judge reads both declarations prior to the court hearing and attempts to determine exactly what occurred. If, at the end of the hearing, the judge concludes that a CLETS Order After Hearing (DV-130) should be issued, one is prepared and then must be served on the perpetrator. If the perpetrator is present in court at the time of the issuance of the restraining order, service is effective immediately. If the perpetrator is not present in court, service of the restraining order on the perpetrator is required. A peace officer, or any person not a party to the action, can serve the perpetrator with the order and file the proof of service with the Superior Court Clerk's Office. The clerk then enters that information into the CLETS database. Violation of the restraining order is a crime.

The Santa Cruz County Probation Department provides information and recommendations for sentencing purposes. Approximately 5,000 adult cases are currently divided among 100 to 120 staff. In the beginning of 2006, 122 of those cases were domestic violence cases.

When a person has been convicted of a domestic violence crime, that individual must enroll in and complete a fifty-two week Batterers' Intervention Program as a term of his or her probation. The batterer's attendance and participation is monitored by court review and agency calls. Additionally, the Probation Department certifies programs for batterers and makes referrals for batterers and their victims. The Probation Department reviews the curriculum of the program to ensure that it conforms to state mandates. When a probationer is first enrolled in the program, that individual meets weekly with an assigned officer, then monthly, and finally, every three months.

Findings

1. Representatives from all interviewed law enforcement agencies state that their agencies follow the countywide Domestic Violence Protocol for Law Enforcement - Santa Cruz County Law Enforcement Chief's Association.
2. Victims are given an Emergency Resource Card that includes a referral to advocacy agencies.
3. An officer responding to a domestic violence call can provide the victim with an Emergency Protective Order that allows the victim sufficient time to obtain a temporary restraining order.
4. Once a restraining order has been issued, the Court Clerk's Office is responsible for entering all restraining orders in CLETS. Law enforcement agencies can then access this system when responding to a domestic violence scene.

2005-2006 Santa Cruz County Grand Jury Final Report

5. Each agency incorporates the Domestic Violence Incident Report form in its crime report.
6. All law enforcement agencies indicated that they have a “pro arrest” policy.
7. Representatives from all interviewed law enforcement agencies state that their agencies stay current on changes in the community by meeting with local advocacy groups.
8. The Santa Cruz County Sheriff’s Office meets with WCS-DdM and WAWC for training purposes. Sergeants also receive training updates through the District Attorney’s Office.
9. The City of Santa Cruz Police Department has an in-house advocate who is on-call twenty-four hours a day, seven days a week. All other agencies contact local advocacy groups for victim assistance/support.
10. A VINE information card, prepared by the Santa Cruz County Sheriff’s Office, is not being distributed to victims by any of the law enforcement agencies.
11. According to a representative from the District Attorney’s Office, the Family Protection Unit relies on the arresting agency to follow protocol in collecting evidence. Tape recording, as well as taking photographs, is essential in prosecuting domestic violence cases successfully. The domestic violence protocol states that an audio tape recording is to be used to memorialize interviews.
12. According to a representative from the District Attorney’s Office, Santa Cruz County Sheriff deputies do not always record interviews when responding to a domestic violence call.
13. Victims who recant do not stop or prevent the prosecution of the batterer.
14. WCS-DdM, the Family Law Facilitator, and WAWC assist individuals seeking protection through the court process.
15. According to a representative from the District Attorney’s Office, that office has no set procedure for communicating with local advocacy groups. The District Attorney’s Office is aware of these services and appreciates an advocacy presence in the courtroom on behalf of the victims. The majority of their contact with these agencies is to supply copies of restraining orders and updates of the batterer’s case. Case information is public record.
16. Within the District Attorney’s Office, the Family Protection Unit, consisting of three attorneys and one supervisor, has the highest caseload in the District Attorney’s Office.
17. The Grand Jury has been informed that a need exists for Spanish speaking Assistant District Attorneys, investigators, and advocates.
18. The “No Mas” grant is intended to pay for a Spanish-speaking Assistant District

Attorney, investigator, and victim advocate. Sixty percent of the cases filed are from the Latino community in the City of Watsonville.

19. According to the “No Mas” grant application, key factors that contribute to domestic violence include: high unemployment (sixteen percent), a large population of young people, low educational attainment, substance abuse, and poverty.
20. Victim Witness Assistance, located in the District Attorney’s Office, reviews police reports and contacts victims to provide financial assistance and counseling.
21. Superior Court Judges issue temporary restraining orders, as well as process a case to its completion. Judges hearing criminal cases will review a family court file if children are involved.
22. When interviewing law enforcement agencies, a concern was raised as to differences in restraining orders issued on the same case in both criminal court and family court. The protected person may have exceptions contained in a family law-issued restraining order that would not be reflected in the criminal restraining order due to child visitation outlines. When children are involved, the CLETS Order After Hearing (Form DV-130) has a provision that alerts the responding officer that there is a child visitation agreement out of family court.
23. Representatives from the District Attorney’s Office and the Probation Department state that these offices have excellent communication and are working closely to ensure that batterers complete the requirements of Batterers’ Intervention Programs.
24. According to the Probation Department, lack of resources to help domestic violence offenders make improvements in their lives is a continuing concern. Children who have witnessed violence in the home can become victims or violent themselves.
25. The State Attorney General’s Task Force Report on Domestic Violence (2005) emphasizes the importance of holding batterers accountable.

Conclusions

1. Although all local law enforcement agencies state that they follow the Domestic Violence Protocol for Law Enforcement as well as their own department’s protocols, some exceptions have been reported.
2. The VINE card is a valuable resource that gives victims information that can help ensure their safety.
3. Not tape recording an interview during a domestic violence call is contrary to the protocol. Gathering as much evidence as possible, including tape recording, is necessary to successfully prosecute cases. If a victim recants, the tape recording is invaluable.
4. The use of an in-house advocate by the City of Santa Cruz Police Department has provided valuable assistance in handling domestic violence cases from the time of

arrest and in the report writing process.

5. The confusion in the aftermath of a domestic violence incident will be lessened if a victim has current copies of all restraining orders easily accessible.
6. Law enforcement agencies would benefit from a training session on the various Domestic Violence Forms.
7. Domestic violence advisory bodies would benefit from knowing more about the “No Mas” grant and any other domestic violence-related funding in the county and how it is being used.
8. Due to the high volume of cases handled by the Family Protection Unit, adequate staffing is essential.
9. The constant presence of an advocate in domestic violence court proceedings as a support for the victim is critical.
10. The Family Law Facilitator has proven to be a valuable resource for people who cannot afford the services of a private attorney and are seeking assistance in obtaining a divorce, domestic violence orders, and child support orders.
11. Holding batterers accountable for their actions contributes to victim safety.

Recommendations

1. All local law enforcement agencies should be commended for promoting awareness of the following: the countywide domestic violence protocol, the creation of additional agency policies, the collection of evidence, and report preparation.
2. The City of Santa Cruz Police Department’s in-house advocate should be commended for assisting the department and victims in these emotionally charged cases.
3. Law enforcement agencies should add the VINE information card to their victim information procedure.
4. Law enforcement agencies should continue to ensure comprehensive evidence collection.
5. Law enforcement agencies and the courts should continue to advise victims to keep current copies of their restraining orders on their persons to assist a responding officer.²³
6. The District Attorney should make information about the “No Mas” grant, and any other domestic violence-related grants, more readily accessible to domestic violence advisory bodies.

²³ CLETS Order After Hearing, Page 2 of 5, Section 9.

7. Advocacy groups, law enforcement, and the District Attorney's Office should improve interagency communication in their continuing efforts to assist victims of domestic violence.
8. The District Attorney's Office should periodically monitor caseloads to make sure that staffing is adequate for the number of cases.
9. The Probation Department should continue to hold batterers accountable for meeting all requirements of probation.

Responses required

Entities	Findings	Recommendations	Respond Within
Santa Cruz County Board of Supervisors		1 - 9	60 Days (September 1, 2006)
City of Capitola Police Department	7, 9 - 11, 22	1, 3 - 5, 7	90 Days (October 1, 2006)
City of Santa Cruz Police Department	7, 9 - 11, 22	1 - 5, 7	90 Days (October 1, 2006)
City of Scotts Valley Police Department	7, 9 - 11, 22	1, 3 - 5, 7	90 Days (October 1, 2006)
City of Watsonville Police Department	7, 9 - 11, 22	1, 3 - 5, 7	90 Days (October 1, 2006)
Santa Cruz County Sheriff-Coroner	7 - 12, 22	1, 3 - 5, 7	60 Days (September 1, 2006)
Santa Cruz County District Attorney	11, 13, 15 - 19, 23	6, 7, 8	60 Days (September 1, 2006)
Santa Cruz County Probation Department	23 - 25	9	90 Days (October 1, 2006)

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Appendix B – Charts²⁴



Crime Rate - County

The specific crimes that are tracked are used to determine the rise or fall in the crime rate both locally and nation-wide.

Homicide: the willful (non-negligent) killing of one human being by another. Murder and non-negligent manslaughter are included in this definition.

Rape: the carnal knowledge of a female forcibly and against her will.

Robbery: the taking or attempting to take anything of value from the custody, care, or control of a person or persons by force or threat of force or violence and/or by creating fear in the victim.

Aggravated Assault: an unlawful attack or attempted attack by one person upon another for the purpose of inflicting severe or aggravated

bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary: the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft: the theft or attempted theft of a motor vehicle.

Larceny: the unlawful taking, carrying, leading, or riding away of property from the possession of another (except embezzlement, fraud, forgery, and worthless checks).

Arson: any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Santa Cruz County

Violent Crimes	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Homicide	6	8	10	4	9	4	9	13	6	13	5	-16.7
Rape	84	77	66	69	58	67	102	113	109	102	124	47.6
Robbery	305	286	289	249	188	165	171	212	238	264	205	-32.8
Aggravated Assault	1,282	1,386	1,375	955	1,139	829	905	865	746	889	864	-32.6
Total Violent Crimes	1,677	1,757	1,740	1,277	1,394	1,065	1,187	1,203	1,099	1,268	1,198	-28.6
Violent Crime Rate per 1,000	7.1	7.3	7.2	5.2	5.6	4.2	4.7	4.7	4.3	4.9	4.6	-

Source: State of California Department of Justice, California Criminal Justice Profile, 2004. State of California, Department of Finance, E-4 Population Estimates for Cities, Counties and the State, 2001-2005, with 2000 DRU Benchmark, Sacramento, California, 2005.

Note: In 1999, the Sheriff's Department changed the method of categorizing domestic violence cases to comply with California Penal Code definitions. Cases that would have been classified as assault before 1999 are now being appropriately classified as domestic violence cases.

²⁴ Charts from Community Assessment Project, Year 11, 2005, by Applied Survey Research, courtesy of United Way of Santa Cruz County.

Crime Rate - Santa Cruz County

Santa Cruz County

Property Crimes	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Burglary	2,636	2,486	2,194	1,901	1,629	1,597	1,468	1,543	1,676	1,814	1,697	-35.6
Larceny	9,923	8,874	8,177	7,516	6,422	5,573	5,516	6,820	6,844	7,356	6,849	-31.0
Motor Vehicle Theft	680	726	811	506	540	442	520	547	517	695	851	25.1
Arson	90	97	73	87	66	84	44	58	72	54	59	-34.4
Total Property Crimes	13,329	12,183	11,255	10,012	8,657	7,696	7,548	8,968	9,109	9,919	9,456	-29.1
Property Crime Rate	56.1	50.8	46.4	40.8	34.8	30.5	29.6	34.8	35.3	38.3	36.5	-

Total	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Crimes	15,006	13,940	12,995	11,289	10,051	8,761	8,735	10,171	10,208	11,187	10,654	-29.0
Population	237,800	240,000	242,500	245,400	249,000	252,100	255,000	257,500	258,400	258,900	258,866	8.9
Santa Cruz County Crime Rate per 1,000 ¹	63.1	58.1	53.6	46.0	40.4	34.8	34.3	39.5	39.5	43.2	41.2	-
State Crime Rate per 1,000 ¹	61.9	58.2	52.0	48.5	43.1	37.8	37.3	39.1	39.8	40.1	39.5	-

Source: State of California Department of Justice, California Criminal Justice Profile, 2004. State of California, Department of Finance, E-4 Population Estimates for Cities, Counties and the State, 2001-2005, with 2000 DRU Benchmark, Sacramento, California, 2005. State Crime Rate: Uniform Crime Reporting (UCR) Program, 2004.

Note: The County totals include the California Highway Patrol, U.C. Santa Cruz, Santa Cruz Mountains Department of Parks and Recreation and the Union Pacific Railroad.

¹The crime rate is based on the CALIFORNIA CRIME INDEX (CCI) a group of offenses chosen to serve as an index for gauging fluctuations in the overall volume and rate of crime. These offenses, chosen because of their seriousness and likelihood of being reported to the police by the public, are willful homicide, forcible rape, robbery, aggravated assault, burglary, and motor vehicle theft.

Crime Rate - Capitola

City of Capitola

Violent Crime	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Homicide	0	0	1	0	0	0	0	0	0	1	0	-
Rape	2	1	1	2	2	2	2	4	12	2	7	250.0
Robbery	9	12	13	12	9	11	11	10	17	16	17	88.9
Aggravated Assault	77	45	46	34	43	51	49	46	38	55	46	-40.3
Total Violent Crimes	88	58	61	48	54	64	62	60	67	74	70	-20.5
Violent Crime Rate per 1,000	8.4	5.7	6.0	4.8	5.3	6.4	6.2	5.9	6.6	7.3	7.0	-

Property Crime	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Burglary	75	84	85	63	43	46	75	105	102	127	130	73.3
Larceny	1,041	1,029	984	849	746	649	519	684	787	926	823	-20.9
Motor Vehicle Theft	39	42	42	29	18	8	17	33	28	24	34	-12.8
Arson	1	5	2	1	1	3	3	0	1	0	0	-100.0
Total Property Crimes	1,156	1,160	1,113	942	808	706	614	822	918	1,077	987	-14.6
Property Crime Rate per 1,000	116.2	114.9	110.2	94.2	80.4	70.6	61.2	81.4	90.9	106.6	98.7	-

Total Crimes	1,244	1,218	1,174	990	862	770	676	882	985	1,151	1,057	-15.0
Population	9,950	10,100	10,100	10,000	10,050	10,050	10,000	10,100	10,100	10,100	10,005	0.6
Capitola Crime Rate per 1,000 ¹	125.0	120.6	116.2	99.0	85.8	77.0	67.4	87.3	97.5	114.0	105.6	-
Santa Cruz County Crime Rate per 1,000 ¹	63.1	58.1	53.6	46.0	40.4	34.8	34.3	39.5	39.5	43.2	41.2	-
State Crime Rate per 1,000 ¹	61.9	58.2	52.0	48.5	43.1	37.8	37.3	39.1	39.8	40.1	39.5	-

Source: State of California Department of Justice, California Criminal Justice Profile, 2004. State of California, Department of Finance, E-4 Population Estimates for Cities, Counties and the State, 2001-2005, with 2000 DRU Benchmark, Sacramento, California, 2005.

¹The crime rate is based on the CALIFORNIA CRIME INDEX (CCI) a group of offenses chosen to serve as an index for gauging fluctuations in the overall volume and rate of crime. These offenses, chosen because of their seriousness and likelihood of being reported to the police by the public, are willful homicide, forcible rape, robbery, aggravated assault, burglary, and motor vehicle theft.

Crime Rate - Scotts Valley

City of Scotts Valley

Violent Crime	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Homicide	0	0	0	0	0	0	0	0	0	0	0	0
Rape	1	1	1	3	2	1	2	1	1	1	4	2
Robbery	5	2	3	3	3	2	4	3	1	4	3	100.0
Aggravated Assault	24	18	23	16	25	25	38	34	10	14	10	-40.0
Total Violent Crimes	30	21	27	22	30	28	44	38	12	22	15	-58.3
Violent Crime Rate per 1,000	3.1	2.1	2.7	2.1	2.8	2.5	3.9	3.3	1.0	1.9	1.3	-50.0

Property Crime	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Burglary	90	82	83	59	36	69	67	70	45	64	35	-61.1
Larceny	370	363	319	262	247	227	252	281	260	264	220	-40.5
Motor Vehicle Theft	22	16	12	14	4	8	8	16	12	13	10	-54.5
Arson	11	7	8	6	7	6	0	2	2	0	3	-72.7
Total Property Crimes	493	468	422	341	294	310	327	369	319	341	268	-45.6
Property Crime Rate per 1,000	51.4	47.3	41.8	32.8	27.0	27.9	28.8	32.2	27.7	29.4	23.2	-45.6

Total Crimes	523	489	449	363	324	338	371	407	331	363	283	-45.9
Population	9,575	9,875	10,100	10,400	10,850	11,000	11,350	11,450	11,500	11,600	11,537	20.5
Scotts Valley Crime Rate per 1,000 ¹	54.6	49.5	44.5	34.9	29.9	30.5	32.7	35.5	28.8	31.3	24.5	-
Santa Cruz County Crime Rate per 1,000 ¹	63.1	58.1	53.6	46.0	40.4	34.8	34.3	39.5	39.5	43.2	41.2	-
State Crime Rate per 1,000 ¹	61.9	58.2	52.0	48.5	43.1	37.8	37.3	39.1	39.8	40.1	39.5	-

Source: State of California Department of Justice, *California Criminal Justice Profile, 2004*. State of California, Department of Finance, *E-4 Population Estimates for Cities, Counties and the State, 2001-2005*, with 2000 DRU Benchmark, Sacramento, California, 2005.

¹The crime rate is based on the CALIFORNIA CRIME INDEX (CCI) a group of offenses chosen to serve as an index for gauging fluctuations in the overall volume and rate of crime. These offenses, chosen because of their seriousness and likelihood of being reported to the police by the public, are willful homicide, forcible rape, robbery, aggravated assault, burglary, and motor vehicle theft.

Crime Rate - Watsonville

City of Watsonville

Violent Crime	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Homicide	1	1	6	0	3	2	1	4	0	3	2	100.0
Rape	14	18	10	11	17	8	19	19	23	23	25	78.6
Robbery	83	98	87	93	63	50	59	81	84	99	76	-8.4
Aggravated Assault	286	412	455	375	388	279	224	205	215	204	180	-37.1
Total Violent Crimes	384	529	558	479	471	339	303	309	322	329	283	-26.3
Violent Crime Rate per 1,000	10.9	14.6	14.9	11.8	11.3	7.9	6.9	6.6	6.8	6.9	5.9	-

Property Crime	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Burglary	357	359	378	393	305	334	305	296	293	331	236	-33.9
Larceny	1,839	1,747	1,383	1,602	1,250	1,039	1,149	1,519	1,533	1,569	1,377	-25.1
Motor Vehicle Theft	174	189	154	215	149	119	134	126	111	149	176	1.1
Arson	8	9	7	14	6	7	2	6	9	9	10	25.0
Total Property Crimes	2,378	2,304	1,922	2,226	1,710	1,499	1,590	1,947	1,946	2,058	1,799	-24.3
Property Crime Rate per 1,000	67.5	63.4	51.5	54.6	41.0	35.1	36.1	41.3	40.9	43.3	37.4	-

Total Crimes	2,762	2,833	2,480	2,703	2,181	1,838	1,893	2,256	2,268	2,387	2,082	-24.6
Population	35,250	36,350	37,350	40,750	41,700	42,700	44,100	47,100	47,600	47,500	48,041	36.3
Watsonville Crime Rate per 1,000 ¹	78.4	77.9	66.4	66.3	52.3	43.0	42.9	47.9	47.6	50.3	43.3	-
Santa Cruz County Crime Rate per 1,000 ¹	63.1	58.1	53.6	46.0	40.4	34.8	34.3	39.5	39.5	43.2	41.2	-
State Crime Rate per 1,000 ¹	61.9	58.2	52.0	48.5	43.1	37.8	37.3	39.1	39.8	40.1	39.5	-

Source: State of California Department of Justice, *California Criminal Justice Profile, 2004*. State of California, Department of Finance, *E-4 Population Estimates for Cities, Counties and the State, 2001-2005*, with *2000 DRU Benchmark*, Sacramento, California, 2005.

¹The crime rate is based on the CALIFORNIA CRIME INDEX (CCI) a group of offenses chosen to serve as an index for gauging fluctuations in the overall volume and rate of crime. These offenses, chosen because of their seriousness and likelihood of being reported to the police by the public, are willful homicide, forcible rape, robbery, aggravated assault, burglary, and motor vehicle theft.

Crime Rate - Unincorporated Areas

Unincorporated Areas (Sheriff's Department)

Violent Crime	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Homicide	2	3	1	3	4	1	4	9	2	5	2	0.0
Rape	46	40	43	34	28	34	27	39	28	22	29	-37.0
Robbery	77	69	68	56	44	19	25	31	38	32	23	-70.1
Aggravated Assault	536	513	391	406	351	182	163	164	160	266	270	-49.6
Total Violent Crimes	661	625	503	499	427	236	219	243	228	325	324	-51.0
Violent Crime Rate per 1,000	5.0	4.7	3.8	3.8	3.2	1.8	1.6	1.8	1.7	2.4	2.4	-

Property Crime	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Burglary	1,204	1,268	964	907	851	749	599	570	635	712	730	-39.4
Larceny	2,812	2,567	2,730	2,432	1,922	1,609	1,560	1,696	1,592	1,821	1,827	-35.0
Motor Vehicle Theft	22	1	15	11	11	15	12	10	10	16	16	-27.3
Aison	49	49	29	29	23	33	28	30	30	21	14	-71.4
Total Property Crimes	4,087	3,885	3,738	3,379	2,807	2,406	2,199	2,306	2,267	2,570	2,587	-36.7
Property Crime Rate per 1,000	31.0	29.4	28.1	25.6	21.1	18.0	16.3	17.2	16.9	19.1	19.4	-

Total Crimes	4,748	4,510	4,241	3,878	3,234	2,642	2,418	2,549	2,495	2,895	2,911	-38.7
Population	131,800	132,200	133,000	132,000	132,800	133,700	135,100	134,300	134,500	134,300	133,285	1.1
Unincorporated Crime Rate per 1,000 ¹	36.0	34.1	31.9	29.4	24.4	19.8	17.9	19.0	18.6	21.6	21.8	-
Santa Cruz County Crime Rate per 1,000 ¹	63.1	58.1	53.6	46.0	40.4	34.8	34.3	39.5	39.5	43.2	41.2	-
State Crime Rate per 1,000 ¹	61.9	58.2	52.0	48.5	43.1	37.8	37.3	39.1	39.8	40.1	39.5	-

Source: State of California Department of Justice, California Criminal Justice Profile, 2004. State of California, Department of Finance, E-4 Population Estimates for Cities, Counties and the State, 2001-2005, with 2000 DRU Benchmark, Sacramento, California, 2005.

Note: Unincorporated areas are covered by the Santa Cruz County Sheriff's Office and include all areas except the cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville.

¹The crime rate is based on the CALIFORNIA CRIME INDEX (CCI) a group of offenses chosen to serve as an index for gauging fluctuations in the overall volume and rate of crime. These offenses, chosen because of their seriousness and likelihood of being reported to the police by the public, are willful homicide, forcible rape, robbery, aggravated assault, burglary, and motor vehicle theft.



Family Violence - Households Reporting Domestic Violence

This indicator measures the number of calls placed to local law enforcement for assistance in domestic violence disputes.

Number of Calls, Santa Cruz County

Agency	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Capitola Police Department	42	42	55	44	36	30	27	25	26	16	13	-69.0
Santa Cruz Police Department	198	207	269	167	193	190	160	204	191	394	438	121.2
Santa Cruz County Sheriff's Office ¹	262	244	217	247	206	541	918	948	456 ³	329	344	31.3
Scotts Valley Police Department	29	44	34	13	19	35	40	47	43	41	35	20.7
Watsonville Police Department	180	183	238	268	274	244	204	246	242	224	196	8.9
Santa Cruz County Total²	729	735	834	760	758	1,058	1,374	1,487	968³	1,007	1,032	41.6
Population	237,800	240,000	242,500	245,400	249,000	252,100	255,000	257,500	258,400	258,900	258,886	8.9
Rate of Domestic Violence Calls per 1,000 residents	3.1	3.1	3.4	3.1	3.0	4.2	5.4	5.8	3.7 ³	3.9	4.0	-

Number of Calls, California

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Number of Calls	250,439	246,315	227,899	220,156	196,832	186,406	196,880	198,031	196,569	194,288	186,439	-25.6
Population (in thousands)	31,661	31,910	32,223	32,670	33,226	33,766	34,336	34,385	35,000	35,612	36,271	14.6
Rate of Domestic Violence Calls per 1,000 residents	7.9	7.7	7.1	6.7	5.9	5.5	5.7	5.8	5.6	5.5	5.1	-

Source: State of California Department of Justice, *California Criminal Justice Profile, 2005*, State of California, Department of Finance, *E-4 Population Estimates for Cities, Counties and the State, 2001-2005*, with *2000 DRU Benchmark*, Sacramento, California, 2005.

¹In 1999, the Sheriff's Department changed the method of categorizing domestic violence cases to comply with California Penal Code definitions. Cases that would have been classified as assault before 1999 are now being appropriately classified as domestic violence cases.

²The total of all jurisdictions will not equal County total. The County total includes the California Highway Patrol, U.C. Santa Cruz, Santa Cruz Mountains Department of Parks and Recreation and the Union Pacific Railroad.

³In 2002, the Sheriff's Department discovered an error in the reporting system that tracks domestic violence calls for assistance. Therefore, the sharp decline between the 2001 and 2002 data does not reflect a decrease in calls for assistance. Instead, it reflects a correction in the reporting system.

Family Violence - Households Reporting Domestic Violence

Number of Cases with Weapons, Santa Cruz County

Agency	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Capitola Police Department	37	26	43	31	26	22	24	21	15	10	9	-75.7
Santa Cruz Police Department	184	189	251	156	177	178	149	187	176	52	164	-10.9
Santa Cruz County Sheriff's Office ¹	262	244	217	247	206	411	814	864	116 ³	49	61	-76.7
Scotts Valley Police Department	23	40	19	11	17	25	28	32	11	5	3	-87.0
Watsonville Police Department	158	137	159	175	180	108	187	228	133	12	24	-84.8
Santa Cruz County Total²	678	647	699	629	621	755	1,213	1,343	457³	128	264	-61.1
Population	237,800	240,000	242,500	245,400	249,000	252,100	255,000	257,500	258,400	258,900	258,886	8.9
Rate per 1,000 of Domestic Violence Cases with Weapons	2.9	2.7	2.9	2.6	2.5	3.0	4.8	5.2	1.8 ³	0.5	1.0	-

Number of Cases with Weapons, California

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	94-04 % Change
Cases with Weapons	182,240	174,299	159,075	155,650	136,658	127,795	135,156	136,366	119,859	106,731	97,736	-46.4
Population (in thousands)	31,661	31,910	32,223	32,670	33,226	33,766	34,336	34,385	35,000	35,612	36,271	14.6
Rate per 1,000 of Domestic Violence Cases with Weapons	5.8	5.5	4.9	4.8	4.1	3.8	3.9	4.0	3.4	3.0	2.7	-

Source: State of California Department of Justice, *California Criminal Justice Profile, 2005*. State of California, Department of Finance, *E-4 Population Estimates for Cities, Counties and the State, 2001-2005*, with *2000 DRU Benchmark*, Sacramento, California, 2005.

¹In 1999, the Sheriff's Department changed the method of categorizing domestic violence cases to comply with California Penal Code definitions. Cases that would have been classified as assault before 1999 are now being appropriately classified as domestic violence cases.

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Appendix C – Memos



CITY COUNCIL AGENDA REPORT

DATE: April 13, 2006

AGENDA OF: April 25, 2006
DEPARTMENT: Commission for the Prevention of Violence Against Women
SUBJECT: Commission's Report on Rape and Sexual Assault

RECOMMENDATION: That the Santa Cruz City Council review the Rape and Sexual Assault Report and, by motion, create the Rape and Sexual Assault Task Force, with the charge and membership as proposed; and direct that the Task Force provide its findings to Council in six months.

BACKGROUND:

The Commission for the Prevention of Violence Against Women (CPVAW) was established by Ordinance 81-29 which states, "it shall be the policy of the City of Santa Cruz that the prevention of rape and domestic violence shall be one of its highest priorities." The ordinance states that an annual report will be submitted to City Council. The 2004 Annual Report of the Commission for the Prevention of Violence Against Women (CPVAW) was presented to the City Council in January 2005.

The Commission's 2004 annual report included a request that, when the Commission had completed its data analysis, the City Council agendaize the issue of increased reported rapes in the City of Santa Cruz.

DISCUSSION:

The Commission has been working with Applied Survey Research (ASR) to analyze data on reported rape and sexual assaults in three areas:

1. Long term data regarding the increase in reported rapes in the City of Santa Cruz over a 10 and 20 year period.
2. A comparison of the rate of rape in the city of Santa Cruz with the State of California and 5 cities of similar character (Huntington Beach; San Diego; San Luis Obispo; Santa Barbara and Berkeley)
3. The demographics (age, location, ethnicity, stranger, non-stranger, brief encounter etc.) of reported sexual assaults in Santa Cruz for a focused two year period of 2003 and 2004.

ASR has developed a power point presentation using data compiled from various sources, including SCPD and the State of California Criminal Justice Department.

Commission Chair Martinez-Greenleaf will be introducing the agenda item to Council. Commission Vice-Chair Greensite will be making a presentation on the context of the findings. ASR will be presenting the data report.

FINDINGS:

- Rate of reported rape is higher in the City of Santa Cruz than comparative cities, counties, surrounding regions and the State of California. The 2004 rate in Santa Cruz is 2.10 per 1,000 females. The California rate is .53 per 1,000 females.
- Reported rapes in the City of Santa Cruz increased by 96% from 1984 to 2004. Reported rapes in California decreased by 18% during the same period.
- Rate of sexual assaults by strangers is higher in the City of Santa Cruz (36% in 2003 and 45% in 2004) and especially in the Downtown Beat (75%) than the national average of 17% (National Institute of Justice 2006).
- Arrest rate for rape in Santa Cruz in 2004 was 18%. Nationally, 42% of reported rapes were cleared by arrest in 2004 (FBI data).
- Report data is consistent with national statistics which show that the majority of rape victims are under the age of 25 while suspects are older.
- Report data is not consistent with national statistics which show that the race or ethnicity of the suspect and the victim are the same in the vast majority of cases. In Santa Cruz for 2003 and 2004, when the victim and suspect were of different races or ethnicities, it was predominantly in situations of rapes by strangers in the external environment.
- Report data revealed that most victims were local residents. For suspects, the unknown category was too large to draw a conclusion.
- Report data revealed that alcohol and other drugs were noted in approximately 40% of cases although the unknown category was significant for suspects.
- Report data revealed that 62% of victims who reported the rape to law enforcement did so immediately and 80% within one day.

FISCAL IMPACT: Existing staff will need to prioritize the current workload to staff the proposed Task Force or additional staffing resources will need to be allocated.

Submitted by:

Katherine Martinez-Greenleaf
Commission Chair

Attachments: Task Force Charge and Membership
Commission Report



MEMORANDUM
POLICE DEPARTMENT
"Your Police, Our Community"

DATE: April 24, 2006
TO: City Council
FROM: Chief of Police
SUBJECT: CPVAW Presentation

Department Overview:

Providing an immediate and compassionate response with the highest quality investigative skill to the victims of sexual assault is a top priority for the Santa Cruz Police Department and has been for many years. All officers of the Santa Cruz Police Department are trained to ensure the safety of and take a report from any victim of sexual assault as well as provide support services referral information upon first contact.

The State of California through the Penal Code mandates that all police officers receive sexual assault investigation training in the basic police academy. The Penal Code also mandates that officers primarily assigned to investigate sexual assaults (usually detectives) must attend additional certified training. Santa Cruz Police Department prides itself on its ongoing training in sexual assault investigation for all of its officers and has exceeded the state mandated training for many years. Since January 2006, the officers received an additional 8 hours of sexual assault training with a nationally recognized trainer suggested by CPVAW.

The Santa Cruz Police Department has had an in-house advocate for the victims of child and adult sexual assault for over 20 years. We are still the only agency in Santa Cruz County that provides this level of response. In addition, the department recently became the only agency in the county to offer a bilingual domestic violence and sexual assault resource page on our website.

Report Comment:

Our department believes the City has a great responsibility to the community to provide accurate information on crimes. To achieve this goal we worked extensively with CPVAW and ASR on correcting data and assumptions within their report to provide an accurate reflection of crime in our community. Unfortunately, the staff report mischaracterizes some of the crime information. The following outlines some specific examples of inaccurate data or mischaracterized statistical analysis:

- Reported rapes in the City of Santa Cruz increased by 96% from 1984 to 2004. Reported rapes in California decreased by 18% during the same period.

Re: Item 23

It is statistically inaccurate to take two years of data (1984 and 2004) and represent it as a twenty-year trend. Under this logic, the following would be considered valid statistical analysis: If we experienced ten reported sexual assaults every year from 1984-2003 and then had no reported sexual assaults in 2004 the analysis would read we had a 100 percent decrease in sexual assaults over the twenty-year period (since 1984 would have ten and 2004 would have zero). Clearly this is not statistically sound and does not represent true crime trends in our community. These facts were presented to the Commission and ASR and the decision was made to leave this information in the report.

- Arrest rate for rape in Santa Cruz in 2004 was 18%. Nationally, 42% of reported rapes were cleared by arrest in 2004 (FBI data).

The Commission mischaracterized our arrest data as clearance data. At 49 percent the Santa Cruz Police Department clearance rate exceeds the average national sexual assault arrest rate of 42 percent. Comparing the Santa Cruz arrest rate to the national arrest rate shows an even greater discrepancy. The Santa Cruz Police Department arrest rate is 19 percent (listed as 18 percent in the report) compared to FBI national average arrest rate of 8.8 and an average regional rate of 7.6.

- Rate of sexual assaults by strangers is higher in the City of Santa Cruz (36% in 2003 and 45% in 2004), especially in the Downtown Beat (75%), than the national average of 17% (National Institute of Justice 2006).

It is important to note that the Relationship of Suspect to Victim was determined by members of the Commission, not by the investigating officers. The percentages also do not reflect raw numbers (the Downtown percentage is a reflection of eight reported cases) even though they erroneously lead the reader to believe a pervasive stranger sexual assault ratio in the Downtown corridor. In addition, the determination as to whether alcohol and/or drugs were involved in the 2003/2004 cases was made by members of the Commission. The detectives and victim advocate assigned to the sexual assault caseload believe that alcohol and/or drugs were involved in many of the cases listed as "unknown".

These are a few examples of the complexity of the data presented and the difficulty in correctly interpreting state and federal crime data.

Closing Statement:

Given the available resources in the City and current staffing levels in the Police Department, our primary objective is directing our limited resources towards victim assistance and investigation of these crimes. We will continue to actively work with our partners, (CPVAW, Women's Crisis Support/Defense de Mujeres, District Attorney's Office, county law enforcement agencies and Probation) to directly address the needs of the victims and advocate on their behalf. Sexual assault and domestic violence are, and always will be, top priorities for this department.

Re: Item 23



MEMORANDUM
Commission for the Prevention of Violence Against Women

DATE: June 15, 2006
TO: City Council
FROM: The Commission for the Prevention of Violence Against Women
SUBJECT: Response to Memorandum of April 24, 2006 from Chief Skerry to City Council
Re: CPVAW Presentation

The Commission for the Prevention of Violence Against Women values its good working relationship with the SCPD and shares with the Chief a belief in the responsibility to provide accurate information on crimes. The Commission worked with a professional research team to present a document that would serve as a useful guide for all parties in our common pursuit of preventing sexual assaults in the city of Santa Cruz. In that spirit, the Commission would like to respond to the Chief's memorandum to Council which claimed that the Findings contain "inaccurate data or mischaracterized statistical analysis". Below are the three Commission Findings from the **research data (bold)**; *the Chief's comments (italics)* and the Commission's response.

- **Reported rapes in the City of Santa Cruz increased by 96% from 1984 to 2004. Reported rapes in California decreased by 18% during the same period.**

"It is statistically inaccurate to take two years of data (1984 and 2004) and represent it as a twenty-year trend." Chief Skerry, memo to Council 4/24/06

There are references in both the UCR (Uniform Crime Report) and the NCVS (National Crime Victimization Survey) to the percentage decline in rape from 1994 to 2004. It would be misleading if the two years in question were anomalous years and no reference made to the data for the intervening years, but that was not the case here. The data for each of the 20 years was clearly displayed in the presentation.

- **Arrest rate for rape in Santa Cruz in 2004 was 18%. Nationally, 42% of reported rapes were cleared by arrest in 2004 (FBI data).**

"The Commission mischaracterized our arrest data as clearance data. At 49% the Santa Cruz Police Department clearance rate exceeds the average national sexual assault arrest rate of 42 percent." Chief Skerry, memo 4/24/06

"Cleared by Arrest" is a term explicitly defined by UCR. It is different from # of arrests. As of writing the Report, the Commission did not have the "Clearance by Arrest" data for SCPD. We had only the total number of arrests from the actual police reports, upon which we based the

figure 18% for 2004. SCPD now lists its "Clearance by Arrest and Exceptional Means" data online. For 2004, the number of rapes or attempted rapes Cleared by Arrest or Exceptional Means by SCPD was 8 out of a total of 59. This is 13.5% and well below the UCR figure of 42% which is the national (or more explicitly, west coast) figure for Cleared by Arrest or Exceptional Means. The origin of the Chief's reference to 49% is unclear but it is certainly not the accurate Cleared by Arrest figure.

"Comparing the Santa Cruz arrest rate to the national arrest rate shows an even greater discrepancy. The Santa Cruz Police Department arrest rate is 19 percent (listed as 18 percent in the report) compared to FBI national average arrest rate of 8.8 and an average regional rate of 7.6." Chief Skerry, memo 4/24/06

The FBI figure of 8.8 refers to the arrest rate per 100,000 people. The local arrest rate of 18% (or 19%) refers to the percentage of arrests made in one year out of the total incidents of rape or attempted rape reported, not rate of arrest per 100,000 people.

- **Rate of sexual assaults by strangers is higher in the City of Santa Cruz (36% in 2003 and 45% in 2004), especially in the Downtown Beat (75%), than the national average of 17% (National Institute of Justice 2006).**

"It is important to note that the Relationship of Suspect to Victim was determined by members of the Commission, not by the investigating officers. The percentages also do not reflect raw numbers (the Downtown percentage is a reflection of eight reported cases) even though they erroneously lead the reader to believe a pervasive stranger sexual assault ratio in the Downtown corridor." Chief Skerry, memo 4/24/06

It is not difficult to extract this information from the police reports. Commission members who did this work include two who participated in the 8 hour police training from Sgt. Joanne Archambault and two who have 26 and 33 years experience respectively in the field of sexual assault response. While it is true that percentages are not the same as raw numbers, 8 cases of reported rapes or attempted rapes on women by complete strangers in one Police Beat in one year is a highly significant occurrence that warrants serious attention. Our goal is zero tolerance to rape.

"In addition, the determination as to whether alcohol and/or drugs were involved in the 2003/2004 cases was made by members of the Commission. The detectives and victim advocate assigned to the sexual assault caseload believe that alcohol and/or drugs were involved in many of the cases listed as "unknown". Chief Skerry, memo 4/24/06

This may be true. However, the "Unknown" category meant that there was no reference to alcohol and/or drugs either in the Police Report or Supplemental Report for victim or suspect. Were drugs and/or alcohol involved, one would expect reference to that in the Report since such information would be relevant, if not definitive to any case.

Thank you for this opportunity to respond to Chief Skerry's memo to Council. We hope this is sufficient reassurance that the Commission presented accurate data and sound statistical analysis to the City Council in April 2006. We look forward to continued good working relationships with Chief Skerry and the SCPD.

Instructions for Respondents

Key provisions of Penal Code § 933.05 require that responding officials or governmental entities must specifically comment upon each finding and each recommendation of the Grand Jury Report, rather than preparing a generalized response. Each published finding must be acknowledged by the respondents as correct or incorrect. Explanations for disagreements must be provided. Please use the format below to prepare your response. The full text of Penal Code § 933.05 is provided below.

Response Format

1. Provide the title and page number from the original report.
2. Provide the date of the response.
3. Quote the text of the original finding.
4. Respond to the finding indicating if the entity:
 - AGREES
 - PARTIALLY AGREES
 - PARTIALLY DISAGREES
 - DISAGREES

If the entity partially agrees or disagrees with the finding, specify the area of disagreement in the finding and include an explanation.

5. Quote the text of the original recommendation.
6. Respond to the recommendation indicating if the recommendation:
 - has been implemented;
 - has not yet been implemented, but will be implemented in the future, with a time frame for implementation;
 - requires further analysis with an explanation, scope, parameters and the time frame for completion which should not exceed six months; or
 - will not be implemented because it is not warranted or is unreasonable, with an explanation.
7. Respond to each report in a separate document or separate pages of one document to allow the easy distribution of the responses to the various committees.
8. For an example, see Response Report to the 2004-2005 Santa Cruz County Grand Jury Final Report: <http://www.co.santa-cruz.ca.us/grandjury>.

9. An electronic version of the report in Microsoft Word format is available for the respondents to use to create their response report. To request an electronic copy of the report, send e-mail to: grandjury@co.santa-cruz.ca.us.
10. If you have questions about the response report, please contact the Grand Jury by calling (831) 454-2099 or by e-mail – grandjury@co.santa-cruz.ca.us.

When to Respond

A table indicating which entities are required to respond follows each report. This table also includes the corresponding finding and recommendation numbers requiring a response and the number of days each entity has to respond. Responses from elected officials or administrators are required no later than sixty (60) days from the publication of this report. Responses from the governing body of any public entity are required no later than ninety (90) days from the publication of this report.

Where to Respond

Please send one hard copy of the report to the Presiding Judge at:

The Honorable Judge Jeff Almquist
Presiding Judge
Santa Cruz Superior Court
701 Ocean Street
Santa Cruz, CA 95060

Please send an electronic version of the report in Microsoft Word format to the Grand Jury. Send the electronic version of the report via e-mail to: grandjury@co.santa-cruz.ca.us. Sending the electronic version of the report to the Grand Jury expedites the process of producing the response report.

Penal Code § 933.05

- 1) For purposes of subdivision (b) of § 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - a) The respondent agrees with the finding.
 - b) 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 reasons therefor.
- 2) For purposes of subdivision (b) of § 933, as to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- a) The recommendation has been implemented, with a summary regarding the implemented action;
 - b) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation;
 - c) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report; or
 - d) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- 3) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
 - 4) A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
 - 5) During an investigation, the Grand Jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
 - 6) A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

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