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Review of Orange County Detention Facilities



Review of Orange County Detention Facilities

SUMMARY

The 2010-2011 Grand Jury has completed an inspection of all the detention facilities in Orange County under the requirements of the California Penal Code. Orange County detention facilities were found to be clean, in good repair and not overcrowded. Fighting and other disruptions have been kept at a minimal level, due in part to well-designed management techniques and modern technology. The following report will elaborate on the findings from these inspections.

REASON FOR STUDY

California Penal Code section 919 (b) requires the Grand Jury to “inquire into the condition and management of the public prisons within the county.” Areas of inspection were guided by Title 15 of the California Administrative Code which governs housing conditions and treatment for incarcerated adults and juveniles. The purpose of this report is to relate the findings of the Grand Jury’s visits to all Orange County detention facilities.

METHODOLOGY

The Criminal Justice Committee of the Grand Jury developed a list of questions to be asked during the visits to the adult and juvenile facilities. The areas of concern were facility capacity, current population, number and training of the staff, general state of repair, cleanliness, booking process, inmate monitoring, inmate privileges, inmate segregation, facility emergency planning and special programs.

Also, some members of the Criminal Justice Committee participated in sheriff department ride-alongs and observed many of the routine operational situations that deputies face daily. A general briefing was scheduled before each shift including the events of the day, warrant information, and cautions. The patrol officers went through their car check procedure, explained gang terminology, pointed out gang graffiti, gang attire and which neighborhoods had the greatest concentration of gang activity.

FACTS

Fact: There are four types of adult detention facilities in Orange County.

Fact: There are two types of juvenile detention facilities in Orange County.

Fact: Three detention facilities are participating in a federal program to house undocumented immigrants awaiting deportation hearings or deportation to their native country.

Fact: Some facilities are managed by the Sheriff’s Department, others by city police departments, some by city employees and others by private correctional companies.

Fact: The Orange County Superior Court has developed a plan to adjudicate specific concerns of the law.

Fact: The Strategy, Accountability, Focus and Evaluation (S.A.F.E.) Division is a new program initiated by the Orange County Sheriff's Department.

Fact: All facilities maintain current policies, procedures and accreditation.

ANALYSIS

The following types of detention centers are referenced by Title 15 of the California Code of Regulations. The most common type of jail in Orange County is "Temporary Holding", a local detention facility used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court. Temporary Holding facilities are located in the cities of Brea, Cypress, Fountain Valley, Garden Grove, Irvine, Laguna Beach, La Palma, Los Alamitos, Orange, Placentia, Tustin and Westminster.

The second type of detention facility is the "Type I" facility, a local detention facility used for the confinement of persons for not more than 96 hours, after booking excluding holidays. A Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker. They may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five day scheduled work week. Type I facilities are located in Anaheim, Buena Park, Costa Mesa, Fullerton, Huntington Beach, La Habra, Newport Beach and Seal Beach.

The third type of detention facility is the "Type II" facility, a local detention facility used for the confinement of persons pending arraignment, during a trial, and upon a sentence of commitment, generally for one year or less. Type II facilities are located in Irvine (James A. Musick), Orange (Theo Lacy), Santa Ana (Santa Ana City Jail), and (Central Men's Jail, Intake/Release Center).

The fourth type of detention facility is a Court Holding Facility managed by the Orange County Sheriff's Department. These justice centers include Central Justice Center in Santa Ana, Harbor Justice Center in Newport Beach, Lamoreaux Justice Center in Orange, North Justice Center in Fullerton and West Justice Center in Westminster. The Grand Jury does not have responsibility for review of these court holding cells. These facilities are part of a contract package between the Sheriff, Orange County and Administrative Office of the Courts. The agreement and transfer/transition of responsibility for these holding cells to state control became effective as of April 10, 2010.

The juvenile detention facilities are operated by the Orange County Probation Department. The current juvenile facilities are Juvenile Hall (Orange), Theo Lacy Juvenile Annex (Orange), Joplin Youth Center (Trabuco Canyon), Youth Guidance Center (Santa Ana) and Youth Leadership Academy (Orange). Juveniles housed in these facilities are likely to have experienced one or more of the following situations: family problems, abuse of legal or illegal substances, truancy, criminal street gang association and mental health issues. Juveniles considered high-risk (committed violent crimes) are held at Juvenile Hall and the Theo Lacy Juvenile Annex. After court-processing, low-risk (committed non-violent crimes) juveniles

may be transferred to a minimum security facility such as Joplin Youth Center, the Youth Guidance Center or the Youth Leadership Academy. The Orange County Department of Education provides educational opportunities through the Education Access Program.

During the Criminal Justice Committee's visit to the Central Jail Complex Intake Release Center, a significant finding of minimal inmate disruption was made. One reason is a direct result of using experienced classification deputies with special training to screen and evaluate every incoming prisoner. After booking, each prisoner answers a computer-generated checklist questionnaire, followed by a one-on-one interview with a classification deputy. These veteran deputies have the ability to converse with the inmates and elicit information by interaction and observation. Ultimately, the deputy classifies inmates who are compatible, can interact well with other inmates and ultimately assigns housing accordingly.

The deputies assigned to the housing modules routinely observe inmates for any potential problems, thereby preventing adverse situations before they arise. Further, the Orange County Sheriff's Department communicates with state prison officials to learn of any gang related activities or issues that could affect Orange County jail inmates.

Upon inspection, the Orange County detention facilities appeared to be clean, in good condition and in compliance with state policies and procedures. Overcrowding in these facilities had been a major issue in prior years. To date, for reasons unexplained, there is no overcrowding. Understanding this phenomenon may be useful information for future planning.

The Orange County Sheriff's Department met the federal guidelines necessary to compete with other outside agencies for participation in a program commonly referred to as "Beds for Feds". Therefore, it is the recipient of funds paid by the federal government for this housing service. The program is administered through the Immigration and Customs Enforcement (ICE) agency. The program allows empty space in selected facilities to be used for housing of undocumented immigrants, whose criminal matters have been adjudicated. These detainees, as they are known, are awaiting deportation to their native countries. The Orange County facilities participating in this include: James A. Musick and Theo Lacy which are managed by the Sheriff's Department and the Santa Ana City Jail which is managed by city employees. The James A. Musick and Theo Lacy facilities received their first detainees in August and September 2010, respectively. Santa Ana City Jail has housed ICE detainees since October 2006.

Community Court, a division of the Orange County Superior Court, is in place to reduce the time of confinement and to reduce inmate recidivism. Specifically, the Veteran's Court, the Homeless Court, the DUI Court and the Mental Health Court fall into this category. These unique and specialized courts, collectively called Community Court, are designed to handle the well-defined needs of certain groups who violate the law.

The Sheriff's Department Inmate Services Division, Inmate Re-Entry Unit provides ongoing monitoring of programs designed to assist inmates upon their release. The James A. Musick detention facility offer the following programs to aid in the transition from incarceration to mainstream society: GED educational classes, culinary certification, computer classes, sewing, welding, ESL (English as a second language),

parenting, substance abuse and workforce readiness. The Theo Lacy facility and the Central Jail Complex offer: Phoenix House New Start Program (for substance abuse treatment), community work program, and rehabilitation programs. Collected empirical data from the Reentry Program indicates inmates have found success outside of the jail system, due in part, to these programs.

City jails and county detention facilities have commonalities such as the monitoring of holding cells by high-definition video cameras, motion sensors, as well as direct staff observation. These monitoring activities are performed on a regular schedule that fulfills the requirements of the California Code of Regulations Title 15 and Title 24. All jails visited had current policies and procedures available. These policies referenced the Peace Officers Standards and Training established in 1959 mandating that all California law enforcement personnel receive training standards for accreditation. Every police officer is obligated to continue their professional training requirements of 24 or more hours of qualifying Peace Officers Standards and Training during every two-year cycle.

It was observed during inspections of the city and county facilities that some of the departments are taking a proactive approach to minimizing their liabilities and maintaining required training. Additionally, recognizing a need for accountability and transparency regarding Sheriff's Department personnel engaged in all areas of law enforcement including detention facilities, the S.A.F.E. (Strategy, Accountability, Focus and Evaluation) Division was established. This early-warning system, initiated by the current Orange County Sheriff-Coroner, is a new program which became fully operational in 2010. S.A.F.E. examines the Orange County Sheriff's Department's areas of potential liability by establishing a pro-active methodology. Critical self-review allows the Sheriff's Department to monitor, evaluate and make necessary changes to reduce risk, follow current laws and best practices while providing transparency in the process. The daily function of the S.A.F.E. Division involves four areas of concern. One area of oversight includes managing civil litigation claims, both monetary and property. Another aspect of S.A.F.E. involves issues dealing with worker's compensation and employee injuries. A third area of responsibility insures departmental compliance with local, state and federal safety mandates. The final area is in statistical tracking and reporting. This involves staffing levels, overtime usage, use of force, internal affairs investigations and trend analysis.

Two software programs that are currently in use at some facilities are Commission on Accreditation for Law Enforcement Agencies (CALEA) and LEXIPOL. The CALEA was created in 1979 as a credentialing authority through the joint efforts of law enforcement's major executive associations. The goal is to improve the delivery of public safety services, primarily by maintaining standards developed by public safety practitioners. LEXIPOL was founded and designed by a team of public safety veterans (law, public service and business) and staffed by legal and law enforcement professionals. LEXIPOL, in collaboration with law enforcement representatives within California, developed essential policies to meet key operational needs within law enforcement departments. LEXIPOL is compatible with all major accreditation organizations using this technology to minimize risk, assure law enforcement operations are up-to-date concerning recent court decisions and is cost efficient.

FINDINGS:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requires or requests responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of detention facilities in Orange County, the 2010-2011 Orange County Grand Jury has arrived at six principal findings, as follows:

Finding F.1: The facilities visited were generally clean and in good condition.

Finding F.2: The use of trained personnel as well as high definition cameras, motion sensors and other modern technology have kept disruptions in the jail to a minimum.

Finding F.3: The programs instituted by the Sheriff's Inmate Services Division as well as other governmental entities are attempting to reduce inmate recidivism in Orange County.

Finding F.4: Orange County detention facilities are not overcrowded.

Finding F.5: Due to recent implementation of the federal ICE program, the financial impact is too new to be assessed.

Finding F.6: The S.A.F.E. Division initiated by the Orange County Sheriff-Coroner in 2010 is an early-warning system designed to enhance sheriff department operations.

RECOMMENDATIONS:

In accordance with California Penal Code 933 and 933.5, the 2010-2011 Grand Jury requires responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of detention facilities in Orange County, the 2010-2011 Orange County Grand Jury makes the following four recommendations.

R.1: Continue to keep facilities in clean and good condition as well as keep inmate disruption at a minimum.

R.2: Collect and analyze data to evaluate the present financial impact of the ICE program on Orange County.

R.3: Develop a study to better understand the causes of the reduced inmate population that currently exist in Orange County detention facilities.

R.4: Continue to assess and present evidence-based data from the S.A.F.E. Division of the Orange County Sheriff’s Department to enhance transparency, provide effective law enforcement and reduce civil litigation.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Findings</u>	<u>Recommendations</u>
Orange County Sheriff-Coroner	F.1, F.2, F.3, F.4, F.5, F.6	R.1, R.2, R.3, R.4
Orange County Board Of Supervisors	F.3, F.5, F.6	R.2, R.4

In accordance with California Penal Code Sections 933 and 933.05 the 2010-2011 Grand Jury requests responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Orange County Probation Department	F.3	R.3
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REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head 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.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Orange County Public Schools: Are They Prepared for Emergencies?



Orange County Public Schools: Are They Prepared for Emergencies?

SUMMARY

With this study, the 2010-2011 Orange County Grand Jury sought to provide answers to the basic question of whether public schools in the county are prepared for emergencies. It used a broad-based survey of all districts in the county, and a sample of the almost 600 schools within those districts. A survey return rate of 93% was augmented by visits to 17 individual campuses.

The results demonstrate that, although Orange County public schools overall are well-prepared for an increasing number of emergency situations, there exists a considerable discrepancy between the readiness of schools in some districts compared to others. Although all schools in the sample were found to be adequately prepared, some are exceptionally well prepared and equipped. The main differentiating factor is districts' ability to apply for and obtain large governmental grants that have become available in recent years. Schools in districts that have yet to access grants have had to turn more to local communities, including parents, for material support, and they struggle to find both time and money to address competing priorities of improving academic achievement at the same time they are preparing for the very real threat of emergencies.

REASON FOR STUDY

“How prepared are Orange County schools to deal with the threat of violence on campus?” This question was asked in *The Orange County Register*, (Page 1, Local Section), January 24, 2011, after a spate of campus and near-campus shootings and lockdowns the previous week in the Los Angeles Unified School District. Not many weeks go by without news of a campus shooting or similar disaster somewhere in the state or nation. Indeed, the frequency of such events in the news keeps this question in the minds of most parents, teachers, and school administrators.

According to the Orange County Department of Education, there are 27 public school districts¹ in the county, encompassing 596 schools with a total enrollment of just over a half million students from kindergarten through high school.² This total includes 397 elementary schools, 83 intermediate / middle schools, 67 senior high schools, 38 continuation, alternative, or special education schools, and 11 charter schools.

Because such large concentrations of children and adolescents can be found across the county most days of the week, emergency and disaster planning has necessarily become a high priority for district and school administrators, teachers, support staffs, and parents. At one time in the not too distant past, emergency planning mostly was for accidents and “natural” disasters, such as fires, earthquakes, or severe weather problems. Since the advent of high-profile shootings on campuses, however, by students or intruders, terrorist attacks on major cities, and outbreaks of potentially dangerous diseases, planning for a range of events has become an ongoing concern. Although all disasters can never completely be prevented or accurately predicted, public officials have a critical responsibility to prepare for their eventuality, in order to protect from harm the students placed in their care.

¹ There is one joint Orange/Los Angeles County district (Lowell); because its district headquarters is in LA County, it was not included in this study.

² “Orange County Education at a Glance,” OCDE pamphlet, 2010.

The last time the Orange County Grand Jury assessed emergency preparedness in public schools was four years ago, during the 2006-07 school year. At that time, the findings were generally critical; the report concluded "...few schools were found to have a well developed plan to assist them in coping with a major incident." The past study primarily focused on a review of written plans requested of district offices and from a sample of individual schools. The plan reviews were augmented by visits to seven schools. Plans were evaluated and graded with respect to a single standard of preparedness, the Standardized Emergency Management System (SEMS). SEMS Guidelines were developed by the California Governor's Office of Emergency Services to assist emergency management agencies, and became a part of California codes and regulations in 1994.

In revisiting the topic, the 2010-11 Grand Jury sought to develop a broader picture of how individual schools and districts are preparing for emergencies. Rather than rely on a review of written plans, the current approach sought information regarding a range of operational aspects of emergency preparedness, such as what kinds of disasters are being anticipated, who receives training regarding emergencies, and how often does training occur? What kinds of supplies and equipment are kept on hand at schools, and in what ways do district offices contribute to preparing schools? Who reviews and approves plans? What specific constraints do schools face, and how well have various schools and districts overcome those constraints? Therefore, and also because of the large number of schools involved (potentially 596), it was decided to use a broad-based survey approach, augmented by a limited number of site-visits.

The primary purposes of the study were:

- To assess how well Orange County public schools are conducting preparations for school-wide emergencies or disasters, especially during times of difficult economic conditions.
- To provide districts, boards, and parents with information to improve planning and preparation for emergencies, and to share information regarding possibly under-used resources and problem-solving strategies being utilized in some areas but not others.
- To determine possible disparities or inequities between districts, if any, and determine their causes and effects.
- To develop recommendations with the potential to be truly helpful to schools.

METHODOLOGY

- Data gathering utilized four sources:
- Pre- and post-study interviews with representatives of the Orange County Department of Education
- Surveys sent to a strategically constructed sample of individual school sites
- On-campus visits to a sample of schools surveyed.
- Surveys sent to each school district office

Surveys provided the preponderance of data collected. Two surveys were designed – one for school district administrators and a similar but separate one for individual school campuses. The surveys were designed

to be easily completed (less than 10 minutes) by using mostly checklist items, and less than two pages in length. Space was included for additional or explanatory comments.

In order for the results to be broadly useful, it was decided to focus on the 547 relatively traditional public schools. Because of their specialized missions, “non-traditional” public schools, i.e., alternative and special education programs, and schools within other departments or agencies (e.g., within the juvenile justice system) usually are covered by other emergency planning efforts. The small number of charter schools also presents a wide range of physical variability, some of which are entirely Internet-based.

With respect to determining sample size, the goal was to make it as large as possible, yet still be within the reach of relatively limited Grand Jury time and resources. Between these two factors, a total sample of 162 schools, or 30%, was established. It was constructed to include schools in each the three grade ranges, and schools from each district. In the end, 101 (62%) elementary, 36 (22%) middle, and 25 (15%) high schools were included. Appendix A is a comprehensive table showing which schools in each district received surveys, the grade level of the schools, and related information.

Surveys were sent during October, 2010 to each of the 27 District Superintendents, and to each of the 162 school Principals, requesting their participation in the survey, and asking that the survey be returned by a certain date.

Twenty-one schools that received surveys also were notified their campus had been selected for a site visit. The purpose of the visit was to review their written plans, learn about their unique challenges in preparing for emergencies, check on the level of district support and involvement, and see any material or supplies kept on-site, especially those with expiration dates. The number of schools visited was not meant to be a representative sample, but rather an opportunity to supplement the written surveys with some in-person visits and first-hand observations. For these visits, not all districts were represented. Two-person teams from the Juvenile Services Committee conducted the visits, and compiled brief reports for each one.

RESULTS

Individual School Survey Results

By the final cutoff date, 151 school surveys had been returned, for a 93% return rate. Please see Appendix A for a list of participating schools and districts.

The following results are organized according to the 13 survey questions, and are presented here exactly as in the surveys received by the schools. With the exception of the last item, which requested a narrative response, all results are presented in terms of percentages.³

³ Because some items were left blank, unless otherwise indicated percentages are based on the total number of responses to each item, which may be less than the total number of surveys returned.

Does the school have an Emergency Response Plan?

- Written?
 - Yes 100%
 - No 0%
- On-line / School Website? (with public access)
 - Yes 35%
 - No 65%

For Date of Last Plan Revision, a 56% majority specified September or October 2010, with another 17% indicating their plan had been revised during 2010, prior to September. The remaining dates offered for the latest revision ranged from “2006” in the past to “October 2011” in the future. Five of the 14 surveys that were received in January 2011, as a result of a reminder letter, specified a revision date during December 2010.

The Emergency Plan addresses the following situations (please check all that apply):

	%		%		%
Fire (on campus)	100	Bomb Threat	80	Epidemic	33
Earthquake	99	Active Shooter	78	Nuclear Incident	22
Intruder on Campus	97	Hazardous Material	77	Other	22
Lockdown	95	Total Power Failure	59	Tsunami	20
Evacuation	95	Flood / Landslide	49		

Thirty-two schools (22%) reported additional emergency situations addressed by their plans, not listed above, including aircraft crash, hostage, rape, suicide, abduction / kidnapping, bus accident, wildfires, civil disturbance, animal disturbance, extreme weather / tornado, unlawful demonstrations / walkouts, snake bites, and Africanized honey-bees.

In addition to calculating the percent of school plans that address the various emergencies listed, the number of situations anticipated per school was tallied. Individual schools ranged from planning for as few as two to as many as all 13 listed emergencies plus additional ones. The average number of incidents planned for was 9.26.

A copy of the Plan is given to (please check all that apply):

	%		%		%
District Office	97	Local Emergency Responders	30	OC Emergency Ops Center	11
School Admin	89	Others	21	OC Emerg Mgmt Bureau	9
Teachers	79	Parents	20	Students	7
Support Staff	77	PTA / PTO	20	School Volunteers	7

Additional entities, personnel, etc., to whom plan copies are provided included School Site Councils (SSC), school boards, OC Dept. of Education, “anyone who requests a copy,” and “noon supervisors.”

Plan available in languages other than English?

Twelve (8%) of the total number of surveys returned indicated Spanish, none in Vietnamese, and six (4%) indicated “Other.” The Other category consisted primarily of one elementary school district that provided a summary of the plan in English, Spanish, and Korean. One high school commented that part of their plan was available in nine languages.

Is Plan reviewed / updated on a regular basis? How often?

All respondents indicated their plans were reviewed regularly, with a high majority specifying annually (77%); other plan review periods included quarterly (4%), semi-annually (3%), other (6%), and left blank (10%).

Who is responsible for Plan review and approval?

For this “fill in the blank” question, the individuals or groups referred to for plan approval were categorized as follows. Most categories indicated a primary person in combination with others (e.g., a SSC plus a principal).

	%		%		%
Principal alone or w/ Others	38	Left Blank	13	Crisis Team Leaders	3
School Administrators	19	Assistant Principals	7	School Boards	1
School Site Councils (SSC)	17	District Staff	3		

Based on “other” comments, “Administrators” includes principals, assistant principals, and various directors.

Who receives periodic training regarding the Plan (please check all that apply):

	%		%		%
School Administrators	97	Students	68	Others	9
Teachers	95	Parents	24	Left Blank	1
Support Staff	87	School Volunteers	19		

“Others” receiving periodic training not listed above included playground monitors and some after-school programs for children (e.g., “Think Together” and English Learner Advisory Committee – ELAC).

How often is training / orientation provided?

Sixty-seven per cent indicated emergency plan training is provided on an annual basis. Another 18% indicated semi-annually, and the remaining 22% chose “other” but left it unspecified. (The total exceeds 100% because some checked more than one response.) One respondent commented, “Training provided irregularly,” and another stated, “Additional training in the areas other than fire drills would be helpful.”

Does the plan include all-school drills (e.g., fire / evacuation)?

- Yes 100%
- No 0%

- If yes, how often?
 - Monthly was indicated 75% of the time; Quarterly, 11%; Semi-annually, 5%; Bi-monthly, 5%; “Varies”, 3%; Annually, 2%; and Other, 1%.
- Parents invited?
 - Yes 35%
 - No 65%

With respect to inviting parents to drills, elementary schools usually indicated parents were invited annually, and also those who happened to be on campus (i.e., volunteering, etc.) when drills occurred. When parents were not specifically invited, schools indicated parents were welcome to attend drills if they requested. With respect to the frequency of drills, those indicating “Varies” usually commented that different drills are conducted on different schedules. For example, monthly fire drills, evacuation drills perhaps quarterly, and earthquake drills annually.

Does the school stock and maintain emergency supplies? Please check all that apply:

	%		%		%
First Aid	99	Blankets	80	Cots	48
Two-way Radios	95	Food	70	Portable Generator	26
Flashlights	94	Facemasks	68	Other	20
Batteries	89	Temporary Toilets	57		
Water (in containers)	84	Portable Radios	54		

Twenty-nine schools reported additional emergency supplies kept on hand, not listed above, including search and rescue equipment, tarps / tents, stretchers, toilet paper, hygiene supplies, emergency utility shut-off tools, and automatic external defibrillators (AED). One school did not check First Aid supplies.

In addition to calculating the percent of schools that stock each survey item, the number of items checked per school was tallied. Schools ranged from stocking as few as two to as many as all 12 items listed plus additional equipment and supplies. The average number of items stocked and maintained per school was 9.38

Does the plan anticipate the prescription medication needs of students / staff?

- Yes 85%
- No 15%

“Other” comments about this item were, “working on it,” and “on a very limited basis for a few students who take meds during the school day”.

The plan includes maps / diagrams indicating the location of:

	%		%		%
Assembly Locations	99	First Aid Items	90	Supplies	84
Student/Parent Pickup Spots	94	Utility Shut-offs	90	Shelter	62

What is the biggest single constraint on your ability to plan for school site emergencies / disasters?

This open-ended question drew 122 responses (81%); the cited constraints subsequently were categorized into the following issues.

	%		%		%
Limited Time Issues	33	Supplies / Storage Space	7	“No Constraints”	6
Limited Funds / Money	21	Predicting the Unknown	6	Miscellaneous	5
Logistical Issues	17	Staffing / Personnel Issues	6		

Logistical issues included such items as open campuses (e.g., adjoining parks), size of student population (as many as 3,000 students), and traffic congestion concerns. Seven schools (6%) reported they were experiencing no constraints regarding planning for emergencies or disasters.

Please provide any explanatory comments to the above items:

Twenty-three respondents added narrative comments, which were sorted into the following topic categories:

- Six attached copies of sections of existing plans; this usually occurred when schools were in districts that had applied for and received large (approximately \$925,000) grants to provide comprehensive emergency / disaster training and advanced technology.
- Seven wrote several paragraphs of comments and information, most of which described in greater detail the amount of preparation that had gone into planning for disasters either at the school, or as a consequence of the district being a grant recipient.
- A number of respondents commented on specific items, and noteworthy ones were added to the item results, above.
- A small number of respondents commented on the difficulty of planning for the unknown. For example, one individual wrote, “In the event of a natural disaster impacting the greater community, the level of support available is unknown / unpredictable.”
- Perhaps one comment sums up the attitude generally expressed: “It is difficult to come up with time needed to plan but we make it a priority.”

School Site Visit Results

By the final cutoff date, visits to 17 schools had been scheduled and completed, one that was scheduled had to be cancelled by the Grand Jury due to schedule changes, and two schools did not call for an appointment. The group of schools visited consisted of 10 elementary schools, five middle schools, and two high schools. Appendix A shows which schools received visitors.

Principals were the main contact person and the individual responsible for the particulars of the visit. Several schools had campus emergency preparedness personnel and / or district representatives in attendance.

Overall, the elementary schools visited were well prepared, although different degrees of preparation were noted. Elementary schools in districts that had obtained a Readiness and Emergency Management in Schools (REMS) grant from the U. S. Department of Education were very well prepared. These schools had a range of ample supplies, detailed school emergency plans and the resources to make necessary improvements where needed. Schools not in districts receiving a REMS grant generally were not as well situated and were having some difficulty in meeting reasonable levels of preparedness, especially with regard to date-stamped supplies on hand, and adequate, secure storage spaces. Some schools, due to severe budget restraints, have to rely on parents and local parent-teacher organizations for obtaining necessary supplies. In some districts, this has become a standard operating procedure.

Five middle schools and only two high schools were visited, but many of the district-specific issues mentioned above for elementary schools were the same for them, i.e., well-funded districts have been able to achieve impressive preparations, especially in the area of technology. For example, one middle school visited displayed a software program that local law enforcement agencies would use in their patrol cars to picture various buildings on the campus. Because middle and high schools have older students, administrators face a different set of problems regarding controlling the student body. On campuses where many students have personal cars, it was anticipated that during an emergency, many would likely attempt to leave the campus on their own.

Regardless of grade levels served, some schools visited were concerned about security issues related to relatively open campuses that do not or cannot utilize perimeter fencing. One middle school assistant principal said he worried most about a terrorist attack, because he viewed relatively open campuses as all too convenient “soft targets” for a weapon of mass destruction. Also, within the overall group of campuses visited, even in this age of ubiquitous two-way electronic communication devices, a wide range of radio-telephonic technology was found, from expensive UHF transceivers to outmoded public address systems. In one case, due to a lack of telephone or other communication device, one section of a campus was not adequately connected to others.

In general, what was observed and learned by visiting schools was reflected in the written survey results data, but it was meaningful and instructive to see first hand both truly impressive preparations, and also many examples of what would be considered completely adequate. In a few cases, deficiencies that needed to be addressed immediately were pointed out to appropriate personnel. For example, in one case, a large, steel storage container could be opened by only one person on campus, the custodian.

School District Survey Results

All but one of the 27 districts returned surveys in time for their responses to be included. As with the individual school surveys, the results for districts are organized by responses to the nine survey questions, plus “other” and narrative responses. The questions reproduced here are the same as those found on the surveys. In most cases the results are in terms of comparative percentages, based on data from 26 districts.

With respect to emergency preparedness on individual school campuses in your district, how is the district involved? (Please check all that apply)

	%		%		%
Training / Exercises	96	Interpret Codes / Reg's	73	Inventory Sch Supplies	58
Plan Review/Approval	96	Critical Incident Debriefing	69	Apply for Funds / Grants	58
Plan Development	92	Provide Equip / Supplies	69	Info on District Website	50
Coordinate Resources	88	Incident Post Study	62	Coord w/ Other Dist's	38
Periodic Meetings	88	Bulletins / Updates	65	Other	23
Provide Written Mat'l	81	School Site Inspections	62		

Additional involvement provided by districts, not listed above, included district-wide coordination of disaster drills, and coordinating efforts with cities and other agencies, including OC Department of Education, the OC Fire Authority, San Onofre, etc.

Your district-wide emergency plans address the following (please check all that apply):

	%		%		%
Earthquake	100	Power Failure (blackout)	88	Other	46
Active Shooter	100	Hazardous Material	88	Nuclear Incident	35
Fire	92	Evacuations	88	Tsunami	23
Intruder on Campus	92	Epidemic	73		
Bomb Threat	92	Flood / Landslide	65		

Nine districts reported additional emergency situations addressed by their plans, not listed above, including hostage situation, poisoning, rape, suicide, snake bites, abduction, falling aircraft, wildfires, high winds / tornado.

School site plans are reviewed, updated, and approved how often:

All of the districts responding indicated school site plans are reviewed and approved annually.

Are school site plans evaluated against certain minimum requirements or governmental regulations? What are they?

Almost all districts (92%) replied “Yes” to this question, with two responding “No.” Those affirming the question indicated they use the following standards; four districts did not specify which criteria.

	%		%		%
SEMS and / or NIMS	46	District-developed Criteria	8	Grantor Requirements	8
CA Education Code	12	Liability Insurance Concerns	8	FEMA	4
Left Blank	15				

SEMS refers to California’s Standardized Emergency Management System (SEMS), FEMA is the Federal Emergency Management Agency, and NIMS stands for the National Incident Management System. (See

Interpretation section, below, for more information on these standards and regulatory systems.)

Does the district have a designated individual in charge of emergency preparation?

All districts responding answered “yes” to this item.

Does the district provide emergency supplies for schools? Please check all that apply:

	%		%		%
Portable Two-way Radios	69	Flashlights	46	Portable Toilets	27
Face Masks	62	Batteries	42	Cots / Inflatable Beds	15
First Aid	58	Blankets	38	Portable Generators	15
Portable Radios	46	Other	38	Prescription Medication	8
Water In Containers	46	Food (canned, etc.)	35		

Ten districts reported supplying schools with emergency supplies or material not listed above, including search and rescue equipment, automated external defibrillators (AED), water drums with purification tablets, UHF “private line” two-way radios, and classroom lockdown kits. The item “Prescription Medication” was an error; however, two districts indicated they provide this item.

With which larger emergency planning / coordinating systems or agencies does the district communicate with? (Please check all that apply):

	%		%		%
OC Emergency Ops Center	73	Other	61	FEMA	11
OC Fire Authority	69	OC Emergency Mgmt Bureau	58		
AlertOC	65	Red Cross	58		

Sixteen districts reported being in communication with agencies or entities in addition to the above, including with city-level emergency operations centers, the OC Sheriff’s Department, San Onofre Nuclear Generating Station (SONGS), or combinations of these. (FEMA is the Federal Emergency Management Agency.)

What is the biggest single constraint on your efforts to plan for emergencies / disasters within your school district?

All districts responding cited constraints that could be categorized into four issues. The top two concerns, limited Funding (46%) and Time (27%), accounted for 73% of the four. The remaining constraints were limited Resources / Supplies (15%) and Logistical challenges (12%). Logistical challenges, for example, included a district located in a hilly area with limited ingress / egress for emergency vehicles, especially fire trucks. Another challenge for a joint district was the cost of coordinating and collaborating with four different cities, each with its own geographic and demographic characteristics.

Please provide any explanatory comments to the above items:

Approximately half of the districts provided additional narrative comments. Of these, the most common theme was the negative impact of limited money and / or time for training (e.g., the cost of removing teachers from classrooms for training, the cost of replenishing supplies for schools, and increased workloads and responsibilities for administrators).

ANALYSIS

In broad overview, Orange County public schools are well prepared for an increasing number of disasters and emergency situations. Preparation and planning takes place on a regular basis, plans are developed and reviewed by a number of stakeholders, and with reference to several governmental and district-developed standards. Drills, training, and other exercises are carried out on regular schedules, and most schools have been able to find funding and resources for material, supplies, and equipment. School officials and district administrators take emergency preparedness seriously, and rank it high on a scale of importance, even though it competes for staff time and money.

Most districts prioritize their efforts to provide macro services such as help with plan development, coordination of resources, district-wide training and exercises, and school site plan review and approval. Most provide specialty services such as the interpretation of codes and regulations, critical incident debriefing, and written resource materials, but only a little over half of the districts report being involved in applying for grants or outside funding to help with emergency planning.

The results show fairly wide differences across the county and between districts with regard to a number of emergency preparedness issues, including the amount and kind of support available to schools from district offices, schools' abilities to develop community support for their plans, districts' abilities to obtain outside funding and grants for emergency planning, and the amount of coordination, integration, and communication with larger local disaster planning agencies, such as the Orange County Emergency Operations Center. The main underlying factor that seems to explain large discrepancies between well-equipped and well-prepared districts and those that are adequately prepared is, of course, money. Fortunately, some districts have developed the ability to access large governmental grants specifically for emergency preparedness, and these successes may provide a model or at least examples of what is possible.

Individual school districts communicate with from two to six or more agencies or networks designed to assist during disasters or emergencies. The average district works with four. For the most part, the different emergency agencies are complementary, in that they work with different aspects of disasters; there doesn't appear to be unnecessary duplication or disorganization. It is not clear whether all districts have a comprehensive overview of the different emergency response networks available to them, or whether each district has managed to assemble the best match of response agencies or services for their jurisdiction.

Plan Development, Review and Approval

Both school and district emergency planning efforts now include responding to an expanding list of disasters. Due to increasing concerns regarding high-profile on-campus shootings, by students or intruders, school plans address Intruder on Campus, Lockdown, and Evacuation at least 95% of the time.

Although school plans address Active Shooter only 78% of the time, it appears that planning for lock-downs and evacuations covers “shots fired” on campus. (Planning for Fire and Earthquakes still tops lists at 99-100%.) Planning for two possible disasters that would affect only some areas of Orange County – a Nuclear Incident and a Tsunami – was apparent in plans of schools near the coast and the San Onofre Nuclear Generating Station.

Looking only at the number of emergency or disaster situations plans address, without respect to the kind of emergency or level of threat, some school plans anticipate as few as two or three of the 13 listed in the survey. (The average number of situations checked was 9.26.) A closer examination of the data shows that when only a few items were checked, they were the “traditional” ones: fire and earthquake, with one or two of the now more common additions of intruder / lockdown, and evacuations. Plans with a minimal number of situations expected possibly are becoming outdated.

Districts and schools develop plans with respect to a number of different yet overlapping regulations, guidelines and standards. Almost half of the districts made reference to using or modeling plans on California’s Standardized Emergency Management System (SEMS) and / or the National Incident Management System (NIMS). Others made reference to the California Education Code. If a district had received a grant, then their plan and preparations were obligated to meet certain requirements specific to the funder. Some districts made no mention of these frameworks and cited completely different criteria, such as liability insurance requirements. If degree of compliance with existing laws or regulations regarding disaster preparedness was a concern, it would be somewhat difficult to decipher which regulations apply to which schools.

For the most part, school plans are reviewed and approved at least annually by principals in conjunction with others, including a site administrator, a School Site Council (SSC), a district administrator, or others from the community (e.g., a local first responder). In this regard, there is ample opportunity for input and review by various stakeholders, including parents. Interestingly, although 96% of the districts responding indicated they provide plan review and approval, only 16% of the schools responding cited district review and approval, either primarily or in conjunction with approval from others.

Equipment, Supplies, and Technology

Both survey results and visits to schools showed most schools are at least adequately equipped. Districts provide some supplies and equipment to schools, although one third of districts commented that emergency supplies are a part of individual school budgets, or have become the responsibility of local communities, parents, and parent-teacher organizations. Most schools have systems in place to maintain a range of essential emergency supplies that are appropriate for the grade levels they cover (e.g., first aid supplies, flashlights, walkie-talkies, batteries, water, etc.), but there is a huge discrepancy between those schools in grant-funded districts and those that are not. For example, some districts have purchased for their schools dedicated-channel UHF transceivers, or sophisticated software programs that provide local first responders with digital images of the buildings on their campuses, to help police locate and apprehend a campus intruder or student with a gun. Another was able, with grant funds, to produce a sophisticated training DVD that documented a SWAT team arriving on campus during a school lockdown. In overview, regardless of the differences found between various schools and districts regarding supplies and equipment,

only seven percent of schools surveyed indicated this issue was a “constraint” on emergency preparedness.

Another way differences between schools and districts can be seen is in the array of emergency or disaster items stored on campus, without respect to the priority or expense of the different item. Some schools report stocking only a few of the 12 items listed in the survey, while others checked all items and then added a list of additional items. One school did not check “First Aid Supplies” as an item stocked. (The average number of items checked was 9.38.)

Remaining Issues

In terms of perceived constraints, or circumstances that have proved to be obstacles in the way of planning effectively for emergencies and disasters, survey results from both schools and districts identified two main limitations – time and money. For schools, these two items accounted for 54% of all responses to that item. Districts had a different order – they ranked money over time, but these same two items accounted for 73% of all of their responses. A small number of schools (only 6%) indicated they were experiencing “no constraints” on emergency planning. Twenty-nine (19%) schools left the item blank, which probably should not be interpreted as “no constraints,” but at least the opportunity to list something was not taken. On the other hand, none of the districts left the item blank, and none volunteered “no constraints” as an answer.

Many principals are concerned about asking teachers to trim in-classroom time in order to attend any training not germane to improving academic achievement. District level staff persons complain good disaster training turns out to be an “unfunded mandate.” One described a sort of double-bind: “The primary role of a school teacher is instruction...their regularly scheduled workday does not allow them to be out of the classroom for training, unless we hire a substitute teacher...We are contractually obligated to pay teachers for any training held after their scheduled workday. Either way, there is an additional cost to provide [disaster] training for teachers...” Again, the availability of grant funds goes a long way to solve this time-money dilemma for those districts fortunate enough to have obtained them.

Few schools have plans or emergency preparation information available in languages other than English. Given the growing number of predominately Spanish- and Vietnamese-speaking households in the county, this finding at first seems problematic. However, wholesale translations of comprehensive disaster plans would be of doubtful utility. It would be more feasible to translate only critical sections of plans, or updates, summaries and bulletins into other prevalent languages for parents and guardians, rather than comprehensive, district-wide plans.

Twenty, or 15% of schools surveyed indicated they have not anticipated the prescription medication or other special medical needs of students in the case of a major disaster or extended emergency. Another 15 schools left this item blank, which can be interpreted to mean an additional unknown number may be unprepared countywide.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests or requires responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its review of emergency preparedness in Orange County schools, the 2010-2011 Grand Jury has seven findings, as follows:

- F.1:** With respect to reported constraints on emergency planning and preparation, over half of schools and almost three quarters of districts identified either limited time or funds.
- F.2:** Six (of 17) school districts have managed to apply for and receive relatively large grants from governmental agencies to greatly enhance their emergency planning efforts, while others have not.
- F.3:** Some schools anticipate responding to only a few emergency situations (e.g., earthquake and fire), while others have developed plans to respond to over a dozen different threatening situations.
- F.4:** School districts develop plans with respect to a number of different but overlapping regulations and standards, including those required by the county, state, and the federal government.
- F.5:** Some schools reported they have not adequately anticipated the needs of students taking prescription medications, or with specialized medical needs, in the event of some emergencies, such as an extended lockdown.
- F.6:** School districts are in communication with a variety of local and county departments, agencies, and systems to help them prepare for and respond to disasters or emergencies; not all districts access the same resources.
- F.7:** Few schools have plans or emergency preparation information available in languages other than English.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests or requires responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its review of emergency preparedness in Orange County schools, the 2010-2011 Grand Jury makes the following five recommendations:

- R.1:** **Those districts which have yet to identify disaster grant opportunities, especially from governmental agencies, investigate the availability of potential resources. Forming inter-district**

collaboratives, learning from districts in the county that have been successful, pooling resources, and asking for consultation from the Orange County Superintendent of Schools/ OCDE may help in these efforts.

- R.2: Districts review their plans, and the plans specific to each of their campuses, with respect to emergencies or possible disaster situations they have not anticipated.**
- R.3: Districts review their level of compliance with various existing codes, regulations, and liability insurance issues that pertain to emergency preparedness in public schools.**
- R.4: Districts review their plans, and the plans specific to each of their campuses, to ascertain whether the special medical and / or prescription medication needs of all students are adequately anticipated, especially during an extended disaster situation.**
- R.5: Districts survey their campuses with respect to the needs of non- or limited-English-speaking parents and guardians, and develop outlines or summaries of critical emergency planning information in Spanish, Vietnamese, and other threshold languages prevalent in their local communities.**

REQUIREMENTS AND INSTRUCTIONS:

Comments to the Presiding Judge of Superior Court in compliance with Penal Code Section 933.05 are required as follows:

The California Penal Code Section 933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head 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.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are requested or required from the:

<u>Responding Agency</u>	<u>Finding</u>	<u>Recommendation</u>
Superintendent of each OC school district (27)	F1 through F7	R1 through R5
Orange Co Superintendent of Schools (OCDE)	F2, F4	R1, R3

APPENDIX A

SCHOOLS AND DISTRICTS SURVEYED AND VISITED

DISTRICT NAME	SCHOOL LAST NAME	GRADE LEVEL	ENROLL- MENT	SURVEY #	STATUS
ANAHEIM CITY	BARTON	E	690	104	
	GUINN	E		DNR[1]	
	LOARA	E		DNR	
	OLIVE STREET	E	--[2]	10	
	REVERE	E		DNR	
	WESTMONT	E	710	84	
ANAHEIM UNION	BROOKHURST	M	1295	143	
	KENNEDY	H	2350	60	
	MAGNOLIA	H	2133	150	
	SAVANNAH	H	--	117	VISITED
	SYCAMORE	M	1600	116	
BREA OLINDA	AROVISTA	E	560	110	
	BREA	M	950	39	VISITED
	BREA COUNTRY HILLS	E	614	124	
	BREA-OLINDA	H	--	1	
	LAUREL	E	396	74	
	OLINDA	E	362	57	
BUENA PARK	BEATTY	E	1030	45	
	BUENA PARK	M	1080	132	
	COREY	E	615	69	
	GILBERT	E	712	68	
	WHITAKER	E	650	70	
CAPISTRANO	ALISO NIGUEL	H	3000	33	
	AYER	M	875	7	
	CANYON VISTA	E	755	25	
	FORSTER	M	1346	40	
	KINOSHITA	E	660	105	
	LADERA RANCH	E	890	29	VISITED
	LADERA RANCH	M	1158	31	
	LOBO	E	560	36	
	SAN CLEMENTE	H	3041	50	
	SAN JUAN	E	743	15	
SHORECLIFFS	M	1083	87	VISITED	
CENTRALIA	VISTA DEL MAR	M	--	103	
	BUENA TERRA	E	538	46	
	DANBROOK	E	721	47	
	LOS COYOTES	E	553	118	VISITED
	SAN MARINO	E	614	48	

SCHOOLS AND DISTRICTS SURVEYED AND VISITED

DISTRICT NAME	SCHOOL LAST NAME	GRADE LEVEL	ENROLL- MENT	SURVEY #	STATUS
CYPRESS	ARNOLD	E	748	78	VISITED
	LUTHER	E	534	134	
	VESSELS	E	670	96	
FOUNTAIN VALLEY	COURREGES	E	639	37	VISITED
	FULTON	M	836	8	
	MOIOLA	E/M	422	73	
	PLAVAN	E	492	11	
FULL JOINT UNION	TAMURA	E	500	12	VISITED
	FULLERTON UNION	H	2100	97	
	LA SIERRA	H	700	144	
FULLERTON	SUNNY HILLS	H	2103	131	VISITED
	FISLER	E/M	961	126	
	LADERA VISTA	M	--	125	
	NICOLAS	M	770	114	
GARDEN GROVE	ROLLING HILLS	E	--	120	VISITED
	ALAMITOS	M	862	55	
	BRYANT	E	556	72	
	ENDERS	E	580	26	
	GARDEN PARK	E	235	88	
	HERITAGE	E	800	75	
	LOUIS LAKE	M	--	99	
	PAINE	E	518	92	
	RANCHO ALAMITOS	H	2009	91	
	SIMMONS	E	402	79	
HB CITY - DNR	WARREN	E	538	27	DNR
	DWYER	M			
	HAWES	E			
	PETERSON	E			
	SOWERS	M			
HB UNION HS	STACEY	M			DNR
	EDISON	H	2700	16	
	OCEAN VIEW	H	1448	123	
IRVINE	VALLEY VISTA	H	350	95	VISITED
	BONITA CANYON	E	505	41	
	CULVERDALE	E	630	107	
	IRVINE	H	1902	20	
	SOUTH LAKE	E	597	108	
	STONE CREEK	E	542	83	
VISTA VERDE	E/M			DNR	

SCHOOLS AND DISTRICTS SURVEYED AND VISITED

DISTRICT NAME	SCHOOL LAST NAME	GRADE LEVEL	ENROLL- MENT	SURVEY #	STATUS
	WESTPARK	E	583	66	
	WOODBURY	E	740	2	
LA HABRA	ARBOLITA	E	370	76	
	IMPERIAL	M	915	148	
	LAS LOMAS	E	540	59	
	SIERRA VISTA	E	611	149	
LAGUNA BEACH	EL MORRO	E	639	23	
	LAGUNA BEACH	H		DNR	C/A[3]
	TOP OF THE WORLD	E	647	151	
LOS ALAMITOS	LAUREL	H	95	137	
	LEE	E	640	138	
	LOS ALAMITOS	H	3200	28	VISITED
	McGAUGH	E	745	18	
	ROSSMOOR	E	630	19	
MAGNOLIA	DISNEY	E	692	9	
	MAXWELL	E	775	142	
	PYLES	E	770	101	
	SALK	E	890	127	
NEWPORT-MESA	COLLEGE PARK	E	665	54	
	COSTA MESA	M	1750	115	
	ENSIGN	M	1080	119	
	KILLYBROOKE	E	460	129	
	MARINERS	E	771	77	VISITED
	NEWPORT COAST	E	671	128	
	NEWPORT HARBOR	H	--	106	
	POMONA	E	512	86	
	TEWINKLE	M	732	121	
	WILSON	E	623	42	
OCEAN VIEW	CIRCLE VIEW	E	750	71	
	MARINE VIEW	M	860	89	
	OAK VIEW	E	800	93	
	SUN VIEW	E	--	139	
	WESTMONT	E	370	122	
ORANGE	CANYON	H	2435	90	
	CANYON RIM	E	683	32	
	CERRO VILLA	M	1030	58	
	HANDY	E	538	141	
	McPHERSON MAGNET	E/M	905	51	VISITED
	OLIVE	E	550	35	

SCHOOLS AND DISTRICTS SURVEYED AND VISITED

DISTRICT NAME	SCHOOL LAST NAME	GRADE LEVEL	ENROLLMENT	SURVEY #	STATUS
	PORTOLA	M	788	147	
	VILLA PARK	H		DNR	
PLAC-YORBA LINDA	EL CAMINO	H	290	65	DNS[4]
	EL DORADO	H	2250	24	
	GLEN KNOLL	E	482	4	
	KRAEMER	M	853	130	
	MELROSE	E	628	43	
	SIERRA VISTA	E	476	145	
	TYNES	E	765	94	
	YORBA LINDA	H	1400	100	
SADDLEBACK	CIELO VISTA	E	950	34	
	FOOTHILL RANCH	E	1216	133	
	LA MADERA	E	585	81	
	MISSION VIEJO	H	2700	38	
	SERRANO	M	1346	112	
	TRABUCO MESA	E	700	109	
SANTA ANA	CARVER	E	566	44	
	FRANKLIN	E	460	102	
	GARFIELD	E	689	3	
	HEROES	E	695	52	VISITED
	KENNEDY	E	800	80	
	LINCOLN	E	1052	85	
	McFADDEN	M	1381	53	
	SADDLEBACK	M	2063	82	VISITED
	SIERRA	M	866	98	
	SPURGEON	M	1213	146	
	WILLIARD	M	983	49	VISITED
SAVANNA	CERRITOS	E	480	13	
	HANSEN	E	--	64	VISITED
	HOLDER	E	500	14	
	REID	E	--	22	
TUSTIN	BENSON	E	392	61	
	COLUMBUS	M	909	67	
	ESTOCK / GUIN FOSS	E/E	425/420	136	
	HILLVIEW	H	200	17	
	LOMA VISTA	E	540	111	DNS
	ORCHARD HILLS	E/M	--	140	
	PIONEER	M	1400	113	
	TUSTIN RANCH	E	667	135	

SCHOOLS AND DISTRICTS SURVEYED AND VISITED

DISTRICT NAME	SCHOOL LAST NAME	GRADE LEVEL	ENROLLMENT	SURVEY #	STATUS
WESTMINSTER	DeMILLE	E	511	62	VISITED
	FINLEY	E/P	419/80	30	
	JOHNSON	M	805	56	
	MEAIRS	E	652	6	
	STACY	M	850	63	
	WARNER	M	930	21	
	WILLMORE	E	450	5	
27 DISTRICTS	162 SCHOOLS				

NOTES:

- [1] DNR = Did not return survey or did not return in time to include data (1 district, 13 schools)
- [2] "--" = Respondent left item blank
- [3] C/A = Visit scheduled but cancelled by Grand Jury due to scheduling conflicts (1)
- [4] DNS = Did not schedule a site visit (2)

Child Abuse Emergency Response Effectiveness



Child Abuse Emergency Response Effectiveness

SUMMARY

The 2010-2011 Orange County Grand Jury has completed a review of the effectiveness of Emergency Response Units I and II (ERU), a division of Children and Family Services in the Social Services Agency (SSA). Due to the size and complexity of emergency response ERU are made up of two identical entities called units, each with a supervisor and social workers. Having two units make the ERU much more manageable and efficient.

The study focused on how effective the staff is in responding to reports of child abuse. This is a critical area involving a group of social workers who manage the first response to alleged abuse. They are the professionals who make the home or school visits and who must decide what appropriate action the SSA should take.

There are a number of indicators which illustrate the effectiveness of ERU. Response times for face-to-face contact with a child, both for an immediate response where danger is imminent, and a 10 day response for less serious cases, were found to be excellent. In the first quarter of 2010, the ERU met the regulatory times in 99.6% of the cases for immediate responses and 95.2% for 10 day responses. These exceeded the State of California averages (immediate – 96.9% and 10 day response – 93.8%).

Another indicator of success by the ERU is the percentage of children who received a monthly visit when required. In the first quarter of 2010, 96.9% of the children received a monthly visit compared to a State of California average of 93.1%. The ERU contributes to the SSA's performance level of 98% for the federal target rate for child safety through its efforts to increase the number of children who do not experience a recurrence of abuse or neglect.

Even though the ERU lost 22% of their staff over the past three years, the Grand Jury found the units to be well managed and effectively meeting the needs of abused children and their families.

REASON FOR STUDY

The State of California defines child abuse as: (1) a physical injury which is inflicted by other than accidental means on a child by another person, (2) sexual abuse, including both sexual assault and sexual exploitation, (3) willful cruelty or unsuitable punishment of a child, (4) cruel or inhumane corporal punishment or injury, or (5) neglect, including both severe and general neglect.¹

The County of Orange SSA provides child protective services through its Children and Family Services Division, which is divided into four sections:

- (1) Intervention and Prevention
- (2) Family Assessment and Shelter Services
- (3) Continuing Family Services
- (4) Planning and Permanency Services

¹ The California Child Abuse Reporting Law (Penal Code Sections 11165-11174.3)

This study focused on the ERU which are part of Intervention and Prevention Services in order to determine how effective they are in responding to reports of child abuse. This is a critical area involving social workers who manage the first response to alleged abuse. They are the professionals who make the home visit and who must decide the appropriate action the SSA will take.

Successive budget cuts in the past three years, and the resulting reduction in professional staff, created reasons to study this high risk and challenging County service.

METHODOLOGY

Information was collected from interviews with select staff personnel:

- Executive Management of SSA
- Executive Management of Children and Family Services
- Executive Management of Intervention and Prevention Services
- Supervisors of ERU
- Social workers (5 in Unit I and 5 in Unit II)
- Intake Unit representatives
- Public health nurses
- Executive Management of the Child Abuse Registry (CAR), including an on-site visit; and an interview with 2 CAR social workers.
- Sheriff's department representatives from the Special Victims Detail
- Four members engaged in a "ride-a-long" with social workers to experience a home visit and a school visit.

Key indicators measuring the effectiveness of ERU were analyzed. This data included information provided by the SSA as well as data from the Center for Social Services Research at the University of California at Berkeley. The latter collects unbiased detailed information on all aspects of the response system.

- The following documents were reviewed for the period 2008 – 2010.
- State statutes relevant to child abuse
- CAR Statistics reports
- Child Welfare Service Outcomes Report
- Organizational charts
- Staff levels in the ERU
- Caseload data

FACTS

Fact: In 1974, the Board of Supervisors established CAR to centralize the reporting of child abuse within Orange County. A 24 hour hotline to receive calls was initiated on February 1, 1975.

Fact: During 2008-2010, the CAR had a monthly average of 3,100 calls resulting in 83,249 referrals to the ERU.

- Fact:** The California Penal Code states that it is a misdemeanor for certain professionals and laypersons who have a special working relationship with children not to report suspected child abuse.
- Fact:** The ERU responds to abuse allegations within 10 days when imminent danger to the child is not present. An immediate (same day) response is mandated for cases of serious abuse or where there is potential for further serious harm
- Fact:** Cases are to be resolved in 30 days following the initial contact except in exigent circumstances approved by the ERU supervisor.
- Fact:** A federal court decision (*Greene v. Camreta*) prohibits emergency response personnel from interviewing a student in a school setting without permission of at least one parent.²
- Fact:** All ERU employees are mandated to receive 40 hours of in-service training every two years.

ANALYSIS

Protection of a child, defined as 0 – 17 years of age, necessitates a wide range of professional services in four areas:

- CAR which receives the calls reporting possible child abuse.
- ERU which becomes the first responder to alleged abuse.
- Intake Unit which investigates the removal of a child from their home and can file a petition with the court or dismiss the petition.
- Child Abuse Services Team (CAST) which conducts sensitive forensic evaluations of children who are alleged to have been sexually abused.

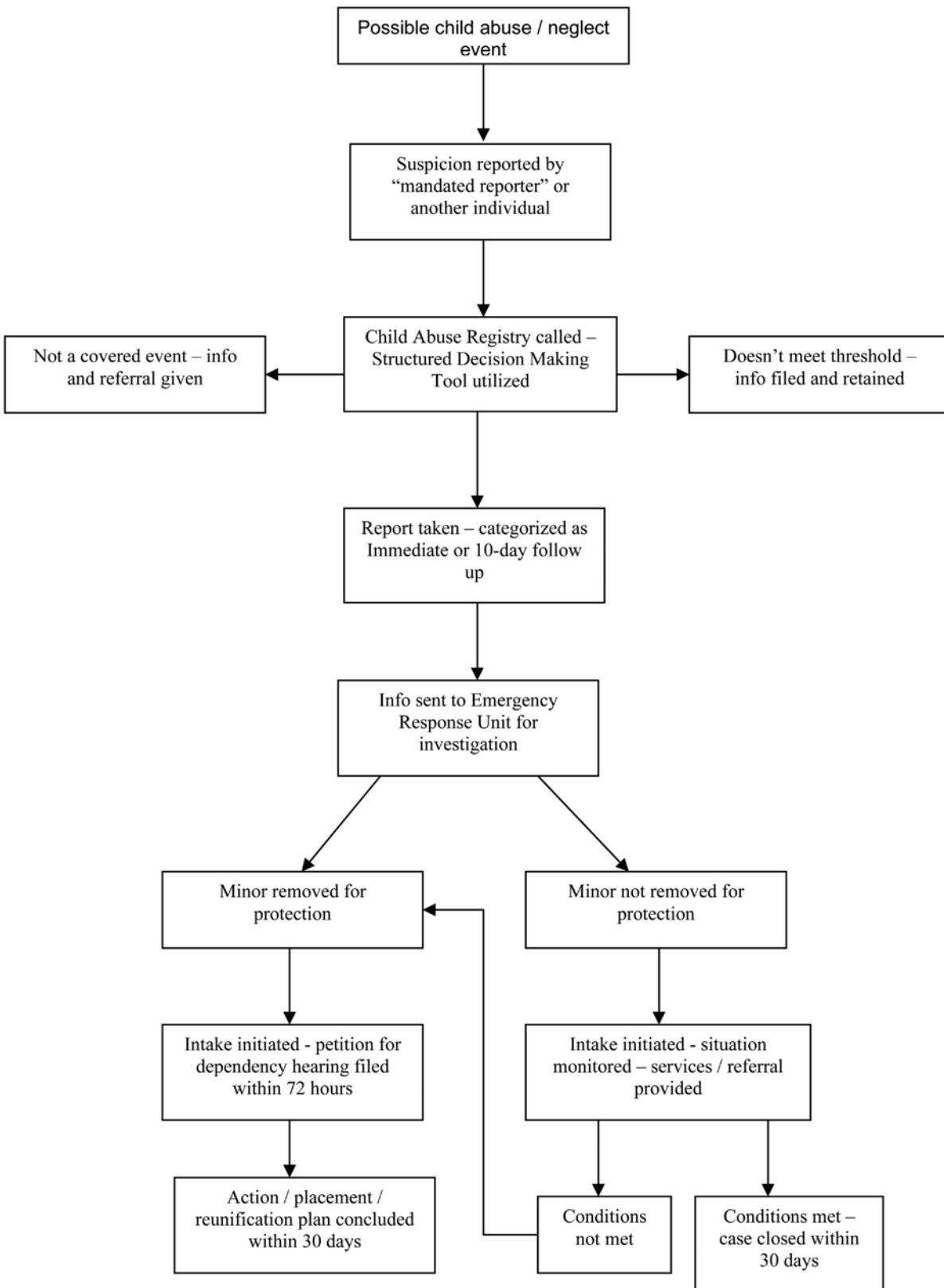
Figure 1 (Flow Chart for Response to Child Abuse) shows the decision points of activity implemented by the SSA to address reported child abuse. While this study focuses on one sector - Emergency Response Units I and II - it is important to see how it fits into all aspects of addressing child abuse.

Reports of child abuse come to CAR from a variety of sources mandated by the California Child Abuse Reporting Law found in Penal Code section 11165-11174.3. The Penal Code lists 37 mandated reporters who receive absolute immunity, both civilly and criminally for making such reports. Any mandated reporter who fails to report an instance of child abuse is guilty of a misdemeanor with a punishment not to exceed six months in jail or \$1,000, or both. A majority of the reports come from counselors/therapists, law enforcement and school personnel and teachers. As a result of the diversity of reporters, the staff of CAR and ERU are required to interact with a wide range of individuals. Non-mandated reporters are usually a relative or other observers (e.g. neighbor).

The CAR has extensively trained social workers taking and processing calls to determine if they are appropriate for action by the ERU. If action is warranted, CAR makes a decision as to the severity of the case, potential injuries, age of victim(s), or potential for further serious harm and assigns it to the ERU as a timely (ten day) response or an immediate response. These are defined as:

² 588 F.3d1011 (9th Cir. 2009)

Figure 1 – Flow Chart for Response to Child Abuse



1. Immediate response. Mandated for cases of serious abuse or where there is potential for further serious harm. There is no State mandate for the time for a response. The ERU has set a standard of two hours for an immediate response.
2. Timely Response (10 day response). Reported abuse is less serious and imminent danger to the child is not present. A face-to-face response is made within 10 days of the first contact.

A University of New Hampshire study reported a 5% decline in sexual abuse and no increase in rates for physical abuse and neglect nationwide.³ Orange County has followed the national trend in reporting the number of child maltreatment cases during a recession.

Table 1 presents the number of responses reported to ERU by CAR for the past three years showing a significant decrease from 2008 to 2010. Currently, CAR receives approximately 3,100 calls per month. In November 2010, 204 calls forwarded to ERU resulted in an immediate response (14% of the total).

Table 1
CLASSIFICATION OF CAR REPORTS REFERRED
TO ERU

	2008	2009	2010
Immediate Response	8,289	6,641	6,270
10 Day Response	21,544	20,416	20,089

Response times for face-to-face contact with a child, both for an immediate response where danger is imminent, and a 10 day response for less serious cases were found to be excellent. In the first quarter of 2010, the ERU met the regulatory times in 99.6% of the cases for immediate responses and 95.2% for 10 day responses. These exceeded the State of California averages (immediate – 96.9% and 10 day response – 93.8%). Another indicator of success by the ERU is the percentage of children who received a monthly visit when required. In the first quarter of 2010, 96.9% of the children received a monthly visit compared to a State of California average of 93.1%. The ERU contributes to the SSA's performance level of 98% or higher for the federal target rate for child safety through its efforts to increase the number of children who do not experience a recurrence of abuse or neglect.

The ERU is comprised of two units, each with its own supervisor. The personnel assigned to each unit are social workers who hold at a minimum, a bachelor's degree in social work from an accredited institution. The primary function of those working in ERU is case management. When joining the ERU staff they receive extensive training on ERU procedures and practices and are monitored by veteran case workers during their initial training. Each social worker is required to take 40 hours of in-service training every two years. ERU are located in the following communities: Aliso Viejo, Anaheim, Cypress, Laguna Hills,

³ Finkelhor, D. U.S. Recession Didn't Raise Rates of Child Neglect. Crimes Against Children Research Center, University of New Hampshire, 01-12-11.

Orange, Santa Ana and Tustin. In addition, the SSA invited police departments to have ERU personnel at their location. The following communities are involved as a result: Fountain Valley, Fullerton, La Habra, La Palma, Newport Beach and Westminster.

Table 2 presents the number of social workers assigned to each unit showing a 22% decrease in full-time equivalent personnel over the past three years. Caseload has remained relatively constant over the past three years with new referrals per social worker averaging 12 new cases and 22-24 open cases per month in 2010. Interviews revealed that the number of cases assigned to each social worker is manageable as they have remained relatively constant over the past three years.

Table 2
ERU STAFFING (2008 – 2010)

	2008	2009	2010
ER UNIT I	73	65	56
ER UNIT II	61	51	48
TOTAL	134	116	104

The ERU respond to referrals from CAR by making critical analyses and decisions. This necessitates review of all information provided by CAR, review of “priors”, that is prior events (e.g. criminal records, previous reports) by all involved in the case. Clarity and detailed information coming from CAR is essential for the ERU social workers to make a logical, legal, caring response. Social workers are asked to respond to a wide range of cases, some requiring an immediate response and possibly removal of a child. They must analyze each case appropriately and then process their conclusions and recommendations with their supervisors to ensure that appropriate decisions and actions are taken. This is most pronounced when an immediate response is called for. The ERU social workers are often the first professionals to arrive at a scene where child abuse may have occurred or where children may be at risk for being abused or neglected. Their initial objectives are to evaluate and address immediate needs, both medical and psychological. Ensuring the safety of the child is paramount.

Cases assigned to the social workers vary in complexity. Some are very routine requiring less research and can be resolved quickly. Others can be very complex, requiring extensive research, multiple home visits and interaction with a number of agencies. For example, a case that involves a domestic dispute and a child removal requires considerably more time on the part of the social worker. Such cases may remain “open” beyond the 30 day close date expected of ERU. Supervisors were found to be sensitive to individual case loads (new and open) and assign new cases accordingly.

Recognizing the need to address complex cases requiring additional hours and the necessity for responding 24 hours a day, overtime pay is available on a limited basis. Overtime pay is allocated sparingly with some social workers indicating that flex-time was the norm rather than overtime. Flex-time allows work hours to be adjusted to change from an 8:00 to 5:00 schedule to accommodate evenings and/or weekends. Overtime paid for the past three years was:

- \$448,431 (2008)
- \$170,118 (2009)
- \$269,736 (2010)

Orange County law enforcement agencies work closely with ERU personnel with designated contacts in the Sheriff's Department and 21 community police departments. Law enforcement gets involved in a number of ways: (1) some reports of child abuse are reported directly to law enforcement which they report to CAR, (2) they may discover abuse cases while on duty and (3) social workers request assistance from law enforcement where there is danger present for anyone involved in a case.

Children and Family Services does not specifically track the number of referrals to law enforcement, however, they are involved in the majority of ERU investigations that involve a removal. Table 3 shows the number of removals for 2008 – 2010.

Table 3
NUMBER OF CHILDREN REMOVED
FROM THEIR RESIDENCE
(2008 – 2010)

2008	1,684
2009	1,499
2010	1,512

Removing a child from a home is an action taken only when a child cannot safely remain there. If removal is necessary, the social worker is responsible for transporting the child to a secure location such as the Orangewood Children and Family Center. California law allows a child to be detained for 72 hours. The Intake Unit can petition the court within 72 hours or dismiss the petition. It may propose a family maintenance agreement using strategies such as counseling, parenting classes, or referral to one of the 12 Family Resource Centers. The primary goal is to work with the parents for possible reunification as soon as possible. Input from the ERU case manager is critical.

Interviews with both social workers and law enforcement representatives revealed a very positive working relationship. A significant number of ERU personnel described a good working relationship with Orange County Sheriff's Department deputies. During interviews with ERU personnel and representatives of the Sheriff's Department, both recommended more joint in-service training so they could understand each other's role in order to increase efficiency.

When asked why the number of cases reported in Orange County has remained relatively constant, interviewees indicated that improvement in established prevention and intervention programs is a major factor. In addition, increased efficiency in screening calls has reduced the number of responses to unsubstantiated reports. Also, well coordinated efforts in the other three areas of Children and Family Services (Family Assessment and Shelter Services, Continuing Family Services, and Planning and Permanency Services) have reduced recidivism. When considering the percentage of children who were victims of sub-

stantiated or indicated child maltreatment, over 95% did not have additional maltreatment during the subsequent six months. Orange County exceeds both state and national standards.

The interview process conducted with ERU staff revealed a highly motivated professional group who were very cooperative and open with their views. Their educational level, as well as their area of expertise, was commendable. Some social workers have worked in a number of other areas (e.g. Intake, Probation) which they feel gives them a broader perspective as they manage cases requiring interaction with other agencies.

In the interviews a number of social workers expressed a desire to get more detailed information from CAR in order to expedite their efforts. Interviews with CAR personnel revealed that their workload varies by the time of day, weekends, holidays and when school is in-session or not in session. When the CAR call load is heavy, reports to ERU might not be as detailed as when there is a light load. Immediate response calls are expedited with extensive interaction among CAR and ERU. Several social workers expressed concern about the extra time it takes to respond to a call when a team structured decision approach is used to process CAR information, that is, using a group of ERU personnel processing a case rather than a single social worker. There was no indication that such activity has hampered a response. Interviews revealed a very positive working relationship between CAR and ERU and their supervisors.

Interviews with ERU social workers revealed three primary concerns:

A first concern was the time required to complete the report for each case, indicating that the new format calls for too much information and has a number of redundancies. They indicated that the time to complete a report has lengthened dramatically. For most cases, 2- 4 hours are required. However, they were quick to point out that detail is essential for the record which may be used in subsequent venues (e.g. court, repeated abuse, parents acquiring reports). In addition, a number of social workers reported far more scrutiny by their supervisors than in the past, therefore much more detail is being provided. The protocol for report writing is now being reviewed within the SSA in order to increase efficiency, answering such questions as "What detail is sufficient information, are there redundancies, how might CAR help expedite the process?"

A second concern involved school visitations. If there is a situation in a school that deserves immediate and emergency attention, ERU will enter a school to investigate, usually accompanied by law enforcement. However, for non-emergencies, interviews in schools have been complicated by a court ruling that prohibits them from interviewing a student in a school setting without permission of at least one parent. If the case is deemed serious enough, the social worker has the option to request a warrant which can be time consuming. This ruling is currently under review by the courts.

A third concern involved the high level of stress social workers must face. Beyond caseload/workload demands, as well as report writing, ERU personnel function in a challenging situation in that their schedule is unpredictable, that is, it relies on calls/reports. On a given day, their schedule may include a routine 10 day response or may escalate to an immediate response usually attended to within two hours. The resultant stress is unavoidable and understandable, especially when presented with cases that are especially try-

ing, even to the veteran social worker. The stress level has not resulted in an increase in Workers Compensation claims. From 2008 – 2010 there were 18 claims, 14 of which were for accidents, falls and strains; 4 listed as miscellaneous; 7 resulted in time lost.

Other concerns expressed by a significant number of social workers were:

- 40 hours of mandated in-service training required every two years. A number of interviewees felt that the training is often redundant and takes time from their schedule to serve children. They suggested that the training focus on specific intervention strategies and joint sessions with the other entities they deal with, specifically law enforcement.
- Several social workers indicated they would like to have more involvement with follow-up for families.
- Transportation of children. Concern was expressed about liability involved with the use of personal vehicles to transport children when removed from their home.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of Superior Court.

Based upon its review of the ERU of the Children and Family Services of the Social Services Agency, the 2010-2011 Orange County Grand Jury has arrived at seven principal findings, as follows:

- F.1:** Even though there has been a 22% decrease in personnel assigned to Emergency Response Units I and II (2008-2010), the needs of children who are referred to Emergency Response Units I and II in Orange County are being met.
- F.2:** While case load has not increased in ERU, workload has increased due to increased reporting requirements.
- F.3:** Response time to address child abuse, both 10 day and immediate, consistently exceeds mandated State requirements.
- F.4:** The percentage of children who receive a monthly visit for whom a visit was required, exceeds State standards.
- F.5:** The interaction between Emergency Response Units I and II, the Child Abuse Registry, Child Abuse Services Team, Intake and law enforcement are working effectively.
- F.6:** Mandated in-service training for social workers (40 hours every two years) is perceived by some social workers as redundant.

- F.7:** Social Workers sometimes use their personal vehicles to transport minors when removing them from their home, causing them concern about their liability.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based upon its review of the ERU of the Children and Family Services of the Social Services Agency, the 2010-2011 Orange County Grand Jury makes the following three recommendations:

- R.1:** Conduct workshop(s) jointly with law enforcement to enhance the role of each and ways to seek more efficient interaction when working together on child abuse cases.
- R.2:** Review and analyze procedures concerning the transportation of children in social workers personal automobiles in terms of liability and possible alternatives.
- R.3:** Continue analyzing the ERU reporting requirements using social workers from both units to reduce redundancy and increase efficiency.

REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code Section 933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Sections 933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head 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.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are requested from the:

<u>Responding Agency</u>	<u>Findings</u>	<u>Recommendations</u>
Social Services Agency	F.1 through F.7	R.1 through R.3

Orange County Sheriff's Department Inmate Re-Entry Unit



Orange County Sheriff's Department Inmate Re-Entry Unit

SUMMARY

The Orange County Re-Entry Partnership (OCREP) founded in December 2005, with the Sheriff's Department as the lead agency, collaborated with over 40 government agencies, private companies, and non-profit organizations to examine Orange County's inmate re-entry practices. The partnership was developed to bridge the gap between the release of inmates from incarceration to community-based services. Consequently, the Orange County Sheriff's Department in 2006 established the Inmate Re-Entry Unit to provide in-custody programs designed to educate and prepare inmates for re-entrance into society.

Due to this undertaking, the 2010-2011 Grand Jury elected to study the Inmate Re-entry Unit and its programs. The review found that the pre-release services offered by the Inmate Re-Entry Unit reduced recidivism (re-entry into the jail system) rates in Orange County. A significant component for the preparation of released inmates is the Great Escape Program, which contributes to the formerly incarcerated individuals' success in staying out of the penal system. Beneficial aspects provided to the community when former inmates do not re-offend were analyzed.

The mission of the Inmate Re-Entry Unit is to successfully transition inmates upon release from custody into the community. The re-entry services offer inmates initial assessment and access to the Great Escape Program while incarcerated. In January 2007, the Great Escape Resource Center opened to provide out-reach resources to former inmates.

Orange County Sheriff's Department statistics demonstrate that if an inmate receives rehabilitation programming while in custody and these services are continued immediately upon release, the chance of becoming a productive member of society increases by at least 25%. Breaking the cycle of antisocial behavior and criminality and thereby reducing the recidivism rate is the ultimate goal of the Orange County Sheriff's Department Re-Entry Unit and their programs.

This study revealed the need for greater public awareness as well as an on-going need for funding sources.

REASON FOR STUDY

During the course of the Grand Jury's introduction and familiarization with the Orange County correctional programs, one area of concern is recidivism (in this report recidivism refers to a released inmate who re-offends and returns to the jail system within one year or less).

In an effort to identify and describe new and/or improved methods for reducing the inmate revolving door phenomena within Orange County jails, the Grand Jury chose to study this topic. Recidivism is not only costly but jeopardizes the safety of Orange County citizens. After reviewing attempts made through many programs within Orange County detention facilities in recent years, one comprehensive recidivism reduction project stood out as being successful – the Inmate Re-Entry Unit. The importance and success of this Unit's programs in improving the likelihood released inmates become productive members of society could not be ignored. The cost of housing an inmate (approximately \$40,000 plus per year),

the safety of the community and the salvaging of broken lives became obvious reasons to encourage and recognize this program.

METHODOLOGY

The 2010-2011 Grand Jury conducted the inmate re-entry study by examining a program of the Orange County Sheriff's Department titled "Inmate Services Division Correctional Programs and Inmate Re-Entry Needs Profiles". This inclusive listing of services describes available classes, programs and facilities. A flow chart from the Inmate Re-Entry Unit was used to understand the process when assessing inmates after incarceration. Meetings were held with the Executive Management of the Inmate Services Division. Interviews were conducted with a Sheriff's Captain, Lieutenant and Sergeant from the Central Jail Complex/Intake and Release Center (IRC). Staff members from the Great Escape Resource Center were interviewed. The Orange County Sheriff's Department Inmate Re-Entry Facts at a Glance publication, an overview of each program and a listing of Inmate Re-Entry Totals for fiscal year 2008/2009 was reviewed. Lastly, 2009/2010 Inmate Re-Entry data was examined.

FACTS

- Fact:** Orange County Re-Entry Partnership (OCREP) is intended to improve transition of inmates into the community.

- Fact:** The Orange County Sheriff's Department has a program for classifying inmates after booking.

- Fact:** Inmates voluntarily attend rehabilitative programs while in custody.

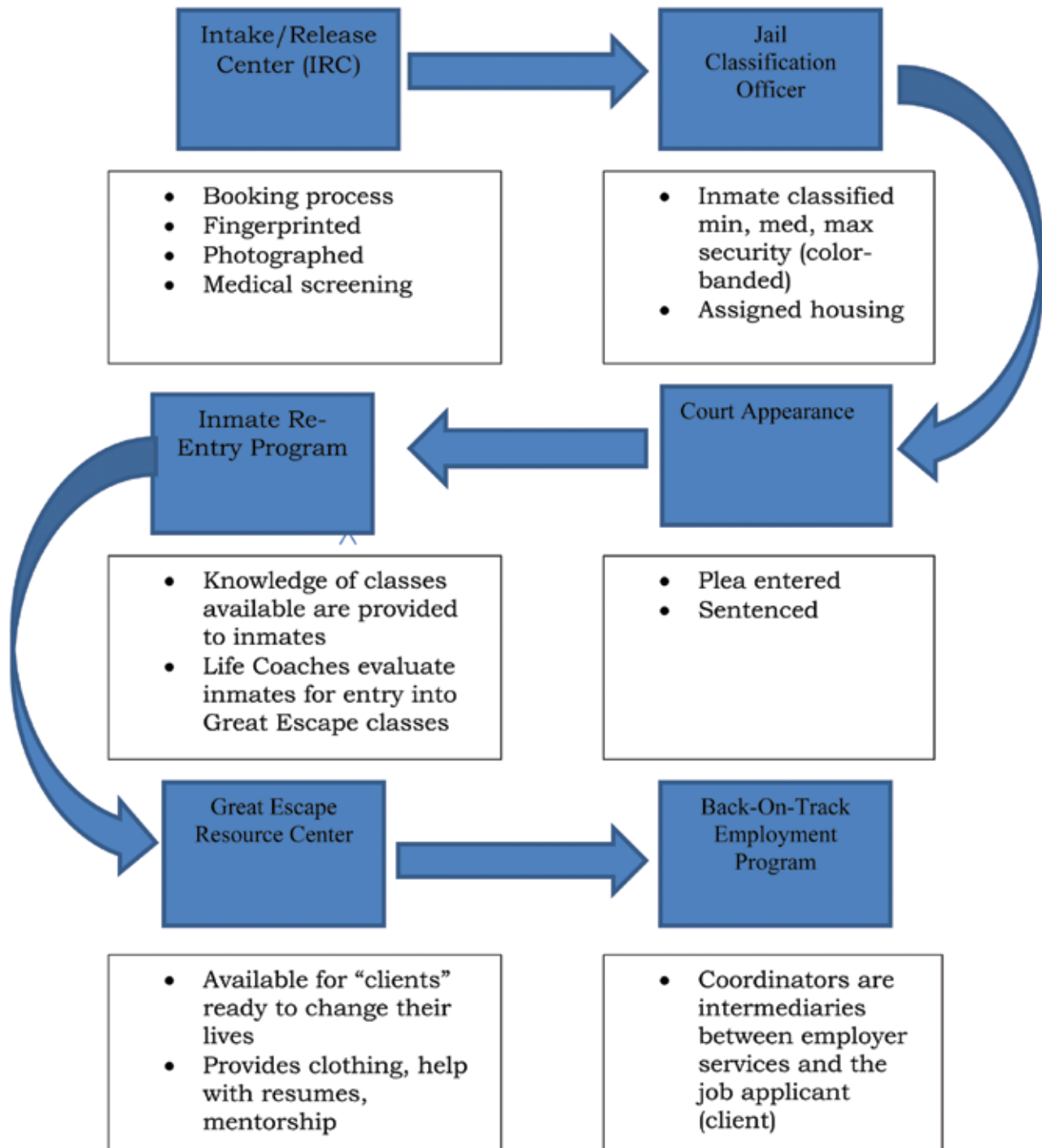
- Fact:** Re-Entry coordinators have a computer-generated assessment form to determine inmates risk to re-offend.

- Fact:** Pre-release planning sessions are to be completed on an individual 30 days prior to the inmate's release.

- Fact:** The Re-Entry Unit designed the Back-On-Track Employment Program to assist recently released inmates find work.

INTAKE/RELEASE CENTER TO RE-ENTRY/RELEASE FLOW CHART

(The following chart was designed by the 2010-2011 Grand Jury to illustrate the process from incarceration to release and employment as described in this report)



ANALYSIS

The Orange County Re-Entry Partnership (OCREP) was created to serve as a critical link between community resource providers and the formerly incarcerated individuals striving to re-establish healthy, productive and rewarding lives. The steps required to accomplish this goal for the inmate include initial risk and needs assessments, in-custody classes, pre-release planning sessions, and post-release resource services. OCREP serves as the connecting thread between community resource providers and formerly confined individuals, now referred to as “clients”. A simple word choice such as “client” when referring to a released inmate as opposed to “ex-con, jail bird, etc.”, offers dignity and a sense of hope. This partnership involves agencies which include Probation, Courts, District Attorney, Public Defender, Health Care Agency and private companies.

Intake Release Center (IRC)

When male or female adults are arrested for criminal violations and booked at the Central Jail Complex, the process of classifying inmates commences with an experienced Deputy Sheriff of the Orange County Sheriff's Department assigned to assessing incoming inmates. The deputies' primary assignment is to ensure the security, protection, and welfare of the individual currently being booked, as well as the inmates incarcerated within the facility, and the jail personnel. The deputies responsible for classifying inmates provide crucial information to the staff regarding the incoming inmate.

Jail Classification Officer

During the booking process the Deputy Sheriff completes the Initial Screening Classification Assessment document on the inmate to determine classification status. The type of law violation, propensity of the inmate for aggressive and violent behavior, affiliation of gang involvement and criminal history are reviewed and stored in the Sheriff's Department data base.

Inmates are classified into the following categories:

- **MINIMUM** - indicates a low risk inmate who will be assigned to a dorm unit
- **MEDIUM** - an individual exhibiting abnormal behavior or history of mental illness
- **MAXIMUM** - an inmate that is permitted to co-mingle with others while in a secured environment
- **PROTECTIVE CUSTODY** – segregated from jail population for their own safety
- **ADMINISTRATIVE CUSTODY** – inmates that present a danger to themselves or others and are therefore forbidden from association with other inmates.

Following the booking and the initial screening process, the inmate is assigned to a particular housing unit based on their classification and given a bedroll before being moved to their assigned area. Included in the bedroll is a Correctional Programs Inmate Orientation brochure describing available programs for inmate consideration. The same information is also posted throughout the facility. Inmates voluntarily attend re-entry programs while in custody to help them stay sober, find jobs and places to live upon release.

Inmate Re-Entry Program

Life coaches are civilian employees from the Inmate Re-Entry Unit who gather the information collected from the initial booking/classification session and focus on the answers to three questions. These three an-

swers are used collectively by the Inmate Re-Entry Unit on a form titled "PROXY" data. The questions are:

- current age (lower age generates higher score)
- age at first arrest (lower age generates higher score)
- number of prior arrests (greater number equals higher score).

The inmate's answers to these three questions are assigned a numerical value, ranging from 1 to 6. Values from 1 to 4 are the least likely to re-offend and are not given priority. Values of 5 or 6 are considered evidence as to the greatest possibility to re-offend and are assigned high priority for a life coach interview. The resulting scores help the life coaches assess the inmate in determining the best and quickest route to successful re-entry. Important areas of the assessment other than PROXY data are substance abuse history, education level, housing information and employment history.

An important tool of assessment used by the life coach is the Wisconsin Risk Needs Assessment. This assessment tool is a 53-item interview-driven analysis. Since its adoption by the National Institute of Corrections (a branch of the Department of Justice) in 1982, the Wisconsin instrument has been widely accepted as a tool for risk prediction or properly classifying offenders and needs assessment. It is currently used by the Orange County Sheriff's Department, the Orange County Probation Department as well as the Inmate Re-Entry Unit. By implementing the same assessment tool, all three agencies maximize resources to better identify the inmate/clients needs. In lieu of spending resources on low-risk offenders, the ability to place higher-risk inmates into programs targeted for their needs allows the use of scarce resources to be allocated efficiently.

All four Orange County detention facilities, James A. Musick, Theo Lacy, Central Jail Complex (IRC) and Men's Central Jail offer classes in life skills, educational programs, vocational programs, behavior modification, substance abuse and general services. The educational programs assist inmates in obtaining a high school diploma or GED equivalent and language skills. Math and reading classes are offered as well as classes in citizenship, government and other academic programs. There are vocational programs in food preparation, welding, cabinetry, sewing, software applications and general workforce readiness. Inmates dealing with drug and alcohol addiction can access programs to assist in their recovery. All inmates have access to these correctional programs, however, the Great Escape/Re-Entry Planning classes and the OCREP/Re-Entry Partnership programs are only available to inmates who have been assessed and approved by life coaches using the collected scores. All four jail facilities offer this re-entry program.

Another program the Inmate Re-Entry Unit is in the process of implementing is an evidence-based in-custody curriculum called, Thinking for a Change. Evidence-based practices utilize research and documented data as a basis for determining the best action to take that will generate positive results. Thinking for a Change focuses on modifying an inmate/clients thinking and behavior.

Great Escape Resource Center

Thirty days prior to being released, inmates meet with a re-entry coordinator for a one-on-one release planning finalization assessment. This includes encouragement to utilize the services provided by the Great Escape Resource Center.

Upon release, these formerly incarcerated individuals may go to the Great Escape Resource Center. This facility provides coordinators to act as intermediaries between employer services and the job applicant, who evaluate the clients' skills, work history and reliability and monitor the employees' progress. The facility is centrally located adjacent to the Orange County Probation Department at 909 North Main Street in Santa Ana, California. The resource center is open to individuals ready to change the direction of their lives, but need help to achieve this goal. The Center also provides referrals for housing, domestic violence shelters and direct links to other community based assistance providers.

Prior to the creation of the Great Escape Resource Center, there were common problems with lack of housing and job placement. Homelessness and housing instability put people at risk for incarceration. Nationally, one out of seven jail inmates is homeless upon entering jail. Research suggests that released inmates who have stable housing are less likely to return to jail. However, they must overcome many obstacles to obtain housing, such as limited financial resources, lack of affordable housing, community zoning regulations and the stigma associated with a criminal record. The Inmate Re-Entry Unit has imposed restrictions dealing with the operation of approved housing, which allow only two people to share a bedroom and requires the availability of 24 hour medical service. Currently, the re-entry program serves 250 clients a month at the resource center.

One component of the Great Escape Resource Center is the Back-on-Track Employment Program. This program finds businesses in the community that will accept clients that have been formerly incarcerated. It not only assists in finding employment but also aids in resume preparation, interview skills and provides proper clothing for an interview. The Back-On-Track coordinators offer continued support to both the client and the employer through a network of resources like free services to businesses and hiring incentives such as the Federal Bonding Program which minimizes employer liability. It also offers another federal program called Work Opportunity Tax Credits. These tax credits are awarded to employers for hiring formerly confined individuals within one year after release.

In October 2010, in the first event of its kind, 20 former Orange County jail inmates were recognized for staying sober and trouble-free for at least one year as participants in the Great Escape Program. In a ceremony headed by Orange County Sheriff's Department and several community charities, former inmates took turns telling their stories before friends, relatives and supporters.

Jail Transition Strategies

Orange County is one of six communities in the nation selected by The National Institute of Corrections (a branch of the Department of Justice) and its partner the Urban Institute (a privately funded non-profit foundation) to implement the transition from jail to community model. This program devises a jail transition strategy responsive to local circumstances, resources and priorities. These two national organizations have awarded Orange County (one of four selected counties) a Transition from Jail to Community (TJC) technical assistance grant, which provided free training to 30 re-entry staff. This training was completed in September 2010. Additional goals of the grant include assistance in developing initial inmate assessment tools, standardized curriculum, defining agency roles and improved data collection. The objective of the Inmate Re-Entry Unit's staff is that implementing this grant will create stronger collaborations between all of the agencies in Orange County that service this population, lower recidivism rates, reduce jail

overcrowding, reunite families and make Orange County communities safer.

An additional goal of the TJC program is to design new ways of engaging a broader base of elected officials as to the merits of the TJC initiative. A current focus is the development of program enhancements and new program concepts for submittal as a proposal to the Second Chance Act grant program. The Second Chance Act provides additional grant funds for the mentoring (overseeing) of clients from the Re-Entry Program. The resulting outcome could have positive financial implications for Orange County.

The main reason for basing policy on evidence instead of belief or hunch is to provide taxpayers an acceptable return on the enormous investment the County makes in its public programs. Unlike the private sector, there is no feedback from market tests in the public sector. During the first half of 2008, evidence-based practices seemed on the rise. Several states (including California) are reviewing the impacts of their corrections policies and laws. Evidence-based practices are finding a growing audience and the Orange County Sheriff's Department Inmate Re-Entry Unit is in the forefront of using such practices to find out what works and what does not.

The Inmate Re-Entry Unit's latest six-month results regarding client recidivism is 148 clients out of 1,606 or 9.2 % of the total clients/transition case plans developed. Inmate Re-Entry Unit staff predicts that the recidivism rate currently reported will rise due to factors such as drug abuse relapse, violation of probation and or parole, lack of housing, etc. Although unsure as to how high current recidivism rates will rise, they are confident that because of the intensive in-custody services combined with immediate post-release services their recidivism rate will be far under the current 67% recidivism rate plaguing the State of California.

According to the Urban Institute, a research gathering center located in Washington D.C. and commissioned in 1968 by President Lyndon Johnson, evidence cannot help solve every problem or fix every program, but it can illuminate the path to more effective public policy. The sole purpose of the Urban Institute is to remain an independent nonpartisan center for analysis of the problems facing America's cities and their residents. The following seven elements are necessary for sound policy analysis.

- Identifying the most important issues and putting them first.
- Gathering as much data as time and money allow.
- Turning to informed and unbiased experts for analysis.
- Applying the most appropriate methodologies for the problem and data.
- Pursuing evidence without preconceived conclusions in mind.
- Subjecting findings to independent review.
- Sharing results, whether positive or negative, with the public.

As a result of the progress made by the Inmate Re-Entry Unit, special recognition was given to the Great Escape Resource Center as a model by the National Institute of Corrections (more information can be found on the NIC website). This program continues to evolve as proven by the ongoing applications for grant funds to extend the Transition From Jail to Communities initiative. A continuing goal of the Inmate Re-Entry Unit is to increase public awareness regarding the benefits of reducing recidivism rates in Orange County.

FINDINGS:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requires or requests responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of Orange County Sheriff's Department Re-Entry Program in Orange County, the 2010-2011 Orange County Grand Jury has arrived at seven principal findings, as follows:

- F.1:** Experienced Sheriff Deputies are a primary element of the booking and assessment process.
- F.2:** Former inmates are identified as "clients" upon entry into to Great Escape Program.
- F.3:** Twenty former Orange County jail inmates participated in the Great Escape Program and were recognized for staying sober and not re-offending for at least a year.
- F.4:** Resources (housing and employment) are barriers to successful completion of the Inmate Re-Entry Program.
- F.5:** The Inmate Re-Entry Unit has contributed to reduced recidivism rates.
- F.6:** Greater public awareness of Orange County Sheriff's Department Inmate Re-Entry Program would provide a realistic view of recidivism.
- F.7:** The Orange County Sheriff's Department Inmate Re-Entry Unit Program was identified as a model by the National Institute of Corrections.

RECOMMENDATIONS:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requires or requests responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of Orange County Sheriff's Department Inmate Re-Entry Unit in Orange County, the 2010-2011 Orange County Grand Jury has arrived at two principal recommendations, as follows:

- R.1:** Continue to seek funding to support the Re-Entry Program.
- R.2:** Increase public awareness of the value of programs responsible for recidivism reduction.

REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code Section 933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head 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.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are required from the:

<u>Responding Agency</u>	<u>Findings</u>	<u>Recommendations</u>
Orange County Board Of Supervisors	F.4	R.1, R.2
Orange County Sheriff Coroner	F.4, F.6	R.1, R.2

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are requested from the:

Orange County CEO	F.6	R.2
Orange County Public Information Office	F.6	R.2
Orange County Social Service Agency	F.6	R.2
Orange County Probation Department	F.6	R.2

Review of the Sheriff's Aviation Support Unit



Review of the Sheriff's Aviation Support Unit

SUMMARY

The Orange County Grand Jury has completed a review of the Sheriff's Aviation Support Unit. This review of the unit, never before performed by the Grand Jury, was undertaken because the unit is costly to operate and is a high profile operation. Also, the Sheriff is acquiring responsibility for patrol along with search and rescue operations for a very large, new portion of public land.

It was found that the Sheriff's Aviation Support Unit is well managed, operates in a fiscally prudent manner and provides good service to residents of the County. However, the fleet of only two helicopters is few in number when compared to surrounding counties, and the helicopters themselves have significant limitations when used in search and rescue operations, for which the Sheriff's office is the responsible agency.

The Grand Jury recommends that as the Sheriff's budget improves with a recovering economy, consideration be given to adding to the current fleet, and replacing the two existing helicopters with more capable models. Recommendations are also made to implement long range planning by the Aviation Support Unit, study ways to improve retention of the Sheriff's helicopter pilots and to give consideration to the creation of a regional aerial law enforcement program to cover all of Orange County.

REASON FOR STUDY

When the Grand Jury became aware that the County of Orange was going to be acquiring over 31 square miles of wilderness and parkland with public access as a dedication from the Irvine Company, interest was sparked in the Sheriff's Aviation Support Unit (Aviation Unit). This group would be the first responders if aid should be required in that area. While the Sheriff's Department is the responsible agency for this previously privately held area, the opening up of this new acreage to the public will likely increase demands upon the Sheriff.

Further, since helicopter operation in general is expensive, it is therefore a relatively high cost unit to run and maintain. In recent years the public has become more concerned with efficiency of government operations. The current difficult economic times compound budgetary issues. Finally, there are increasing calls for "regionalization," the concept of creating a single, regional law enforcement aviation program that would serve multiple cities, as well as, the County.

On this basis the Grand Jury chose to review the Sheriff's Aviation Unit to determine if the unit was operating efficiently and effectively to provide optimum public benefit.

This report covers a considerable number of issues, including:

- Current operating aircraft and their capabilities and limitations.
- A broad comparison with other law enforcement agencies.
- The Unit's current facilities.
- Budgetary issues.

- Retention and staffing.
- The Sheriff's countywide role in search and rescue using these aircraft.
- Impacts of a possible regional helicopter program.
- Long range planning in the Aviation Unit.

METHODOLOGY

The scope of this report is limited to an overview of the operations of the Sheriff's Aviation Unit and those issues directly affecting it. The Grand Jury did not review whether or not the unit's existence in and of itself was justified. That is a very difficult concept to objectively analyze, and studies may be found supporting both sides of the question as to whether helicopter law enforcement programs are effective. The Grand Jury approached the issue by assuming that since the unit has been in existence for over 25 years, it has proven its fundamental worth to the Sheriff, an expert in law enforcement matters. The Grand Jury focused on possible improvements to further increase benefits for those citizens served by the unit.

Members of the Grand Jury met with all agencies within Orange County operating helicopters for law enforcement purposes (Anaheim, Huntington Beach, and Newport Beach/Costa Mesa.) Data also was obtained (primarily from websites) concerning helicopter units for the sheriffs' departments of all counties from San Diego County to Ventura County. And while not a law enforcement agency, the Orange County Fire Authority was interviewed concerning the role its helicopter unit plays in search and rescue operations. Finally, the Grand Jury reviewed a number of local and national studies specifically conducted to examine the efficacy of helicopter law enforcement.

FACTS

Fact: The Orange County Sheriff has operated a two-helicopter unit based at John Wayne Airport since 1985.

Fact: Between the Sheriff's contract cities and the unincorporated area, the helicopter unit serves just over 700,000 citizens.

Fact: The Orange County Sheriff operates the fewest number of helicopters of all counties from Ventura County to San Diego County.

Fact: The Orange County Sheriff provides law enforcement services to 12 contract cities and the unincorporated area of Orange County.

Fact: The Orange County Sheriff is responsible for search and rescue operations within the entire geographical boundary of Orange County.

ANALYSIS

Current operating aircraft and status

The Sheriff's Aviation Support Unit has a staff of eight, consisting of seven deputies and one sergeant, all pilots or are training to be such. The unit currently operates two Eurocopter AS350-B2 helicopters, commonly known as ASTARs. These are very popular aircraft with law enforcement agencies due to their relatively reasonable operating and maintenance costs, as well as their performance.

One ASTAR was acquired in March of 2005 and the second in March of 2006. Presently one ASTAR has approximately 5,000 operating hours on its airframe and the other has about 6,000 hours. One of these aircraft will require a major engine overhaul within the next six months which will cost between \$300,000 to \$400,000. Without this overhaul the aircraft will no longer be legally flyable.

An AS350-B2 helicopter currently sells for approximately \$1.8 million in a "bare" condition. This is the cost of an unpainted aircraft without avionics and specialized law enforcement equipment. When fully fitted out for law enforcement use, an AS350-B2 becomes a \$2 million operating asset.

The aircraft are equipped with many of the usual enhancements found in aerial law enforcement. These include FLIR (Forward Looking Infrared) units, Nightsun spotlights, specialized radios and a hook for water dropping buckets.

The FLIR units enable the operator to see heat signatures on the ground, in the dark, and are invaluable in tracking subjects and searching for missing persons. Each Sheriff's helicopter was originally equipped with one unit each. However after time these units failed and became unrepairable. Unable to acquire replacement funds through the normal budget process, the staff of the Aviation Unit was able to borrow a single "loaner" unit from the manufacturer for over a year. This was swapped between the two helicopters as needed, but was subject to recall by the manufacturer for trade shows. While this is an example of resourcefulness on the part of the unit's staff to maintain operations, it is of concern that the staff had to resort to these measures due to lack of resources. Very recently a Federal grant application was approved providing the unit with a new, state of the art FLIR unit, partially resolving the situation. But it is still only a single unit and must be swapped between helicopters as needed.

Aircraft capabilities and limitations

The Sheriff's Aviation Support Unit's two current B2 ASTARs, while desirable from an operations perspective, do suffer the drawback of relatively modest power. Equipping a helicopter for police operation requires the addition of several hundred pounds of specialized equipment (FLIR, police radios, Nightsun spotlight, etc.), thus limiting the aircraft's useful payload.

To give this limitation an Orange County perspective, on a very hot day a police-equipped B2 ASTAR with three people on board, and a heavy fuel load, could land on Santiago Peak, but taking off might not be possible due to an effect known as "density altitude". This means that on hot days or higher altitudes, more power is needed to operate the helicopter, more power than the present B2 helicopters can provide. Thus police-equipped B2 ASTARs are significantly limited in passenger capacity and also cannot effectively perform hoist operations.

Hoist operations or “hoisting”, involves the use of an electrical winch to raise or lower personnel or equipment to or from a hovering helicopter, involving several hundred pounds of load. With the type of helicopters generally used for law enforcement operations, the winch is attached to the outside of the helicopter above a side door and equipment or personnel are lowered through that door. Usually the Tactical Flight Officer stands outside the helicopter on the landing skid operating the hoist control, assisting personnel being transported in this manner. Individuals may be raised or lowered while wearing harnesses, or may be placed in a litter and the entire litter lifted. Hoisting is limited by the length of the winch cable, which can be several hundred feet, allowing for extrication of individuals from within forested areas or other tight confines where a helicopter landing is not possible.

The inability of the Sheriff's helicopters to perform hoists is a substantial issue. Hoisting not only comes into play in search and rescue operations, but is often a part of SWAT extractions. In reviewing the helicopter operations of all California counties from Ventura to San Diego, the Grand Jury found the County of Orange is the only Sheriff's helicopter operation lacking the ability to perform hoists.

Many jurisdictions provide hoisting capabilities through their use of Eurocopter AS350-B3 aircraft. These B3s, as they are called, are virtually identical to the Aviation Unit's B2 helicopters, but enjoy the benefits of a more powerful engine. Despite the larger engine, the hourly operating costs are only fractionally higher. The increased power greatly expands the aircraft capabilities and provides for safer flying in marginal weather conditions. While selection of a helicopter model for a law enforcement role is an involved and complex process, replacement of the existing Sheriff's aircraft with the AS350-B3 model seems reasonable due to similarities in operation and maintenance.

The Grand Jury is cognizant of the current economic constraints and budget limitations affecting everyone in government, including the Sheriff. In light of this, to call for immediate replacement or acquisition of new aircraft would be unrealistic. The present fiscal constraints are not expected to last indefinitely, and plans should be in place to improve the operating fleet as soon as financial conditions allow.

Comparison with other jurisdictions

The Grand Jury reviewed published reports to determine if there are any recommendations or minimum standards as to the number of aircraft an agency should operate for an effective aerial law enforcement program. In short, there are no recognized standards. Each agency operating helicopters uses the number they feel is best for them, or the number they can afford.

To acquire a sense of how the County of Orange compares to other jurisdictions in terms of helicopter assets, the Grand Jury reviewed the number of helicopters operated by county law enforcement agencies (due to their presumed similar responsibilities) between San Diego County and Ventura County, as well as the number of helicopters operated by the three police agencies operating helicopters within Orange County. In the interest of brevity, cities operating helicopters in other counties weren't listed. The number of aircraft was then compared to the population they served. For counties, this encompassed the unincorporated population, as well as those cities which contracted for Sheriff's services.

This resulted in a ratio of “Residents per Helicopter,” the tabulation of which is presented in the follow-

ing table. The lower number of residents per helicopter, the better the theoretical service level. The agencies are ranked from low to high in “Residents per Helicopter.” Also displayed is the area in square miles served by each agency to provide a sense of the responsible area, especially for the larger counties.

Comparison of Law Enforcement Helicopter Patrol Service Levels

Law Enforcement Agency	Number of Helicopters	Area Served (square miles)	Population Served	Residents per Helicopter
Newport/Costa Mesa (ABLE)	3	30	182,941	60,980
Huntington Beach Police	3	28	195,864	65,288
Ventura County Sheriff	4	1,647	333,272	83,318
San Bernardino County Sheriff	10	19,730	1,057,039	105,704
Anaheim Police	3	55	348,467	116,156
San Diego County Sheriff	7	3,673	883,939	126,277
Los Angeles County Sheriff	18	3,162	2,945,627	163,646
Riverside County Sheriff	5	6,800	1,216,073	243,215
Orange County Sheriff	2	429	700,589	350,295

Note 1. For county agencies, "Population Served" includes those living in unincorporated areas as well as contract cities

Note 2. For county agencies, "Area Served" includes the area of the unincorporated area and the sum of the contract cities area

Note 3. Population and area data as of 2009, from City-Data.com

This table and its data provide at least a broad basis for comparison. It suggests, that the County of Orange may be, for lack of a better word, “underhelicoptered.” For example Ventura County has twice the helicopters for less than half the served population of Orange County, even though by most measures Orange County is substantially more affluent.

It should be noted that although there are a total of 11 law enforcement helicopters operating within the geographic boundaries of Orange County, most are restricted to their specific jurisdictions, and thus aerial coverage is not uniform. Except in extraordinary circumstances, the helicopters operated by ABLE (Airborne Law Enforcement Agency, a joint powers agreement helicopter program for the Cities of Costa Mesa, Newport Beach and Santa Ana), Anaheim and Huntington Beach stay over those cities, with the Sheriff’s Aviation Unit left to provide service to the rest of the county.

The idea that the County of Orange may have fewer helicopters than needed was reinforced by interviews made in the course of this study. All law enforcement helicopter units interviewed stated they felt three was the minimum number of helicopters required for any sizeable law enforcement agency. The reason for this position was that helicopters require considerable maintenance time, during which they must be removed from service. Helicopters are also very delicate, and even minor damage can take extensive time to repair.

Adding a third helicopter to the Sheriff’s fleet would not result in a 50% increase in the cost of operation. In general, when dealing with helicopters, costs are primarily tied to the number of operating hours put upon an engine. Having three helicopters instead of two spreads the annual operating hours over three aircraft, making the fleet last longer, increasing the time between costly overhauls and providing an important redundancy in the number of aircraft.

Addition of a third helicopter to the unit would result in a significant capital cost of up to \$2.5 million if purchased outright. However there are "lease to own" programs that essentially spread the capital cost over several years, making aircraft acquisition more affordable.

Aviation Support Unit facilities

The Aviation Unit's aircraft are based on the west side of John Wayne Airport. The unit subleases and shares hangar space with ABLE. The current monthly lease, paid to ABLE, is approximately \$6,600, and represents half the overall lease amount ABLE is responsible for. The present hangar space is not sufficiently large enough to completely house the three ABLE and two County aircraft. Thus at any given time several aircraft are required to remain parked outside in the elements. This has resulted in incidents whereby some of the aircraft were put in jeopardy when severe weather occurred, such as hail or Santa Ana winds.

The hangar lease ABLE holds from Signature Flight Support is a long term arrangement and contains annual inflation escalators resulting in ABLE currently paying a lease rate for this hangar facility that is approximately double that of a comparable facility. Since the County is bound only by a short term agreement with ABLE for half the total rental, this has created a situation whereby, in essence, the County has been subsidizing ABLE's facility rent. Given ABLE's pending dissolution (to be discussed later in this report) and the expiration of the lease with Signature Flight Support in April of 2012, new opportunities for lease negotiations will be opening up for the Aviation Unit.

Despite the existing tight quarters and relatively high rent, the partnership with ABLE has been very beneficial. Fuel and mechanic's services are shared between the two agencies, and have saved the County hundreds of thousands of dollars annually. Further, certain equipment (such as FLIR units) can be and have been shared between the aircraft in critical situations.

Over the past decade some other possibilities for alternate, permanent locations have presented themselves. Fullerton Airport, the James Musik facility in Irvine and the decommissioned Tustin Marine Corps Air Station to name a few, but no action was taken to relocate the unit. Of those, the Tustin facility had potential, as there is a large, fairly new surplus hangar adjacent to and immediately west of the existing Sheriff's Training Facility. It would have been sufficient to house both the Sheriff's unit and ABLE in a structure built to support helicopters. Definitive reasons why this did not come about are unclear at this time.

The Anaheim Police Helicopter unit and the Orange County Fire Authority's helicopter division are based at Fullerton Airport. Both units have very long term leases and private hangar facilities. The Sheriff's Aviation Support Unit management has expressed a desire to be housed in a central county location, so should they wish to stay based at John Wayne Airport, efforts should begin now to develop more appropriate and permanent facilities.

Budget/Operating Expenses

The unit's total expenditures for the prior two years and operating budget for the current fiscal year are shown below:

Fiscal Year	Budget/Operating Expenses
2010 - 2011	\$2,314,902
2009 - 2010	\$2,403,611
2008 - 2009	\$3,077,820

As can be seen, there is a distinct drop in expenditures after the 2008/09 fiscal year. This 20% reduction was in response to the current economic condition and was accomplished by cutting flight hours in half. The flight time reduction continues to be in effect as an ongoing cost savings measure.

A more detailed review of the unit's current fiscal year budget found that personnel costs, consisting of staff salary and benefits, run approximately \$1.5 million annually. This constitutes about two thirds of the unit's total annual expense. The balance of the unit's budget, about \$800,000, is the cost of fuel, operation and maintenance of the two helicopters.

The staff consists of sworn officers, and with the minor exception of the pilot premium (to be discussed next), would cost the Sheriff the same amount of money annually whether they are in the air or in vehicles patrolling on the ground. Thus the cost differential between having these officers on the ground or in the air is currently about \$800,000 annually. This amount represents the annual, additional cost for providing helicopter coverage for residents of the County and its contract cities.

Pilot compensation and retention

Most of the general public have little idea of the compensation paid to law enforcement helicopter pilots. The assumption is likely that since they are trained much beyond a street patrol officer, mandating special FAA licenses, and must operate a several million dollar aircraft over populated areas in sometimes adverse weather conditions, that they are paid very highly. That's not exactly the case.

Most law enforcement agencies, including Orange County, pay their pilots a "premium" on top of their base compensation. That is, if a patrol officer chooses to become a pilot, the officer will receive additional pay, equal to some percent of the officer's base salary. In the case of the Orange County Sheriff's department, the flight premium is 7.9%.

The following table shows the premium paid to law enforcement pilots for the Southern California coastal counties and all agencies within Orange County that operate law enforcement helicopters. There is quite a range in the premium, from zero for the City of Santa Ana to over 31% for Ventura County. The premium of zero for Santa Ana is a low amount, which means their pilot flying for ABLE and the considerable responsibility that entails, makes the same salary as a patrol officer on the street.

Comparison of Law Enforcement Pilot Salary Premiums

Law Enforcement Agency	Pilot Pay Premium
Ventura County Sheriff	31.7%
City of Anaheim	23.7%
City of Costa Mesa (ABLE)	17.5%
San Bernardino County Sheriff	15%
City of Huntington Beach	8% to 13%
Los Angeles County Sheriff	11%
Orange County Sheriff	7.9%
Riverside County Sheriff	7.5%
City of Newport Beach (ABLE)	6.9%
San Diego County Sheriff	5.8%
City of Santa Ana (ABLE)	0%

Putting a new Sheriff's pilot in place is a long and extensive process. The Orange County Sheriff's Office does not have the ability to hire experienced pilots directly from the military and put them at the controls of the Sheriff's aircraft. A prospective pilot must first go through the Sheriff's Academy and serve several years assigned to the jails and preferably several more years on street patrol. Only after a prospective pilot is fully versed in law enforcement protocol and procedures may the individual be considered for membership in the Aviation Unit. Once finally assigned to the Aviation Unit, it can take an additional eight to twelve months of flight training before a new recruit is a fully functional pilot for the Sheriff.

Because of the lead time to acquire new pilots, it becomes vital to make all possible efforts to retain existing pilots. Their training represents a substantial investment on the part of the Sheriff's department, much more so than regular patrol officers. This statement is not intended to devalue the considerable training required of regular patrol officers, but to recognize the even more extensive training Sheriff's pilots must undergo.

Some agencies have realized this and have adjusted pilot compensation accordingly. Since pilots represent such a small component of overall law enforcement personnel, they have little weight when it comes to negotiation of salary benefits for law enforcement agencies as a whole. Thus in some cases they receive compensation that fails to match their considerable responsibilities.

In comparison with the premiums paid by surrounding agencies, the Orange County Sheriff is in the mid-range of the field with a 7.9% premium. While that might suggest all is well, several staffers are planning to leave or have left the unit due to the need for additional compensation or advancement provided by transfer or promotion to other positions within the Sheriff's department. With the present organizational structure of the unit, it is not possible for trained pilots to significantly advance within the Sheriff's organization without leaving the Aviation Support Unit. Once in the unit, there is little room for career growth or to earn additional compensation. This is a disincentive to the retention of highly trained individuals.

Significant time and money is invested in training individuals for the unit. A review of the unit's current career paths and flight premium by an appropriate independent body to improve staff retention is reasonable.

Search and rescue operations

In addition to the usual law enforcement duties of the Sheriff, there is another important responsibility that city law enforcement agencies do not have. In the State of California, the statutory authority and responsibility for Search and Rescue (SAR) operations is assigned to County Sheriffs per California Government Code Section 26614. This means for anyone lost in Orange County, the Sheriff has ultimate responsibility to locate and retrieve them, utilizing the same two aircraft already serving a law enforcement function. The Aviation Support Unit currently averages about 30 to 40 search and rescue calls per year.

As previously noted, last year the County of Orange acquired approximately 31 square miles (20,000 acres) from the Irvine Company to be used for public park and open space purposes. This represents an area in size considerably larger than the City of Santa Ana. Much of this land is very rugged and remote, located north and south of Irvine Lake. Although public access currently is limited, OC Parks is planning on furthering visitation in the next few years, resulting in increased public activity in these new areas. Unfortunately, some individuals will end up needing professional assistance to leave the area. This may lead to a problem due to the aforementioned lack of hoist capability of the Sheriff's current helicopters, limiting their SAR capabilities.

This SAR shortcoming is somewhat addressed by the adoption in 2000 of a memorandum of understanding (MOU) between the Sheriff and the Orange County Fire Authority (OCFA). OCFA has four helicopters with hoist capability stationed at the Fullerton Airport. The MOU recognizes the Sheriff as having "...functional responsibility to provide search for missing and lost persons..." and the OCFA is charged with, "...functional responsibility to provide Fire/Rescue and EMS..." Practically speaking, due to aircraft limitations, while search functions can be provided by the Sheriff, if a person needs extraction it must be performed by OCFA, regardless of whether medical attention is required.

This arrangement has resulted in some difficulties. There have been instances where a Sheriff's helicopter located a missing individual yet had to summon an OCFA helicopter to extract that person. This not only increases delay in the rescue, it increases cost. The Sheriff's hourly operating cost is approximately \$700 while the OCFA's hourly operating cost for their new helicopters is \$3,400. So rescue work using only the Sheriff's helicopters is a significant savings to taxpayers.

There are substantial differences in aircraft availability between the two agencies. The Sheriff's unit has aircraft in the air or available for immediate response until at least 3:00 AM. Unless there is an active fire situation, OCFA pilots go off duty much earlier than that. Also, since fire suppression is the primary duty of OCFA, a conflict may arise if OCFA helicopters are involved with fighting fires in the north county, and the need for a rescue extraction arises in south county. While several law enforcement helicopter agencies in the county have the ability to drop water in assist to OCFA (and the Sheriff's unit has assisted on several fires) only OCFA has the ability to perform hoists.

In this situation Orange County is unique among surrounding counties. Of the counties reviewed, all

sheriff's aviation units utilize their own helicopters with hoists to extract missing individuals, even if the party is injured. In Orange County's arrangement, it's possible to have two helicopters under different commands (OCFA and Sheriff) working an incident simultaneously. At the very least, pilot workload is increased, as is the potential for problems. Some conflicts have occurred in the past, but were resolved without significant incident. There remains some operational friction between the two agencies and the potential exists for further incidents due to the seemingly overlapping functions.

Regionalization

Regionalization is the concept of establishing a countywide helicopter law enforcement program, shared among all the cities and County. This could be accomplished using a joint powers agreement/authority (such as was done with the Orange County Fire Authority), or some other structured program operated primarily under the Sheriff's oversight. It is this latter possibility that will be discussed in this report, as it could greatly affect the Sheriff's current helicopter operations.

On February 15, 2011, the Costa Mesa City Council voted to dissolve the ABLE program and directed staff to explore creation of a regional air support program. Council members questioned why the city should be paying what they perceived to be a substantial sum, when they could be getting limited air support from the Sheriff's fleet at no charge. This is a common belief held by many cities and stands as an impediment to a regional helicopter program.

As law enforcement is presently structured in Orange County, all police agencies have mutual aid agreements with each other. This means if a city with a helicopter is asked to respond to another city without a helicopter, they may do so at the first city's discretion, and there will be no charge to the city being provided with the helicopter. A notable exception to this has been ABLE, which charges cities approximately \$1,800 per hour if an ABLE helicopter responds to an out-of-city call. This ABLE charge is not levied against the three other agencies operating helicopters in county (Anaheim, Huntington Beach and the County). This charge by ABLE has had a chilling effect, with instances of other cities rescinding their request for air support when informed ABLE was the only aircraft flying and a charge would result.

The fundamental problem with regionalization comes down to, why would a city pay for a service when it is available to them for free? If the Sheriff, Anaheim and Huntington Beach continue to provide free helicopter mutual aid, there will be no incentive for the other cities to join a regional program.

In considering the Sheriff's operation, these "out of area" responses by the Aviation Unit currently do not appear to be a major drain on resources. For the calendar year 2009 (the most recent full year for which data were available), the Aviation Unit logged 1,401 calls. Of these, 181 calls for assistance involved areas for which the Sheriff did not have primary responsibility (i.e., cities not under contract, other counties, etc). This amounts to approximately 13% of total calls, not an obviously excessive amount.

To get a gross sense of the feasibility of a regional air support program, it is possible to make some reasonable operational cost estimates and thus assess the broad viability of such a program. While there are many possible organizational and financial structures, this report will quantify a simple program based upon a "per person" cost.

Review of operations in surrounding counties and assuming an assertive aerial patrol philosophy suggests a county-wide regional helicopter program would require six to eight helicopters. For consistency in piloting and maintenance, they should all be of the same or very similar model. For the purposes of this rough analysis, six helicopters will be assumed as a lower end, conservative number.

For planning purposes, a new helicopter fully equipped with the necessary law enforcement radios and equipment would cost about \$2.5 million each. Thus a fleet of six helicopters would cost about \$15 million. An appropriate base for that size fleet at a local airport or other location would cost about \$6 million. So the initial capital startup cost for a regional program would be roughly \$21 million.

Aerial patrol hours are assumed to be a minimum of 20 hours per day. That is, there would be at least one aircraft in the air for 20 hours every day, 7 days a week. This totals 7,300 hours per year.

The Grand Jury obtained hourly helicopter operating costs from all the law enforcement agencies in the county. Costs ranged from \$700 up to \$1,800 per hour. For planning purposes and assuming a uniform fleet, from these current costs a weighted average of \$1,100 per hour will be used in this analysis. This includes all operating and maintenance costs, as well as the salary and benefits of the assumed two law enforcement occupants.

Thus 7,300 hours per year at \$1,100 per hours yields an annual program operating expense of just over \$8 million.

The next step is to prorate the costs over the county's population. 2009 estimates put the county's total population at just over 3 million. It is assumed the cities of Huntington Beach and Anaheim will not be a part of a regional program, as they have expressed to the Grand Jury a strong disinterest in such participation. They have their own helicopter programs whose cost is acceptable to them, and would not want to relinquish control of aerial operations over their cities. Removing their estimated 2009 populations from the county total leaves a population of approximately 2.5 million to share operating costs of a regional helicopter program. This amounts to \$3.20 per resident for annual operating costs and \$8.40 per resident for initial capital startup costs.

While these costs viewed on a per person basis don't seem especially burdensome, the picture is different when they are applied to the population of entire cities. The following table shows some randomly selected Orange County cities, varying from small to large, their approximate 2009 population (from City-data.com), and their capital startup and annual operating costs for this hypothetical regional helicopter operation.

City	2009 Population	Capital Startup	Annual Expense
La Palma	15,719	\$132,040	\$50,300
Stanton	37,567	\$315,563	\$120,214
Newport Beach	72,521	\$609,176	\$232,067
Costa Mesa	110,420	\$927,528	\$353,344
Orange	136,990	\$1,150,716	\$438,368
Irvine	209,716	\$1,761,614	\$671,091
Santa Ana	340,340	\$2,858,856	\$1,089,088
Unincorporated area	120,088	\$1,008,740	\$384,282

Clearly, these are significant startup and ongoing costs. It's probable many cities in Orange County would balk at such expenditures in these lean economic times.

The conclusion here is that there remain serious impediments to the establishment of a regional law enforcement helicopter program, as worthy as it might be. Given the low probability for implementation, there shouldn't be an impact to the Sheriff's helicopter operations for the foreseeable future. With the dissolution of ABLE, there may be an opportunity for the Sheriff to step in and provide limited service to one or more of the former ABLE cities, at some reduced cost from what they had previously been paying. However this would almost certainly require some increase in the Sheriff's present fleet.

Although the aviation unit has been in operation for 25 years, it currently lacks strategic direction and vision. No matter the cause, it should be corrected, and a long term plan developed for the unit.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requires responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based upon its review of the Sheriff's Aviation Support Unit, the 2010-2011 Orange County Grand Jury has arrived at seven principal findings, as follows:

- F.1:** The Orange County Sheriff operates the smallest fleet of helicopters of any county in the southern part of the State.
- F.2:** Orange County is the only county in the southern part of the State whose Sheriff's helicopters lack hoisting capability.
- F.3:** Budgeted amounts to maintain the unit are reasonable and have reflected prudent management in view of the economic downturn.
- F.4:** The current facilities of the Aviation Support Unit are overcrowded and inadequate to house all aircraft.

- F.5:** Law enforcement pilot compensation varies considerably between agencies and lacks standardization.
- F.6:** No reimbursement program exists to compensate the Orange County Sheriff when county helicopters are operated in support of agencies outside the Sheriff's jurisdiction.
- F.7:** The Sheriff's Aviation Support Unit lacks a long term plan.

RECOMMENDATIONS:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requires responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based upon its review of the Sheriff's Aviation Support Unit, the 2010-2011 Orange County Grand Jury makes the following six recommendations:

- R.1:** **As budgetary constraints allow, add a third helicopter to the Aviation Support Unit, with hoist capability.**
- R.2:** **As budgetary constraints allow, replace the two existing helicopters with hoist capable models.**
- R.3:** **Conduct a study of Pilot and Tactical Flight Officer career paths to improve retention and staff longevity within the Aviation Support Unit.**
- R.4:** **Develop and implement a plan for reimbursement from non-contract city operations, within the framework of mutual aid agreements.**
- R.5:** **Conduct a study for regionalization of the Sheriff's helicopter program to equitably distribute costs and coverage to all citizens of Orange County.**
- R.6:** **Develop and maintain a long term plan for the Aviation Support Unit for acquisition of significant capital items and improvement or relocation of existing operating facilities.**

REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code Section 933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such

comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Sections 933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head 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.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are required from the:

<u>Responding Agency</u>	<u>Findings</u>	<u>Recommendations</u>
Orange County Sheriff-Coroner	F.1, F.2, F.3, F.4, F.5, F.6, F.7	R.1, R.2, R.3, R.4, R.5, R.6

COMMENDATION

The Grand Jury would like to commend the staff of the Sheriff's Aviation Support Unit. Their exceptional management and operation of the unit has kept the aircraft flying despite challenging budgetary constraints. The unit's staff has shown resourceful initiative, solving difficult problems in the face of funding cutbacks.

Review of the November 2, 2010 General Election Process



Review of the November 2, 2010 General Election Process

SUMMARY

As part of its public oversight responsibility, the 2010-2011 Orange County Grand Jury observed the November 2, 2010 General Election.

- Areas the Grand Jury focused on for this election included:
- Online poll worker training
- Vote-by-Mail ballot processing
- Packing and delivery of poll site materials
- Poll site operation on Election Day
- Testing of new Electronic Voter Rosters
- Rapid Deployment Teams for election troubleshooting
- Processing of votes at the Registrar of Voters facility
- Recount observation
- Attended post-election debriefing meeting

The election was well planned, operated smoothly and accurate results were posted very quickly.

REASON FOR STUDY

One of the civil roles of the Grand Jury is provision of “watchdog” oversight of all aspects of county government operations. Another responsibility is to serve as the representative of the public interest in certain functions of government. Traditionally, these two duties combine during General Elections when the Grand Jury observes and reports to the public on the election process in Orange County.

The election included the testing of a new, technical innovation known as an Electronic Voter Roster. This held interest as it was being introduced into the election process in Orange County for the first time.

A General Election is one of the most critical aspects of representative government. The Grand Jury determined it was in the public’s interest to observe and report upon the November 2, 2010 General Election.

METHODOLOGY

Based on the general description of the processes and procedures the Grand Jury received during an orientation meeting with the Registrar of Voters (Registrar) it was determined the election process would be best reviewed and reported on in three stages:

- Pre-Election
- Election Day
- Post-Election

Prior to beginning the evaluation process, panel members interviewed the Registrar on multiple occasions to gain a better understanding of the overall process and to better determine which areas to focus on

within each of the three phases.

This report will look at a number of individual aspects of the General Election, each of which were observed by one or more members of the Grand Jury. After a discussion of the observations, an assessment will be presented for each specific aspect.

FACTS

Fact: For the November 2, 2010, General Election, Orange County had 1,621,934 registered voters, the fifth largest voting jurisdiction in the United States and the second largest in California.

Fact: For the election, there were 1,210 polling sites in 1,747 precincts, and 6,330 volunteer poll workers.

Fact: The Registrar of Voters office (ROV) has 49 full-time staff members, and temporarily increases to several hundred during a General Election, through the use of extra help and limited term workers.

ANALYSIS

Pre-Election participation and observation:

Online poll worker training:

An online poll worker training program was first implemented in May, 2009. It was upgraded for the primary election in June, 2010 and again for the General Election in November, 2010. This training prepares volunteers to staff and operate polling sites throughout the County.

Grand Jury members participated in the online training program and found it to be comprehensive, clear and concise, providing feedback through tests within the program to gauge understanding of the information.

Panel members also found the accompanying training manual to be well written and provided graphics and exhibits highlighting important details of the poll worker responsibilities and duties. An accompanying training DVD is also provided, supporting the entire training process. The manual serves as a useful tool for poll workers to have as a resource guide on Election Day at polling sites to be able to answer questions from voters.

Vote-by-Mail ballot processing:

Vote-by-Mail (VBM) ballots were formerly referred to as “absentee ballots.” As part of the outgoing mailing process of ballots, the sorting of VBM ballots into precinct groups for delivery to the Post Office was observed. Upon the return of completed VBM ballots by voters, the same machines then sorted the returned ballots by precinct while at the same time digitally capturing the signature on each returned ballot for verification. The ROV’s equipment and staff has the capacity to process and verify up to 10,000 signatures per hour, and every signature is verified.

Signature verification can occur as soon as the ballot is received. The tallying of VBM ballots cannot begin until 10 days prior to Election Day. Beginning midnight of the first day counting is permitted, the VBM ballots are electronically scanned and tallied, a process the Grand Jury watched. Current capacity of

the ROV's VBM tallying equipment is approximately 35,000 to 40,000 ballots per day. Once counted, the results are held until Election Day, and released shortly after the polls close at 8:00 PM. For the November 2 election, the ROV was able to release the first VBM vote count at 8:05 PM on election evening, a total vote count in excess of 400,000 votes.

Packing and delivery process of precinct supplies and materials:

Supply boxes, containing multiple items for each of the 1,210 poll sites, were packed in advance for election inspectors to pick up. None of the materials in these boxes were precinct specific. They contained general supplies to set up and operate a polling site (signs, papers, writing implements, staplers, forms, etc). The boxes were picked up by appointment on Wednesday through Friday prior to the Tuesday election, from a rented facility near the ROV office. The members who observed this process report that packing was accomplished in an expeditious manner, with the staff members inspecting the boxing using unique marks to indicate who inspected the box should questions arise later. This inspection was performed three times to ensure all boxes contained the material they were supposed to. While it would be desirable to package and pickup the materials directly from the ROV facility, current space limitations preclude that.

Election Day

Poll Site Visitation:

On the morning of Election Day, members of the Grand Jury began visiting multiple poll sites to observe the entire process, from set-up prior to the polls opening to the closing of the polls at the end of the day.

Overall, the volunteer poll workers were well trained and able to handle issues that arose or questions from the voters. At one poll site visited, it was noted that there were issues related to parking and access.

At some poll sites it was observed that some of the electronic voting devices were not operating, necessitating the use of printed ballots as lines began to form. The main issue for the devices was a connecting cable with multiple pins; one or more may get bent in the set up process. Until fixed, the device was rendered inoperable. The Registrar acknowledged this has been a minor but ongoing problem and has replacements on standby during elections. The voting equipment currently in use is rated as having a "useful" life until 2012, which could be problematic for elections beyond that General Election.

Electronic Voter Roster:

For the first time the ROV tested a new Electronic Voter Roster (EVR) to assess usefulness and efficiency. The EVR consisted of a laptop computer pre-loaded with the registered voter data base, provided to five selected poll sites. This is the same data base that is on the bulky computer printed paper register used at all other polling sites.

At the sites visited, the poll workers using the new process strongly endorsed the use of the EVR and spoke favorably about the innovation. Use of the EVR sped up the procedure to determine voter eligibility and being in the correct precinct to receive a ballot. Adoption of the use of the EVR could reduce the staff required for the process by at least one person per precinct. However there is a substantial cost outlay for such a program, as at least one laptop for use as an EVR would have to be provided for each precinct, of which there are 1,210.

Rapid Deployment Team:

Rapid Deployment Teams (RDT), first implemented in 2005, are groups of specialized staff with a higher level of experience to solve technical issues as they occur at precincts on Election Day. They are assigned to pre-determined areas of the County in large vans containing replacement equipment and supplies.

One Grand Jury member rode with an RDT. Most calls from polling sites related to inoperable electronic voting devices that would not “power up.” These issues all involved bent pins on the connecting cable, which the RDT was able to quickly correct.

The support teams provided a vital function in assuring that the voter at a polling site can cast their ballot, either electronically or using a paper ballot.

Closing of Poll Sites:

When the polls close at the end of the day, there is a very specific procedure the poll workers must follow to properly close out polling sites. The two most important elements are the handling of the electronic voting device and the printed vote record associated with it. Both items have a record of the votes cast: This provides a dual check on the vote count if questions arise.

These items, as well as the other precinct materials, are taken to collection centers typically at local police stations. Orange County Sheriff personnel oversee and protect the delivery process, both by their presence, and also keeping track via radio of each van's location.

During the Grand Jury's observation of the process, at one collection site an electronic voting device was found to be missing. Eventually, after some searching, it was located without further incident. While not a common occurrence, this does occasionally happen. However, auditing and tracking measures are in place to identify problems early. The check-in process, while not perfect, appears to the Grand Jury to be designed well enough to forestall serious problems.

Processing at the ROV:

When the vans from various collection sites arrive at the ROV, they are immediately unpacked and materials quickly and efficiently routed to the appropriate location within the ROV facility. The electronic voting devices are routed to an enclosed, secure area where the data card containing all of the voting is removed and safely handed over to staff for data transfer. The vote tally is accomplished in a glass walled, secure room, accessible by a very limited number of staff. Entry is controlled through a fingerprint scan, eliminating any unauthorized access. The tally room may be observed by the public outside through the glass, as well as via live streaming video online.

As the data cards are read, the voting tally is continuously updated and displayed on monitors outside of the room. A unique feature of the Orange County ROV is the 30-minute online update of results throughout the election night, until all polling sites have been counted. Each day following election night, the ROV reports updates daily at 5pm, until all votes are tallied, the only county in California to provide such a daily report.

Post-Election Day

Recount:

For the November 2, 2010 election, two races were very close, resulting in recount requests. A recount request is usually made by a candidate who has lost by a slim margin. Recounts take place at the ROV headquarters and the cost of the re-count is the responsibility of the requesting candidate.

A recount board consists of four people at a large table. The recount process is viewed by not only the parties requesting the recount, but any interested members of the public. Observing Grand Jury members found that the recount was performed in an effective manner and appeared structured to ensure accuracy.

During the recount, ballots that cannot be easily resolved (such as due to additional marks or indications) are held until the end of the day. The challenged ballots are then reviewed by the Registrar along with one representative for each candidate. The Registrar then makes a determination for each challenged ballot. The judgment of the Registrar is final, and cannot be challenged further.

Post-Election Debriefing:

Following every election, the Registrar conducts a debriefing with key staff members. The goal of this debriefing is to look at “lessons learned” from the election and examine ways to further improve the next election process.

After the June 2010 Primary Election the debriefing resulted in 90 action items to enhance election operations, 89 of which were addressed prior to the November 2 General Election. The debriefing of the November 2, 2010 General Election lasted four days, resulting in 138 potential items for improvement, which the Registrar is currently addressing. It should be emphasized that these items are not necessarily problems, but are often suggestions from staff to make things run more smoothly or economically in future elections.

Jurors attending the debriefing were impressed with the openness of the staff, as well as their strong interest in making improvements.

Selected November 2, 2010 General Election Statistics

- 898,205 total ballots were cast in the election, comprising 55.4% of registered voters.
- VBM ballots totaled 466,157, 51.9% of the total vote cast.
- For the first time in Orange County history, the VBM total was greater than votes cast at polling sites.
- Included in the VBM tally were 3,759 military ballots cast and 2,370 Orange County citizens overseas.
- Orange County was the first large county (defined as a population greater than 1,000,000) in California to post all precinct results on election night.
- Orange County was the first large county in California to certify the election results.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its review of the election process in Orange County, the 2010-2011 Grand Jury has seven findings, as follows:

- F.1:** The enhanced online training for poll workers is effective and complete.
- F.2:** The ROV was well prepared for the voter turnout at the 1,210 precincts and the VBM volume.
- F.3:** The support staff - Coordinators and RDT - were well trained and handled problem areas in a timely manner.
- F.4:** Security at both the collection centers and at the ROV was effective and no significant incidents occurred.
- F.5:** The VBM process was secure and no incidents or allegations of impropriety occurred to the Grand Jury's knowledge.
- F.6:** Increased automation and storage requirements have created a need for additional floor space at the Registrar of Voters headquarters.
- F.7:** The Electronic Voter Rosters being tested appear to offer increased efficiency and reduction in errors.

RECOMMENDATIONS:

The 2010/2011 Orange County Grand Jury makes the following recommendations:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its review of the election process in Orange County, the 2010-2011 Grand Jury makes the following three recommendations:

- R.1:** **The Registrar and his office are urged to maintain the excellent work acknowledged in this report and to continue delivering outstanding service to the public.**
- R.2:** **Study consolidation of more operations at ROV headquarters and possibilities of increasing available space.**

R.3: As budget constraints allow, explore implementation of Electronic Voter Rosters for all polling sites.***REQUIREMENTS AND INSTRUCTIONS:***

The California Penal Code §933(c) requires any public agency which the Grand the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Sections 933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head 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.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are requested from the:

Responding Agency

Findings

Recommendations

Registrar of Voters

**F.1, F.2, F.3, F.4,
F.5, F.6, F.7**

R.1, R.2, R.3

COMMENDATION

The Grand Jury would like to commend the staff of the Registrar of Voters office. The level of dedication displayed by all personnel was extremely impressive. Under the guidance of the Registrar, the office leads the State in accuracy, efficiency and cost saving measures. The citizens of Orange County are fortunate to be served by an organization as professional and competent as the Registrar of Voters.

The Youth Leadership Academy: A Program Review



The Youth Leadership Academy: A Program Review

SUMMARY

The 2010-2011 Grand Jury conducted a program review of the Probation Department's Youth Leadership Academy. The Academy is one of five juvenile detention facilities, and the only one designated as a Re-entry/Transitional Living Program. As such, the Academy has as its goal the successful re-entry of youth 17 – 20 years of age into their communities. The facility collaborates with the Orange County Department of Education and the Health Care Agency for essential services, and has developed an extensive array of community-based and volunteer services to facilitate successful re-entry for probationers. For the past year, the program has implemented changes in policy, procedures and evidence-based practices, i.e., approaches for which empirical research has found demonstrated effectiveness.

Findings include decreases in altercations and other signs of aggressive behavior within the program, and increases in the attitude, motivation and skills needed to avoid re-offending. Recommendations include utilizing more effective outcome measures with respect to decreasing recidivism, and finding ways to strengthen and take more advantage of evidence-based practices.

REASON FOR STUDY

The Youth Leadership Academy (YLA) is one of five Orange County Probation Department juvenile correctional facilities. Each facility is characterized by different levels of security, age-ranges of youth, physical location, and type or style of intervention / rehabilitation program.¹

The YLA is a relatively new program (established in 2006) and has not been studied by a Grand Jury. During 2010, a new Director was appointed for the YLA. After completing a review of the operation, she introduced significant changes in policies and procedures regarding how the program would be operated, and how wards were to be managed during their terms. Also the YLA, along with all Probation Department programs, has had to meet expense reduction targets due to county and state budget deficits.

The purpose of this study was to determine how the YLA has evolved during the past few years, what changes occurred with budget reductions and new program leadership; the rationale for those change and the resulting impact on wards and staff members; what the current goals and objectives are and, in particular, what measurable outcomes are expected, and are they being achieved?

METHODOLOGY

Information and data were collected from:

- Two on-site visits to the program facility
- Interviews with
 - an administrative representative from the Probation Department
 - key YLA staff persons at different levels of responsibility

¹ The other four facilities are the Joplin Youth Center, Theo Lacy Juvenile Annex, the Youth Guidance Center, and Juvenile Hall.

- staff members from collaborative county departments (e.g., OC Department of Education, OC Health Care Agency, OC Conservation Corps) who work directly with YLA residents
- four current residents at YLA and two in transition back to the community
- Review of
 - written program descriptive material, newsletters, Internet web pages, and other information designed for public consumption
 - intra-department quarterly progress and expenditure reports
 - program administrative material (e.g., intake / assessment forms, release and transitional planning documents, program level information, and other internal documents)

FACTS

- Fact:** The percent of OC juvenile probationers completing formal probation without a new violation has remained essentially unchanged, at about 65%, for the past ten years.
- Fact:** The YLA opened in July 2006 as a “juvenile camp facility” with two, two-story 60-bed units, but currently operates one unit due to ongoing county and state budget reductions; the second unit was idled in March of 2010.
- Fact:** The YLA has been designated a Re-entry / Transitional Living program.
- Fact:** The youth entering YLA are considered to be at a high risk to re-offend; 10 – 15% have committed misdemeanors; 85 – 90% have been convicted of felonies.
- Fact:** Minors complete their juvenile justice commitments even if they become adults (turn 18) in custody.
- Fact:** The average length of commitment to YLA is 120 days.
 - the average length of actual stay in the program is 75 days
 - current range of stay extends from as few as 15 days up to 180 days
- Fact:** During the fourth quarter of 2010 (Oct. – Dec.):
 - the average daily census was 53 residents, and there were 83 intakes and 85 releases from the unit
 - 54% were less than 18 years old; 46% were 18 or older
 - 76% were Hispanic, 19% White, 3% Asian, and 2% Black
- Fact:** Total budget expenditures for the 2009–10 Fiscal Year were \$5,690,265; there currently are 32 total full-time equivalent positions in the budget.
- Fact:** The YLA utilizes evidence-based practices, i.e., structured, outcome-oriented, research-supported programming to effect measurable changes in each resident’s attitude, behavior, and direction in life.

ANALYSIS

County Juvenile Correctional Facilities

The YLA is one of five Probation Department juvenile detention and rehabilitation facilities. Once offenders receive a commitment from the court, the Probation Department assesses and assigns each to one of the five according to several factors, including age at time offense and current age, length of commitment, gender, seriousness of offense, potential for rehabilitation, need for substance abuse treatment, and how close they are to completing their commitments. Table 1 summarizes the differences between, and how the various facilities complement each other.

When entering the juvenile justice system, each ward is screened for mental health issues by county Health Care Agency staff members in the Clinical Evaluation and Guidance Unit (CEGU) situated in Juvenile Hall. Re-evaluations may occur whenever needed.

Table 1 – Characteristics of OC Probation Juvenile Detention Facilities*

Facility / Location	Size	Ages/Sex	Primary Juvenile Justice Purpose
Juvenile Hall City of Orange	380 Beds	12 – 20 M / F	Primarily provides secure housing pending adjudication in Juvenile Court; has an inmate intake and release center
Joplin Youth Center Trabuco Canyon	64 Beds	13 – 16 Males	“Outdoor” non-secure correctional facility with residential treatment and restorative justice programs
Lacy Juvenile Annex Theo Lacy Men’s Jail City of Orange	56 Beds	14 – 20 Males	Houses high security-risk minors, and those charged with crimes “as adults,” while proceeding through the adult court system
Youth Guidance Center Santa Ana	80 Beds	13 – 20 60 M/20 F	Primarily substance abuse treatment in a non-secure residential facility, and restorative justice programs
Youth Leadership Academy City of Orange	60 Beds	17.5 – 20 Males	Non-secure residential facility providing range of services to effect a successful re-entry to community, using evidence-based practices

*Source: OC Dept of Probation website, April 2011

Because most of the wards are minors, each facility, regardless of location or other specialized aspects, provides State-mandated public education under the auspices of the County Department of Education, including special education services, if needed. Younger wards are provided classroom instruction in accordance with their grade-level achievement and learning needs; older wards are supported in completing high school graduation requirements or earning a General Equivalency Diploma (GED).

The Youth Leadership Academy

The stated goal of the YLA is to develop the youth in their care into “young men of character, honor, and integrity.” The ultimate goal, looked at more operationally, is to decrease the probability and frequency of re-offending, or recidivism. Because of the age and developmental stage of juvenile offenders, especially those about to re-enter society, the YLA, and current Probation Department officials, view programs like

this as being perhaps the last good opportunity to help youthful offenders make a significant course correction – from a life of criminality to a life as a productive, responsible citizen.

In addition to providing a secure and safe detention facility, the Youth Leadership Academy implements comprehensive programming designed to prepare young adults (committed as minors) to successfully transition back into the community at the completion of their terms. This is accomplished by providing an extensive array of individualized rehabilitative services, including remedial education, behavioral intervention and pro-social developmental programs, substance abuse and mental health services, and by developing extensive community outreach opportunities. The program is dedicated to using evidence-based institutional programming, i.e., research-tested programs that have been demonstrated to be effective, and the adoption of attitudes and behaviors by staff members that are actively encouraging and supportive, rather than merely custodial.

The Otto Fischer School, situated in Juvenile Hall is operated by the Orange County Department of Education (OCDE), and provides on-site public education academic and special education services. Approximately 20% of YLA residents² are special education eligible. The OCDE also provides vocational instruction and employment assistance for residents. When receiving classroom instruction, YLA residents are not intermixed with those in other detention facility programs.

Both physical and mental health services are provided on-site by the county Health Care Agency (HCA). Specific departments involved include Child and Youth Mental Health Services and Institutional Health Services. The HCA also staffs the Clinical Evaluation and Guidance Unit (CEGU) which, in addition to screening wards entering the juvenile justice system, can provide YLA residents with individual and group counseling, and 24-hour crisis intervention, as needed.

On-site substance abuse and alcohol education and treatment services, including sober living activities are provided by a contract with Providence Community Services, a local community agency.

Additional services, such as reading skill development, academic subject tutoring, community service experiences, and restorative justice opportunities are provided through the Probation Department's extensive volunteer program.

Interventions and Evidence-Based Practices

YLA is not merely a detention facility. When they arrive, residents are told up front they are entering a "treatment program." Although not spelled out at first, what they are being treated for is anti-social, illegal behavior that has landed them in custody. The intervention will be "...personal skill development and growth...Regardless of what you are serving time for, your opportunity to grow and change begins now."³ Almost every hour of every day is scheduled with assignments, activities, and classes or groups to advance each resident's education, prosocial development, problem-solving skills, and discharge planning.

Residents are told the program believes "...each young person has the potential to become a responsible

² Although technically still "wards" of the County, the YLA refers to the youth as "residents."

³ From the Introduction, "Orientation-Rules-Program Overview" packet given to each new resident.

leader and we would like to provide you with the fundamentals to achieve that goal.”

As in many institutional settings designed for youth, the YLA uses a “level system.” Residents wear different colored t-shirts to indicate which level they currently are on, and all new residents start at the “bottom,” on level one. Moving up a level earns increasing amounts of autonomy and more privileges. To change levels, residents must complete specific “assignments.” Staff persons are available to assist and tutor residents working on level assignments, and such work creates opportunities for mentoring and facilitates the development of positive relationships. For example, in order to move from Level 1 to Level 2, assignments include writing a detailed autobiography and a one-page essay about the resident’s family. Level 3 and 4 privileges include unsecured room doors, video game time, on-ground furloughs (e.g., to an OC County library), and off-ground furloughs. To get to the higher levels, residents need to complete a three-page Goal Setting Worksheet, read books selected for them by their counselor and write a report, and complete a sample job application form, among other requirements. An important part of this sort of plan is for all aspects of the system to be clearly defined and communicated to both residents and staff members, reliably implemented, and quickly applied. Rules that are enforced inconsistently, and delayed reinforcement or punishment rapidly decrease effectiveness.

Thinking For a Change

The level advancement system provides an overall structure and sets the tone for specific interactions with the residents. The centerpiece intervention, however, is the use of a specific evidence-based practice (EBP): the “Thinking for a Change” (T4C) program. The T4C curriculum was developed by the National Institute of Corrections⁴ (NIC), and consists of 22 group sessions and can be expanded to meet the needs of specific participants. Groups are limited to 12 participants and may be delivered up to three times per week. Participants may enter the series at any point. In order to maintain fidelity to the original research-tested model, facilitators are required to follow a scripted manual that determines the content and objectives of each session. T4C is designed for offenders and focuses on cognitive restructuring, and the development of social skills and problem solving skills. Sessions include role-play illustrations of concepts, a review of previous lessons, and “homework” assignments in which participants practice skills learned in the group.

The advantage of using an EBP is two-fold. First, in plain language, the agency or program is doing “what works.” Effectiveness has been demonstrated by scientifically valid research studies. The EBP has been “manualized,” i.e., put into an instructional or trainable format that allows it to be replicated in different settings, institutions, or locations. Fidelity to the research-tested version, however, must be maintained in order to count on the same outcomes. Second, utilizing EBP’s takes advantage of the latest knowledge and research the field of criminology has to offer regarding improving effectiveness. Programs that are demonstratively effective – that can produce measurable outcomes – are the ones that can garner community and political support, thereby increasing financial stability and the possibility of growth and expansion once budget conditions improve.

⁴ National Institute of Corrections, <http://nicic.gov/T4C>.

Program Philosophy

Interviews with both Probation Department and YLA leaders revealed a dedicated interest in making a positive difference in the lives of their charges. On a larger scale, the question of the ultimate purpose of “corrections” arises. Incarceration, of course, serves the primary purposes of punishment and the protection of society from those who have sought to victimize others. Historically, “reform schools” and “reformatories” at least had the intention of rehabilitation in addition to punishment. However, if rehabilitation truly is a goal, then (1) extra efforts must be made above and beyond those needed merely for safety and security, and (2) it necessitates the use of methods that work, i.e., programs that have demonstrated effectiveness.

In addition to utilizing a specific evidence-based program (Thinking For a Change or T4C), the YLA also has embraced and is working with its staff to implement core principles of learning theory and mentoring. Long used in the fields of psychology, education, counseling and guidance, and personnel management, these “laws of learning” include the effectiveness of positive reinforcement, fair and consistent rules, timely application of both rewards and punishment, and providing positive and negative consequences that “fit” the behavior. The rewards must be meaningful, and the punishments need to be in proportion to the offense.

An example of this is the new director replaced “Behavior Notices” with “Progressive Discipline Reports” (PDR). Behavior notices are akin to being “written up” and they tended to be used indiscriminately. PDR’s begin with a clear and direct command. If the problem continues but can successfully be managed with counseling the minor, nothing else is necessary. If the problem behavior repeats, the next higher level of restriction is applied. Counselors are trained to use the least amount of restriction or exclusion necessary to contain or control the behavior. Of course, whatever is required for safety and security is provided, but a measured response is used so that the “time fits the crime.” YLA has coordinated with the OC Department of Education teachers to use the same PDR’s in the classrooms. Above all, the objective of using PDR’s is to stop the practice of room confinement as a primary behavioral control. YLA believes using indeterminate room confinements for minor misbehavior is contrary to the goals of the program, and tends to exacerbate behavior problems. Frequently it leads to depression, anxiety, feelings of hopelessness, and increased aggressiveness. Aside from the longstanding validity of these principles, their application in a fair and consistent manner, especially with young people, conveys a general attitude of respect, positive expectations, and trust in their potential to grow and change.

YLA staff members and collaborative community partners are encouraged to actively develop positive relationships with the youth, and act as mentors to them. The mentoring role is evident not only during direct supervision and counseling, but also in small group work and classes, during social skills training, character and values education, victim awareness, and even informally during the day. For many of these young men, YLA staff persons are the first and only people who have shown a genuine interest in them and their potential. Staff members, supervisors, and directors reported that these changes have improved working conditions for them also. Absenteeism and other indicators of job stress have declined, as there is less anxiety, anger and acting out by residents.

Clearly, the first and foremost responsibility of the YLA staff is the safety and security of residents, staff,

and the community. Perhaps the biggest lesson learned regarding how YLA youth are treated and managed by the staff is: treating incarcerated youth in a fair and consistent manner, and by showing a genuine interest in and respect for them as individuals doesn't need to compromise safety and security. It decreases anger, frustration and stress on both sides of the table.

Community Re-Entry Planning

A vital activity of the YLA is individualized planning for re-entry into the community. Because of their ages and other factors, the young men leaving the YLA and the county juvenile justice system are transitioning both from detention to freedom and, just as importantly, from adolescence to responsible adulthood. For most of them, before they were incarcerated, local gang activity was both a way of life and a kind of family support system. For many, the gang milieu was the only place to get attention, appreciation and respect. Even for those who manage to avoid gang associations, most come from families unable to provide the structure, support, and discipline needed to keep out of trouble. Therefore effective planning for re-entry into the community needs to be done strategically.

YLA transitional planning and individualized case management services begin upon entry into the program. Within the first 15 days of intake, a counselor reviews the resident's file, identifies specific risk factors for re-offending, and begins matching the resident to program resources. Risk factors are individual psychosocial characteristics that have been identified through research to increase the likelihood of re-offending upon release. They include antisocial beliefs and behavior, criminal peers, dysfunctional family history, low levels of education, and history of alcohol / substance abuse. At 30 days, the counselor convenes a Re-Entry Team meeting, at which time the minor and family members meet with YLA staff to review his progress to date, and complete a plan of action going forward. Team members include the minor, parent(s), field probation officers, school staff (teacher / counselor), psychosocial staff (from CEGU), a resource coordinator, and possibly others significant to the minor. For each of the following areas, progress to date, goals, and an action plan is documented: Unit Behavior (critical thinking and antisocial behavior), Recreation (extra-curricular hobbies / interests), Substance Abuse, Mental Health, Criminal Associates / Gang Issues, Education & Employment, Family, Parenting (including resident-teen parent issues), and Housing issues. Subsequent informal meetings are held regarding the plan, to update and modify it as needed. Fifteen days prior to a planned release date, the resident's counselor meets with him to go over the plan and discuss successes and areas that need continued attention.

According to YLA staff members, experience has shown it is essential to have an individualized support system in place before the release from custody. Accordingly, the staff resource coordinator actively works to link each resident to whatever community resources would be the most helpful. Community resource development and coordination is an ongoing, dynamic process, with the coordinator seeking to find and match both existing and newly discovered resources for each resident nearing release. Nearly 30 members of the group Volunteers in Probation, student interns, and additional religious volunteers play a major role in giving on-going and follow-up support. Many residents, by successfully displaying increasing levels of individual responsibility, are able to participate in education, employment, or community service furloughs prior to being released. In addition to linking transitioning residents to resources for education, job training, and employment, the resource coordinator also has developed an impressive array of adjunctive resources including tattoo removal, continuing gang prevention and intervention programs, and

clothing appropriate for job interviews and, assistance with transportation needs.

Interviews with Residents

Interviews were conducted with four residents in the program (at YLA) and two actively transitioning back to the community (at the Grand Jury offices). Interviews were conducted without staff persons present. The residents were uniformly positive regarding their experiences and time at YLA. The transitioning youth had taken advantage of opportunities to get job training skill development.

One was working in an Orange County Conservation Corp (OCCC) job program, learning landscaping and maintenance. He felt good about being able to contribute earnings to help his family financially. At Level 4 in the YLA, his daily workweek schedule was working on a landscape crew from 8 A.M. until 3:15 P.M. He returned to YLA for classes until 5:15 P.M. and then stayed at his home for the night. He reported he has been able to avoid continued involvement with a neighborhood gang – a condition of continuing in YLA and OCCC position.

The other was in a work-study opportunity in the area of office work. He was attending computer classes at Santa Ana College and also was allowed to stay home at nights. He also is being assisted by another community program, Taller San Jose⁵, in how to write a resume and interview for jobs, and that program also has helped him obtain a driver's license and open a personal bank account.

For both of these residents, the YLA resource coordinator had assessed their individual strengths and weaknesses, goals and objectives, and helped make connections for them within the community or collaborative county programs, to help make their transition back to the community successful. Both young men identified the adjunctive resources, counseling, and individual attention they had received as being very helpful. Both had been gang associates and felt that YLA had given them the opportunity for a “new start.” For the most part they had been treated with respect and that was appreciated. Both felt the Thinking For a Change program had helped them learn how to make better decisions. When asked for any problems they had seen, they mentioned some staff persons continued to be unnecessarily negative or punitive (with other residents), when it wasn't really necessary for safety and security.

Issues Regarding Effectiveness

Using recognized evidence-based practices goes a long way toward ensuring program effectiveness. However, being able to produce meaningful, measurable outcomes has an even greater impact on legislators, policy makers, taxpayers, and concerned members of the community. One statistic reported indicated the number of physical restraints needed at YLA dropped from a high of 14 per month in June, 2010, to zero by January, 2011. However, restraint statistics for the five juvenile detention facilities together showed a similar overall decrease, and the overall population of county incarcerated juvenile offenders during the same period declined from a high of 634 to a two-year low of 543. For the last half of calendar year 2010, YLA reported no physical altercations between residents, assaults on staff by residents, escapes, or suicide attempts.

⁵ St. Joseph's Workshop – a community-based nonprofit agency in Santa Ana

Internal program data are important but field outcome data would be even more useful. The YLA has not been able to implement follow-up or post release accounting of re-offending or recidivism rates for graduates of the program. For a period of time just before 2010, the Probation Department benefited from a National Technical Assistance (TA) grant to support the use of evidence-based practices designed to reduce recidivism and improve public safety. Although the primary focus of these efforts was on the adult probation population, the broader scope and effects of the initiative were expected to apply to work with juvenile offenders as well. The TA grant ended in January, 2010, and the work was expected to continue, but subsequent county and state budget cuts have caused these efforts to be suspended.

FINDINGS:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests responses from the agencies affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of Superior Court.

Based on its investigation of the Youth Leadership Academy, the 2010-2011 Orange County Grand Jury has six principal findings:

- F1:** The primary way the YLA responded to the need to significantly reduce overall budget expenditures was to idle one of two units; therefore the program is operating at approximately half capacity.
- F2:** New management has successfully implemented changes in how residents are regarded and treated, and has instituted evidence-based programming.
- F3:** The YLA has just undergone another change of leadership (March 2011); so far, changes that were implemented are expected to continue for the foreseeable future.
- F4:** The YLA has been successful in improving overall security and safety, as indicated by the near elimination of serious problem behaviors on the unit.
- F5:** Although the program has been successful with adopting evidence-based practices, more work needs to be done to measure outcomes, including progress toward reducing recidivism.
- F6:** The program has developed effective links to the community to facilitate the successful transition of residents back into their neighborhoods.

RECOMMENDATIONS:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests responses from the agencies affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of the Youth Leadership Academy, the 2010-2011 Orange County Grand Jury makes the following six recommendations:

- R1:** **Recast program goals into measurable objectives (e.g., recidivism rates for YLA graduates) in order to facilitate the quantification of results.**
- R2:** **Develop efficient ways to track the progress of YLA graduates in order to better measure rates of recidivism; use this information to demonstrate program effectiveness over time.**

- R3: Continue to search for research and training grants, including private foundation and professional association grants.**
- R4: Develop collaborative ties to a criminology department at a local university or college; encourage graduate students working on master's theses and doctoral dissertations to study YLA programs and outcomes.**
- R5: Improve the utility of current quarterly statistical reports by incorporating short empirical studies, surveys, and analyses of data already being collected.**
- R6: When using specific Evidence-Based Programs, maintain fidelity to the model's procedures and interventions, so that YLA results will be empirically supported.**

REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code Section 933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Sections 933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head 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.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are requested from the:

<u>Responding Agency</u>	<u>Findings</u>	<u>Recommendations</u>
Chief Probation Officer, Orange Co. Probation Dept.	F1, F2, F3, F4, F5, F6	R1, R2, R3, R4, R5, R6

COMMENDATION:

The Probation Department and Youth Leadership Academy are commended for employing research-tested programs and techniques to effect rehabilitation efforts.

County of Orange Compensation Disclosure



County of Orange Compensation Disclosure

SUMMARY

The 2010–2011 Orange County Grand Jury has examined the extent and effectiveness of the disclosure of compensation and employment contract information for elected officials and high level employees by the County of Orange.

Based on this review, it was concluded that the degree of transparency currently provided to the public by the County of Orange regarding compensation information is inadequate in its accessibility, content, and clarity.

For this reason, the Grand Jury has designed a format for use in reporting compensation information to the public and recommends that this format, together with employment contract disclosure, be posted on the County's Internet website as soon as practicable.

REASON FOR STUDY

Compensation of public officials and employees has long been a subject of citizen concern. Recent revelations from governmental entities outside of Orange County have led to charges that officials were paying themselves lavish salaries and benefits at taxpayer expense and have undermined the public's trust and confidence in their government officials.

An effective means by which this confidence may be restored and preserved is through disclosure of compensation information to the public. In this regard, an objective and comprehensive analysis was conducted of how compensation information is disclosed to the public by the County of Orange, as compared with other major California county governments.

METHODOLOGY

In order to establish the current level of disclosure, the Internet websites of the ten most populous California counties were analyzed and evaluated. The websites were objectively reviewed on the quality of their disclosure in three important areas:

- Accessibility
- Content
- Clarity

Also, interviews were conducted with representatives of Orange County Human Resources and County Counsel to confirm certain facts and findings contained in this report.

All population statistics used in this report are from the State of California, Department of Finance, E-1 Population Estimate for Cities, Counties and the State with Annual Percent Change – January 1, 2008 and 2009, Sacramento, California, May, 2009.

FACT

Fact: The ten most populous California counties maintain Internet websites, where information relating to county government is reported.

ANALYSIS

Transparency:

An effective way to guard against abuses in the compensation of governmental officials and employees is to provide the public with easy access to accurate information. An efficient means for widespread disclosure of compensation information is on the Internet. That information for officials and employees should be posted in a clear, concise and consistent manner that is also easy for the public to access.

Since the County of Orange currently has a website, the enhancement of compensation information on the website should not impose an undue burden. Not only will that publication serve the citizens of Orange County, but should also pre-empt numerous information requests from media and other interested parties.

To find examples of the types and levels of current county compensation disclosure, the websites of the following ten most populous California counties were reviewed:

County	Population
Los Angeles	10,393,185
San Diego	3,173,407
Orange	3,139,017
Riverside	2,107,653
San Bernardino	2,060,950
Santa Clara	1,857,621
Alameda	1,556,657
Sacramento	1,433,187
Contra Costa	1,060,435
Fresno	942,298

Website Reviews:

The websites were reviewed on the following three criteria:

- Accessibility – Is the compensation content readily identifiable and accessible without complex website search and navigation?

Note – Most websites include a search function with varying degrees of effectiveness. For the sake of consistency in this study, search functions were not used.

- Content – Does the website present both actual salary and benefit costs for senior level officials and employees? If benefits are shown, are the items detailed separately and extensively?

- **Clarity** – Is the compensation information presented in a clear, concise format that may be easily read and understood by the average viewer? Are the salaries and benefits totaled, or is the viewer required to do the math?

It should be noted that this review of the county website postings was done from the perspective of the general public accessing the information for their personal use and enlightenment. In contrast to this perspective, most of the current county salary and benefit postings appear to be intended for either job applicants or existing county employees.

Based on this review, the following are outstanding examples of public disclosure in the 3 criteria noted above.

- **Accessibility** – Websites providing easy access with a link to compensation data on the home page are:
 - Los Angeles – <http://lacounty.gov/>
 - Riverside – <http://www.countyofriverside.us/>
 - Santa Clara – <http://www.sccgov.org>
- **Content** – An excellent example of salary and benefit cost information is:
 - Contra Costa – <http://www.co.contra-costa.ca.us/DocumentView.aspx?DID=2194>.
- **Clarity** – Good examples of a clear listing of officials are:
 - Los Angeles – <http://lacounty.gov/>
 - Riverside – <http://www.countyofriverside.us/>

County of Orange Website:

In comparison to these, the current County of Orange website disclosure provides:

Accessibility – There is no direct link to salary or benefit information on the home page. To access salary information, the reader has to take the following steps:

- Click on the link entitled “Departments & Agencies”,
- Click on the link entitled “Human Resources (OCHR)”,
- Either click on “Salary Schedules” to see a list of schedules with varying types of salary range information, or
- Click on “Title Schematics” and then sort either alphabetically or by title code to see a list of all job classifications with hourly and monthly salary range minimums and maximums.

Content – Actual salaries are not posted, only salary ranges. Under the tab “Salary Schedules”, the ranges are linked to position codes not meaningful to the average viewer. “Title Schematics” is slightly more descriptive, but the viewer who is not familiar with job codes has to scroll through long lists of position titles to find a position or positions. There is no posting of any other pay information such as bonuses or pay in lieu of time off. For benefit information, the link entitled “Benefits Overview” may be accessed to view an overall description of benefit programs, but no benefit cost information is posted.

Clarity – The varying use of job codes is confusing to the average outside viewer. Scrolling through alphabetical lists of positions is also confusing to the viewer who probably does not know the exact position title, much less the job code, for the individuals being researched.

Compensation Disclosure Model:

In the interest of consistency and clarity in the disclosure of compensation data for County of Orange officials and employees, the Grand Jury has developed a model for posting onto the County of Orange Internet website. The fundamental elements of the model on the website would provide that:

- **Accessibility** – The link from the home page to the compensation webpage be a permanent feature, which is prominently displayed and requires only one mouse click for access.
- **Positions Reported** – All elected officials and department heads be reported. Elected officials be listed first, followed by department heads in descending order of salary amount. A list of all elected officials and department heads for the County of Orange who would be covered by this posting is shown on Appendix 1.
- **Salary Reporting** – The actual annual base rate of salary be shown, rather than range minimums and maximums.
- **Other Pay**
 - Fees – Any fees earned from County-sponsored boards, committees or commissions
 - Deferred Compensation
 - Bonus – Any form of management, incentive or performance improvement bonuses.
 - Pay in Lieu of Time Off
 - Automobile Allowance
- **Insurance Premiums** – Annualized amounts that the County pays on the employee’s behalf for medical, dental, vision, disability and life insurance.
- **Pension Costs** – Annualized amounts that the County pays for contributions to a pension plan (such as CalPERS).
- **Total Compensation** – Salary and benefit amounts be totaled for a representation of the total compensation received for the calendar year.

An illustration of this model as it would appear on a webpage is shown in Appendix 2.

Employment Contracts:

For the purpose of this report, the term “employment contract” is defined as a written agreement between an individual employee and the County setting forth the detailed terms, conditions and mutual obligations of the employment.

The County of Orange currently maintains six employment contracts, covering the:

- Chief Executive Officer
- Clerk of the Board of Supervisors
- County Counsel
- Director of Internal Audit
- Performance Audit Director
- Executive Director of the Office of Independent Review

Employment contracts are all subject to approval by the Board of Supervisors and are maintained by the Clerk of the Board.

While there is currently no reasonably accessible disclosure of employment contract information on the County of Orange website, the Grand Jury is of the opinion that employment contracts are important public information and should be disclosed in an easily accessible manner in the interest of public trust and confidence.

FINDINGS:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests a response from the County of Orange Executive Office to the findings presented in this section. The response is to be submitted to the Presiding Judge of Superior Court.

Based on its investigation of the County of Orange Internet website, the 2010-2011 Orange County Grand Jury has two principal findings, as follows:

- F.1:** The quality and extent of compensation disclosure by the County of Orange on its Internet website is inadequate.
- F.2:** There is currently no reasonably accessible disclosure of written employment contracts on the County of Orange website.

RECOMMENDATIONS:

The 2010/2011 Orange County Grand Jury makes the following recommendations:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests a response from the County of Orange Executive Office to the recommendations presented in this section. The response is to be submitted to the Presiding Judge of the Superior Court.

Based on its review and evaluation of the compensation disclosure provided by the County of Orange, the 2010-2011 Orange County Grand Jury makes the following two recommendations:

- R.1:** **Compensation Disclosure – The County of Orange report compensation information to the public on the Internet in an easily accessible manner. The Compensation Disclosure Model (Appendix 2) provides a sample as to the items that are recommended to be included in determining total compensation.**
- R.2:** **Employment Contracts – The County of Orange reveal any individual employment contracts in an easily accessible manner.**

REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code Section 933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such com-

ment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head 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.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are requested from the:

<u>Responding Agency</u>	<u>Findings</u>	<u>Recommendations</u>
The County of Orange Executive Office	F.1, F.2	R.1, R.2

Appendix 1: County of Orange Elected Officials and Department Heads

POSITION	POSITION
A. ELECTED OFFICIALS	B. DEPARTMENT HEADS
County Supervisor Dist. 1	Chief Executive Officer *
County Supervisor Dist. 2	Clerk of the Board of Supervisors *
County Supervisor Dist. 3	County Counsel *
County Supervisor Dist. 4	Director of Internal Audit *
County Supervisor Dist. 5	Exec. Dir. Office of Independent Review
Assessor	Performance Audit Director *
Auditor - Controller	Assistant CEO
Clerk - Recorder	Deputy CEO Infrastructure
District Attorney	Deputy CEO Govt. & Public Services
Public Administrator	Deputy CEO Information Technology
Sheriff - Coroner	Deputy CEO Finance
Treasurer – Tax Collector	Director OC Community Resources
	Director of Public Works
	Director, Health Care Agency
	Chief Probation Officer
	Public Defender
	Registrar of Voters
	Director OC Waste & Recycling
	Director, Dana Point Harbor
	Airport Director
	Human Resources Director
	Public Guardian
	Director, Child Support Services
	Director, Social Services

* Covered by Employment Contract

Compensation Study of Orange County Cities



Compensation Study of Orange County Cities

SUMMARY

The 2010 – 2011 Orange County Grand Jury has examined several aspects of compensation in Orange County cities. The scope of this report covers the following items:

- Individuals Covered -
 - All elected officials.
 - All employees who are being paid at a base salary rate in excess of \$100,000 per year.
- Salary and Total Compensation – Overall levels of salary and benefit costs are reported along with multiple levels of comparisons among cities.
- Organization – Upper level positions are reviewed and compared.
- Contracts – Provisions of employment contracts and the extent of their use are examined.
- Transparency – Disclosure of compensation information to the public is examined, evaluated and compared.

Based on this comprehensive review of information submitted by the cities, the Grand Jury has concluded that there are no individual instances of abusive compensation in Orange County cities.

There is, however, a disturbing level of inconsistency in the degree of transparency pertaining to compensation information which is currently provided to the public. For this reason, the Grand Jury has developed a suggested model for use in reporting municipal compensation information to the public and recommends that such information be made readily accessible on the Internet websites of all Orange County cities as soon as practicable.

REASON FOR STUDY

While compensation of public officials and employees has long been a subject of citizen concern, recent allegations of gross abuses have created a firestorm of media, governmental and even prosecutorial attention. Recent revelations from cities outside of Orange County have led to charges that city officials were paying themselves lavish salaries and benefits at taxpayer expense.

In Orange County, these allegations have spawned a number of articles in the media concerning compensation of individual municipal officials and employees. In addition to answering the question, “Are there any similar cases in Orange County?” this report will present Orange County citizens with an objective and thorough report, analyses, and findings covering multiple facets of compensation and recommendations for accessible and consistent transparency for all Orange County cities.

It is not the primary purpose of this report to question the compensation of any individual official or employee. Neither is it the purpose to simply list all of the salaries and benefits of city officials and employees. Rather, this report is focused on determining whether there are any abuses in Orange County relating to elected officials and upper level positions and examining the degree and quality of compensation disclosure.

METHODOLOGY

In order to accumulate the raw data which provides the basis for this report, the Grand Jury developed a spreadsheet questionnaire (Appendix 1), covering total compensation elements for individuals covered by the study. The questionnaire was sent to all cities in Orange County, and included further requests for copies of employment contracts and organization charts for the city. Interviews also were conducted to confirm certain facts and findings contained in this report.

Employees with base salaries below \$100,000 were excluded from this study because:

- The primary focus of this study is compensation abuse. If the upper level and management positions are found to be within normal parameters, it is expected that there will be no abuses in the lower level positions.
- With the above limitation, a total of 1,847 positions were submitted in response to the Grand Jury's request.

This study does not include any analysis of benefits paid after retirement or pension plans. This report does, however, include pension related costs which are incurred by cities during active employment, such as The California Public Employees' Retirement System (CalPERS) contributions.

The compensation analyses contained in this report are based on calendar year 2009 data, and exclude police, fire, electric utility and Great Park employees. Several cities do not have any police and/or fire positions because they contract with the County for such services. Electric utility and Great Park positions are unique to two cities.

All population statistics used in this report are from the State of California, Department of Finance, E-1 Population Estimate for Cities, Counties and the State with Annual Percent Change – January 1, 2008 and 2009, Sacramento, California, May, 2009.

FACTS

Fact: There are 34 incorporated cities in Orange County.

Fact: There are ten Charter cities, where compensation levels for elected officials and employees are governed by the City Councils. These cities are Anaheim, Buena Park, Cypress, Huntington Beach, Irvine, Los Alamitos, Newport Beach, Placentia, Santa Ana, and Seal Beach.

Fact: There are 24 General Law cities, where compensation levels for elected officials are governed by state laws and regulations and compensation levels for employees are governed by the City Councils. These cities are Aliso Viejo, Brea, Costa Mesa, Dana Point, Fountain Valley, Fullerton, Garden Grove, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, La Habra, Lake Forest, La Palma, Mission Viejo, Orange, Rancho Santa Margarita, San Clemente, San Juan Capistrano, Stanton, Tustin, Villa Park, Westminster and Yorba Linda.

Fact: Each city has an elected City Council and Mayor and appointed City Manager/Administrator. Beyond these functions, city organizations and management positions vary widely.

Fact: All Orange County cities, except for Seal Beach, have posted varying types and amounts of compensation information on their Internet web sites.

Fact: The California State Controller required all local governments to submit a Local Government Compensation Report for calendar year 2009 by a deadline of October 1, 2010. That report was intended to collect salary, compensation, and benefit information for all elected, appointed, and employed personnel. The Controller's website may be accessed at: http://www.sco.ca.gov/compensation_search.html.

ANALYSIS

Compensation Comparisons:

For consistent analyses, the following eleven municipal management positions were selected to be reported:

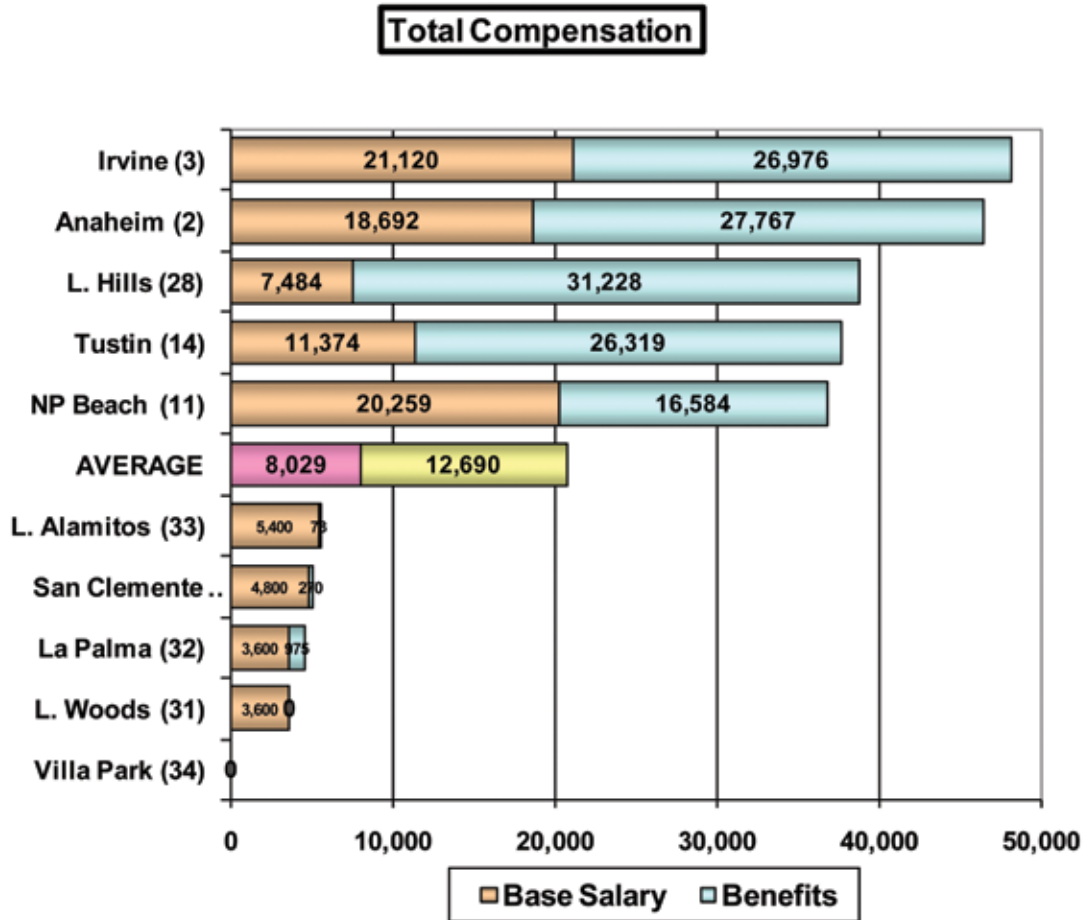
- City Council Member
- City Manager
- City Clerk
- City Engineer
- Finance
- Public Works
- Parks & Recreation
- Community Development
- Human Resources
- Information Technology
- Building Official

The following eleven charts for these selected positions display and compare:

- Base Salary,
- Total Benefits and Other Pay, which include,
 - Fees,
 - Deferred Compensation,
 - Bonus Pay,
 - Insurance Premiums,
 - Auto Allowance,
 - Pension Contributions, and
 - Pay in Lieu of Time Off.

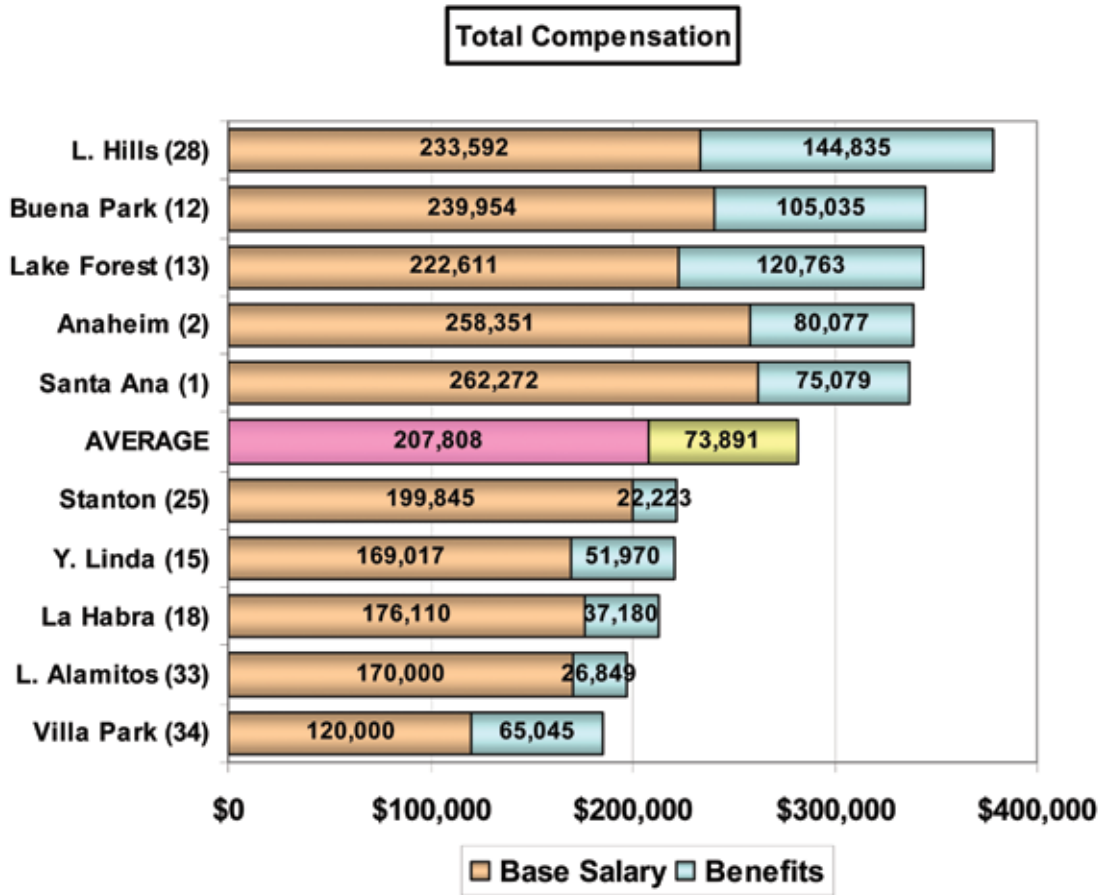
For the purpose of clarity, the charts display the highest five and lowest five cities for each of eleven common positions. The average for each reported position is included to provide a benchmark. All city data for these positions is reflected in Appendices 2 (a) through (k). The population ranking for each city is shown in parentheses to illustrate any correlation between population and total compensation.

Chart 1: City Council



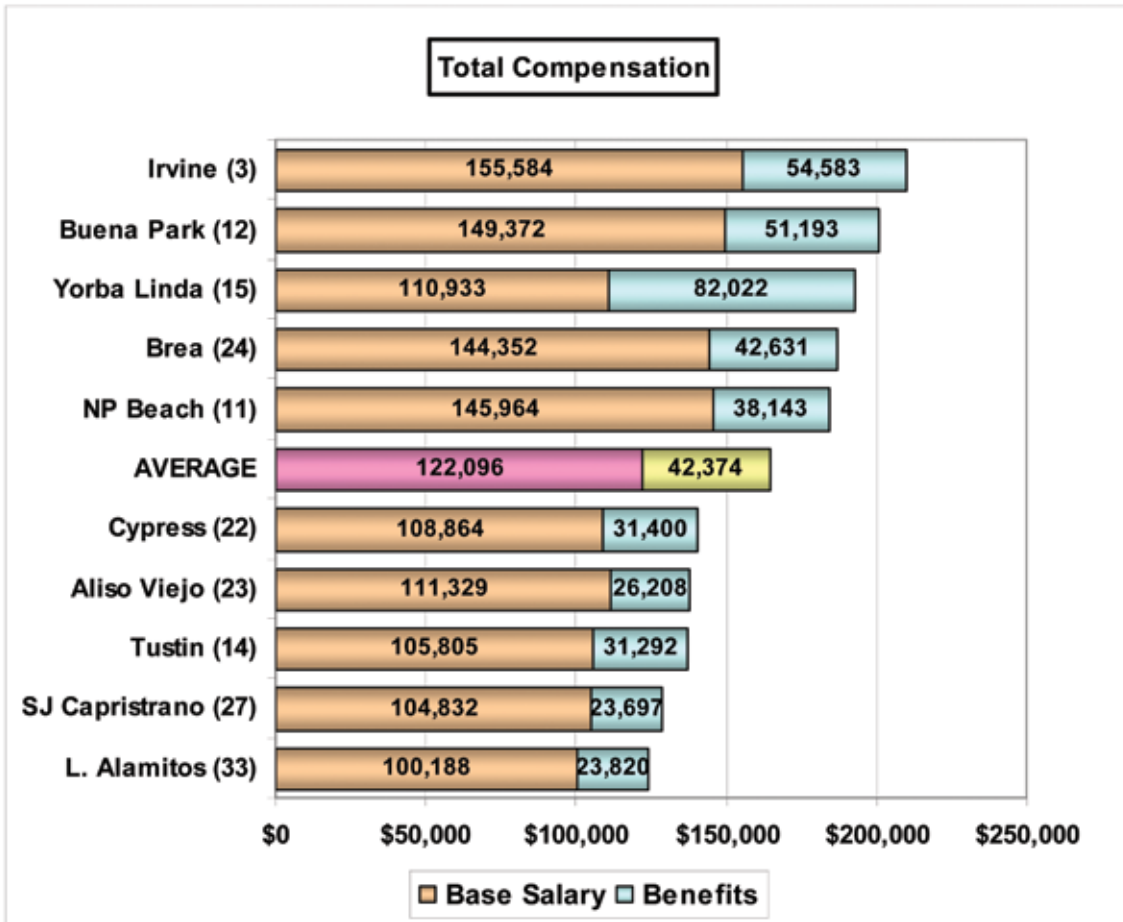
- This chart reflects compensation for the highest paid member of the city council.
- Total compensation does not appear to have any consistent correlation to the population of the city.
- The City of Villa Park, the smallest city in Orange County, has opted to not pay either a base salary or benefits to its council members.

Chart 2: City Manager



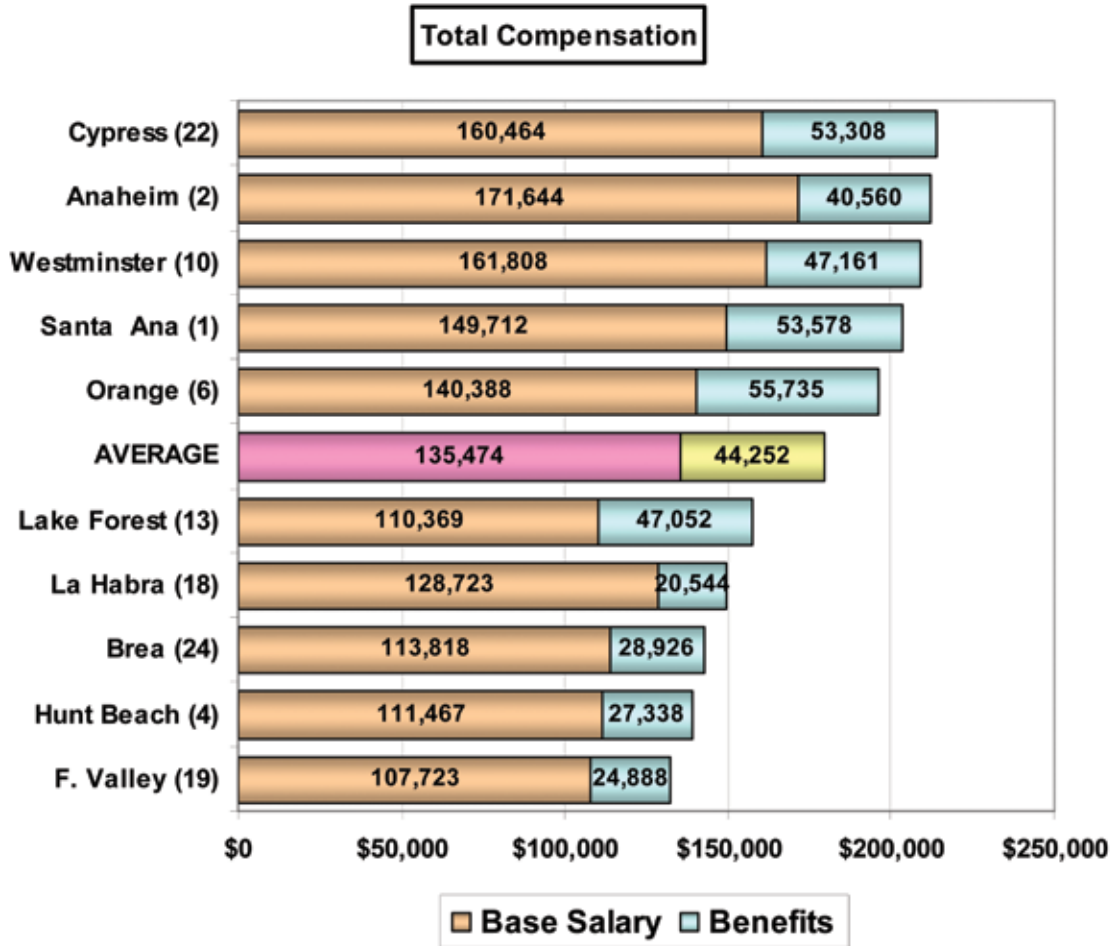
- The city manager total compensation spread is \$193,382.
- The spread of base salaries is \$142,272.
- 21 city managers have a base salary over \$200,000.
- The total benefits for the Laguna Hills City Manager reflects a one-time payout of \$30,097 for unused paid time off.

Chart 3: City Clerk



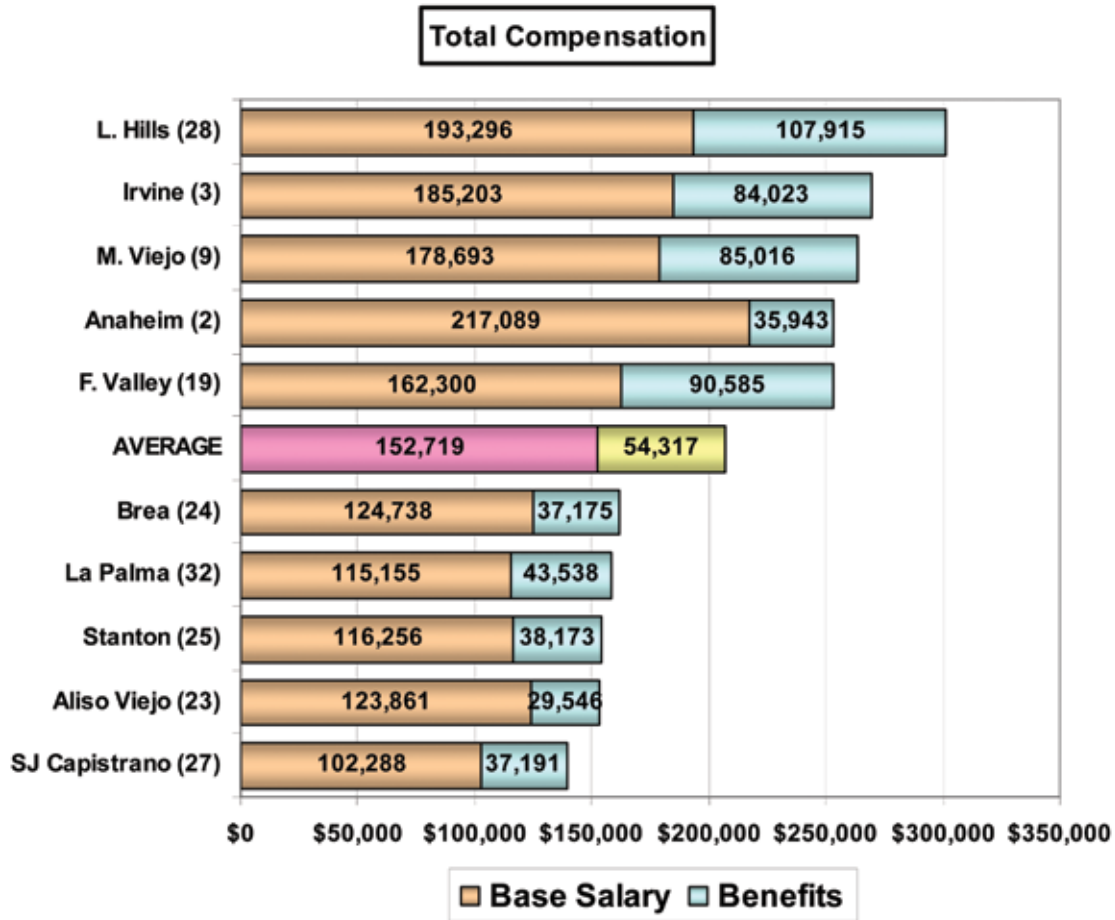
- 25 cities reported a city clerk position with a base salary over \$100,000.
- The base salary spread is \$55,396.
- Total compensation does not correlate with city population.
- The total benefits for the Yorba Linda City Clerk reflects a one-time payout of \$41,124 for unused paid time off.

Chart 4: City Engineer



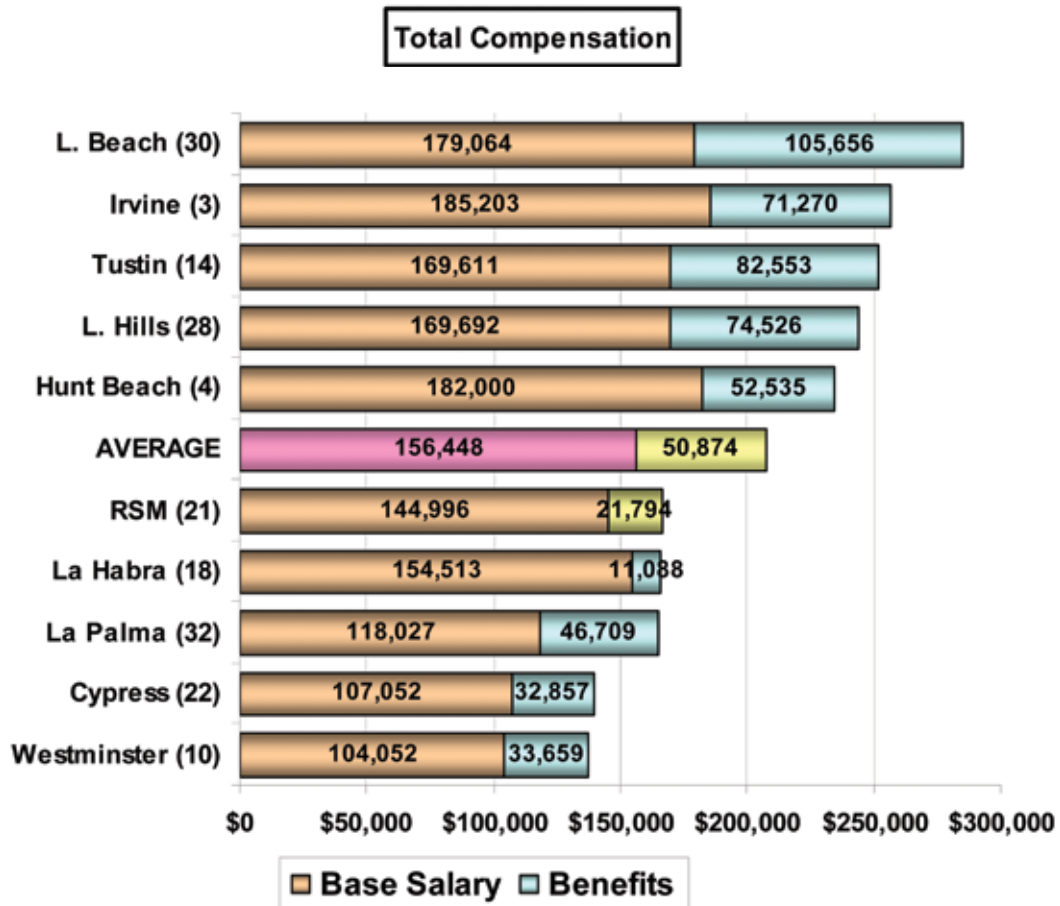
- 25 cities reported a city engineer with a base salary over \$100,000.
- Total compensation does not correlate with city population.

Chart 5: Finance



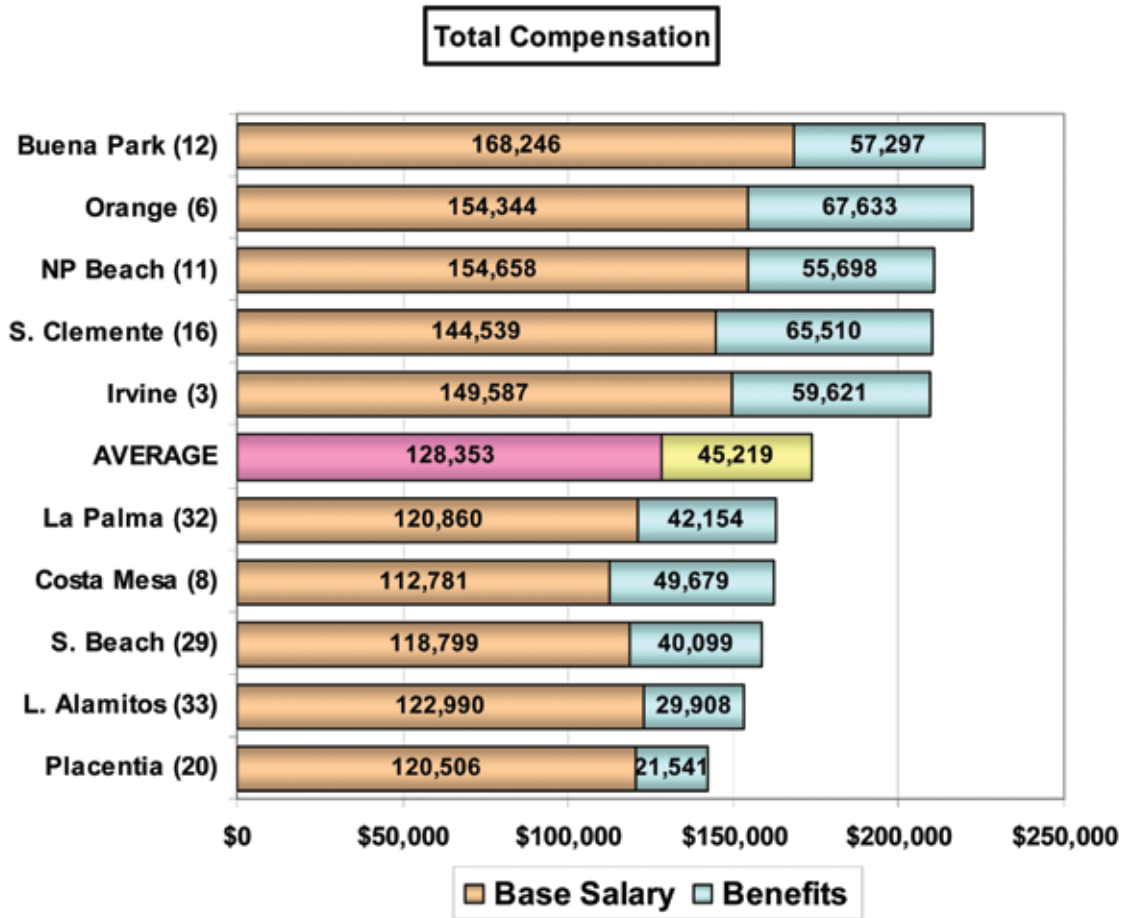
- In some instances, the finance function reports to an Assistant City Manager and that position also includes other functional responsibilities.
- 31 cities report a finance position exceeding \$100,000 base salary
- Total compensation does not correlate with city population.
- Anaheim, the 2nd largest city, has the highest base salary, while Fullerton, the 7th largest has one of the lowest base salaries.
- The total benefits for the Yorba Linda Finance Director reflects a one-time payout of \$62,265 for unused paid time off.

Chart 6: Public Works



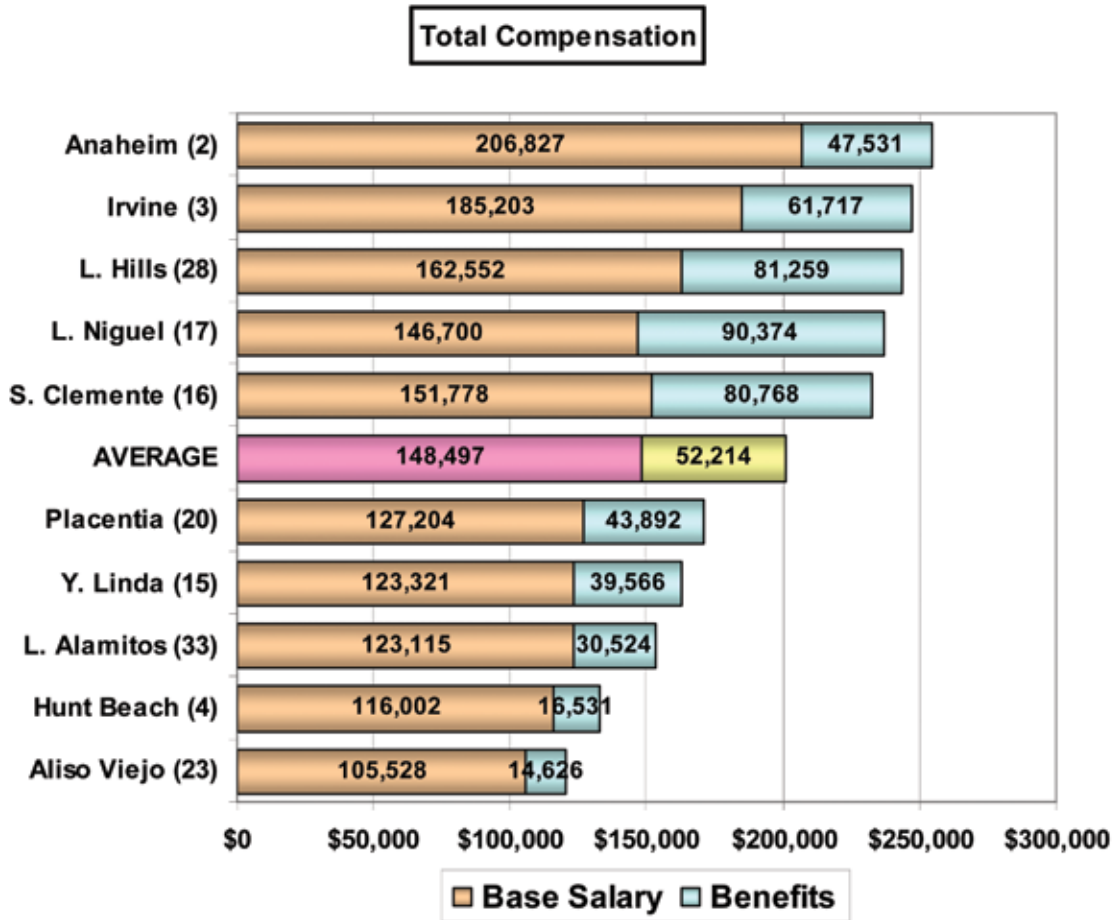
- 29 cities reported a public works position with a base salary above \$100,000.
- Total compensation does not correlate with city population.

Chart 7: Parks & Recreation



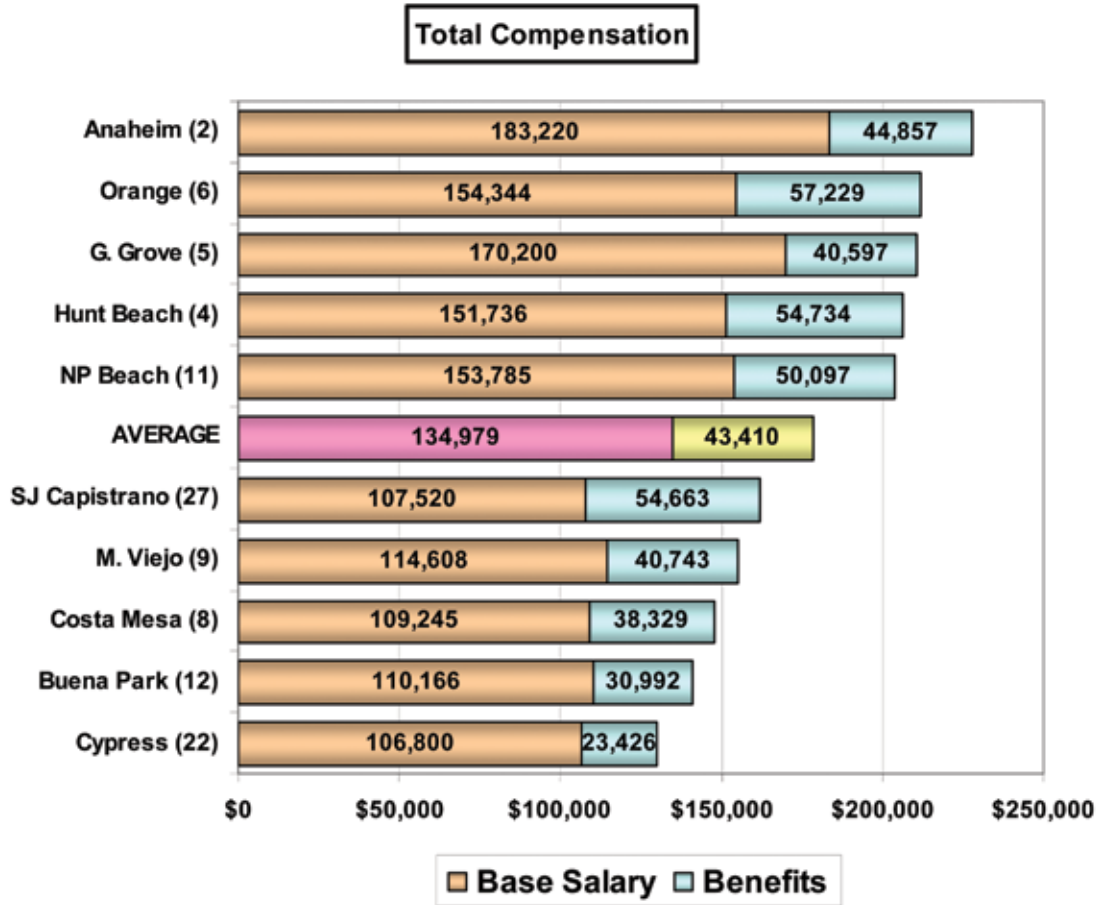
- 21 cities reported a parks & recreation position with a base salary exceeding \$100,000.
- Total compensation does not correlate with city population.
- The base salary spread is \$55,465.

Chart 8: Community Development



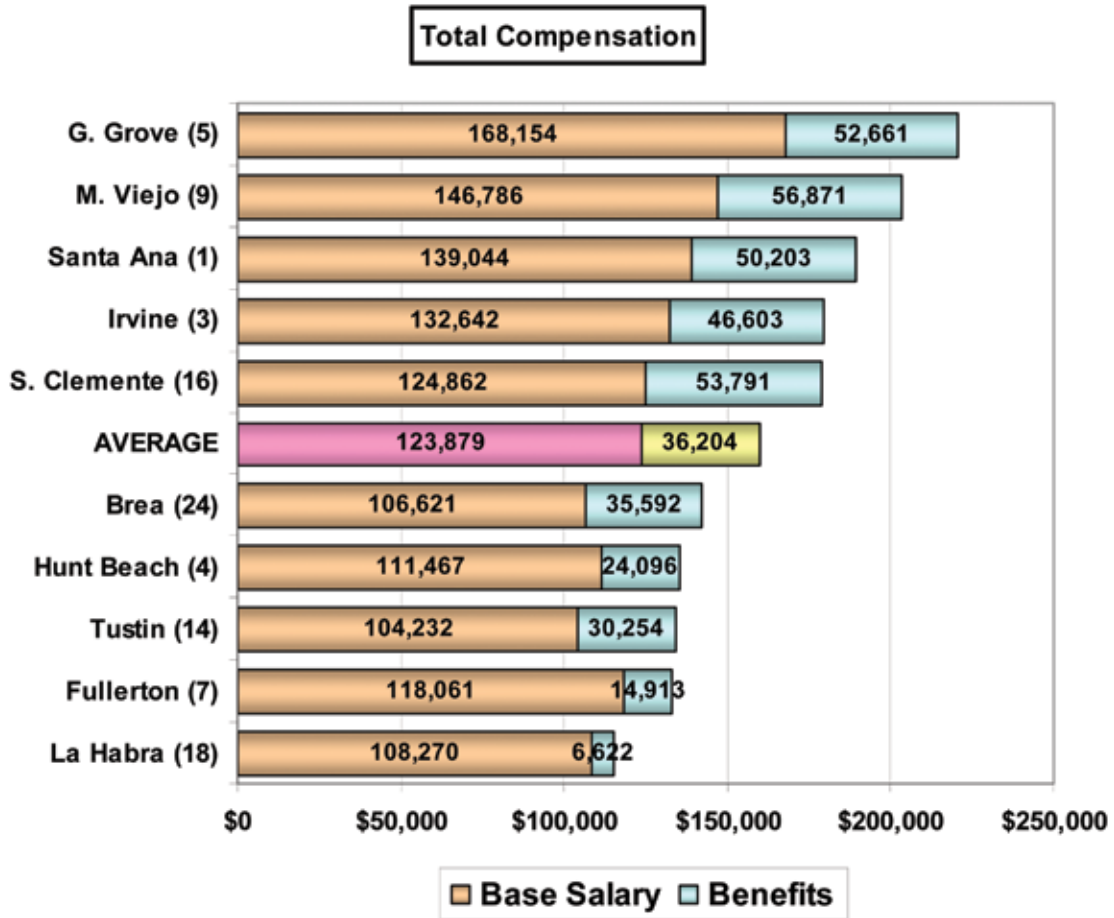
- 30 cities reported a community development position with a base salary in excess of \$100,000.
- Total compensation does not correlate with city population.

Chart 9: Human Resources



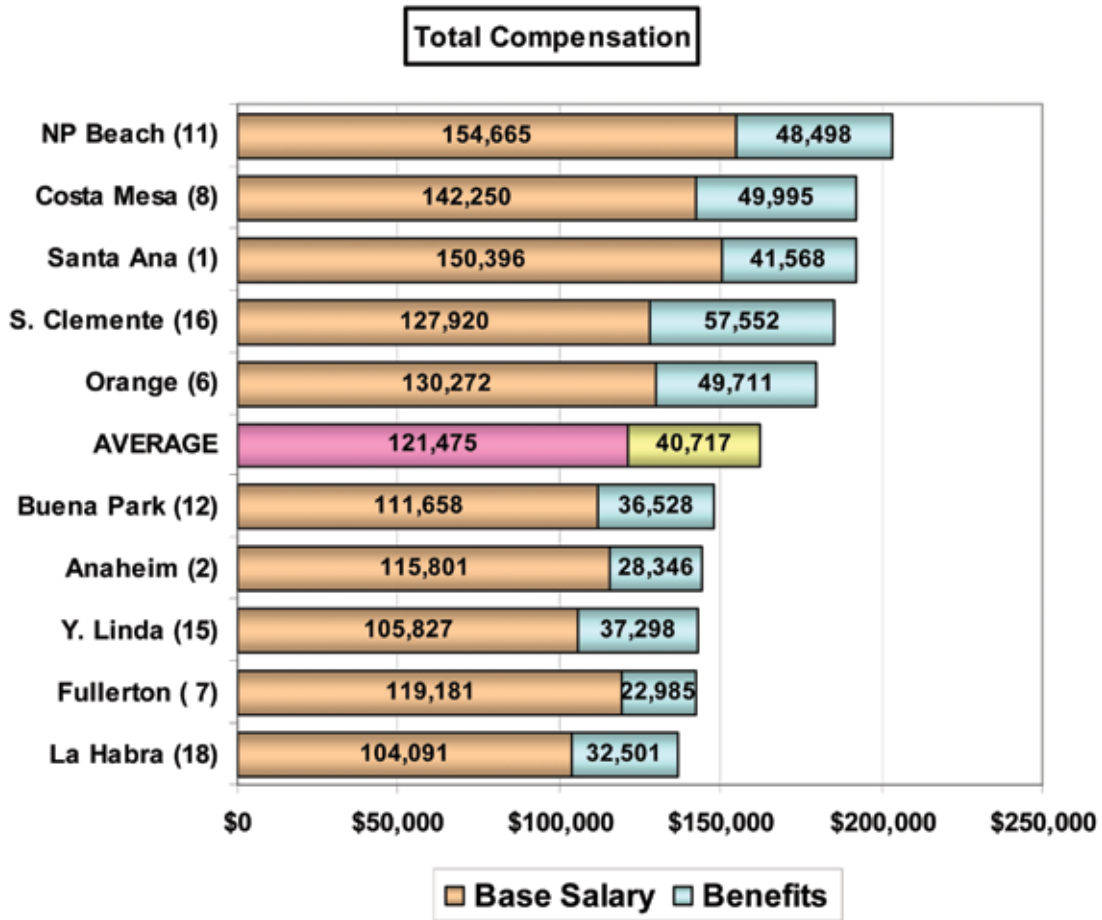
- 19 cities reported a human resources position with a base salary above \$100,000.
- There does appear to be some correlation to city size.

Chart 10: Information Technology



- 19 cities reported an information technology position with a base salary in excess of \$100,000.
- Total compensation does not correlate with city population.
- The total benefits spread is \$50,249.

Chart 11: Building Official



- 19 cities reported a building official position with a base salary above \$100,000.
- Total compensation does not correlate with city population.

Comparisons Outside Orange County:

For another perspective on compensation levels, comparisons were made for the heads of selected functional positions in Orange County cities with California cities of similar size outside of Orange County. This comparison is based on total compensation, which includes salary and certain benefit amounts. Since the Grand Jury did not collect compensation information from cities outside of Orange County, it was necessary to use the data reported on the California State Controller’s Internet website for this comparison. For this reason, the compensation amounts shown on the following tables may be at variance with the totals reflected in the preceding section and on the Appendices to this report.

Large Cities:

City/ Population	City Manager	Community Development	Public Works	Finance	Human Resources
Santa Ana 355,662	\$316,798	\$233,189	\$170,532	\$197,084	\$192,437
Anaheim 348,467	\$327,486	\$221,415	\$226,150	\$225,596	\$220,982
Bakersfield 333,719	\$294,551	\$175,433	\$188,443	\$170,708	\$136,278
Riverside 300,430	\$440,147	\$212,174	\$226,425	\$194,830	\$194,599
Stockton 290,409	\$310,374	\$187,799	\$186,825	\$180,913	\$184,530

In this comparison, the city managers are relatively consistent with the exception of Riverside, which is considerably higher. For public works, finance and human resources, Anaheim appears to be on the high side.

Medium Cities:

City/ Population	City Manager	Community Development	Public Works	Finance	Human Resources
Escondido 144,831	\$304,747	\$166,281	\$156,907	\$168,666	\$157,323
Orange 141,634	\$265,886	\$210,062	\$198,896	\$203,879	\$208,751
Elk Grove 141,430	\$274,088	\$217,339	\$185,171	\$179,106	\$95,945
Sunnyvale 138,826	\$357,155	\$250,627	\$268,419	\$252,448	\$245,154
Fullerton 137,624	\$236,028	\$182,269	\$201,353	\$174,733	\$154,894

For this group, Orange and Fullerton are on the low side for City Managers. For the finance and human resources positions, Sunnyvale is clearly on the high side, with Orange not far behind.

Small Cities:

City/ Population	City Manager	Community Development	Public Works	Finance	Human Resources
Laguna Hills 33,434	\$380,054	\$231,015	\$217,381	\$296,769	No Position
Burlingame 29,060	\$239,629	\$163,644	\$199,059	\$193,249	\$172,963
Desert Hot Springs 26,552	\$263,246	\$156,972	\$141,275	\$151,653	\$149,274
Belmont 26,250	\$229,632	\$162,258	\$164,039	\$199,060	\$164,006
Seal Beach 25,913	\$274,790	\$215,117	\$216,453	\$214,734	No Position

In this comparison, Laguna Hills is far higher for the City Manager and Finance positions and, while the differences are not as great, is also on the high side for the other positions compared.

Compensation Abuses:

As explained earlier, one of the principal reasons for this study and report is to determine whether there are any compensation abuses in Orange County cities similar to that which was discovered outside of Orange County last year. Before going further, it should be recognized that the term “abuse” is highly subjective in nature. A salary that would seem abusive to one individual might represent a competitive level of pay to another.

In an effort to determine a more objective standard for this term, two recent sources are useful:

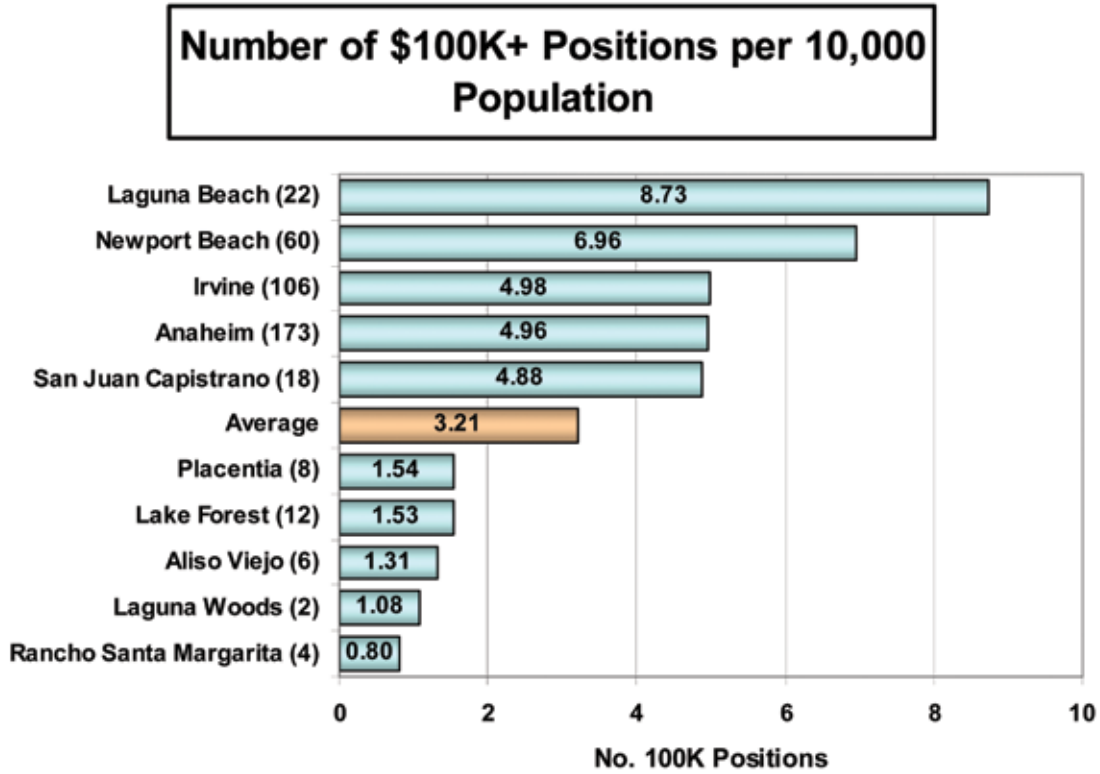
- The California Attorney General announced that he would look into any city official’s salary that exceeds \$300,000.
- The California Public Employees’ Retirement System (CalPERS) launched a comprehensive review of any of its members who earn more than \$400,000 annually in salary.

Based on the data submitted to the Grand Jury by all 34 Orange County cities, the highest paid city employee or official of the 1,847 positions so reported is the Laguna Hills City Manager, with a base salary of \$233,592 and total compensation of \$378,427. It is clear that this is a substantial compensation level. As a point of reference in that regard, the Chief Executive Officer for the County of Orange received total compensation of \$324,535, according to the State Controller website.

However, with due consideration to the benchmark compensation levels noted above, the Grand Jury has concluded that there is no individual compensation in any Orange County city which would rise to the level of being considered as abusive.

Upper Level Positions:

While there is no finding of any individual abusive compensation level in this report, the analysis did reveal a substantial number of positions in municipal organizations with base salaries in excess of \$100,000. A summary of these results follows and the detailed listing of these positions is included as Appendix 3a, 3b and 3c.



The total number of \$100K positions included in this analysis is indicated in parentheses.

All of the cities in this analysis appear to have a fairly consistent number of such upper level positions based on their population, with the exception of Laguna Beach and Newport Beach, which have a considerably higher number. If these two cities had the average number of positions over \$100,000 based on their populations, Laguna Beach would have eight such positions instead of 22, and Newport Beach would have 27 instead of 62.

Also, from a review of Appendix 3a, it is worthy of note that, with fairly similar populations, Santa Ana, Orange County's largest city, has 85 such positions, where Anaheim has more than double that number at 173. If Anaheim had the average number of over \$100,000 positions based on its population, they would have 106 such positions instead of 173.

Employment Contracts:

For the purpose of this report, the term "employment contract" is defined as a written agreement between an individual employee and the city setting forth the detailed terms, conditions and mutual obligations of the employment.

The Grand Jury requested each city to provide contracts of employment between the city and its employees, including but not limited to City Manager/Administrator. Although the contract provisions are distinct for each city, it was found that the 114 employment contracts submitted and reviewed appear to be well-reasoned with salary and benefit provisions falling within the parameters of other cities.

The City of Huntington Beach has a contract with unique provisions for the City Manager, providing a one-time \$20,000 moving allowance and a \$200,000 real estate loan, either as a first or lower secured trust deed. The real estate loan is to be forgiven at the rate of \$28,571 per employment year.

All contracts have provisions for both voluntary and involuntary termination. None have a lifetime commitment or terms over three years or automatic renewal for numerous years. An exception to this standard is the City Manager of Laguna Woods, whose contract is for five years, and unless notice of non-renewal is provided prior to the end of any calendar year, an additional year is added to the remaining term and a new five-year termination date is established.

No distinction was found between charter cities and general law cities as it relates to paying salary or benefits earned by contract employees.

While there is currently no disclosure of employment contract information on most of the cities' websites, the Grand Jury is of the opinion that employment contracts are important public information and should be disclosed in the interest of public trust and confidence.

Transparency:

The best way to guard against abuse on the subject of governmental employee compensation is to provide the public with effective transparency. The most effective means of publishing compensation information is on the Internet. Since all Orange County cities currently have websites, the addition or enhancement of compensation information on those websites should not impose any undue burden. Not only will that

publication serve the citizens, but should also pre-empt numerous information requests from media and other interested parties.

In order to achieve effective transparency on the subject of compensation, salary and benefit information for senior level officials and upper level employees of each city should be posted in a clear, concise and consistent manner that is also easy for the public to access. In evaluating the current state of municipal compensation transparency, the Internet websites of all cities were graded on the following three criteria:

- Content – Does the city present both actual salary and benefit costs? Are the items detailed separately and extensively?
- Clarity – Is the compensation information presented in a clear, concise format that may be easily read and understood by the average viewer? Are the salaries and benefits totaled, or is the viewer required to do the math?
- Accessibility – Is the compensation content readily identifiable and accessible without complex web-site search and navigation? **Note** – most websites include a search function with varying degrees of effectiveness. For the purposes of this study, search functions were not used.

Prior to discussing the grading, it should be noted that the Grand Jury reviewed and evaluated the city website postings from the perspective of the general public accessing the information for their personal use and enlightenment. In contrast to this perspective, the current city salary and benefit postings appear to be intended for either job applicants or existing city employees. This difference in perspective may explain some of the low grades.

For rating purposes, each website was assigned a letter grade (A – Excellent, B – Good, C – Average, D – Poor, F – Non Existent) for each of the three criteria noted above. This rating was done on February 1, 2011 and reveals a very wide disparity in the extent and quality of compensation disclosure on city websites in Orange County.

City/Website	Content	Clarity	Accessibility
Aliso Viejo	C	C	A
Anaheim	C	C	B
Brea	C	C	B
Buena Park	C	C	A
Costa Mesa	B	C	C
Cypress	C	C	A
Dana Point	D	D	D
Fountain Valley	D	C	A
Fullerton	B	B	B
Garden Grove	C	C	A
Huntington Beach	D	D	D
Irvine	C	C	A
La Habra	C	B	A
La Palma	C	C	A
Laguna Beach	D	D	C
Laguna Hills	C	D	B
Laguna Niguel	D	C	C
Laguna Woods	B	B	C
Lake Forest	D	D	C
Los Alamitos	D	D	C
Mission Viejo	C	C	A
Newport Beach	D	D	C
Orange	D	D	A
Placentia	D	D	C
Rancho Santa Margarita	D	D	A
San Clemente	D	D	D
San Juan Capistrano	D	D	C
Santa Ana	D	D	C
Seal Beach*	F	F	F
Stanton	D	D	C
Tustin	D	C	B
Villa Park	C	C	A
Westminster	D	D	C
Yorba Linda	D	D	A

** The Seal Beach website was still under construction on the date when this review was conducted.*

State Controller Website:

Effective November 1, 2010, the California State Controller posted on his official website certain salary and benefit information pertaining to all California local governments. Based upon a thorough review, it was found that the content of the State Controller's posting has a narrower focus than this report. The principal differences are:

- For each position, actual salaries are not posted. Instead, only minimums and maximums of established salary ranges (if in existence) are shown, which is somewhat imprecise.
- For actual total cash compensation, the Box 5 amount from the employee's W-2 form is posted. Certain state and local government employees hired prior to April 1, 1986 are exempt from mandatory enrollment for Medicare coverage. Since Box 5 shows compensation which is subject to Medicare tax, if the individual did not enroll in Medicare, there is no amount reported in this box. In Orange County, for positions covered by this study, there were 49 such individuals in calendar year 2009. Also, for partial year employees, Box 5 presents an artificially low amount for annual cash compensation.
- The State Controller posting reflects any deferred compensation for which the employee may be eligible, but no separate item for:
 - Management, incentive or improvement bonuses,
 - Automobile allowance, or
 - Pay in lieu of paid time offthat may be paid. Of course, those amounts would be included in Box 5 of the W-2 form, if the employee were subject to Medicare tax.
- The posting covers all positions for each city. For the larger cities, this results in a very lengthy list which may not be of any interest to a reader who is interested only in upper level or elected positions.
- The posting includes several major benefit amounts, but they are not combined with cash compensation to reflect an overall total compensation.

The differences in the method of calculating total compensation between the State Controller and the model presented in this report does in fact result in some fairly substantial variance in the bottom line amount reported. These variances for the City Manager position in the nine largest Orange County cities are shown below:

City	Total Compensation - State Controller*	Total Compensation - Grand Jury**	Percent Difference
Santa Ana	\$316,798	\$337,351	6.5%
Anaheim	\$327,486	\$338,428	3.3%
Irvine	\$282,186	\$335,765	19.0%
Huntington Beach	\$299,802	\$317,234	5.8%
Garden Grove	\$288,219	\$328,525	14.0%
Orange	\$265,886	\$302,810	13.9%
Fullerton	\$236,028	\$255,518	8.3%
Costa Mesa	\$255,757	\$291,611	14.0%
Mission Viejo	\$276,854	\$308,786	11.5%

* Includes W-2 Box 5, Pension, Deferred Compensation and Insurance Premiums.

** Includes Base Salary, Fees, Incentives, Deferred Compensation, Pension Costs, Pay in lieu of Time Off, Medicare Taxes and Insurance Premiums.

Compensation Disclosure Model:

In the interest of consistency and clarity in the disclosure of compensation data for city officials and employees, the Grand Jury has developed a model (Appendix 4) which could be posted onto the Internet websites of all Orange County cities. The fundamental elements of the model on the websites would provide that:

- **Accessibility** – The link from the home page to the compensation webpage be a permanent feature, which is prominently displayed and requires only one keystroke for access.
- **Positions Reported** – All employees earning a base salary rate in excess of \$100,000 per year and all elected officials be reported. Elected officials be listed first, followed by employees in descending order of salary amount. The posting of lower level positions is not recommended in the interest of clarity. In the event that all positions are listed, this same order of listing be applied.
Note: The listing of names is not recommended.
- **Salary Reporting** – The actual annual base rate of salary be shown, rather than range minimums and maximums or the Box 5 amount from the employee’s W-2 form.
- **Other Pay**
 - **Fees** – Any fees earned from city-sponsored boards, committees or commissions
 - **Deferred Compensation**
 - **Bonus** – Any form of management, incentive or performance improvement bonuses.
 - **Pay in Lieu of Time Off**
 - **Automobile Allowance**

- **Insurance Premiums** - Annualized amounts that the city pays on the employee's behalf for medical, dental, vision, disability and life insurance.
- **Pension Costs** – Annualized amounts that the city pays for contributions to a pension plan (such as PERS) and Social Security.
- **Total Compensation** – Salary and benefit amounts be totaled for a representation of the total compensation received for the calendar year.
- **Example** – An illustration of this model as it would appear on a webpage is shown on Appendix 4.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requires responses from each city affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of Superior Court.

Based on its investigation of the 34 cities of Orange County, the 2010-2011 Orange County Grand Jury has seven principal findings, as follows:

- F.1:** Based on the data submitted, no position was found where the compensation or employment contract was considered to be abusive.
- F.2:** There is no discernable correlation between compensation levels in charter vs. general law cities.
- F.3:** Compensation of individual high-level positions bears no significant relationship to city population.
- F.4:** Public disclosure of municipal compensation levels is widely inconsistent, ranging from good to non-existent.
- F.5:** With the exceptions of Laguna Beach and Newport Beach, the number of high-level positions in each city is generally commensurate with its population.
- F.6:** The compensation of the City Manager and Assistant City Manager/Finance Director in the City of Laguna Hills exceeds levels in other comparably sized cities both inside and outside of Orange County.
- F.7:** There is currently no disclosure of written employment contracts on the majority of cities' websites.

RECOMMENDATIONS:

The 2010/2011 Orange County Grand Jury makes the following recommendations:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requires responses from each city affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of the 34 cities in Orange County, the 2010-2011 Orange County Grand Jury makes the following four recommendations:

- R.1: Transparency - All cities in Orange County report their compensation information to the public on the Internet in an easily accessible manner. The Compensation Disclosure Model (Appendix 4) provides a sample as to the items that should be included in determining total compensation.**
- R.2: Employment Contracts – Each city reveal any individual employment contracts in an easily accessible manner.**
- R.3: Upper level Employees – The cities of Newport Beach and Laguna Beach conduct a review of their organizations to reconcile the necessity of maintaining a relatively large number of upper level positions in relation to their populations.**
- R.4: Compensation Levels – The City of Laguna Hills conduct a compensation review of top officials.**

REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code Section 933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head 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.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are required from the city council of each of the following Orange County cities:

<u>Responding Agency</u>	<u>Findings</u>	<u>Recommendations</u>
All Orange County Cities	F.4, F.7	R.1, R.2
Laguna Beach and Newport Beach	F.5	R.3
Laguna Hills	F.6	R.4

Appendix 1

O.C. Grand Jury Request for Municipal Compensation Data

Annual Compensation Amounts (Dollars) For the Calendar Year Ended December 31, 2009

City of _____

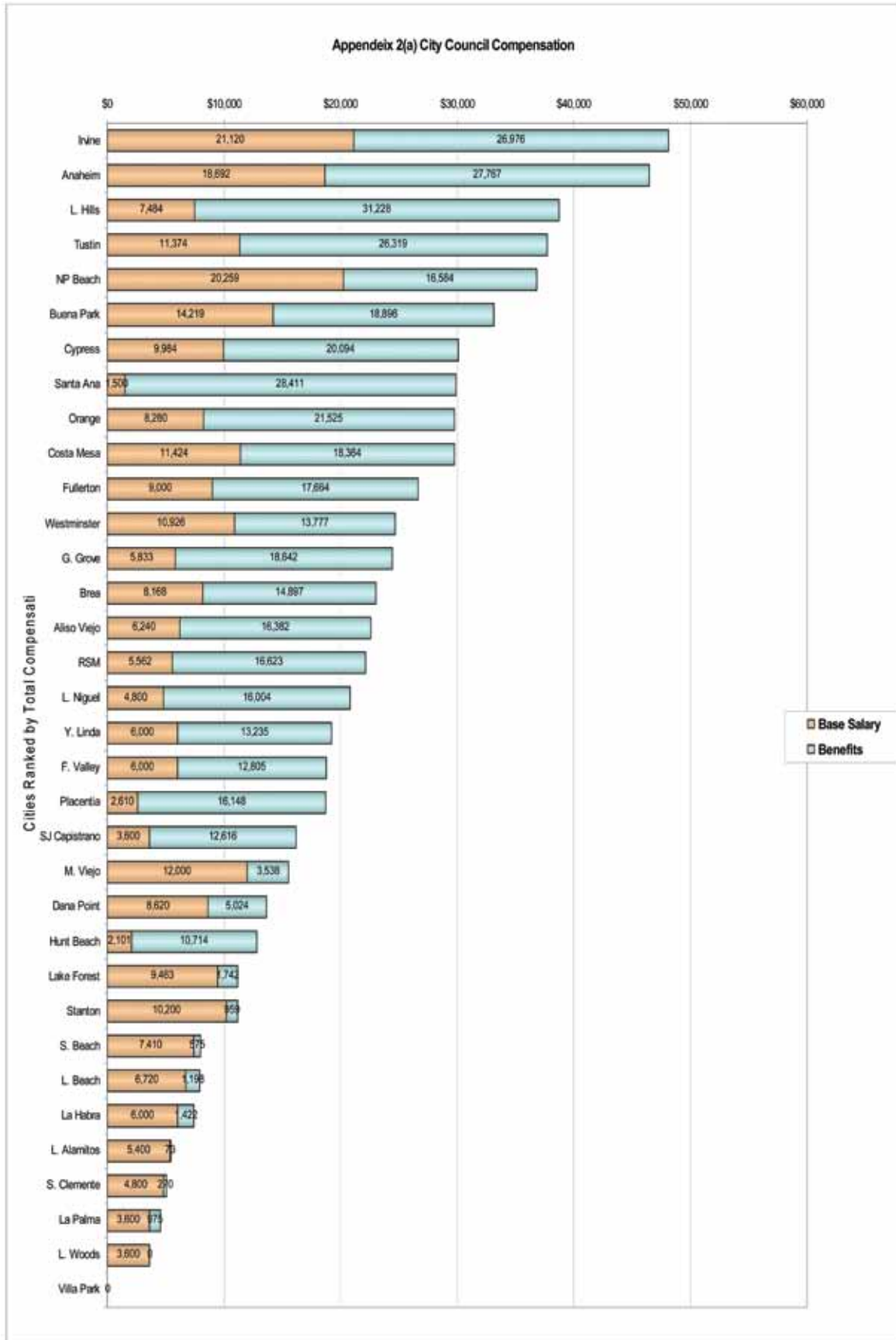
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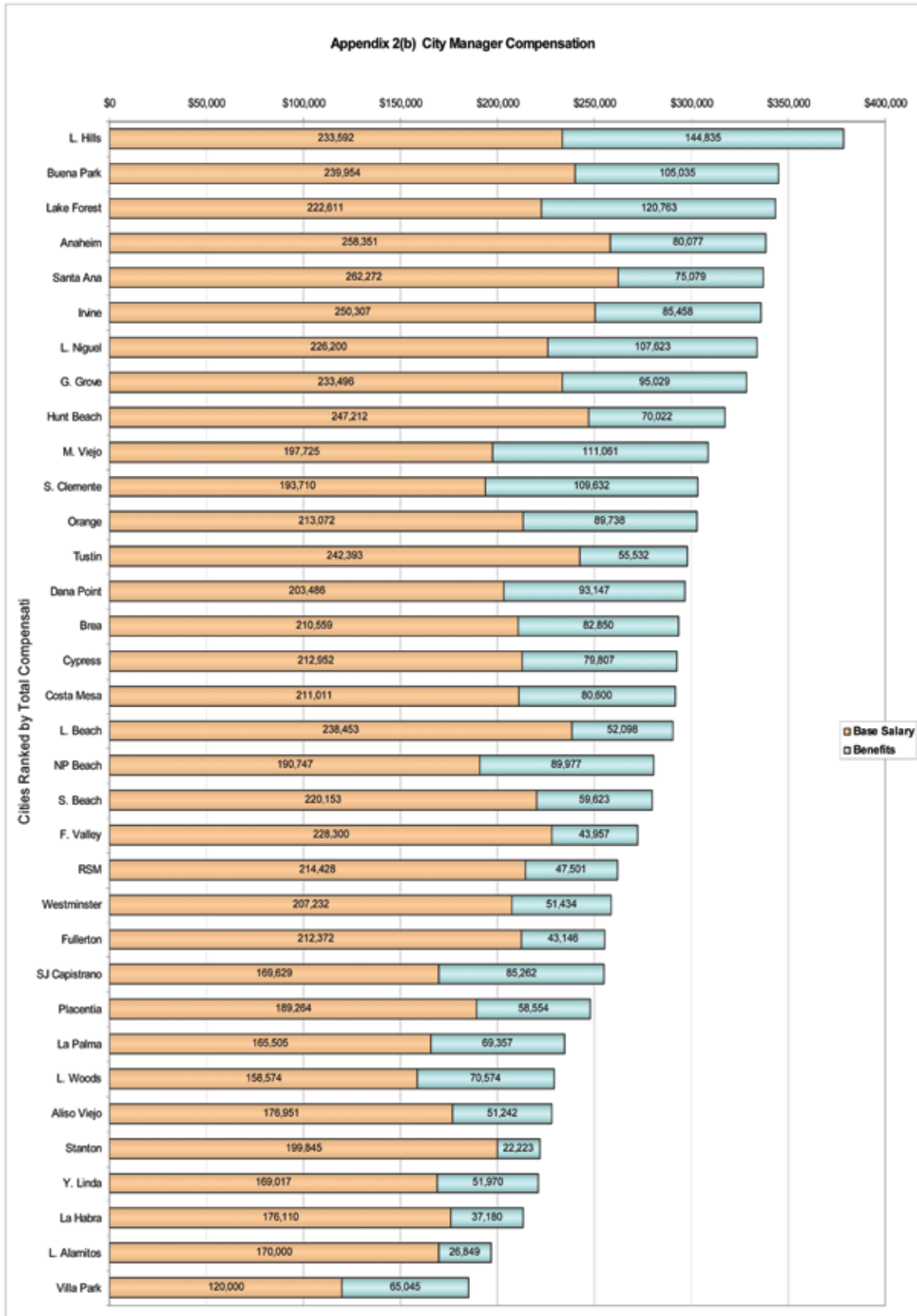
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Component 1.					
Component 2.					
Component 3.					
Component 4.					
Component 5.					
Component 6.					
Component 7.					
Component 8.					
Component 9.					
Component 10.					
Component 11.					

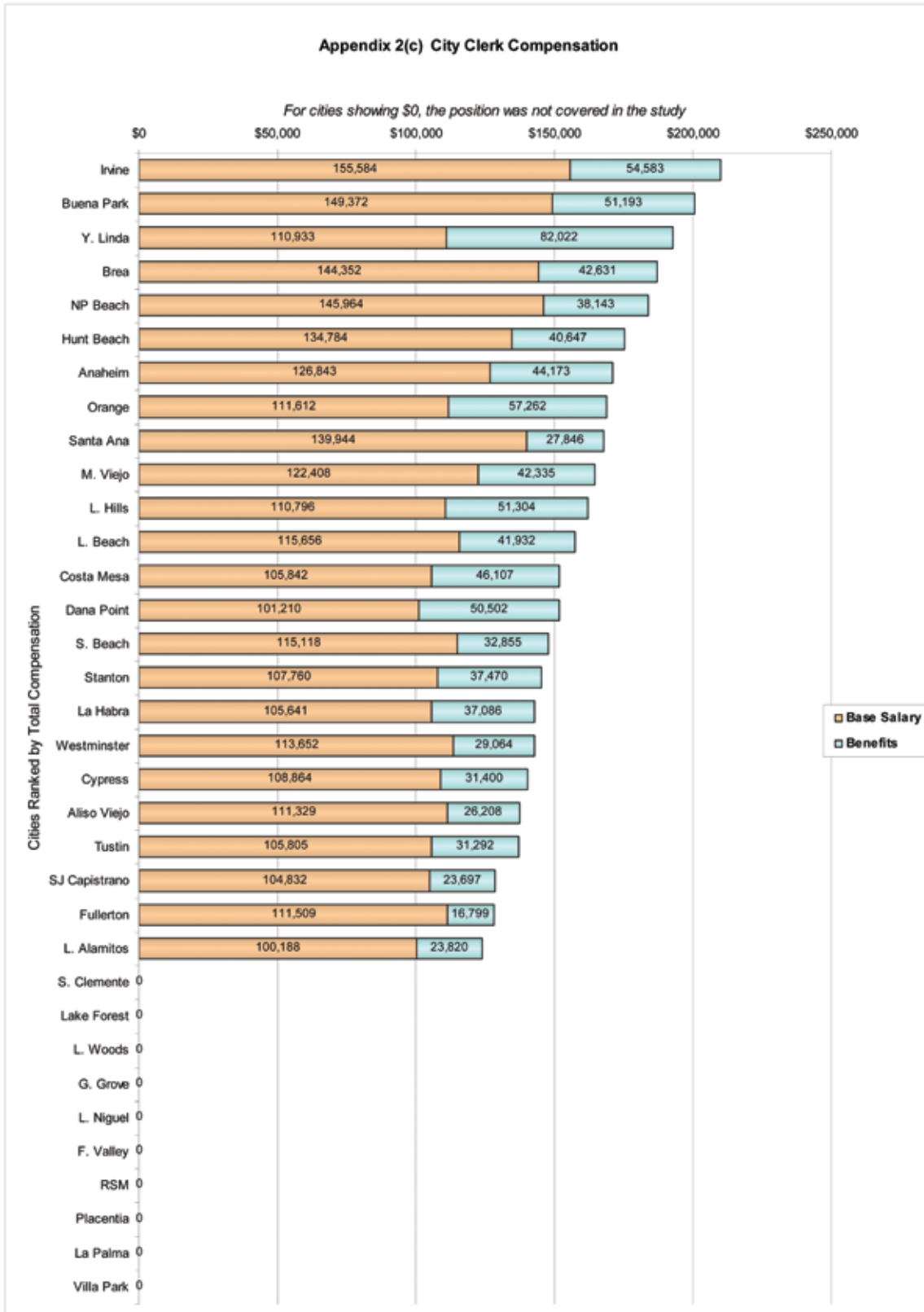
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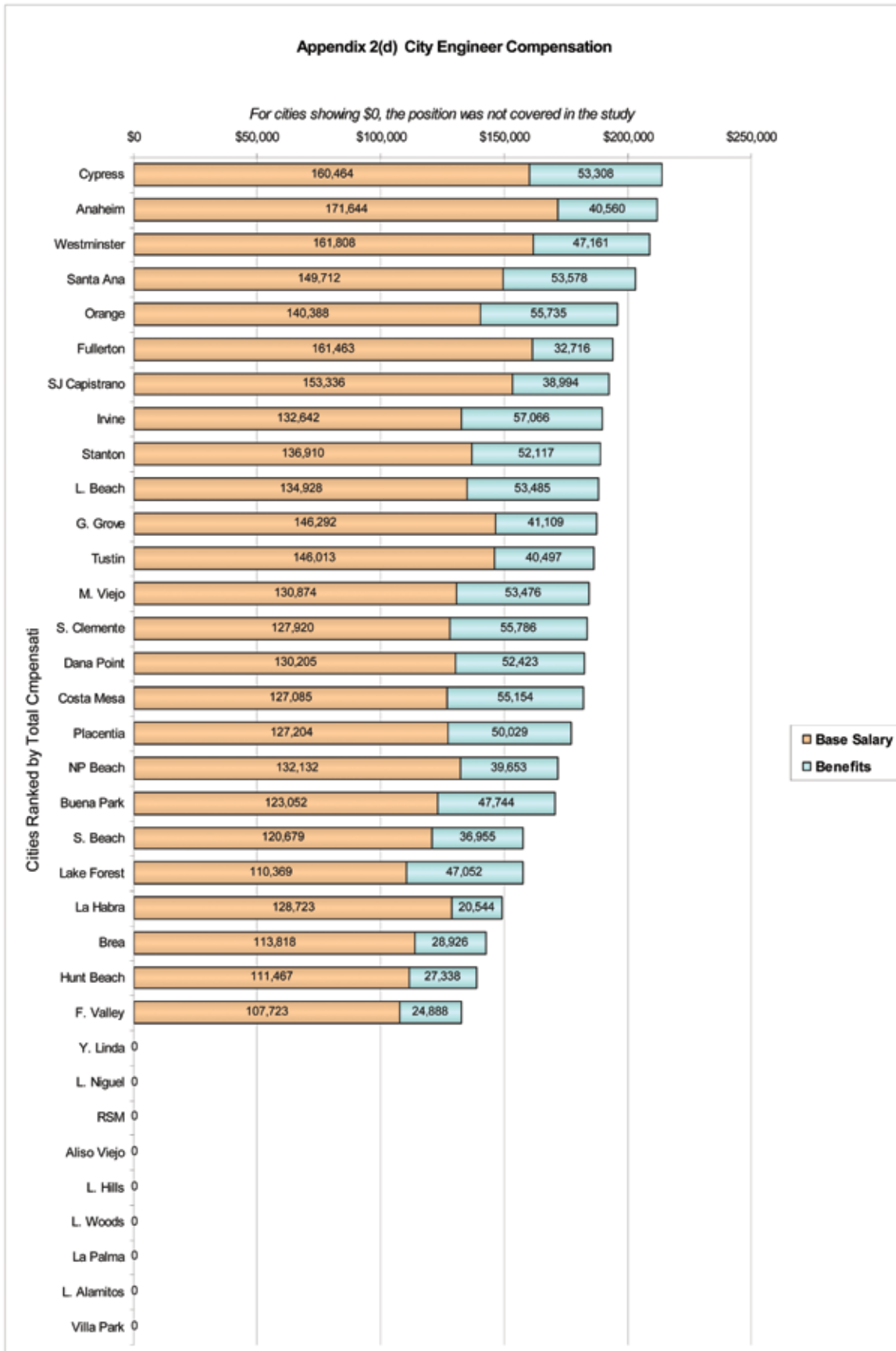
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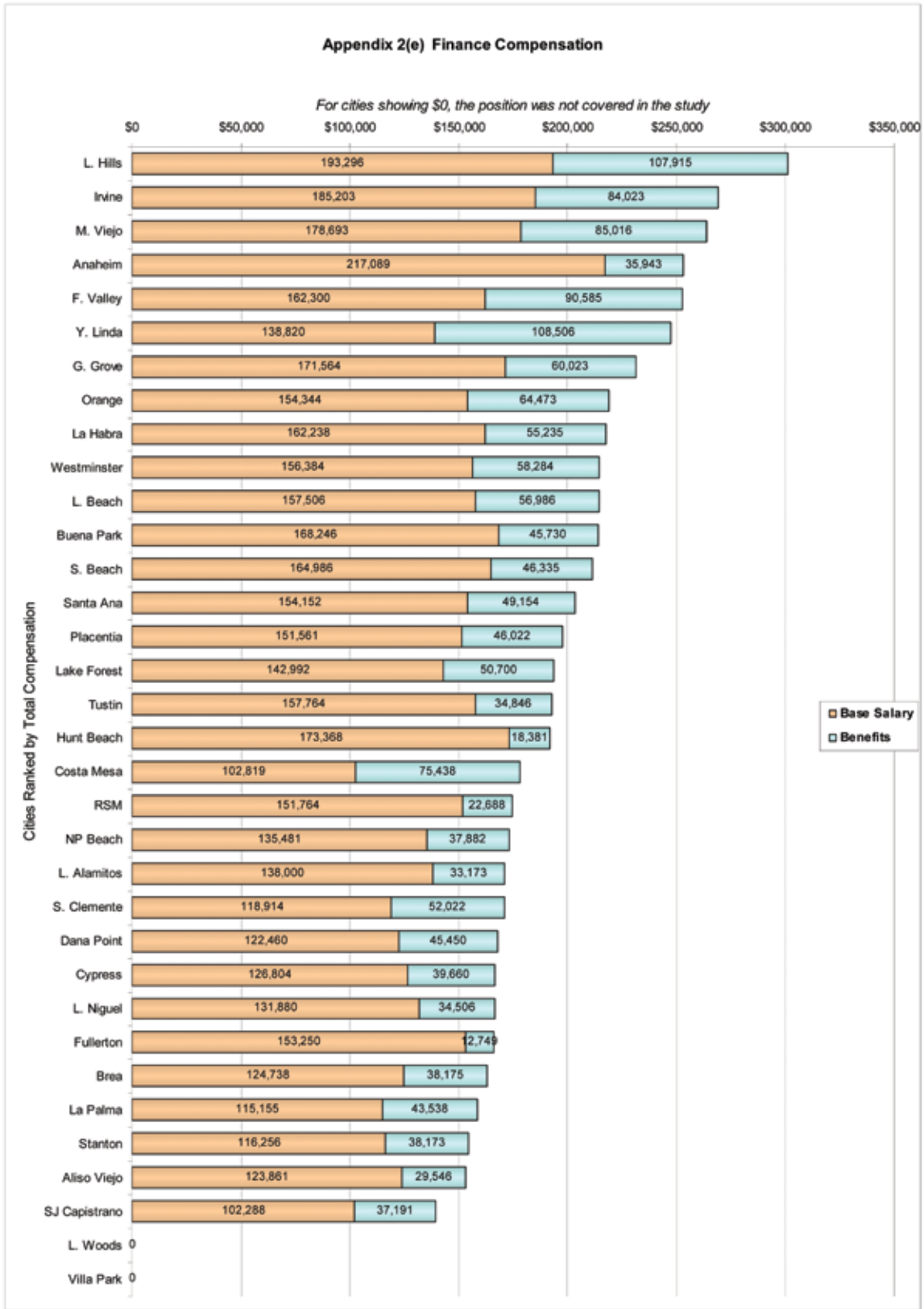
1. Base Salary (Primary Position)	Per payroll records
2. Base Salary (Second Position - if applicable)	Per payroll records
3. Board / Commission fees	
4. Management Incentives	Bonuses, Awards, Performance Improvement Payments
5. Deferred Compensation	City contribution to a deferred compensation account
6. Retirement Plan	City cost of retirement plans such as PERS, (include Social Security - if applicable)
7. Automobile Expenditures	City cost of auto allowance paid for the position
8. Medical, Dental, Vision, Disability & Life Insurance premiums	City cost for these benefits
9. Unused Paid Time off Payouts	Include unused sick leave and vacation leave payments
10. Employer's Medicare Costs	City cost for Medicare contributions
11. Total per W-2	Box 5 per W-2 report

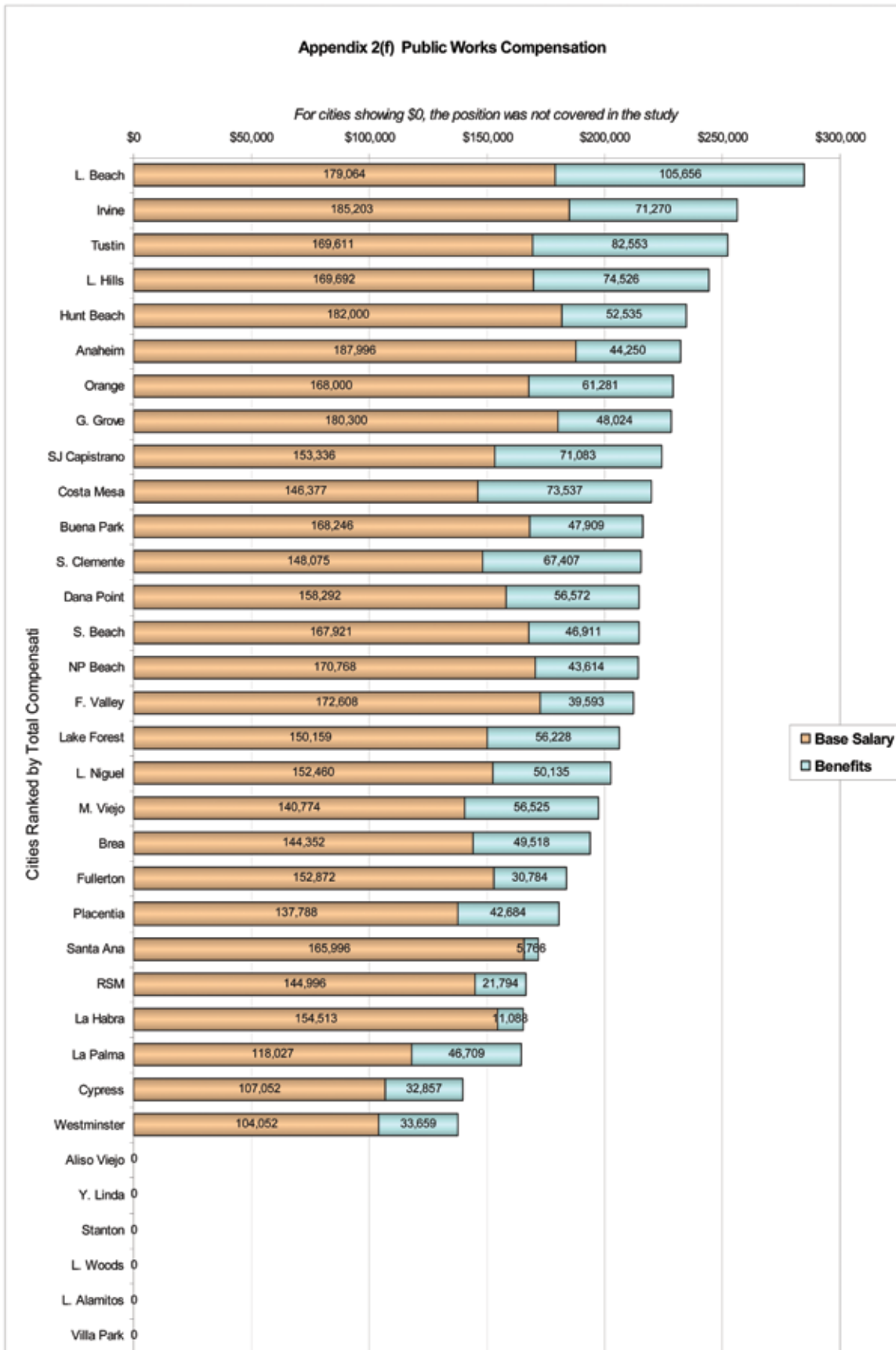


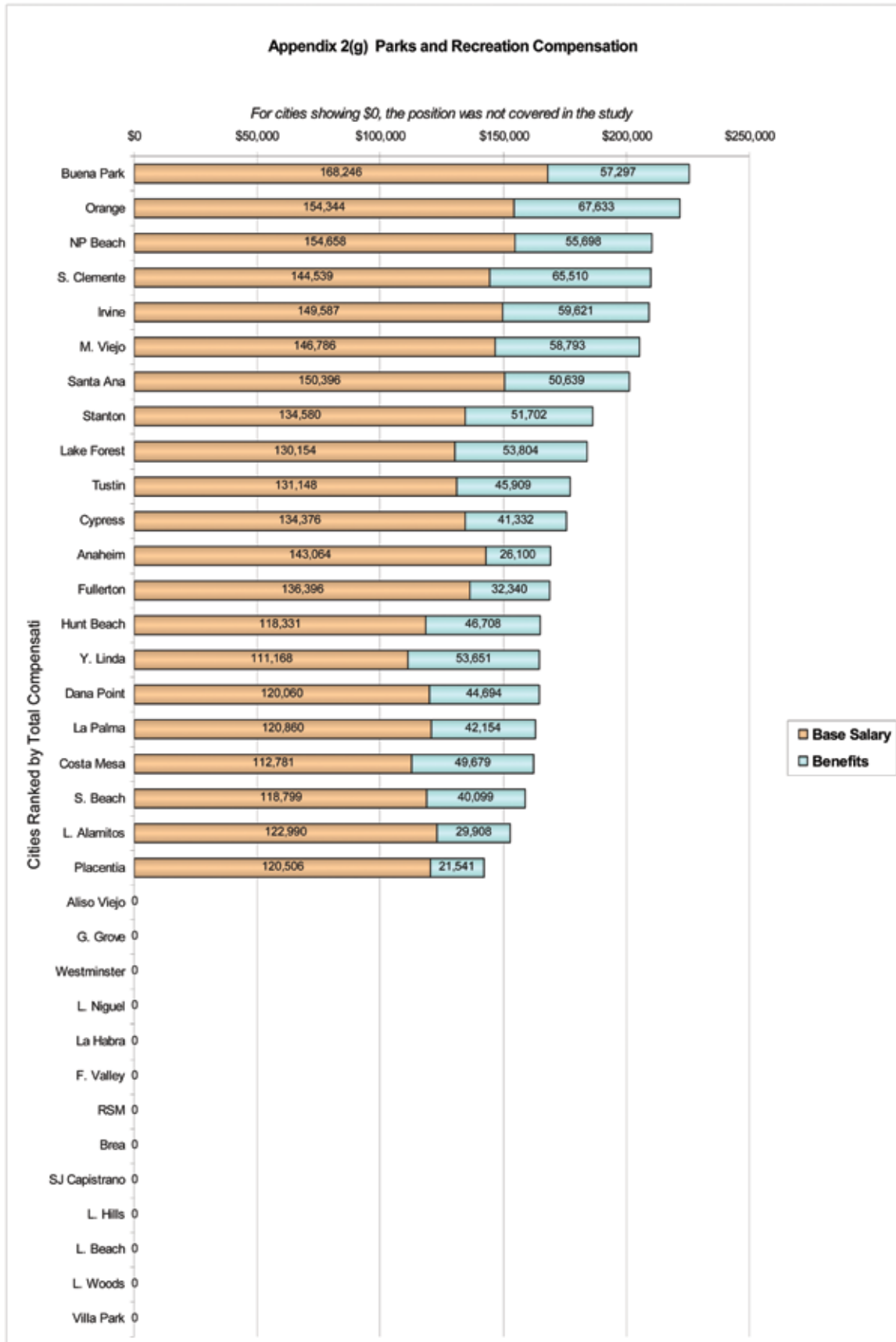


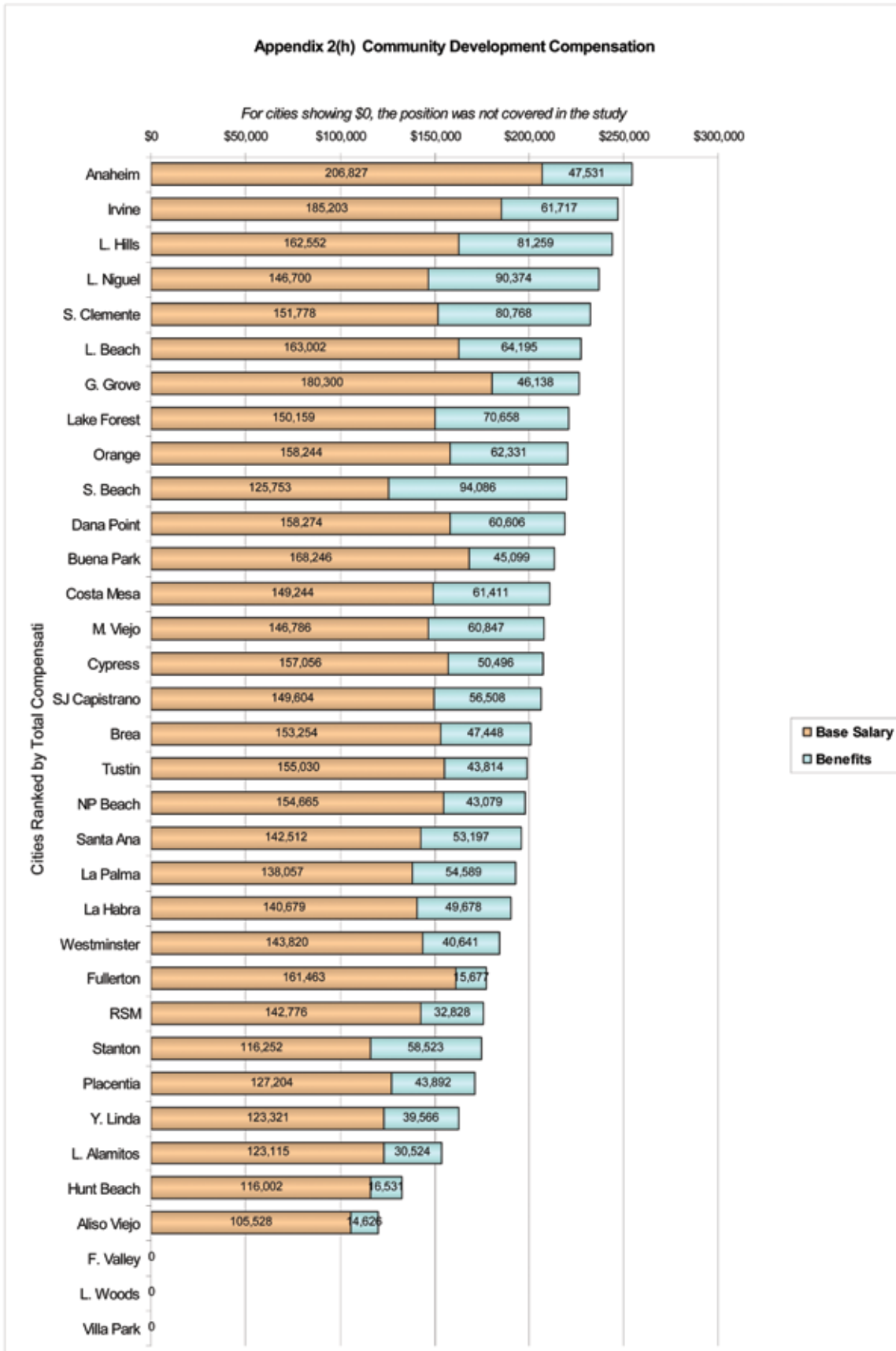


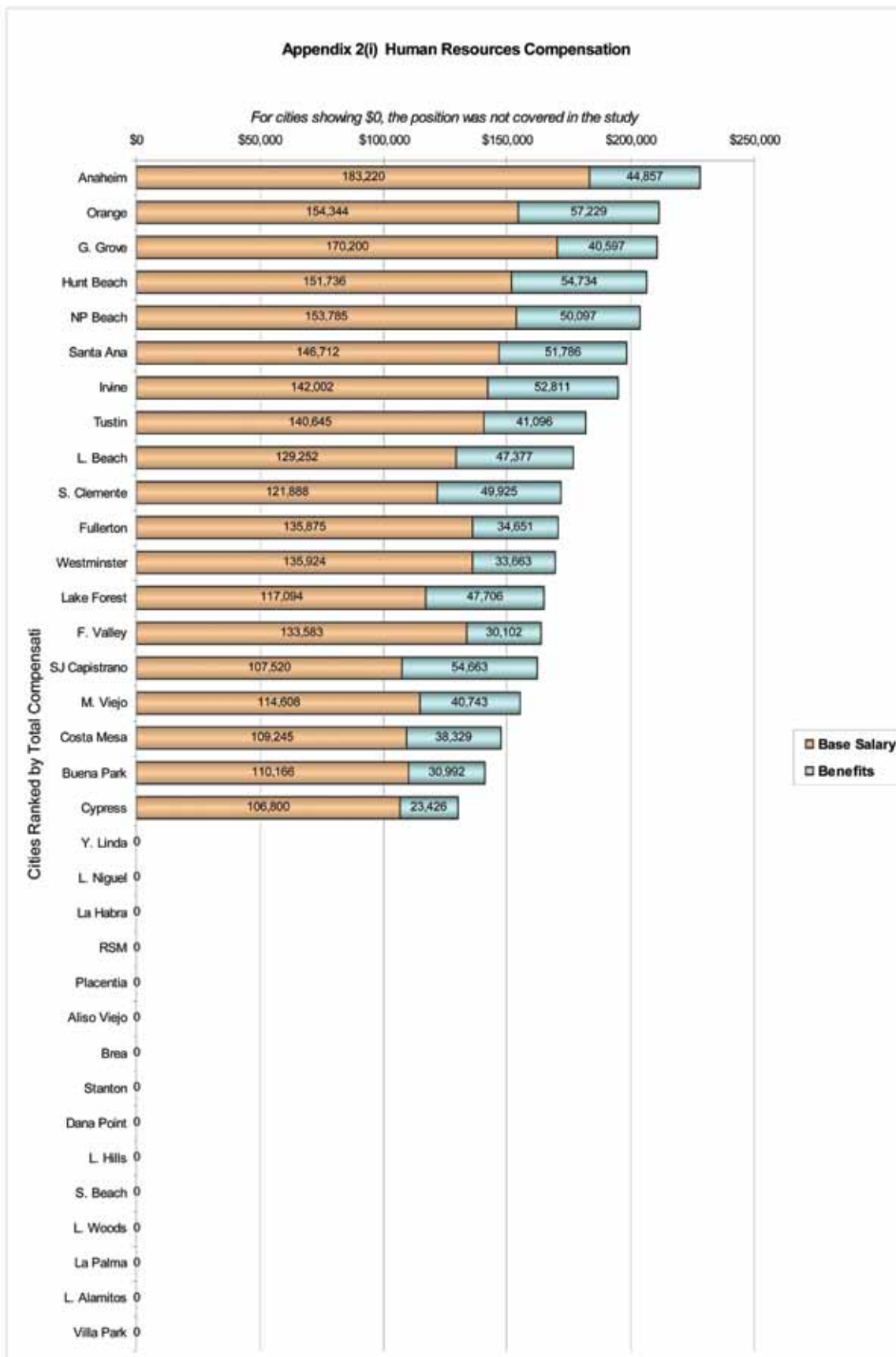


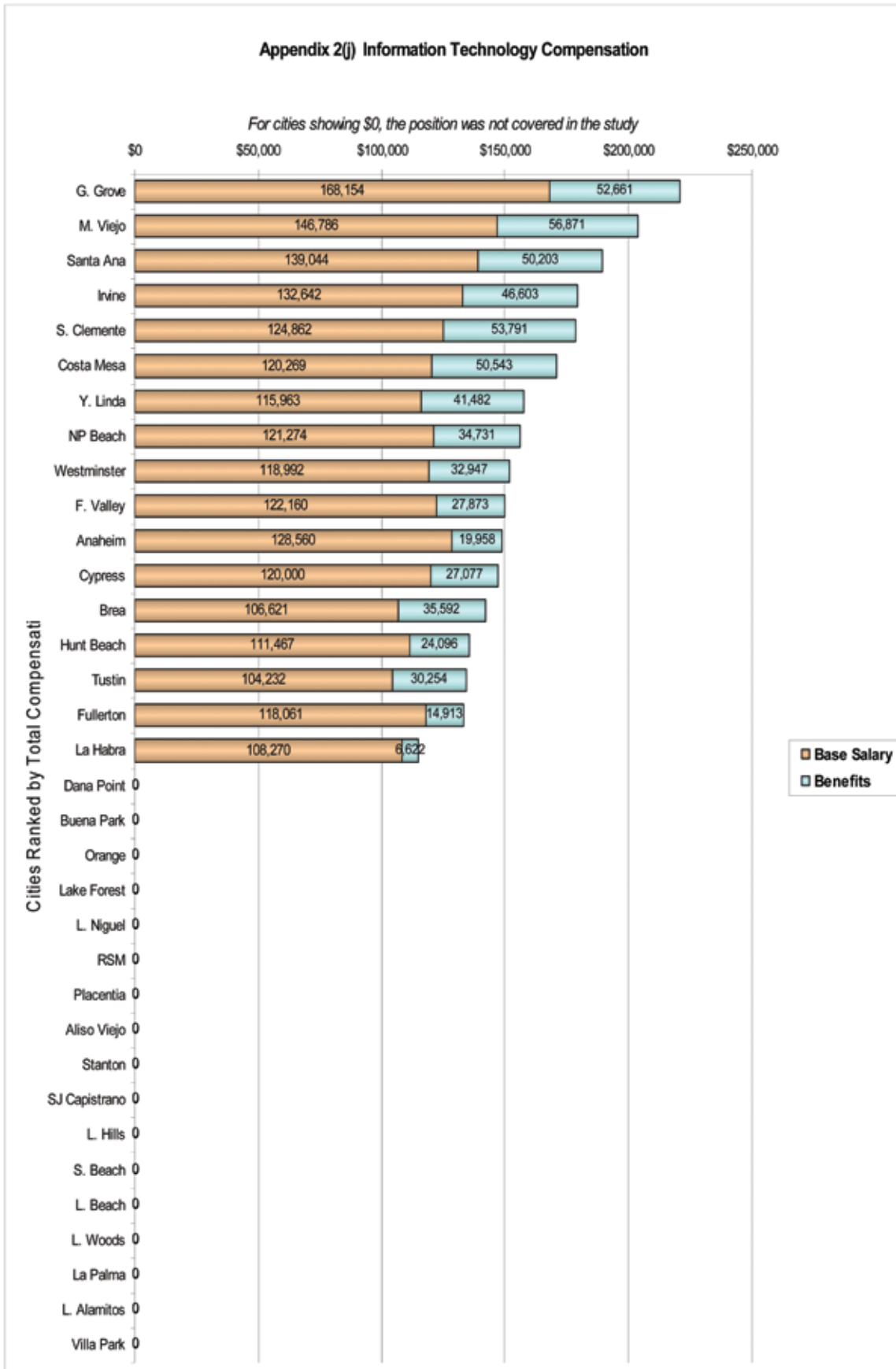


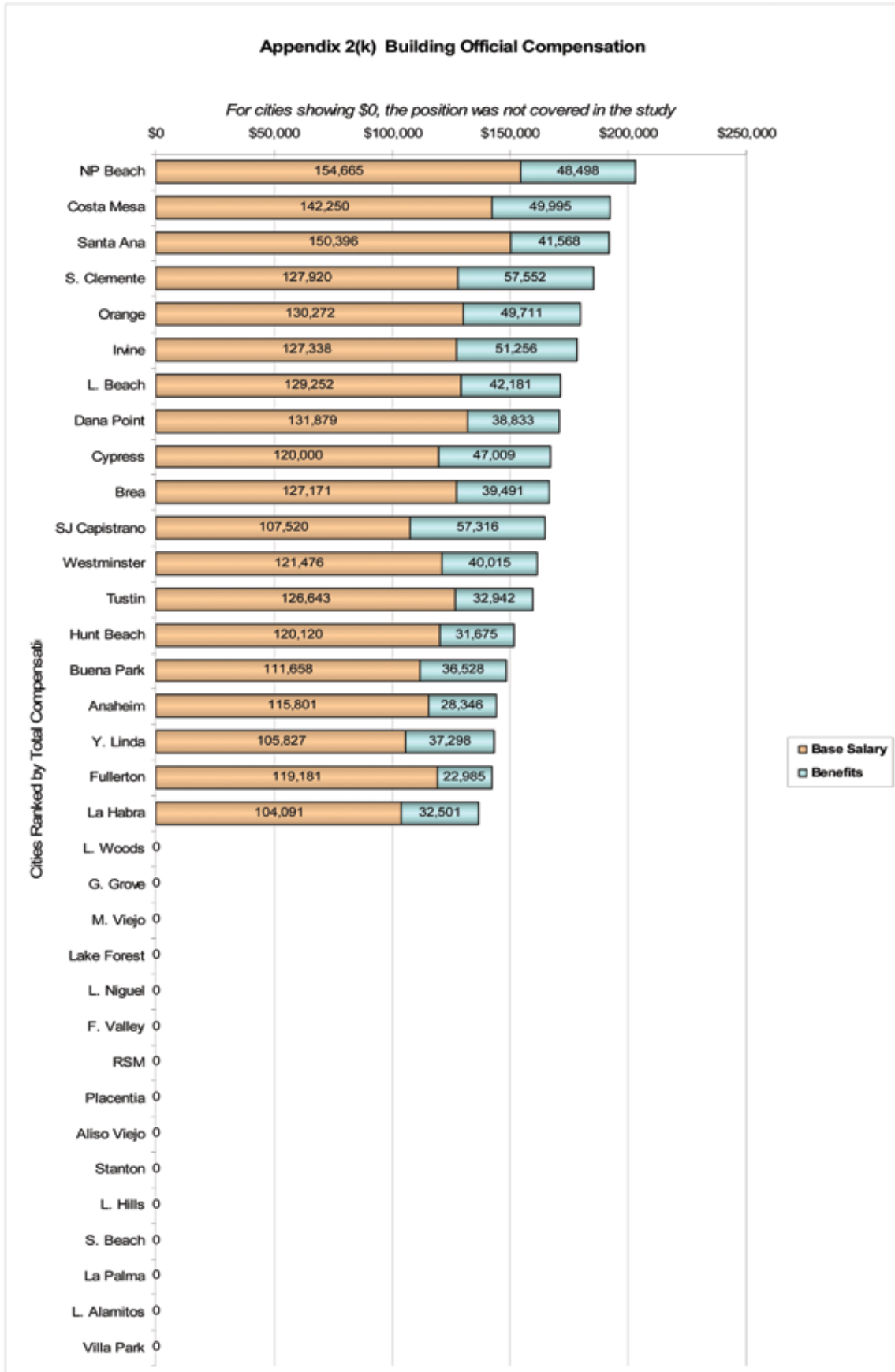












Appendix 3a Number of City Positions Paying over \$100

City	Population	No.Positions over \$100K*	No. Positions per 10,000 population
Anaheim	348,467	173	4.96
Irvine	212,793	106	4.98
Huntington Beach	202,480	90	4.44
Santa Ana	355,662	85	2.39
Newport Beach	86,252	60	6.96
Orange	141,634	39	2.75
Costa Mesa	116,479	33	2.83
Garden Grove	174,715	33	1.89
Fullerton	137,624	31	2.25
Tustin	74,825	28	3.74
San Clemente	68,316	25	3.66
Mission Viejo	100,242	23	2.29
Laguna Beach	25,208	22	8.73
Buena Park	83,385	21	2.52
San Juan Capistrano	36,870	18	4.88
Brea	40,176	17	4.23
Westminster	93,284	16	1.72
Cypress	49,647	15	3.02
Fountain Valley	58,309	15	2.57
Dana Point	37,082	14	3.78
La Habra	62,822	14	2.23
Yorba Linda	68,399	14	2.05
Lake Forest	78,344	12	1.53
Laguna Niguel	67,201	11	1.64
Seal Beach	25,913	9	3.47
Stanton	39,480	8	2.03
Placentia	51,932	8	1.54
Laguna Hills	33,434	7	2.09
Aliso Viejo	45,683	6	1.31
La Palma	16,205	5	3.09
Los Alamitos	12,217	4	3.27
Rancho Santa Margarita	49,704	4	0.80
Laguna Woods	18,477	2	1.08
Villa Park	6,276	1	1.59
Average			3.21

* Excludes Police, Fire, Great Park and Electric Utility positions

Appendix 3b Laguna Beach Salaries over \$100K *

POSITION	SALARY
City Manager	238,453
Asst City Manager	179,064
Dir of Public Works	179,064
Dir Community Development	163,002
Dir of Finance and IT	157,506
Asst City Engineer	134,628
Finance Officer	133,120
Personnel Services Mgr	129,252
Planning Mgr	129,252
Building Official	129,252
Zoning Admin	129,252
Dpty Dir of Public Works	129,252
Building Official	129,252
Project Dir	129,252
City Clerk	115,656
Senior Plan Checker	114,053
CAD/RMS Project Mgr	110,676
Dir of Community Services	108,765
Computer Network Admin	108,623
Principal Planner	102,817
Principal Planner	102,817
Principal Planner	102,817

* Excludes Police, Fire, Great Park and Electric Utility Positions

Appendix 3c Newport Beach Salaries over \$100K *

POSITION	SALARY	POSITION	SALARY
City Attorney	220,000	Civil Eng, Sr	118,851
City Mgr	190,747	Civil Eng Sr - Plan Check	118,837
Asst City Mgr	179,424	Civil Eng, Sr	117,149
Public Works Dir	170,768	Civil Eng, Sr	117,149
Gen Services Dir	166,433	Park & Tree Supt	116,875
Asst City Attorney	159,805	Civil Eng Sr - Plan Check	115,181
Dpty PW Dir/City Eng	159,224	Planning Mgr	115,138
Building Dir	154,665	GIS Supv	113,318
Planning Dir	154,665	IT Opers Supv	113,318
Rec & SR Service Dir	154,658	Human Resources Supv	112,060
Human Resources Dir	153,785	Civil Eng Sr - Plan Check	111,821
Dpty Admin Services Dir	145,964	Recreation Supt	111,738
Library Services Dir	145,195	Dpty City Attorney P/T	110,628
Dpty Bldg Official	142,272	Civil Eng, Principal	110,201
Dpty Gen Svcs Dir	138,923	Lifeguard Battalion Chief	108,493
City Traffic Eng	138,778	Apps Coord P.D.	108,056
Asst City Eng	138,778	Telecom/Network Coord	107,588
Asst City Eng	138,778	EMS Mgr	106,756
Revenue Mgr	135,481	PIO-Video	106,142
Finance Officer	135,481	Pers Comp/Network Coord	106,072
Civil Eng, Principal	132,132	Accountant, Principal	104,166
Risk Mgr	128,991	Planner, Principal	104,125
Human Resources Mgr	128,991	Sr Services Mgr	103,303
Public Infor Mgr	123,446	Civil Eng Assoc 5%	102,835
IT Apps Supv	121,274	Construction Inspec Supt	102,835
PW Finance/Admin Mgr	120,910	Civil Eng Assoc 5%	102,106
Civil Eng, Sr	118,851	Human Resources Analyst, Sr	101,650
Civil Eng Sr - Plan Check	118,851	Civil Eng Assoc 5%	101,376
Civil Eng, Sr	118,851	Field Maint Supt	100,581
Civil Eng Sr - Plan Check	118,851	Opers Support Supt	100,581

* Excludes Police, Fire, Great Park and Electric Utility Positions

Compensation Survey of Orange County Water and Sanitation Districts



Compensation Survey of Orange County Water and Sanitation Districts

SUMMARY

The 2010/11 Orange County Grand Jury has completed a review of compensation practices for the boards of directors and general managers of the eighteen water and sanitation districts in Orange County.

The districts studied are independent government agencies, run by an elected or appointed board of directors, and administer combined annual revenues of over \$1.3 billion. Yet for a variety of reasons, they receive little public interest or scrutiny. Given the recent excesses in local government, the potential for serious problems exist, thus the attention of the Grand Jury.

In general, despite a seeming lack of interest on the part of the public, it was found the districts went efficiently about their business, providing water, wastewater and solid waste collections services to the citizens of Orange County. However, there are several areas of concern.

While payments for meeting attendance by board directors are limited by State statute, there is no limitation of benefits paid to directors. Some districts have chosen to provide their directors with limited or no benefits, there are some instances of full time benefits being paid for part time work.

The Grand Jury found wide variation among the districts studied in the ability of the general public to obtain compensation, financial and meeting information. As a result, the Grand Jury has recommended minimum standards for information access on district websites.

REASON FOR STUDY

Water and sanitation districts within Orange County are not well understood by the general public, and given little attention. Yet these districts have tremendous power to levy fees and often possess substantial capital reserves. They also play a vital role in public health and safety.

Due to recent excesses in local government compensation and the mounting financial burden created by public pension obligations, there is justified concern on the part of the public towards local government and the way it conducts its affairs.

Given this heightened concern over local government operations, the Grand Jury determined it would be worthwhile to review and illuminate the compensation received by the boards of directors and general managers of the water and sanitation special districts within Orange County. Many have referred to this concept as “transparency.” Beyond just providing compensation data, the Grand Jury also felt an examination of how that information is conveyed to the public would be useful. It is hoped that by providing this information in a uniform context, public confidence can be increased for this sector of government.

METHODOLOGY

The Grand Jury made the decision at the study’s inception to review all special districts in Orange County dealing in water or wastewater, regardless of their size or function. This approach combines water

retailers, water wholesalers, as well as wastewater treatment agencies. Water retailers provide water directly to individual users while water wholesalers provide water to water retailers, thus complexity of operations will differ.

Each district was sent a questionnaire soliciting compensation and benefits information for the board of directors and the general manager position. Other documents requested included annual reports, district by-laws, financial statements and budgets, organization charts, as well as any employment contract for the general manager. Follow up contacts were made to clarify data or seek additional information.

This data was analyzed to see if it was in compliance with the State of California Water Code (Water Districts) and the State of California Sanitation Code (Sanitation Districts). All districts appeared to be following state guidelines in regards to number of monthly meetings and director compensation.

In addition to the direct information supplied by the districts, the Grand Jury also reviewed each district's individual website as well as the website of the State Controller of California. The individual district websites were surveyed to judge their ease of use, the value of the information provided to the public as well as to provide data for some of the statistical analysis contained in this report. The State Controller's website contains the annual "Local Government Compensation Report", which includes special districts such as water and sewer districts. The data presented on the Controller's website is for the calendar year of 2009 and thus may be at variance with values stated in this report.

Members of the Grand Jury attended various district board meetings to gauge the level of public interest and attendance and to see if district business was conducted in an open and detailed manner. On two occasions, members arrived at the scheduled time and place of the public meeting as shown on a district's website and found it to be cancelled, with notice posted only at the location of the meeting site.

This report is focused on total compensation, including value of benefits, to the individual general manager or board of directors member.

"Retirement benefits", as used in this study, do not include those amounts that the employer is normally required to pay as the employer's standard share of pension contributions. However, if the employer is paying all or some of the amount an employee would normally be expected to pay (the "employee's share"), then that amount was included as additional compensation to the employee in the calculations. In all cases retirement benefits included any type of defined benefit retirement plan, retirement health accounts or any other deferred compensation contributions the employer is making on the employee's behalf.

"Insurance" includes any combination of the following: medical, dental, vision, life and accidental death, short-term disability, long-term disability, and long term care insurance. These numbers include only the cost to the employer; they do not include any premiums paid by the employee. If an employee elected to take cash in lieu of insurance coverage that dollar amount was captured in the insurance calculations.

"Car allowance" may be either an actual cash payment to the employee or the imputed value of using

a district supplied vehicle. If the general manager used a district “pool” vehicle for daily work it was not included as a car allowance.

Bonuses were noted, although it is recognized that they may be a one-time benefit and may not reappear in other years as compensation.

Focusing on the larger picture and major elements of compensation, it was elected to not quantify benefits for less expensive categories, such as cell phone allowances. Likewise, job-related reimbursables, such as conferences, travel, training, etc., were excluded.

Board of directors for these special districts do not receive a salary, rather they are compensated for attending meetings related to district business. These stipends are set by State of California government statute and contain inflation escalation clauses. The statute also limits the number of meetings a board member may collect fees for in any given month.

Quantifying compensation for a district’s board of directors presented some challenges. First, the basic compensation for a director is dependent upon the number of meetings attended by a given director, and considerable variation was observed. Further, different insurance health packages (when offered) were selected by various directors leading to large spreads in insurance costs on individual boards.

The Grand Jury felt the fairest presentation of the compensation for a given board member was to use an averaging method. To accomplish this, the actual annual total district expenditures for board of directors’ stipends, health insurance and retirement amounts were divided by the number of directors on the district’s board, giving an “average compensation” for directors. Some directors were compensated above this average value and some less. While some precision is diminished, the Grand Jury feels it provides a valuable benchmark for comparison.

FACTS

Fact: Combined total annual revenues for the 18 water and sanitation special districts in Orange County exceed \$1.3 billion.

Fact: California state law defines a special district as “any agency of the state for the local performance of governmental or proprietary functions within limited boundaries (Government Code Section 16271 (d)).

Fact: Compensation for the board of directors of water districts must be set in accordance with the California Water Code Section 20202 and for the board of directors of Sanitation Districts, in accordance with the Health and Safety Code, Section 6489.

Fact: Board of director meeting stipends for water and sanitation special districts are capped by the state. Other compensation packages for the board of directors and the general manager are set by the board of directors in each district.

Fact: Elected or appointed officers of a special district, commission or board elected or appointed after June 30, 1994 are prohibited from participating in the California Public Employees' Retirement System (CalPERS).

ANALYSIS

What are Special Districts?

The agencies reviewed by this report are commonly referred to as "special districts". State law defines a special district as "any agency of the state for the local performance of governmental or proprietary functions within limited boundaries." A special district is a separate local government that delivers a limited number of public services to a geographically limited area.

Inadequate revenue bases and competing demands for existing taxes make it hard for counties and cities to provide all of the services that their constituents want. When residents want new services or higher levels of existing services, they can form a district to pay for them. Special districts localize the costs and benefits of public services. Most special districts serve just a single purpose, such as districts for sewage treatment or water delivery, the focus of this report.

Sometimes county supervisors or city councils are special districts' governing boards, as is the case of dependent special districts. Independent special districts operate under state laws as autonomous government entities with independent elected board of directors accountable to the local voters they serve. However, special districts must make certain reports to the State of California. For example, special districts must send their annual financial reports to the State Controller's Office. Districts must also follow the state laws for special taxes, bonded debt, public hearings, public records, and elections.

Water districts were formed in Orange County as early as 1925 (Laguna Beach County Water District). Population growth, coupled with the drought beginning in 1987 and escalating in 1989-90, generated a new way of thinking for the water districts in Orange County. A renewed focus began to be placed on conservation, groundwater management and water recycling.

Orange County has 14 water and 4 sanitation districts; all classified as independent districts, each having their own board of directors. Not all areas of Orange County use water district services. These communities (typically older cities) have their own water sources and are operated by either city governments or private water companies.

Originally, water districts were limited by state law to what services they could provide. But in 1963 the California Water District Act was amended allowing water districts to provide wastewater and water reclamation services. Of the 18 special districts studied in this report, 8 provide both water and wastewater services.

District descriptions and background

The following table contains demographic data describing each of the districts, with particular emphasis on various measures of size. It's important to note that these districts have an annual combined total revenue of approximately \$1.375 billion, yet very few taxpayers give the attention to the structure and management of these entities that they may give to their local city councils.

The data in the table was acquired from a number of sources, the majority from the districts themselves, their annual reports or their websites. “Annual Revenue (2009/10)” generally reflects the total income received from all sources by each district for the fiscal year of 2009/10. This can differ from a district’s operating budget, which may exclude amounts for debt servicing or capital projects.

Special Districts Statistical Summary

District	Year Formed	Employees	Population Served	Annual Revenue (2009/ 10)
Costa Mesa Sanitary District	1944	18	116,700	\$10,452,000
East Orange County Water District	1961	10	104,000	\$6,307,708
El Toro Water District	1960	55	51,000	\$19,724,200
Irvine Ranch Water District	1961	315	330,000	\$205,500,000
Laguna Beach County Water District	1925	40	25,000	\$9,000,000
Mesa Consolidated Water District	1960	60	116,479	\$29,102,086
Midway City Sanitary District	1939	24	100,000	\$8,926,587
Moulton Niguel Water District	1960	98	166,964	\$77,195,000
Municipal Water District of O.C.	1951	30	2,300,000	\$154,963,970
Orange County Sanitation District	1946	648	2,600,000	\$594,700,000
Orange County Water District	1933	217	2,400,000	\$109,775,309
Rossmoor/ Los Alamitos Area Sewer Dist.	1952	0.5	24,204	\$384,608
Santa Margarita Water District	1964	128	150,000	\$79,053,240
Serrano Water District	1927	11	6,500	\$4,639,911
South Coast Water District	1932	73	40,000	\$31,900,685
Sunset Beach Sanitary District	1930	3	2,500	\$948,283
Trabuco Canyon Water District	1962	23	13,350	\$7,055,526
Yorba Linda Water District	1959	76	75,000	\$25,858,705
Total for all Districts:				\$ 1,375,487,818

The following section provides a brief overview of each of the 18 special districts included in this report. Any features or operations unique to each district are mentioned.

Costa Mesa Sanitary District (*Sewer and solid waste pickup*)

The District's boundaries encompass all of the City of Costa Mesa and portions of Newport Beach and unincorporated Orange County. In addition to providing sewer service to 116,000 residents, the District also provides curbside refuse and recycling collection services to over 21,000 households.

East Orange County Water District (*Water only*)

The District's wholesale operation encompasses an area of approximately 10,000 acres including the City of Tustin, a portion of the City of Orange and unincorporated territory bordering the eastern side of Santa Ana and Orange. In July 1985 the District entered retail water operations when it took over the operations of Orange County Water Works System #8.

El Toro Water District (*Water and sewer*)

The El Toro Water District's water and wastewater system serves over 5,000 acres including all of Laguna Woods and portions of the cities of Laguna Hills, Mission Viejo, Lake Forest and Aliso Viejo. Service connections are provided for residential, commercial, industrial and institutional use. In September 1983, the District purchased the assets of a privately owned utility to become a retail water and sewer provider.

Irvine Ranch Water District (*Water and sewer*)

The District serves 181 square miles in central Orange County including the City of Irvine and portions of Tustin, Newport Beach, Costa Mesa, Orange, Lake Forest and unincorporated areas. It provides drinking water, reliable wastewater collection and treatment, recycled water and urban runoff treatment. Over the last ten plus years the District has consolidated with five water districts which resulted in greater efficiency and lower rates and charges to its customers.

Laguna Beach County Water District (*Water only*)

The District provides service within an 8.5 square mile area including portions of Laguna Beach, Crystal Cove State Park and supplies, under contract, water and services to the unincorporated community of Emerald Bay. Its 8,450 service connections service mostly residential water users. Within the District there are 21 water storage reservoirs providing approximately ten days of water to the community in the event of an emergency.

In November of 2000, the District became a subsidiary of the City of Laguna Beach. Through an operating agreement with the City, the District operates independently, retaining its assets, separate legal counsel, separate insurance and benefits and continues to operate under the State of California Water Code. The Laguna Beach City council members act as the Water District's ex-officio Board of Directors. They draw no salary but their medical insurance benefits are paid by the water district and not by the City of Laguna Beach. Besides the Board, there is also a Commission that does the day to day decision making. The Commission members are appointed by the Board of Directors (Laguna Beach City Council) and serve 2 year terms. This report considers compensation of only the Commissioners.

Mesa Consolidated Water District *(Water only)*

The District was created through the merger of three districts and the City of Costa Mesa Water Department. This was the first California water agency to consolidate two or more water districts and assumed the debts and obligations. The District serves an 18 square mile area and includes the City of Costa Mesa, parts of Newport Beach, unincorporated areas and John Wayne Airport.

Midway City Sanitary District *(Sewer and solid waste pickup)*

The District maintains 174 miles of sewer mainlines transporting 13 million gallons a day to treatment facilities serving residents in Westminster and the unincorporated area known as Midway City. In addition, the District provides curbside refuse and recycling collection services to 20,600 residences and commercial and industrial properties within the District.

Moulton Niguel Water District *(Water and sewer)*

The District was formed in 1960 to provide a water supply to the Moulton Niguel Service. In 1964 the District began wastewater services previously provided by Orange County Sanitation District No. 12. The District encompasses approximately 36.5 square miles and includes the cities of Laguna Niguel, Aliso Viejo and portions of Laguna Hills, Mission Viejo and Dana Point. Water and sewer accounts are estimated at just over 54,000.

Municipal Water District of Orange County *(Water only)*

The District is a wholesale water management and planning agency that provides imported water to 28 water purveyors and two private water companies in a service area of over 600 square miles. These smaller entities then provide the water to residential and commercial customers. In 2001 the District consolidated with Coastal Municipal Water District of Southern California. It is the second largest member agency of the Metropolitan Water District of Southern California, the agency that supplies Southern California with the majority of its imported water. It coordinates countywide water/wastewater emergency preparedness and response efforts.

Orange County Sanitation District *(Sewer only)*

The District provides wastewater services for much of Orange County. Its boundaries cover 479 square miles, serving 21 cities and three special districts. The District has two operating facilities, one in Fountain Valley, the other in Huntington Beach, treating wastewater from residential, commercial and industrial sources in central and northwest Orange County. Each day approximately 230 million gallons of wastewater is treated, enough water to fill Angel Stadium three times a day.

The 25 members of the District's board of directors consist of elected representatives from each of the sewer agencies or cities within the Orange County Sanitation District. Thus the board members of the District are not elected directly, but are appointed by their respective agencies.

Orange County Water District *(Water only)*

Despite its name, the Orange County Water District is not a water provider in the usually understood sense. Its function is to manage the underground water in Orange County, called the aquifer. Agencies pumping water from the ground in Orange County are regulated and charged by this district. The Or-

ange County Water District also operates the Groundwater Replenishment System, a state of the art plant in Fountain Valley that purifies wastewater and injects it back into the ground for reuse.

The board of directors for this district is a hybrid of elected and appointed officials. Of the 10 board members, 7 are elected from defined service areas within the district, and 3 are appointed representatives of the cities of Fullerton, Anaheim and Santa Ana.

Rossmoor/Los Alamitos Area Sewer District *(Sewer only)*

The District was created in 1952 by area citizens desiring an adequate sewer system to replace outdated septic tanks. Annexations in 1954 and 1960 added the Rossmoor residential development and the nearby Naval base. The District serves more than 8,000 sewer connections in Rossmoor, Los Alamitos, the College Park West area of Seal Beach and parts of Cypress.

This district has only one part time employee, serving essentially as general manager. All other district work is contracted out.

Santa Margarita Water District *(Water and sewer)*

The District is the second largest water district in Orange County serving residents and businesses in Mission Viejo, Rancho Santa Margarita, Coto de Caza, Las Flores, Ladera Ranch and Talega. The size of the district expanded from 41,400 acres to its present size of 62,674 acres through a series of annexations and several small land exchanges with Moulton Niguel Water District to better align boundaries. The District is one of five south Orange County water agencies that partnered to finance and construct the 244 million gallon Upper Chiquita Reservoir project.

Serrano Water District *(Water only)*

The District provides services to approximately 2,000 acres which includes Villa Park and a minor portion of the city of Orange with approximately 2,250 domestic meters in service. This was the smallest water district studied, with a population of about 6,500. The District's principal source of water is native water drawn from Santiago Reservoir, also known as Irvine Lake, which it also manages as a recreational facility.

South Coast Water District *(Water and sewer)*

For decades the south coast area of Orange County was served by three water and sanitary agencies. As of January 1, 1999 these agencies consolidated to form the "expanded" South Coast Water District. Water and/or sewer services are provided to more than 17,000 customer accounts in Dana Point, Monarch Beach, Capistrano Beach, South Laguna and areas of north San Clemente and north San Juan Capistrano.

Sunset Beach Sanitary District *(Sewer only)*

The District was formed to provide wastewater services to an area of approximately 175 acres. This area includes the unincorporated community of Sunset Beach and Surfside Colony. The District collects both sewage and municipal solid waste. The District contracts with the Orange County Sanitation District for sewage treatment and effluent disposal and with the City of Huntington Beach for sewage conveyance.

This smallest district studied (population 2,500) lacks even a physical office and public meetings are held

in a local women's club. Its boundaries are included in the pending annexation of Sunset Beach by the City of Huntington Beach, so its future is unclear.

Trabuco Canyon Water District (*Water and sewer*)

The District provides retail water service, wastewater treatment, reclamation and agricultural services to over 4,000 metered connections in a 9,000 acre area at the foothills of the Santa Ana Mountains. This area is comprised of numerous canyons and hills with varying elevations from 900 to 2,400 feet above sea level and includes the communities of Dove Canyon, Trabuco Canyon, Robinson Ranch and Portola Hills. Wastewater is collected and reclaimed at the Robinson Ranch Wastewater Treatment Plant built in 1984 and expanded in 1992. One hundred percent of the reclaimed water is then used for irrigation.

Yorba Linda Water District (*Water and sewer*)

The District was started in an unincorporated area. Through the 1950s the area was largely rural but rapidly transitioned to suburban land use. Annexations expanded the District from 4,710 acres in 1959 to over 14,000 acres today. The District serves most residents in the City of Yorba Linda and portions of Placentia, Brea and Anaheim. The District has nine active wells which provide 50 percent of the water produced, the rest derived from imported sources.

Board of Directors compensation

Total compensation among the districts varies based on their size and on decisions made by their boards concerning their benefits.

In the early 1990's the California Water Code Section 20201 put a ceiling of \$100 on the maximum amount water board members can receive for attendance at any one meeting of the board or directors. However, Section 20202 authorizes water district boards to increase the amount of compensation not to exceed 5% for each calendar year, although any such increase is at the board's discretion.

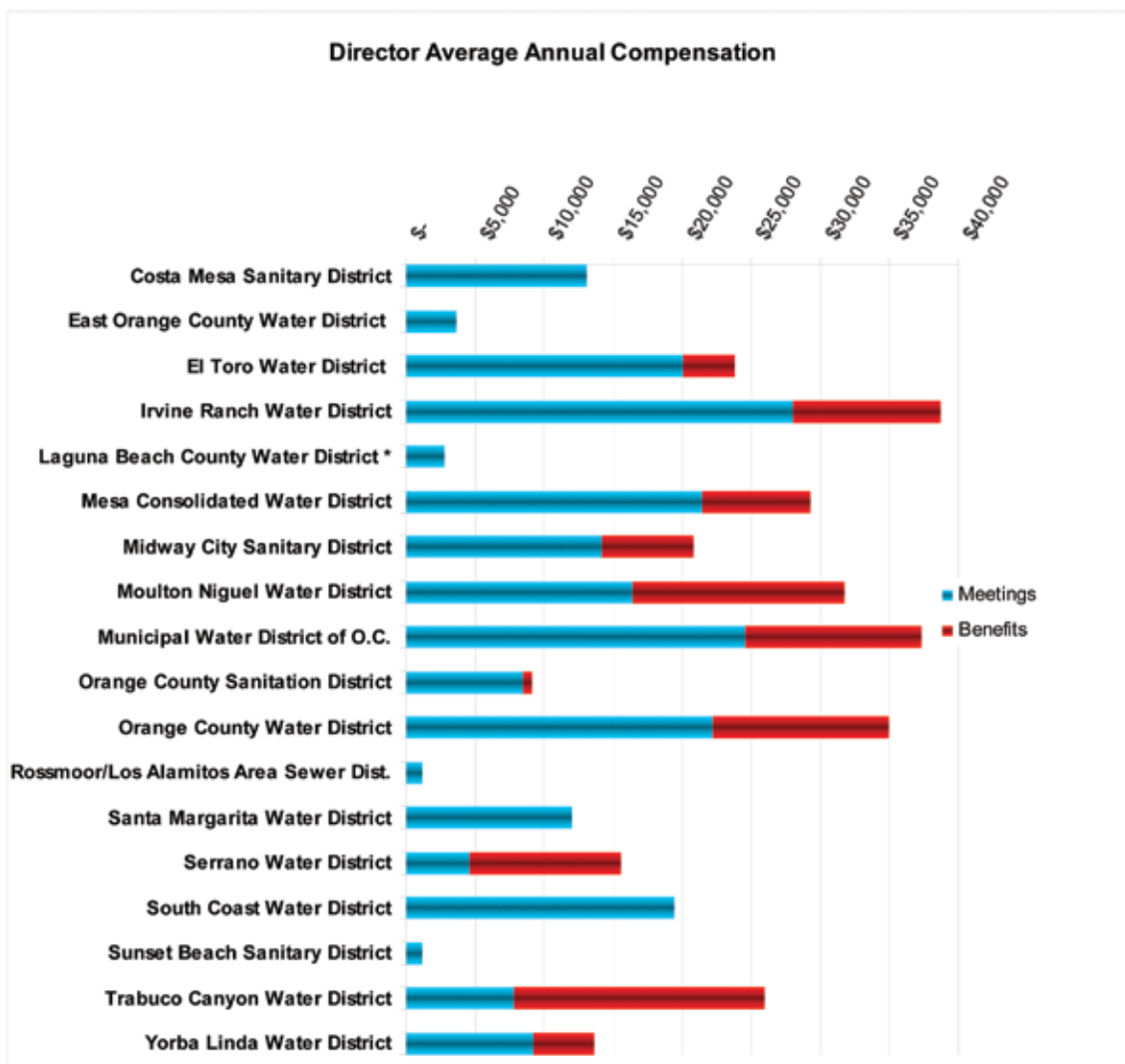
Some districts have chosen to increase the per meeting director stipend regularly while others have not. This has resulted in a disparity in meeting compensation between districts ranging from \$100 per meeting up to \$237 per meeting.

In addition to meeting compensation, State statutes also limit the maximum number of compensable meetings to 10 monthly for water districts and 6 monthly for sanitation districts. Some districts hold very few meetings per month, while others approach the maximum allowed, due to extensive subcommittee meetings or qualifying meetings with outside agencies. Thus annual director compensation for meetings alone has a wide range, from as little as \$1,200 (Sunset Beach Sanitary District) to \$28,000 (Irvine Ranch Water District).

While pay per meeting is set by statute, benefits such as medical insurance and retirement are not. Benefits paid to special district directors are set solely by the board of directors themselves. Four districts provide retirement benefits and ten districts provide insurance benefits to their directors.

It should be noted that board members elected since June 30, 1994 are prohibited from participating in the CalPERS retirement program. Four of the districts studied still have some sitting board members elected before the CalPERS prohibition was implemented 17 years ago. Because there are so few of these members and future board members cannot qualify for these funds, the Grand Jury elected to exclude these small amounts from the data reported here. There is no restriction against the participation of board members in other types of retirement programs, such as other defined benefit plans or deferred compensation plans.

The following graph shows the average annual fiscal year 2009/10 compensation received by board members of the special districts studied and analyzed as discussed in the “Methodology” section. After the graph follows a table showing a breakdown of director compensation in more detail. Note that in that table, and those following, the entry “-“ denotes a value of zero.



Director Average Annual Compensation

District	Meeting Compensation	Retirement	Insurance	Total Benefits	Total Compensation
Costa Mesa Sanitary District	\$ 13,083	\$ -	\$ -	\$ -	\$ 13,083
East Orange County Water District	3,600	-	-	-	3,600
El Toro Water District	20,000	-	3,796	3,796	23,796
Irvine Ranch Water District	28,000	-	10,730	10,730	38,730
Laguna Beach County Water District *	2,760	-	-	-	2,760
Mesa Consolidated Water District	21,404	-	7,906	7,906	29,310
Midway City Sanitary District	14,187	-	6,625	6,625	20,812
Moulton Niguel Water District	16,429	329	14,999	15,328	31,757
Municipal Water District of O.C.	24,505	3,168	9,613	12,781	37,286
Orange County Sanitation District	8,512	638	-	638	9,150
Orange County Water District	22,176	3,543	9,289	12,831	35,008
Rossmoor/Los Alamitos Area Sewer Dist.	1,200	-	-	-	1,200
Santa Margarita Water District	12,012	-	-	-	12,012
Serrano Water District	4,640	-	10,939	10,939	15,579
South Coast Water District	19,422	-	-	-	19,422
Sunset Beach Sanitary District	1,200	-	-	-	1,200
Trabuco Canyon Water District	7,850	-	18,077	18,077	25,927
Yorba Linda Water District	9,270	-	4,316	4,316	13,587

*Data shown is for Commissioners and based on monthly stipend

There is a significant variance in the benefits paid to boards of directors of the special districts studied. In some cases benefits constitute a significant portion of a director's total compensation. For example, in the case of the Trabuco Canyon Water District, the benefits make up approximately 70% of their directors' total compensation.

This level of benefits has opened many special districts up to criticism. Since board meetings are usually held only a few times per month (sometimes only once per month), they are effectively part-time jobs. Yet in many cases these part-time jobs come with full time benefits. There is no statutory prohibition against providing full-time benefits to board members for part-time duties.

The situation may have arisen due to the fact that in past years health benefits were much less expensive than today. As a result they were often provided as a standard benefit for many employees. As costs for these types of benefits have dramatically risen, districts may not have considered the appropriateness of their provision for what are essentially part time members.

Some of the smaller districts studied are models of frugality. The Sunset Beach Sanitary District and the Rossmoor/Los Alamitos Sanitary District seldom meet more than once a month, even though permitted to do so. Further, their directors receive no benefits beyond their modest meeting stipends.

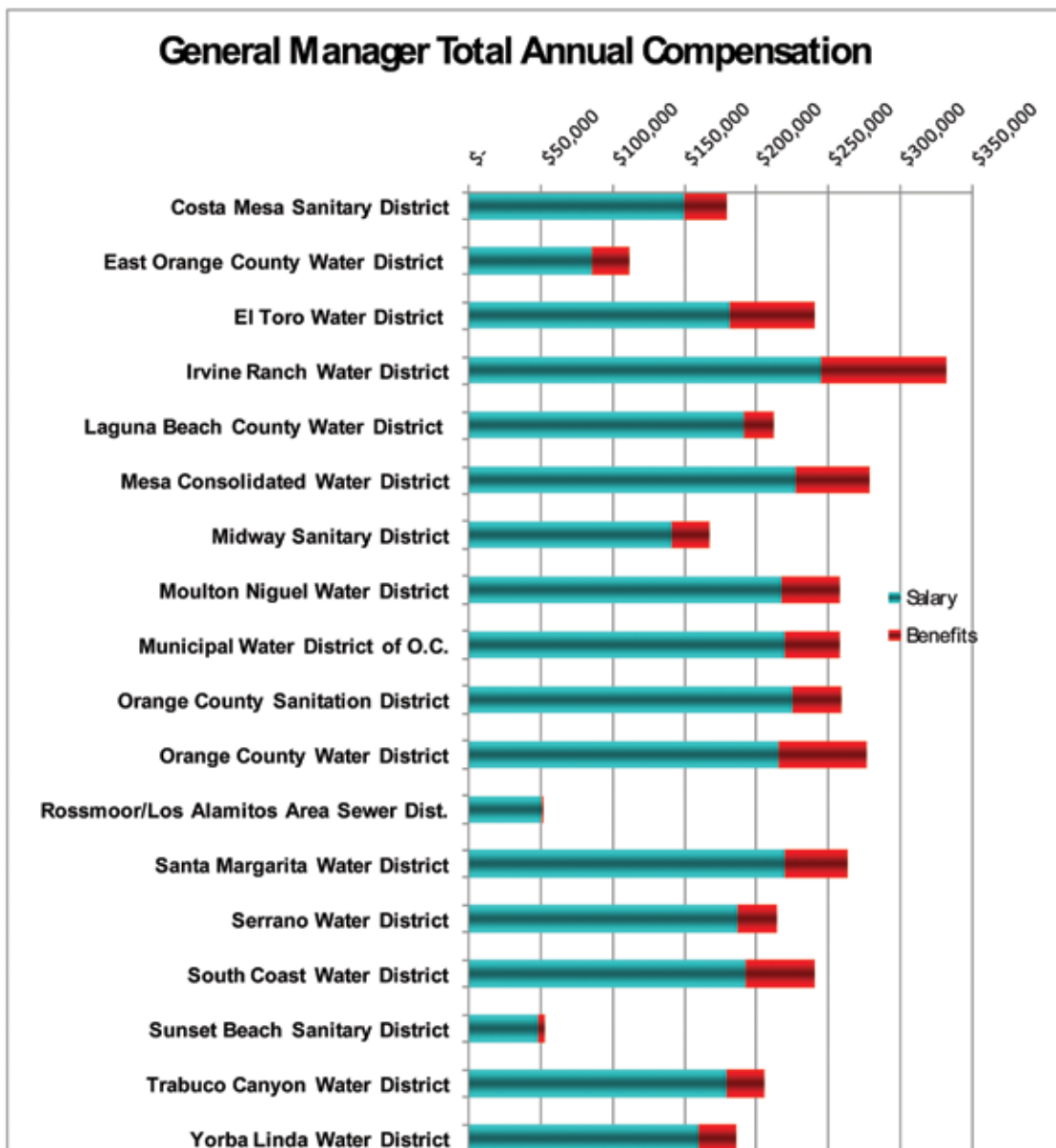
In the case of the small East Orange Water District, it is their policy that board members rarely go to outside meetings and collect their meeting stipend. Instead, the General Manager attends outside agency

meetings and reports back to the directors as a cost savings measure.

The Laguna Beach County Water District has a somewhat different compensation model than most. As previously described, there is a panel of “commissioners” who manage normal matters of the district. The commissioners each draw a monthly stipend of \$230, regardless of the number of meetings, and receive no benefits.

General Manager compensation

All of the special districts studied were directed by general managers (for one district the position is called “Superintendent”). The board of directors sets general policy for each district and approves budgets and expenditures, while the general manager runs the day to day operations and manages the staff of a district. For the districts studied, most of the general managers’ compensation fell in a relatively uniform range. There were a few exceptions, both on the low end and the high end. The following graph summarizes the general manager’s compensation for fiscal year 2009/10 and the subsequent table breaks it down in more detail.



General Manager Total Annual Compensation

District	Salary	Bonus	Retirement	Insurance	Car Allowance	Total Non-salary	Total Compensation
Costa Mesa Sanitary District	\$ 150,000	\$ 3,000	\$ 11,500	\$ 9,588	\$ 4,800	\$ 28,888	\$ 178,888
East Orange County Water District	85,540	-	5,988	16,265	4,200	26,453	111,993
El Toro Water District	181,064	-	36,667	15,896	6,600	59,163	240,227
Irvine Ranch Water District	244,992	25,479	39,688	13,569	7,992	86,728	331,720
Laguna Beach County Water District	191,324	-	13,393	7,432	-	20,825	212,149
Mesa Consolidated Water District	227,800	-	30,946	13,678	6,000	50,624	278,424
Midway Sanitary District	141,450	-	24,180	1,332	-	25,512	166,962
Moulton Niguel Water District	217,464	-	18,049	21,960	-	40,009	257,473
Municipal Water District of O.C.	219,902	-	15,393	14,052	9,000	38,445	258,347
Orange County Sanitation District	225,000	-	20,500	13,258	-	33,758	258,758
Orange County Water District	215,000	-	39,193	13,727	8,400	61,320	276,320
Rossmoor/Los Alamitos Area Sewer Dist.	50,000	-	-	-	780	780	50,780
Santa Margarita Water District	220,000	-	27,840	15,828	-	43,668	263,668
Serrano Water District	187,000	-	5,610	21,108	-	26,718	213,718
South Coast Water District	192,000	-	28,415	20,004	-	48,419	240,419
Sunset Beach Sanitary District	47,646	-	-	-	4,800	4,800	52,446
Trabuco Canyon Water District	179,500	-	14,360	11,994	-	26,354	205,854
Yorba Linda Water District	160,140	-	11,210	14,986	-	26,196	186,336

Two districts were notable for not providing retirement or insurance benefits for their general managers: Rossmoor/Los Alamitos Sanitation and Sunset Beach Sanitary Districts. This is possibly the result of the positions being part time, and also the districts being small and fiscally responsible. All other districts studied provided retirement and insurance benefits.

Two districts paid their general managers bonuses within the year studied, Costa Mesa Sanitary and Irvine Ranch Water Districts. The payment of a \$25,479 bonus to the general manager of Irvine Ranch Water District resulted in that position having the highest compensation of all general manager positions studied (Although as previously noted, bonuses may be one-time events.)

Car allowances were not uncommon, but were not a benefit restricted to only the larger, well funded districts. Several smaller districts provided their general managers with car allowances, yet a number of larger districts did not. However often larger districts maintain a fleet of district vehicles, which a general manager may use. In these cases, the use of a district vehicle did not show up as compensation.

There are two reasons for the largest variation in the “Total Non-salary” category which are both related to the retirement category. First, agencies with defined benefit programs sometime pay part of what would normally be the responsibility of employee to pay (the “employee’s share”) as a benefit. These districts feel it makes their job positions more attractive and improves hiring ability in a competitive market.

The second reason for wide retirement benefit variability has to do with deferred compensation. A num-

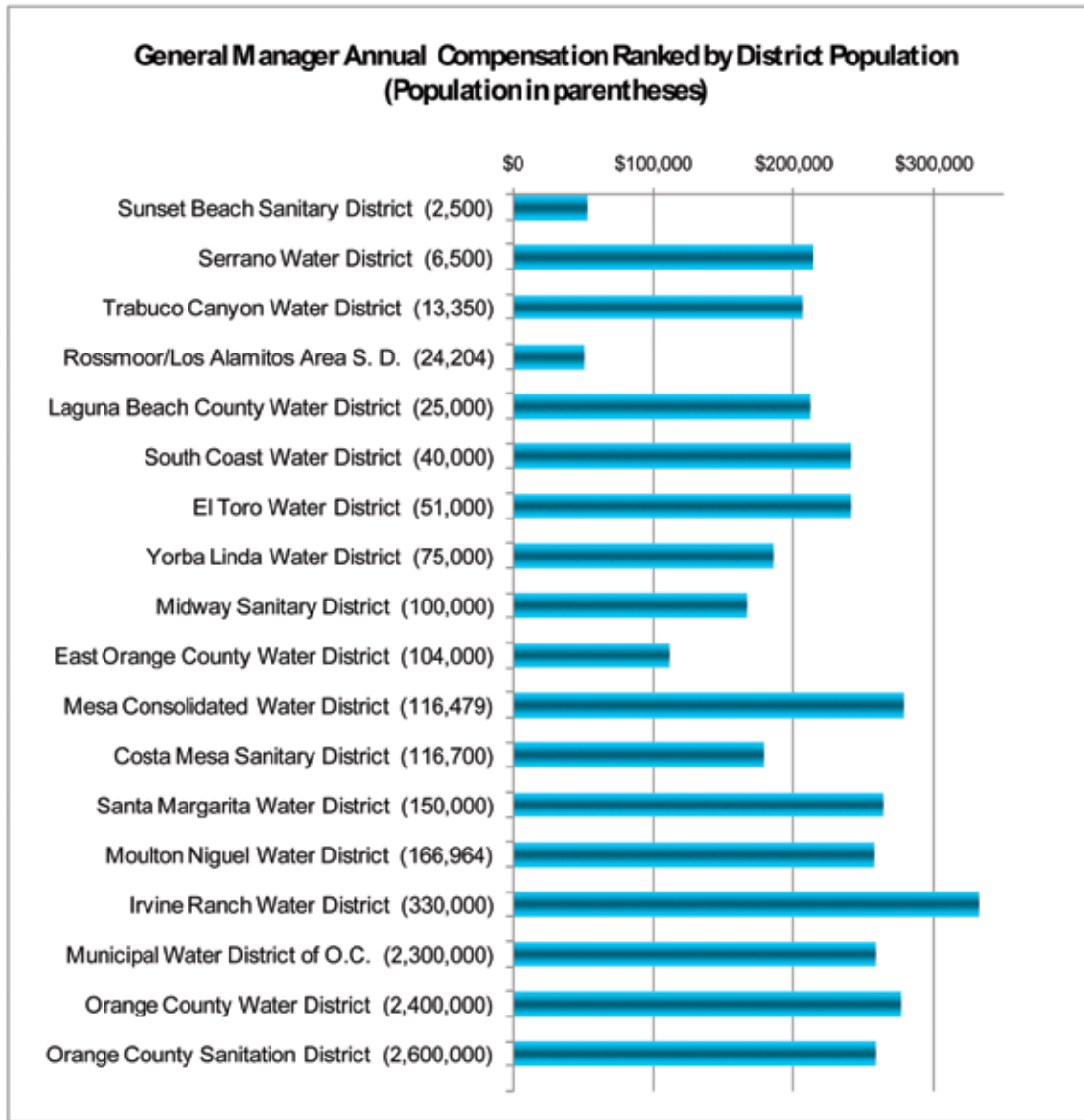
ber of districts provide deferred compensation programs whereby money is deposited into an employee's account for use upon their retirement. Some districts require an employee match with the employee's own funds, but in other cases the district deposits money whether an employee does or not.

The districts with the second and third highest retirement values listed, Orange County Water and El Toro Water Districts, deserve special mention. Of all the districts studied with employee retirement plans, these two are the only districts whose plans are not defined benefit plans. They are instead defined contribution plans. The districts and employees each contribute minimum required amounts to a deferred compensation plan. Either party may contribute more than the minimum, depending upon financial conditions.

A defined benefit plan, such as offered through CalPERS or the Orange County Employees Retirement System (OCERS) is the stereotypical government pension plan. It defines the benefit to the employee upon retirement, regardless of financial conditions at that time. This type of plan has generated much controversy in the current economic times.

A defined contribution plan instead specifies how much an employee and employer will contribute into a tax-deferred compensation plan, with no guarantee as to what the ultimate payout to the employee will be. The defined contribution plan reduces financial risk to the employer and is being held by many as a more responsible retirement plan for public employees.

The following shows the total general manager compensation for each district, ranked by the population data obtained from each district. The smallest district, Sunset Beach Sanitary District, is at the top, and the most populous district, Orange County Sanitation District, is at the bottom.



Generally, it appears district population bears no significant relationship to salary and benefits paid to the general manager. However, two of the relatively small water districts, Serrano Water District and Trabuco Canyon Water District offer their general managers compensation on par with much larger organizations.

Serrano Water District is noteworthy. With a population of only about 6,500, Serrano Water District compensates its general manager more than the general manager of Costa Mesa Sanitary District, which is almost eighteen times larger in terms of population. However the Serrano Water District does have the additional responsibility of managing recreational activities at Irvine Lake.

From the data presented, the compensation received by the general manager of the Irvine Ranch Water District is the highest of all districts studied. However if the \$25,479 bonus is set aside, it is not far re-

moved from general manager compensation of other large districts. Considering the size both in population and geography of that district, and the fact it operates the second largest budget of all districts studied, perhaps the level of compensation is not surprising.

If it could be said that there is a standout among these districts, then perhaps it would be the East Orange County Water District. The frugality previously displayed in their board of directors compensation continues with their general manager. The general manager's compensation is significantly less than seven other, smaller-populated districts, and greater than only the two districts with part-time general managers.

Information accessibility

During the investigative process for this report, the Grand Jury utilized a number of sources to acquire data. One very important source was the websites operated by the districts themselves. There is a wide disparity in the availability of data, its ease of finding and the timeliness of the information. This did not necessarily correlate with the size of the district. Some large, sophisticated districts had limited online access to compensation and financial data, while some smaller districts excelled.

A keystone of improving public confidence in local government operation is to make operating information easily available and demonstrate nothing is hidden.

Websites maintained by special districts should provide at least these minimum features.

- A clearly labeled link or links on the website's home page to all financial and compensation information.
- Compensation data should be provided for the board of directors and general manager listing all types of compensation (salary and other benefits) in a clear, understandable manner.
- If the general manager operates under a contract, then a copy of the current contract should be posted on the district's website.
- The current and previous fiscal year budgets should be posted. If available, the district's Comprehensive Annual Financial Report (CAFR) should be included.
- Public meeting information, including dates, times, location, agendas and minutes should be listed and rigorously updated.

As an example of what the Grand Jury would consider best practices in this area, reference is made to the website of the Costa Mesa Sanitary District. Through the "Transparency" link on their home page, access is provided to an extensive variety of compensation and benefit information. Additional links to "Agenda & Minutes" and "Finances" round out what is a superior website in terms of information accessibility.

Grand Jury members attended scheduled public meetings of many of the districts in this report. Typically, the only members of the public present at the meetings were those of the Grand Jury. Citizens of those districts, for whom significant financial decisions are being made, simply choose not to attend.

The only sure prevention for government abuse and excess is citizen participation. The Grand Jury did not observe this participation to be occurring to any significant level in the case of special districts. Public apathy towards these districts, unless corrected, is a recipe for disaster. While current management is hon-

est and focused on the good of the people, lax public oversight could result in a very different situation.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requires responses from the agencies affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based upon its Compensation Survey of Orange County Water and Sanitation Districts, the 2010-2011 Orange County Grand Jury has arrived at two principal findings, as follows:

- F.1:** District websites often do not provide easy public access to compensation and financial data of the district, if available at all.
- F.2:** District websites were sometimes not updated to reflect public meeting changes or cancellations.

RECOMMENDATIONS:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requires responses from the agencies affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based upon its Compensation Survey of Orange County Water and Sanitation Districts, the 2010-2011 Orange County Grand Jury makes the following two recommendations:

- R.1:** Provide in an easily accessible format on the district's website, data on compensation for the board of directors and general manager, as well as current budget and financial reports.
- R.2:** Maintain and update agendas, minutes, meeting schedules and location on the district's website.

REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code Section 933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head 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.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are required from the Boards of Directors of the following agencies:

<u>Responding Agency</u>	<u>Findings</u>	<u>Recommendations</u>
<p>Costa Mesa Sanitary District East Orange County Water Dist. El Toro Water District Irvine Ranch Water District Laguna Beach County Water Dist. Mesa Consolidated Water District Midway Sanitary District Moulton Niguel Water District Municipal Water District of O.C. Orange County Sanitation District Orange County Water District Rossmoor/Los Alamitos Area S.D. Santa Margarita Water District Serrano Water District South Coast Water District Sunset Beach Sanitary District Trabuco Canyon Water District Yorba Linda Water District</p>	<p>F.1 and E.2</p>	<p>R.1 and R.2</p>

Addictive Prescription Drugs and Orange County Seniors



Addictive Prescription Drugs and Orange County Seniors

SUMMARY

Although a considerable amount of research and study has gone into defining critical aspects of prescription drug abuse by the youth and young adults of Orange County, comparatively little is known about this issue among seniors (defined here as those 60 and older). At the same time, those in the upper age ranges have their own high risk factors, and vulnerability to prescription drug misuse or abuse is expected to increase during coming years. The 2010-2011 Grand Jury accessed and analyzed California Department of Justice controlled substance database information regarding the amounts of selected drugs prescribed for County seniors from 2007 to 2010. Findings include the discovery that disproportionate amounts of potentially addictive drugs were prescribed, and the average annual increases in quantities significantly outpaced population growth during the same period. The report concludes with recommendations to the County Health Care Agency for broader data collection, better monitoring of signs of prescription drug misuse, and further research to resolve remaining questions.

REASON FOR STUDY

Widespread concern about prescription drug abuse, especially among adolescents and young adults, seemed to peak during 2009 – 2010. In September of 2010, U.S. Attorney General Eric Holder reported a 400% increase from 1998 to 2008 in hospital admissions for prescription painkiller abuse. He reported that, for the first time, the number of people in the U.S. using prescription drugs for non-medical purposes exceeded the number of people smoking marijuana. (Curran, 2010) However, most of the concern was being generated by research showing large increases in prescription drug abuse among youth and young adults.

Very little is known about the extent and characteristics of prescription drug use, misuse, and possible abuse among seniors. A California Department of Alcohol and Drug Programs (CA ADP) report stated, "...it is apparent from [national] data that hundreds of thousands of older adults misuse prescription drugs for non-medical reasons nationwide, and that tens of thousands probably do so in California in any given year." (CA ADP, 2009, page 14) For Orange County, almost nothing is known. A search of the Internet revealed only one statistic specific to the County, for self-reported non-medical use of prescription painkillers, but the age bracket was too wide to be useful. (Substance Abuse and Mental Health Services Agency, 2006-2008)

Most of the concern about prescription drug misuse and abuse by seniors is based on broad-based studies and circumstantial evidence:

- Individuals 65 and older represent only 13 percent of the U.S. population, yet they receive one third of all medications prescribed. (CA ADP, 2009)
- Eighty-three percent of people in the U.S. age 60 and older take prescription drugs. (CA ADP, 2009)
- Older patients are more likely to be prescribed long-term and multiple prescriptions, which can lead to unintentional misuse. (National Institute on Drug Abuse, 2011)

- Prescription drug abuse is present in 12–15% of U.S. seniors who seek medical attention. (CA ADP, 2009)
- According to estimates by the U.S. Substance Abuse and Mental Health Services Agency (SAMHSA), alcohol and prescription drug misuse may affect as many as 17% of older adults.
- There were over one million emergency room visits for adverse reactions to drugs made by older adults in 2008.
 - Of those, 61.5% were for persons 65 and older.
 - 61% were for females; 39% for males. (SAMHSA, 2008)
- Regarding detection, it is estimated that while 40% of substance abuse goes unrecognized in patients under the age of 60, 63% goes undetected in patients over 60. (Meyer, 2005)

Another factor of concern frequently reported is the large number of “baby boomers” entering the elderly cohort. In 2008, one in eight Americans was 60 and over, and during the next 20 years the percentage is expected to increase to approximately one in three. For the first time, there will be more people 65 and older than 14 and younger in the U. S. (McElhaney, 2008) Also, those in the baby-boom generation have a lifetime illicit drug use rate higher than those in the previous generation. (CA ADP, 2009)

Therefore, answers were sought for the following questions:

- Regarding seniors in Orange County, what quantifiable, objective data are available, if any, regarding:
 - Kinds of controlled substances commonly prescribed (e.g., pain relievers, tranquilizers, etc.)?
 - Prescription activity (number of prescriptions filled, type of drugs, quantities, and patterns of prescribing)?
 - Trends or changes in patterns of prescribing and/or consumption over recent years?
 - Indications of misuse or abuse (e.g., abnormally high quantities of drugs dispensed, signs of addiction)?
- Are there enough objective data available to support the development or expansion of prescription drug prevention and treatment programs for seniors in Orange County?

METHODOLOGY

Information to help provide answers to the study questions was sought from a number of local, state, and federal sources, including:

- Interviews with knowledgeable sources in relevant programs of the Orange County Health Care Agency:
 - Alcohol and Drug Abuse Services
 - Older Adult Services, specifically the Substance Abuse Resources Team (START)
 - Health Promotion Services, specifically the Alcohol Drug Education & Prevention Team (ADEPT)
- Consultations with a geriatric clinical pharmacist from the County Health Care Agency.
- An interview with drug enforcement officers from the OC Sheriff’s Department

Although the following entities are not within the purview of the Grand Jury, they were nevertheless con-

sulted to gain further information on the extent of the problem in this County:

- A request was sent to the California Controlled Substance Utilization Review & Evaluation System (CURES), for data specific to Orange County seniors
- A survey request was sent to hospital emergency rooms operating in the County
- Internet searches of national research and report data-bases, regarding statistics available for Orange County, if any, including:
 - The National Institute on Drug Abuse (NIDA)
 - The Substance Abuse & Mental Health Services Administration (SAMHSA), including:
 - The Drug Abuse Warning Network (DAWN)
 - The National Clearinghouse for Alcohol & Drug Information (NCADI)
 - The Center for Disease Control & Prevention (CDC)

FACTS

Fact: A comprehensive study of this topic was conducted by the Orange County Health Care Agency in 2009, but it focused on youth and young adults; almost nothing is known about this issue among seniors.

Fact: U.S. Census data for the period 2007 – 2010 indicate there were approximately 500,000 individuals in Orange County 60 years of age and older.

Fact: Empirical studies regarding the use of prescription drug medications by seniors have identified numerous high risk factors for accidents, misuse, and abuse.

ANALYSIS

Prescription drug abuse is a substance abuse problem different from the much more widely known and well-established illegal drug trade phenomenon that has plagued the U.S. and other nations for decades. Both kinds of drug abuse involve the misuse or misdirection of specific “controlled substances,” but one involves illegally obtained (or manufactured) drugs while the other involves drugs prescribed by a licensed physician or dentist, and dispensed by a licensed pharmacist. Just because the drugs have been prescribed by a family physician and dispensed by a neighborhood pharmacy, it doesn’t mean they are any less dangerous than street drugs.

Pharmaceuticals with the highest potential for abuse are those that relieve physical and psychological distress (e.g., pain, stress, anxiety, depression, loneliness) and/or those that produce an intoxication – a recreational “high,” with mood-elevation, increased energy, or euphoria. A main characteristic of drugs that produce these effects is they also tend to be highly addictive, physically, psychologically, or both.

Because this study investigates characteristics of prescription drug use among Orange County’s seniors, the drugs most likely to be misused or abused by this group were selected for analysis:

- Pain relievers (narcotic opiates, opioid compounds)
- Tranquilizers (central nervous system depressants, specifically benzodiazepines)

- Stimulants (central nervous system stimulants: amphetamines / methylphenidate)

Prescription drug misuse and abuse, as with the larger issue of drug abuse in general, is a complicated and multifaceted problem. Depending upon the age of the abuser, there are a range of antecedents and causes, different sources of supply (both licit and illicit), choice or popularity of drug to abuse, abuser characteristics, U.S. regional differences, and other psychosocial variables. Table 1 sorts some of these variables according to frequently reported age-ranges.

Table 1 – Characteristics of Prescription Drug Abuse According to Age Groups

Age Group	Prescription Drugs Likely to be Abused	Sources of Drugs	Common Non-Medical Uses
Middle School	stimulants, pain relievers, tranquilizers	home (parents' or relatives' pills) peers, street	experimenting, peer pressure, intoxication
High School	stimulants, tranquilizers, sedatives	peers, street, home, Internet	peer pressure, intoxication, experimenting
Young adults & college	stimulants, tranquilizers, sedatives	peers, street, Internet, healthcare MD, doctor shopping	intoxication, studying (cramming), social anxiety, peer pressure
Adults, middle age	tranquilizers, pain relievers, sedatives	healthcare MD, doctor shopping, Internet, peers	intoxication, elevate mood, addiction
Seniors	pain relievers, tranquilizers	multiple healthcare MDs, Internet	analgesia, elevate mood, addiction

Terminology

For many people, prescription drug names are a confusing letter salad of difficult-to-pronounce terms, with origins stemming from medicine, organic chemistry, and pharmaceutical marketing departments. Also, many drugs have both generic and trademark brand names, plus slang terms or street names and/or abbreviations. Finally, drugs usually are classified into categories using technical terms (e.g., opioids, benzodiazepines). For the three groups of drugs that are the focus of this study, Table 2 attempts to translate current pharmaceutical drug terminology into more common language.

Table 2 – Categories and Terms Used for Selected Drugs

Common Group Name	Prescribed to Treat:	Non-Medical Uses/Abuses	Generic Names	Brand Names	Street Names
Pain Relievers , narcotic opiates, opioid compounds	physical, organic pain; tissue damage; post surgeries	mood elevation, recreational high	oxycodone hydrocodone, et al	OxyContin* Vicodin Darvocet et al	Oxy, OC vitamin V
Tranquilizers , benzodiazepines (not Sedatives)	anxiety disorders, psych disorders, insomnia, PTSD	mood elevation, relax social inhibitions	alprazolam, diazepam et al	Xanax Valium et al	tranks candy
Stimulants , psychostimulants	problems of attention, concentration, alertness, narcolepsy, asthma	sustained alertness, mood elevation, dieting, studying	amphetimine methamphetamine, methylphenidate	Dexidrine Ritalin Adderall et al	speed crystal meth crank uppers

*Capitalized brand names indicate they are protected trademarks.

CURES

CURES stands for the Controlled Substance Utilization Review and Evaluation System. Established in 1996 as a pilot project by the California Board of Pharmacy, CURES is a database now maintained by the California Department of Justice, Bureau of Narcotic Enforcement. The database now contains over 86 million records regarding the dispensing of controlled substances within the state on a daily basis. California doctors and pharmacies are required to report to CURES, within seven days, information about the drug dispensed, quantity and strength, patient name and address, and prescriber name and authorization number. This is accomplished electronically at the point of service – the pharmacy. The goal of CURES is to reduce the diversion of pharmaceutical drugs for illegal or non-medical purposes, without affecting legitimate medical practice and patient care, and without compromising patient privacy. This would be accomplished, in part, by identifying “doctor shopping,” whereby a patient attempts to obtain illegal quantities of drugs from multiple prescribers, and by detecting excessive prescribing practices by unethical doctors.

The Grand Jury requested from CURES detailed information regarding prescription activity for Orange County seniors (61 years and older), including the number of prescriptions filled for the three classes of drugs described above, for the period from 2007 through 2010. Using the expert advice of a geriatric clinical pharmacist from the County Health Care Agency, Older Adult Services, a detailed analysis of the data was conducted with regard to Orange County seniors.

The CURES data included both number of prescriptions filled and the number of units specified. Units

are the number of “pills” – tablets, capsules, etc. Findings are based on the number or units rather than number of prescriptions, as the former is a more precise measure of the amount of drugs prescribed.

The following results are organized by drug category, and they present information regarding the quantity and annual changes in amounts of drugs prescribed during the years 2007 – 2010, in comparison to population growth figures during the same time period for County seniors.

Pain Relievers

This category was further divided into “pure” opioid-based narcotic analgesics, and those that are available as a compound drug – an opioid paired with, for example, an anti-inflammatory agent, such as codeine in combination with acetaminophen (Tylenol). Typical generic names include morphine sulphate, methadone hydrochloride, and oxycodone; typical brand names include OxyContin and Vicodin. Table 3 shows the number of units (pills, tablets, capsules, etc.) of these two groups prescribed to County seniors over the previous four years.

Table 3 - Number of Pain Relievers Prescribed for Seniors in Orange County, 2007 - 2010

Drugs in Millions of Units	2007	2008	2009	2010	Average Annual Increase
Opiates/Opioids	2.46	3.22	3.23	3.81	18.3%
Opioid Compounds	12.38	16.65	15.21	18.02	15.2%
Total Pain Relievers	14.84	19.87	18.44	21.83	15.7%

Table 3 indicates high quantities of pain relievers were prescribed during the period examined, and there were significant increases year over year. By 2010, almost 22 million units of pain relievers were prescribed for County seniors. Six times more opioid combinations were prescribed than single opiates, however both opioid products increased from 15–18% a year. According to U.S. Census data, during the same period of time, the population of County seniors increased on average 3% per year. The total amount of pain relievers prescribed in 2010 would have provided a prescription of 45 pills for each of the half-million seniors in the County.

Tranquilizers

This group typically contains anti-anxiety medications and muscle relaxants, frequently prescribed for their calming effects. They are different from barbiturate sedatives, also known as hypnotics (or downers, on the street), which are used to induce sleep, anesthesia, and even euthanasia. Sedatives have less potential for abuse because they typically incapacitate the user, and overdoses frequently are fatal, especially in combination with alcohol.

Typical generic and brand names for benzodiazepine tranquilizers include alprazolam (Xanax), diazepam (Valium), and lorazepam (Ativan).

The CURES data showed the amount of tranquilizers prescribed to seniors increased from 9.42 million units in 2007 to 12.68 million units in 2010. The average annual increase during that period was 11.5%,

which significantly outpaced senior population growth (3% per year). The number of tranquilizer units prescribed in 2010 would compare to a prescription of 25 pills for every senior in the County.

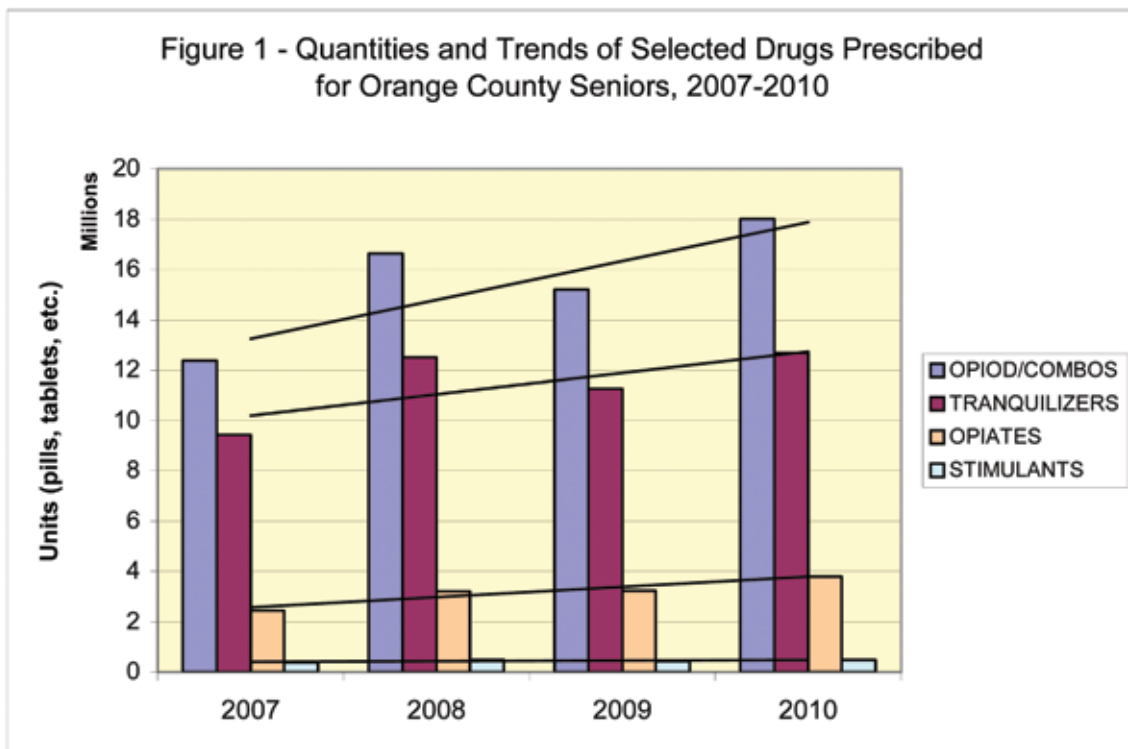
Stimulants

Unlike for other age-ranges, there are relatively few conditions for which stimulant medication is prescribed for seniors. It may be used to treat narcolepsy, a chronic sleep disorder characterized by excessive daytime sleepiness, and sometimes for major depression, when more effective anti-depressants haven't worked. Although it may be counter-intuitive, stimulants are not recommended for age-related dementia, to improve attention or memory, because those difficulties in the elderly are not responsive to psycho-stimulants.

Somewhat more in line with the limited indications for stimulant medication for seniors, the CURES data showed relatively smaller numbers for both annual quantities prescribed, and year to year annual increases. Units prescribed in 2007 were 383,000, up to 472,000 by 2010. The average annual increase, at 8%, still was more than twice that of senior population growth.

Trends and Issues

Figure 1 shows an overview of both quantities and the relative rates of annual increase for the three classes of drugs prescribed from 2007 to 2010. Opioid compounds account for both the highest number and



steepest rate of increase, with tranquilizers second and pure opiates third. Although the increases in prescribed stimulates still outpaces population growth numbers, the amounts are small compared to the other drugs.

With respect to the pain relievers in particular, the quantities prescribed and the large annual increases

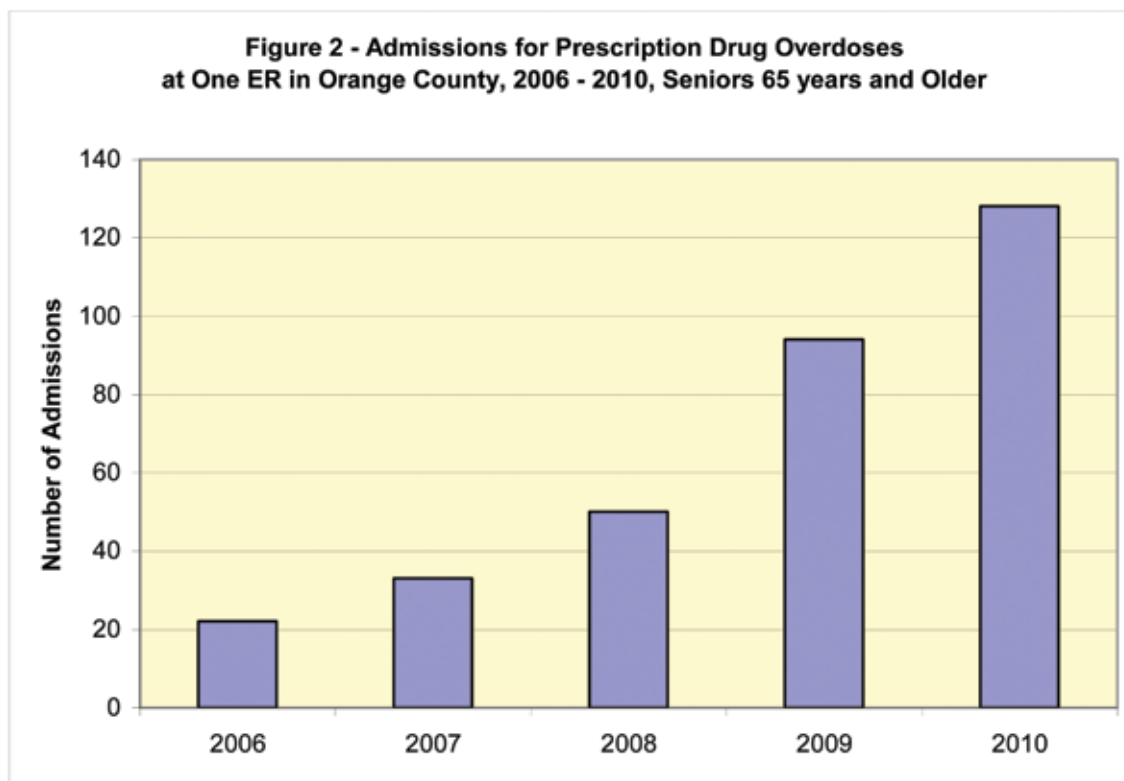
noted raise concerns. This primarily is because painkilling medication is not curative – it is prescribed for symptomatic relief. Pain is a symptom of other conditions that have their own causes and treatment. For that reason, and also because of its addictive potential, narcotic pain relievers typically are prescribed in limited quantities over short periods of time. It was noted earlier that the amount of pain relievers prescribed in 2010 was comparable to a prescription for 45 pills for every senior in the County. It is safe to assume that not each of the half million seniors in the County received a prescription for narcotic pain relievers during one year. Therefore the amounts of pain relievers being prescribed appear to be unaccountably high.

Drug Abuse Warning Network

Does the availability of high quantities of potentially addictive controlled substances for County seniors mean there is a problem of misuse or abuse? Knowing only the amount of drugs prescribed does not allow conclusions to be drawn about how the drugs actually are used or misused. Therefore, as one indication of a possible problem, data were sought from local hospital emergency rooms regarding numbers of prescription drug overdoses for seniors, which drugs might be involved, and if there are any recent trends or changes over time.

The Drug Abuse Warning Network (DAWN) is a federal public health data collection system that monitors drug-related emergency department (ED) visits and drug-related deaths, in order to track the impact of drug use, misuse, and abuse in the U.S. In Orange County, only one of the 23 hospital EDs has participated in the DAWN network, and data were requested from that facility to check for possible correlations with the above data analyzed from CURES.

Figure 2 illustrates unspecified prescription-drug-related ED admissions to the participating hospital for overmedication / overdose for seniors age 65 and older, reported to DAWN from 2006 to 2010. Although the specific drugs are not identified for this sample, on a nationwide basis DAWN reports that for prescription-drug-related ED admissions by older adults during the same time period, pain relievers were involved 44% of the time, followed by benzodiazepine tranquilizers at 25%, and antidepressants at 9%. (SAMHSA, 2010) Note these data are for prescription drugs only, not for emergency services due to illicit drugs (e.g., cocaine) or alcohol. Therefore it is reasonable to assume that most of the overdoses involved the drugs studied for this report.



The graph shows steadily increasing annual numbers from 2006 through 2010 for those 65 and older. Both the amounts and trend are remarkable, from 22 ED admissions for overdoses in 2006, to 128 in 2010. The 2010 number averages to over two admissions a week for prescription drug overdoses.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of Superior Court.

Based on its investigation of addictive prescription drugs and Orange County seniors, the 2010-2011 Orange County Grand Jury has five principal findings:

- F.1:** Average annual increases in the amount of potentially addictive medications being prescribed for Orange County seniors significantly outpaced population growth.
- F.2:** By 2010, large quantities of narcotic pain relievers and benzodiazepine tranquilizers were being prescribed for County seniors. Prescribing trends for these drugs indicate even higher numbers in coming years.
- F.3:** Data from one hospital emergency room in Orange County showed significant annual increases in admissions for those 65 and older for prescription drug overdoses during the period examined.
- F.4:** Questions remain regarding the ultimate disposition of the large quantities of pain relievers being prescribed annually for County seniors.

- F.5:** Little systematic data collection is taking place regarding indicators of prescription drug misuse or abuse (e.g., overdose rates, signs of substance abuse) among the County's seniors.

RECOMMENDATIONS:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests responses from the agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of addictive prescription drugs and Orange County seniors, the 2010-2011 Orange County Grand Jury has five principal recommendations:

- R.1:** **A comprehensive study of this topic, similar to the one conducted in 2009 by the County Health Care Agency regarding youth and young adults, to focus on County seniors.**
- R.2:** **Investigate the possibility of grant money for further study and research, including from major pharmaceutical corporations.**
- R.3:** **Promote or increase routine screening of elders for signs of prescription drug misuse or abuse at all County operated or contracted clinics and facilities.**
- R.4:** **Incorporate more systematic data collection and analysis during existing County outreach and intervention program efforts, such as by the County Health Care Agency's Older Adult Services, Substance Abuse Resources Team.**
- R.5:** **Access and make better use of Orange County-specific prescription drug data from existing governmental databases, in particular California's Controlled Substance Utilization Review and Evaluation System, and the U.S. Drug Abuse Warning Network.**

REFERENCES

- California Department of Alcohol and Drug Programs. (2009). "Summary Report and Recommendations on Prescription Drugs: Misuse, Abuse and Dependency." Sacramento, CA: California Department of Alcohol and Drug Programs.
- County of Orange Health Care Agency. (2009). "Prescription and Over-the-Counter Drug Abuse: Orange County Comprehensive Report." Available at <http://ochealthinfo.com/adept/publications.htm>.
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- McElhaney, L. Quoted in Basca, B. (2008). "The Elderly and Prescription Drug Misuse and Abuse." Santa Rosa, CA: Center for Applied Research Solutions, page 3.

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REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code Section 933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head 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.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a

county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are requested from the:

<u>Responding Agency</u>	<u>Findings</u>	<u>Recommendations</u>
Director, Orange County Health Care Agency	F1, F2, F3, F4, F5	R1, R2, R3, R4, R5

