

Contra Costa County Civil Grand Jury Report Summaries 2022-23

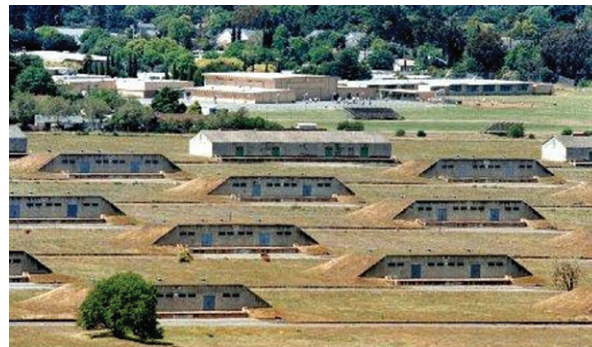
Investigations Into Fatalities involving Police Take Two Years To Complete

Investigations into officer-involved fatalities take 21-29 months to complete. In one case, it took 2 ½ years before Officer Andrew Hall was charged for shooting Laudemer Arboleda, by which time he had shot and killed another civilian. In comparison, San Diego County completes most of its investigations within six months. The grand jury also found that the investigation process has significantly improved and become more transparent. (See Page 4)



Concord Naval Weapons Station: 20 Years and \$38 Million of Missed Opportunities

The City of Concord missed two opportunities to complete negotiations with their selected Concord Naval Weapons Station master developers. Will they be able to finally fulfill the promise? Through the civil grand jury investigation of the 2021 master developer selection process and the \$14 million city loan to the Local Reuse Authority, we identified findings and made recommendations that we ask the Concord City Council to consider as they embark on the selection of a third master developer. (See Page 5)



Affordable Housing: Ambitious Plans, But No Owners, No Follow Through

The county and the cities within the county have failed to provide adequate housing for very low-income and low-income residents. The civil grand jury investigated why no one is accountable for implementing state-mandated housing plans, and to identify the major obstacles to affordable housing development in our community. The report shines a light on the challenges our cities and county face and makes recommendations to take actions to implement approved housing plan targets. (See Page 6)



Processing Williamson Act Contracts Takes Years, Difficult to Track

Agricultural permits take years to approve. The Grand Jury investigated why these permit applications take so long and made

recommendations on how the application and approval process can be improved. (See page 7)

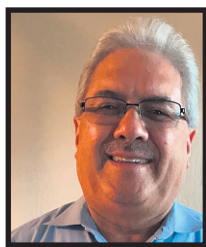
Elections Division Effectively Expands Voter Turnout

Does my vote count? Is my vote safe? Why do some zip codes have better representation in overall participation? The Grand Jury

investigated these and other questions and made recommendations concerning the election process. (See Page 7)



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Steve Apana



Ben Wu



Henry Verga



Nicholas Wellington

Bottom row left to right - John Minney, Raymond Gotelli, Cindy Roberts, Lynn Sturdevant, Guy Jett
 2nd row left to right - Tom Sponsler, Bruce Greenlee, Linda Jorgensen, Brian Haux, Kent Ball
 3rd row left to right - Bill Pratt, Bob Montgomery, Jeff Stroin
 Juror not pictured: Stuart Williams

A Letter from the Civil Grand Jury Foreperson

Dear Judge Fannin,

On behalf of the 2022-2023 Contra Costa Civil Grand Jury, I am honored to submit to you our final reports. These reports reflect many hours of research, investigation and writing by our jurors. The reports are based on our research into local government agencies within our jurisdiction and include our findings and recommendations, of which we hope will lead to positive change for our community.

Thank you and Judge Reyes for the support, advice, and valued counsel this year. The oversight and support from both you and Judge Reyes have been invaluable to the jury and is very much appreciated. We would also like to thank Elisa Pantaleon and Maria Zarco, Superior Court Administrative Assistants for their continued support of the jury. We are also very appreciative and grateful for the advice and support from Hannah Shafsky and Rebecca Hooley, our County Counsel advisors who spent many hours reviewing and editing reports and offering advice. Thank you both.

Being a juror on the Civil Grand Jury is a learning experience. As we emerged from the COVID-19 pandemic, we were able to resume normal jury activities which facilitated learning more about community and local government; the jury was able to meet, conduct investigations and interviews in person. As a group the jury toured the three county detention centers and joined local law enforcement during their work patrolling our

communities. These activities improved our understanding not only of law enforcement, but also detainees. The jury met with dedicated city and county officials, and employees and we are thankful for their time and knowledge; their information was helpful as we conducted our research.

Lastly, I want to thank the jurors whose commitment to improving our local government and making a difference continues to impress me. This group of jurors were passionate about their research and writing endeavors. The passion and dedication to the community shines through in each report that this jury has produced. Ending with a quote from Leo Buscaglia, which I feel describes the work of our jurors: "Don't spend your precious time asking, "Why isn't the world a better place?" It will only be time wasted. The question to ask is "How can I make it better?" To that there is answer." I believe this jury worked to make our community better.

Respectfully,

Cynthia Roberts

DO YOU HAVE WHAT IT TAKES TO BE AN ENGAGED CITIZEN? JOIN THE CIVIL GRAND JURY AND MAKE A DIFFERENCE!



Hold your local city and county government agencies accountable for their actions.

Ensure that tax dollars are spent wisely.

Increase transparency and improve oversight.

Jurors serve a one-year term and unlike regular jury service, it is not a full-time or in-court commitment.

Inspections, interviews, and meetings are conducted in-person or virtually and do not require travel to Martinez.

Through these investigations, they develop findings and recommendations that agencies must legally respond to in writing.

Grand jurors must be US Citizens and residents of Contra Costa County for at least one year and eighteen years of age or over.



Seize this opportunity to effect meaningful change in local government!

The Civil Grand Jury is not a courtroom jury!

The Civil Grand Jury actively investigates local government!

The Civil Grand Jury issues reports based on their investigations!

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INVESTIGATING DEATHS INVOLVING LAW ENFORCEMENT EXPANDING TRANSPARENCY AND REDUCING DELAYS



Photo by: Anda Chu/Bay Area News Group

Deaths involving law enforcement personnel are an issue of great local and national interest. These fatalities negatively impact not only the family and others who knew the decedent, but also law enforcement officers, government agencies, and the public. Every year in Contra Costa County, a number of civilians die in circumstances in which law enforcement personnel are involved in some way.

The civil grand jury researched how our county's law enforcement agencies investigate these incidents. We reviewed the well-publicized 2018 shooting of Laudemer Arboleda by officer Andrew Hall in Danville. We found that nearly 2.5 years passed before officer Hall was criminally charged, by which time he had shot and killed another civilian, Tyrell Wilson. Hall was not charged for Wilson's death. The time taken to

investigate and charge Hall is significantly more than in other well-publicized officer-involved deaths, such as the death of George Floyd (charges filed after four days) and of Tyre Nichols (charges filed after sixteen days). We discovered that the average time for these criminal investigations in our county is between 21 and 29 months after the fatal incident. In comparison San Diego County usually completes these investigations and makes charging determination within approximately six months.

The Protocol for Law Enforcement Involved Fatal Incidents (LEIFI) is the policy in Contra Costa County that guides the investigation process. All law enforcement agencies in the county agreed to this Protocol. The Protocol calls for the criminal investigation reports to be completed within 30 days of the fatal incident.

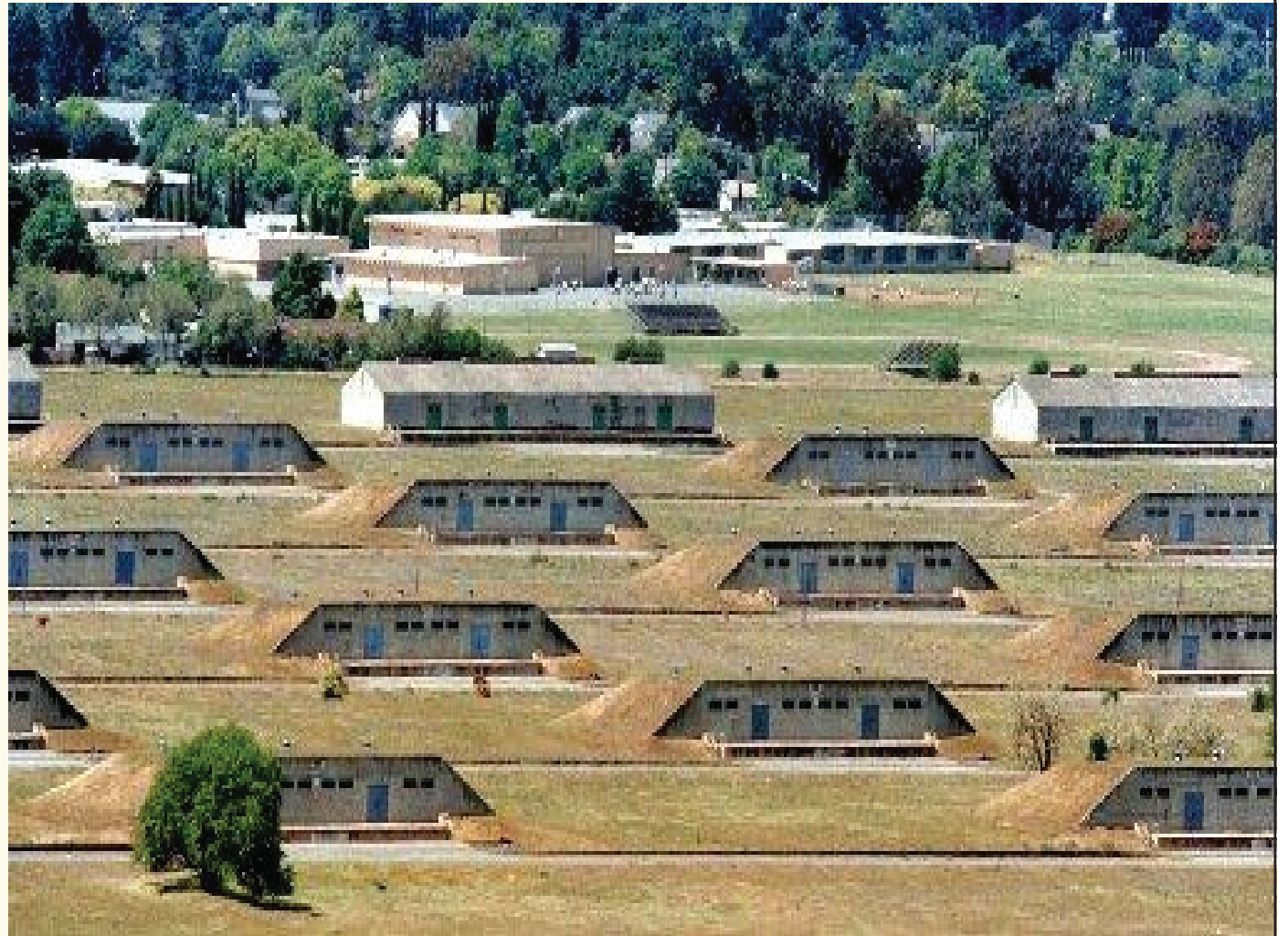
We recommend reducing how long these investigations take and expanding transparency. We also recommend that the district attorney consider completing the investigation and make a criminal charging determination within six months of the incident. To achieve this goal, the district attorney should consider making the criminal charging determination without necessarily waiting on the coroner's inquest. Similarly, the sheriff-coroner should consider holding the coroner's inquest within four to six months of the incident. The sheriff-coroner should give adequate notice of coroner's inquest hearings and make the record of the proceedings accessible to the public.

Concord Naval Weapons Station Grand Jury Report: A Promise Unfulfilled

Since the closure of the Navy base almost 20 years ago, redevelopment of the former Concord Naval Weapons Station (CNWS) has stalled. Ground has still not been broken. In 2005, the Department of Defense designated the Concord City Council as the Local Reuse Authority responsible for the development of the site. The 2,650 acre parcel offers the potential for more than 12,000 housing units, with more than 3,000 of them affordable, and the creation of hundreds of jobs for Concord residents who work in the building trades.

Now, after nearly two decades of unrealized potential, Concord citizens are questioning the lack of progress and process. Concord has twice failed to complete negotiations with selected master developers of the site. In May 2023 it initiated a third master developer selection process.

The grand jury's investigation focused on the 2021 master developer



process. The report identifies a number of areas of concern, including (1) selection methodology, (2) how the selection process rules were or were not followed, (3) the use and management of outside contractors, and (4) transparency and utilization of reports and recommendations from Concord city staff.

The grand jury also reviewed a series of \$14 million in loans made to the Local Reuse Authority from Concord's General Fund and two other city-controlled funds between 2012 and 2019. These loans are mostly tied to the payment for services related to the property transfer from the Navy and site development. It was intended that the

master developer selected in 2021, Concord First Partners, repay these loans upon the transfer and sale of property resulting from the development of the site. That did not happen. The grand jury recommends that the city provide better transparency and annual reporting, particularly regarding the status of these loans.

AFFORDABLE HOUSING A PLAN WITHOUT A HOME

An investigation by the civil grand jury revealed that while local governments put forth targets to meet the need for affordable housing, most cities and the county repeatedly miss those targets. In fact, the highest percentage of missed housing permit targets are for the categories of very low- and low-income residents.

The report examines the causes for this long-time and worsening failure. It explains how, within city and county governments, affordable housing targets are set forth, but no one is responsible for achieving those targets. A greater concern is city and county officials interviewed for this investigation conceded that they see no direct path to meet state-mandated regional housing targets, including for very low- and low-income housing allocations. The grand jury identified many causes for this ongoing failure: There are no measurable penalties if a city or county does not achieve the targets in its housing plan; land and funds are limited; there are restrictive zoning policies; and absent government support, few developers are interested in building affordable housing. Often there is NIMBY opposition rather than community support, and local governments sometimes fail to address NIMBY concerns or engage affirmatively with likely developers. When zoning changes are proposed, they are often proposed only after a project is presented, rather than in advance to attract development that will meet housing targets.

Historically, local redevelopment agencies provided funds for



affordable housing, but when those agencies were disbanded in 2012, neither cities nor the county filled the gap. Eight years passed before voters approved Measure X. This will provide funding, though only some is dedicated to housing for very low- and low-income residents. Further, the effects of that funding will not be evident for many years. The overall result is that cities and the county have fallen further and further behind meeting the housing targets for very low- and low-income residents. Yet, those targets, and the needs, are projected to increase sharply.

The grand jury report requests that each city and the county respond to its recommendations. These recommendations include that local governments assign

a staff member with clear ownership and accountability for not only setting affordable housing targets, but achieving them. Each city and the county should publicly report progress and lack of progress regarding affordable housing, specifically tracking the housing needs of residents categorized as very low- and low-income.

Additionally, cities and the county should consider creating a dedicated affordable housing commission, charged with providing a community voice in the process and identifying obstacles to the development of affordable housing projects. Each city and the county should consider, in their housing plans, putting forth land for affordable housing that is zoned “suitable

for residential use,” without development obstacles, and located close to existing services. Local governments should review their zoning policies to identify policies that impede the provision of affordable housing, and should consider adopting an inclusionary housing ordinance as part of their standard development policy. They should prioritize Measure X funding requests for projects that will provide housing for very low- and low-income residents.

By taking ownership of the problem and addressing its complex nature, cities and the county will be able to reverse the long-standing, failure trend of providing affordable housing in our communities.

WILLIAMSON ACT CONTRACTS TAKE YEARS TO APPROVE IN CONTRA COSTA COUNTY



One of the specialized functions that the Contra Costa County Department of Conservation and Development (DCD) performs under its planning umbrella is the recommendation to the Board of Supervisors for the approval of agricultural contracts. Agricultural contracts, often called Williamson Act Contracts, are agreements between the county and the landowner for the purpose of restricting parcels of land for agricultural or related open space use. This use can include the growing of certain crops, grazing of farm animals, or simply providing open space. Landowners can receive a substantial reduction of their property tax assessment for this restricted use. The California Legislature passed the Williamson Act in 1965 to preserve agricultural and open space lands to discourage urban sprawl.

The Grand Jury found that the DCD process to review and recommend the approval of agricultural contracts often takes years compared to another nearby county which accomplishes this task in 3 months. The delay causes the overpayment of property taxes by the applicants while awaiting contract approval. The grand jury also found that the online system to obtain the status of the application is often inaccurate and communication between the department and the applicant does not always meet department benchmarks.

The grand jury recommended that the DCD establish a written procedure for agricultural contracts that is accessible to the public. The grand jury also recommended that the DCD compare their process to that of other counties to determine if adopting outside practices could reduce the approval interval for agricultural contracts in Contra Costa County.

CONTRA COSTA COUNTY ELECTIONS DIVISION - VOTER OUTREACH, THE VOTER GUIDE & ELECTION SECURITY

The 2022 – 2023 civil grand jury completed an investigation of the Contra Costa County Elections Division, examining several areas including:

- The effectiveness of their voter outreach efforts,
- Voter guide requirements related to candidates and ballot measures, and
- Election security.

The county elections division is responsible for managing all elections within the county, promoting voter outreach programs, and educating voters on the many ways in which they can cast their ballots.

They are also responsible for pre-election activities such as providing guidelines and due dates to candidates seeking office, and information for entities such as cities, counties and school districts seeking to place initiatives on the ballot. They are responsible for creating and publishing the voter guide, printing, and mailing ballots, counting the ballots, certifying the election, reporting election results,

and ensuring the election process is secure.

Our key findings and recommendations are that the elections division continue with their voter outreach efforts as they had a measurable impact on voter participation compared to the previous election.

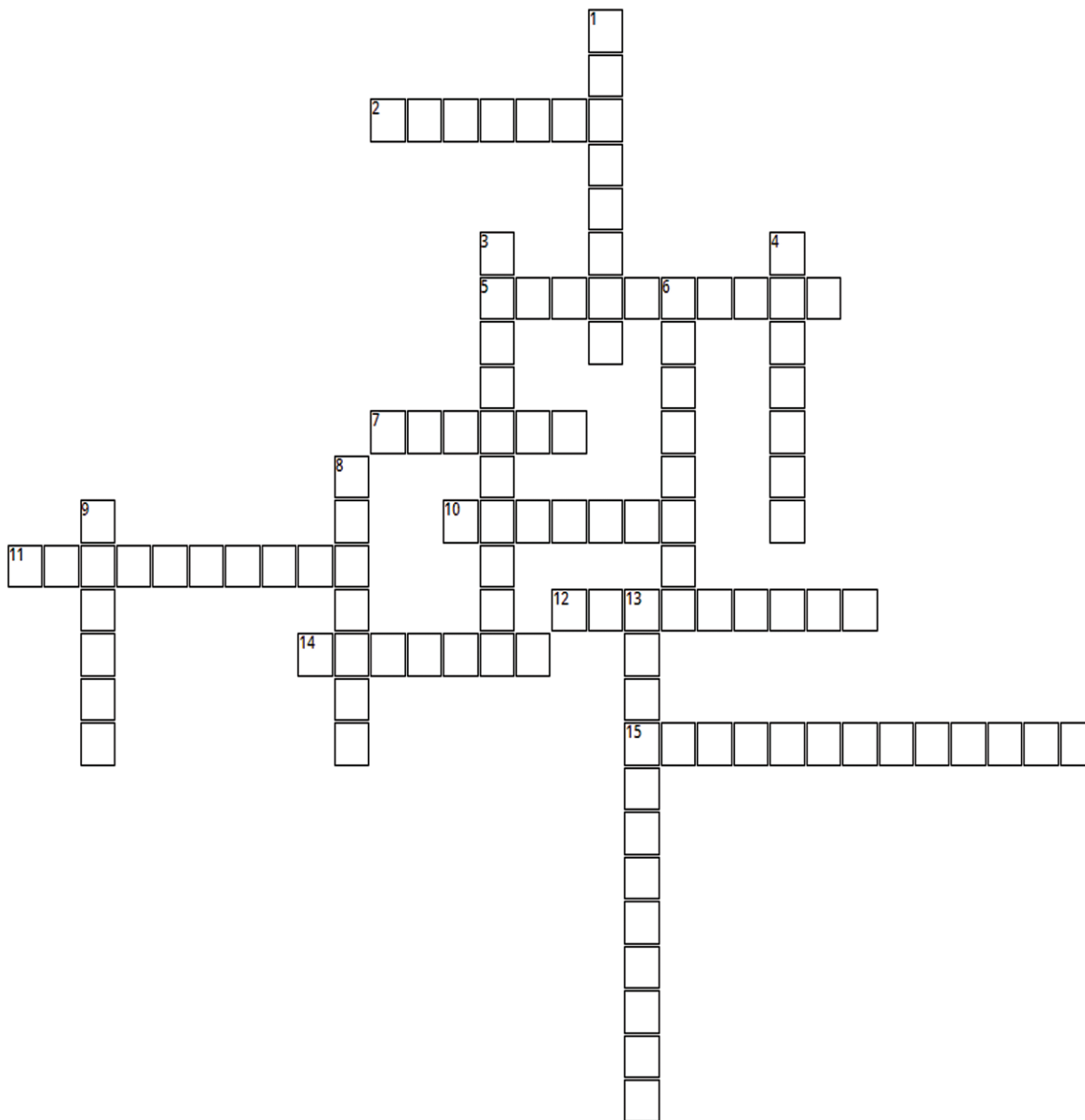
The elections division's "how to" videos on their website describe the many ways to cast your vote, how elections are certified, and how you can research candidates and measures. We recommend adding to that collection a video on the many ways they insure a secure election.

We also recommend that the election division and the Board of Supervisors consider waiving candidate statement fees to promote the transparency of candidate qualifications and background information.

The grand jury found the elections division personnel to be both professional and cooperative throughout our investigation and we commend them for a job well done.



CIVIL GRAND JURY PUZZLER



Down

1. Minimum age to serve on a grand jury
3. Reasonably priced
4. Naval weapons station location
6. Vote of a person for political office
8. Elected official responsible for keeping the peace
9. Members of a jury
13. Farming or fallow land

Across

2. Dwelling place
5. Presiding member of a jury
7. Minimum number of members required to make a meeting valid
10. Cocktail invented in martinez
11. Building in which judicial proceedings are conducted
12. Formal body to investigate the operations of local government
14. Person granted full rights and responsibilities in a community
15. Formal inquiry to discover facts

1. Eighteen
2. Housing
3. Affordable
4. Concord
5. Foreperson
6. Election
7. Quorum
8. Sheriff
9. Jurors
10. Martini
11. Courthouse
12. Grandjury
13. Agricultural
14. Citizen
15. Investigation

The Civil Grand Jury is not a courtroom jury. Instead of listening to a trial and deliberating, the nineteen members of the Civil Grand Jury actively investigate and report on the work of local government with the goal of improving governmental accountability and transparency.