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- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
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Sacramento, CA 95814

Please email a copy of this responses to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or fact leading to the identity of any person who provides information to the Grand Jury.

HIGH SCHOOL DROPOUTS:



**How are Districts in
Sacramento County Doing
and What are the Best
Practices for Improvements?**

HIGH SCHOOL DROPOUTS: HOW ARE DISTRICTS IN SACRAMENTO COUNTY DOING AND WHAT ARE THE BEST PRACTICES FOR IMPROVEMENTS?

SUMMARY

Like a thermometer reading an increase in body temperature, rising dropout and absentee rates register that something is not working properly inside a school district. The Sacramento County Grand Jury (SCGJ) determined that an investigation to discover strategies and best practices that help lower dropout rates and that can be replicated in all Sacramento County school districts would provide a guide for higher student graduation percentages and healthier school districts.

Additional government funding for public education seems unlikely. Proposition 13 (1978) limits the amount of property tax used for education, the percentage of state lottery funding is around 1% and Proposition 13 (2020) authorizing bonds for facility repair, construction and modernization at public schools was defeated in the March 3, 2020 election. The COVID-19 pandemic is another negative unknown factor for education funding. The financial difficulty that the Sacramento City Unified School District is experiencing demonstrates that all stakeholders must work together if the dropout rate in Sacramento County is going to continue to decrease.

The SCGJ interviewed district superintendents from two of the districts with lower dropout rates, two of the districts with higher dropout rates, and the Sacramento County Superintendent of Schools. The SCGJ discovered that most school districts in the County were doing a good job of graduating their students in four years but could improve if they instituted the recommendations of preparing for budget cuts into 2021 and beyond, be proactive in developing community partnerships and implementing activities that encourage students to stay in school.

BACKGROUND

In both the United States and California, public high school dropout rates are declining. According to a 2018 National Center for Education Statistics report, the number of students entering ninth grade and graduating with a traditional diploma after four years increased from 79 percent in 2010–2011 to 85 percent in 2016–2017.

According to an Ohio Department of Education study, best practices have played an important role in achieving these gains. The following practices, organized under six categories, are based on the State Board of Education's Parent and Family Involvement Policy, the National PTA's

National Standards for Family-School Partnerships and Joyce L. Epstein's Framework of Six Types of (Parent) Involvement.

- Create a welcoming school climate.
- Provide family information related to child development and creating supportive learning environments.
- Establish effective school-to-home and home-to-school communication.
- Strengthen families' knowledge and skills to support and extend their children's learning at home and in the community.
- Engage families in school planning, leadership and meaningful volunteer opportunities.
- Connect students and families to community resources that strengthen and support students' learning and well-being.

The California Department of Education mandates that public school districts offer programs that enable students to graduate within four years. The Sacramento County Office of Education ensures that Sacramento County's public high school students can meet graduation goals while receiving quality education services in the following ways:

- Ensure that students are prepared for success in college, career and community,
- Provide educational leadership to the diverse groups that are served,
- Work creatively and collaboratively with partners, and
- Give educators and support staff the training and tools needed for success.

Public education is one of the great hallmarks of modern democracy. Yet every year over 1.2 million students drop out of high school in the United States, or about 3,300 every day. Fifteen percent of freshmen fail to graduate within four years. There are nine public school districts in Sacramento County with high schools (grades 9-12). These districts serve 245,811 students as of September 2019. The Sacramento County high school dropout rate is 16 percent, according to the California Department of Education School Dashboard in 2018, and overall, the California high school dropout rate is 17 percent, according to the United States Department of Education.

Decreases in funding, higher expectations for a more professional core of highly trained teachers and meeting modern expectations for better-prepared graduates are just a few of the changes in education. A critical component for students transitioning to more advanced, and often, more rewarding opportunities is a high school diploma. These opportunities can include higher education, career or technical training, entering the job market or national service. Individuals and communities alike benefit significantly from students who are better educated and have job skills. Self-esteem, health, relationships and leisure time are contributing factors to a person's well-being, all of which are usually associated with a more successful lifestyle. The February 4, 2020 edition of U.S. News & World Report Best Jobs rankings, lists 25 careers that offer nice work-life balance and strong job growth while only requiring a high

school diploma. According to a study by NPR in 2015, about 84 percent of people in prison have never graduated from high school.

The Grand Jury investigated Sacramento County public schools to determine factors that influence dropout rates. Recognizing the importance of a high school diploma necessary to further personal and social goals, the Grand Jury decided to examine both school districts with higher dropout rates and those with lower dropout rates to determine best practices. School districts with higher dropout rates cannot be dismissed as doing a poor job of getting students to graduate but may be better understood and consequently learned from by examining what factual obstacles are inhibiting the districts from achieving lower dropout rates.

What constitutes a public high school graduate must be identified and defined. The Sacramento County Office of Education was instrumental in assisting the Grand Jury in better understanding the increasingly complex world of public instruction data. The Sacramento County Superintendent of Schools provided the Grand Jury with documents that define the Adjusted Cohort Graduation Rate (ACGR) as the percentage of students who enter the ninth grade and graduate within four years. The dropout rate is the percentage of students who do not graduate within four years minus a percentage of students that fall into a category with extenuating circumstances such as foster students, special education students and English as Second Language students. Decreasing the dropout rate has a direct correlation to increasing the ACGR.

METHODOLOGY

The Grand Jury conducted significant research into areas related to dropout rates. The following sources provided research material for this investigation:

- American Psychological Association
- B Street Theatre
- California Department of Education
- First Tee of Greater Sacramento
- Homesnacks.net
- Institute of Education Sciences
- Kidsdata.org
- National Education Association
- Point West Rotary Foundation
- Public Policy Institute of California
- Raleys.com/about/giving/extra-credit-grants
- Sacramento County Office of Education
- The National Mentoring Partnership

The Grand Jury also conducted the following interviews:

- Sacramento County Superintendent of Schools
- Superintendent of Elk Grove Unified School District
- Superintendent of Natomas Unified School District
- Superintendent of San Juan Unified School District
- Superintendent of Twin Rivers Unified School District

DISCUSSION

Public education in California is organized into three tiers of responsibility. At the state level, a State Superintendent of Education is elected for a four-year term by popular vote. The second tier in California education is county school districts made up of county school board members elected in a general election by county residents every four years. These boards hire a County Superintendent. The third tier in California Education is local school districts within each county that are made up of board members elected from in-district residents every four years. These boards select and hire a district superintendent, negotiate labor contracts and develop financial budgets.

The State Superintendent of Education coordinates current and new laws and codes relevant to education with county superintendents within the State. Additionally, the State Superintendent of Education is responsible for developing state academic standards and coordinating State and Federal funding of California public schools. Individual county school superintendents are responsible for supervising and occasionally, managing the fiduciary health of local school districts. County Superintendents also coordinate a variety of academic tasks not generally covered by any local school district such as severe special education services, home and hospital education services, juvenile detention education services, and vocational education. Local school districts are responsible for providing a comprehensive K-12 education within their respective district boundaries.

All three tiers of California public education need to collaborate to deliver the best educational experiences possible, which includes education funding constraints, integrating current and emerging education laws and meeting the needs of a diverse student population. Successful public education depends on each party of educators from the State level, to County level and finally to individual districts to provide for and serve California student stakeholders. Administrators, employee unions, parents and teachers must work together to decrease dropout rates, while staying fiscally sound. All stakeholders should have a seat at the table where decisions are made.

Students learn at different rates. They must be proficient in a subject before they advance; necessitating that class availability is scheduled by need. It is much more cost-efficient and effective to have a student retake a class than to be held back a year. Summer school, senior

extension programs, credit recovery and intersessions also help get students back on a graduation track.

After high school, not every student is going on to higher education. Natomas Unified School District uses a “Road Map” system. The technique relies on establishing individual milestones and career paths for each student as well as at set intervals charting their incremental progress toward accomplishing those goals.

Mentoring has significant positive effects on two early warning indicators that a student may be falling off-track:

- High levels of absenteeism
 - Students who meet regularly with their mentors are 52 percent less likely than their peers to skip a day of school and 37 percent less likely to skip a class.¹
- Recurring behavior problems
 - Young adults who face an opportunity gap but have a mentor are 55 percent more likely to be enrolled in college than those who did not have a mentor.²
 - In addition to better school attendance and a better chance of going on to higher education, mentored youth maintain better attitudes toward school.³

Community partnerships with service organizations like Rotary and Optimist can help provide funding, mentors and volunteers. In the past fiscal year, the Point West Rotary Foundation provided over \$35,000 in grants and hundreds of volunteer hours to Sacramento County school districts.

Area organizations can provide activities that keep students in school. The First Tee of Greater Sacramento works with area schools to help youth ages 7 to 17 learn the game of golf. Eighty-eight elementary schools in our community are teeing off thanks to The First Tees Nine Core Values and Nine Healthy Habits. No one is turned down because of financial constraints. The mission of the B Street School Tour has been to provide entertainment to youth while instilling in them a love for the theatre and a specific appreciation for the art of playwriting. B Street Theatre performs 12 times per week, 38 weeks per year in schools, reaching approximately 200,000 youth annually. The performances are a great way to introduce youth to live theatre by expressing the art of telling stories on stage.

Often local businesses offer grants for schools. For example, Raley’s has a grant program called “Extra Credit Grants.” Accredited K-12 academic institutions (public, charter and private) are invited to apply for funding once per school year. Grant amounts are determined by the size

¹ Public/Private Ventures Study of Big Brother, Big Sister

² “The Mentoring Effect,” 2014

³ “The Role of Risk,” 2013

and scope of the proposed project—there is no minimum or maximum funding request required.

FINDINGS

F1. Public education in California is organized into three tiers of responsibility: State, County and District. The lines of communication are top-down and new responsibilities are added at each level. School districts are governed by a locally elected school board of directors that are responsible for hiring a district superintendent, labor contracts, and budgeting. It is imperative that all levels work together to decrease dropouts.

F2. Government funding is not going to keep pace with the needs of public education. If the goal of decreasing dropout rates is going to be met, then schools and school districts must be proactive in finding new sources of revenue and program support. The impact of the COVID-19 crises on education funding is difficult to quantify currently, but it is going to have a negative effect in 2020-21 and beyond.

F3. Protocols to identify at-risk students are essential to have resources in place when needed. Student connectivity with mentors (coaches, educational staff, and extracurricular staff) is a deterrent to dropping out of school.

F4. Art, music, sports, and technical classes help keep students engaged in school.

F5. Career and technical education provide alternative graduation pathways for students who may not be able or interested in pursuing a college degree. The “Road Map” system used by the Natomas school district needs to be instituted Countywide.

F6. Teamwork for common goals by all invested parties is essential for lowering dropout and raising graduation rates. Simply stated, if the local community wants better schools, then the local community needs to be positively involved.

RECOMMENDATIONS

The goal of the Grand Jury investigation was to discover strategies and best practices that help lower dropout rates, improve graduation rates, and can be replicated in all Sacramento County school districts:

R1. The Sacramento County Office of Education should facilitate the identification and use of best practices to reduce dropout rates by serving as a clearinghouse for such efforts by different schools and school districts, utilizing its website and other media to share this information, and possibly convening periodic meetings and standing committees focused on this outcome. The County Office of Education should advance such efforts during 2020-2021.

R2. District school boards and employee unions should recognize that because education funding can vary widely from year to year, contracts for wages and benefits should be fair to all invested parties while keeping the district financially healthy. Because of the uncertainty of COVID-19 on individual district education budgets this needs to be addressed for the 2020-21 school year at the earliest possible time.

R3. School districts and school administrators should be proactive in developing community partnerships with service clubs, area 501 (c) (3) s and local businesses. District Superintendents need to look for community grants and develop outreach programs in every school during the 2020-2021 school year.

R4. Sacramento County district school boards should budget for providing a broad array of services for at-risk students, such as promoting volunteers for tutoring and mentoring; hiring more social service professionals, including social workers, psychologists, and counselors; and programs such as summer school, intercession and remediation to help students get back on a four-year graduation track. Schools should further such efforts during 2020-2021.

R5. Sacramento County district school boards should mandate that each school establish at least one new student club, one new sports program, and one other activity that engages students and keeps them in school. Schools should implement this recommendation by June 30, 2021.

GLOSSARY

ACGR (Adjusted Cohort Graduation Rate) -- Percentage of students who enter ninth grade and graduate within four years.

Dashboard (California Department of Education School Dashboard) -- An online tool designed to help communities access information about K-12 schools and districts.

High School Dropout -- A student who does not graduate within four years, excluding foster students, Juvenile Hall students, special education students and English as Second Language (ESL) students.

High School Graduate -- A student who completes graduation requirements within four years based on the Adjusted Cohort Graduation Rate.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2019-2020 Sacramento County Grand jury requests a response from the following officials within 90 days:

- David W. Gordon
County Superintendent of Schools
Sacramento County Office of Education
10474 Mather Boulevard
P.O. Box 269003
Sacramento, CA 95826-9003
- Christopher R. Hoffman
District Superintendent
Elk Grove Unified School District (K-12)
9510 Elk Grove-Florin Road
Elk Grove, CA 95624
- Chris Evans
District Superintendent
Natomas Unified School District (K-12)
1901 Arena Blvd.
Sacramento, CA 95834
- Kent Kern
Superintendent
San Juan Unified School District (K-12)
3738 Walnut Avenue
P.O. Box 477
Carmichael, CA 95609-0477
- Steve Martinez, Ed.D.
District Superintendent
Twin Rivers Unified School District (K-12)
3222 Winona Way
North Highlands, CA 95660

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
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Sacramento, CA 95814

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Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES

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- Lisa Kaplan, Board President
Natomas Unified School District
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Sacramento, CA 95834
- Paula Villescuz, Board President
San Juan Unified School District
3738 Walnut Avenue
Carmichael, CA 95608
- Michelle Rivas, Board President
Twin Rivers Unified School District
5115 Dudley Blvd
McClellan Park, CA 95652

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911 – THE SACRAMENTO POLICE DEPARTMENT VACANCY CRISIS



Until the vacancy crisis within the Sacramento Police Department is solved, police will have increasingly less time to devote to building the kinds of relationships with the community necessary to establish the trust shown in the picture above.

**Pictures in this report courtesy
of the Sacramento Police Department**

911: THE SACRAMENTO POLICE DEPARTMENT STAFFING CRISIS



Recruitment ad for Sacramento Police Department

SUMMARY

The mission of the Sacramento Police Department is to work in partnership with the community to protect life and property, solve neighborhood problems and enhance the quality of life in our city, as noted in the FY2019/20 Proposed Budget for the Sacramento Police Department. In recent years the number of police officers in the Sacramento Police Department has remained significantly lower than authorized, with the number of new officers offset by retirements and transfers. Despite the Department's efforts to fill the vacancy gap through increased recruiting efforts, a substantially greater investment in recruitment is needed. At the same time, increased use of Community Service Officers (CSO) and development of other alternative support resources will help the Department meet the law enforcement needs of the community.

BACKGROUND

Starting in 2008, the recession forced the City of Sacramento to lay off police officers and civilians within the Sacramento Police Department. The cuts included 372 officers between 2008 and 2011. Not only was the number of sworn officers reduced, the Department has been unable to even fill the reduced number of authorized positions and is currently 65 below the

level authorized. Chief Daniel Hahn has called the recruitment situation a “crisis”, as have other City and Department officials, based on public reports.¹



Sacramento Police helicopter, K-9 vehicle

The Federal Bureau of Investigation Crime Data Explorer shows the national average number of police officers per population is two sworn officers per 1,000 people. Given that metric, Sacramento should have a minimum of 1,000 sworn police officers, although the Department’s current ratio is 1.34 officers per 1,000 people. By contrast, Long Beach and Fresno (two cities close in size to Sacramento) have much larger sworn officer counts (See Figure 1).

Figure 1: City Police Departments Comparison Chart 2018-2019

City	Population	Sworn Officers	Civilian Staff	Total Staff	Budget
Sacramento	501,344	747	323	1,070	\$147,251,730
Fresno	538,311	845	272	1,117	\$201,764,000
Long Beach	470,139	822	420	1,242	\$220,077,449

Source: 2018-2019 Fresno PD, Long Beach PD and Sacramento PD budgets

Police officers are the backbone of the Department and its greatest asset. Yet it is the officer patrol division that has been most negatively impacted by the staffing shortage and its inability to fill the vacancies. City and Departmental representatives reported having proactive policing with the citizens is of paramount importance. Proactive policing involves building relationships and everyday human contact within the communities the officers serve. Unfortunately, due to

¹ An October 7, 2017 Sacramento Bee article stated the Sacramento Police force is one of the nation’s most understaffed for a city of its size. <https://www.sacbee.com/news/local/article177482341.html>

staffing shortages, this is now a rarity as officers spend much of their time going from call to call, thereby limiting the amount of officer time available for the community. The lack of reporting resources in patrol cars and the limited number of substations where reports can be filed compounds the problem.

Sacramento has continued to grow away from the city center towards Natomas to the north and to south Sacramento. In order for the officers patrolling these areas and other high growth areas to connect with the communities and file administrative reports, more substations need to be added. At the time of this report there are four substations with personnel assigned to them for deployment purposes: one North on Marysville Blvd, one South on Franklin Blvd/ Fruitridge Rd., one Central on Richards Blvd and one at Headquarters where the Police Department also houses the Investigations Division and some administrative personnel at the Public Safety building on Freeport Blvd. There are just four substations for a 100 square mile city. Another two or three substations in strategic areas would be beneficial. The possibility of renting vacant storefronts could avoid a large capital outlay.

On a normal weekly schedule, officers work four 10-hour shifts. The shortage of patrol officers has contributed to increasing overtime hours for those officers on call and to rising overtime costs for the police department budget. Most of the Department's nearly one million dollar per year overtime expenses are funded from the budget line item for unfilled vacancies. In addition, the Department's overtime budget covers only about 15 percent of the Department's actual overtime expenses. Figure 2 below indicates overtime is a significant expense to the overall operating budget with 2019 being the largest of the five-year view at 8.7 percent. 2020 figures are estimates at the time of this report.

Figure 2: Sacramento Police Dept Budget

Description	2016	2017	2018	2019	2020*
Overtime Total Expense	\$7,385,777	\$7,301,435	\$9,605,625	\$12,800,284	\$7,841,831
Approved Operating Budget	\$125,278,517	\$132,238,944	\$131,666,351	\$147,251,730	\$150,318,120
Percent of Total Budget	5.9%	5.5%	7.3%	8.7%	5.2%

The strain of overtime and the pressure of moving from call to call have led to burnout. In some cases, burnout results in either early retirement or leaving the Police Department for another agency. Figure 3 shows the reasons officers give for leaving the department that are not related to retirement. It is interesting to note that the number one reason for leaving the Sacramento Police Department is resignation to another agency.

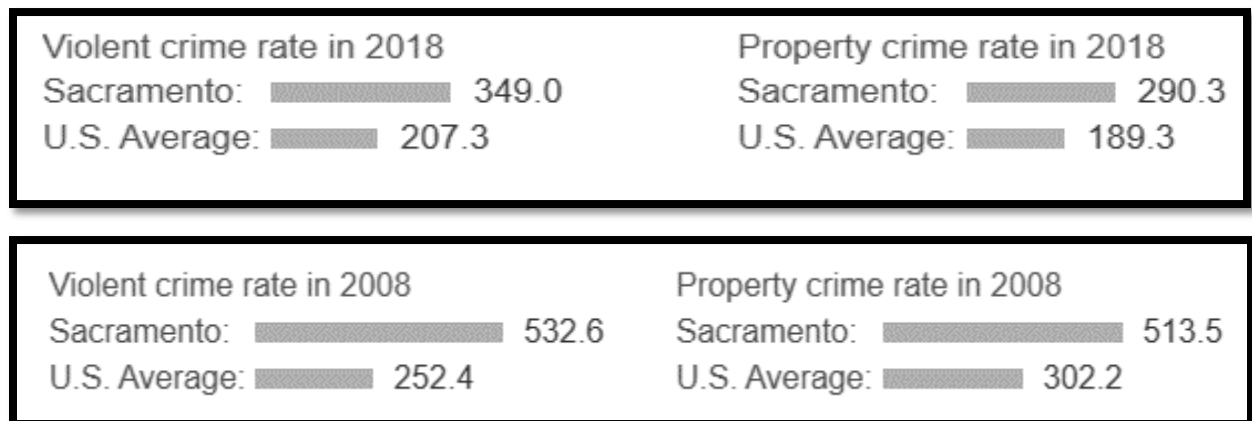
According to one Departmental report, the high number of vacancies in the Department has led dispatchers to triage calls by prioritizing the most extreme or violent crimes, which can result in delays in responding to some minor crimes as well as underreporting more serious crimes.

Figure 3: Sworn Classification Only

	INDUSTRIAL DISABILITY RETIREMENT	RETIREMENT	RESIGNATION TO OTHER AGENCY	RELEASED FROM FIELD TRAINING OR PROBATION	TERMINATION	DEATH	Total	Comments
2015	4	4	15	2	1	0	26	
2016	8	4	14	6	0	0	32	
2017	5	8	37	1	1	0	52	5 FTEs who resigned returned.
2018	4	7	12	5	2	0	30	1 FTE termination returned.
2019	6	3	12	0	0	1	22	2 FTEs who resigned returned.

Despite the reduction in police staffing, crime rates have declined during this period. However, the ways in which crimes are reported has also changed significantly so there is no direct correlation between staffing and crimes reported. The crime rate is a function of the number of crimes reported by law enforcement as well as the definition of reportable crimes. Over the past 10 years, changes in laws have changed the way the Department handles its priorities. Fewer serious crimes have been reported by police and offenses previously classified as felonies are now classified as misdemeanors, lowering the statistical reporting of serious crime. However, even with the classification changes and at 2018 rates, the Sacramento crime rate exceeds the U.S. average for both violent and property crimes.² (See Figure 4)

Figure 4: Sacramento Crime Rate



² www.usa.com

With increasing population, more downtown and Sacramento County homelessness³, increasing numbers of citizens with mental health challenges on the streets and increased numbers of released inmates, one would certainly expect an increase in the crime rate. Has the shortage of patrol officers made it difficult for the Police Department to keep up with crime in the city?

The FY2019-2020 Proposed Budget for the Sacramento Police Department states the measure of crime is an indication of the overall safety in a community. Safe neighborhoods and safe public spaces create a sense of well-being to citizens and visitors. As a result of the recession layoffs, important units dealing with issues such as gang violence, vice/sex trafficking and boating violations as well as the Crime Scene Investigation Unit (CSI) were disbanded and have yet to be reinstated.

The Department has reinstituted the use of sworn Community Service Officers (CSO). The CSO program was one of the casualties of the recession budget cuts. In 2007 before the CSO position was eliminated, the response time to low level crimes was 20 to 26 minutes. After the position was eliminated, the response time to the same calls went up to 50 minutes, only to fall back to 38 minutes once the position was reintroduced. The program now has approximately 20 officers, with an additional 20 or so CSO positions budgeted for hire in 2020. They are categorized as either CSO 1: Entry Level, or CSO 2: A CSO currently in the Academy.

The CSO position is a limited term entry level position designed to help prepare those interested in a career as a police officer. It is a support position for patrol officers. The CSOs work in the field to assist patrol officers with a variety of tasks, such as investigating burglaries, vehicle thefts and missing persons as well as assisting with processing and photographing scenes, establishing scene protection, crowd control and traffic enforcement. The use of CSOs relieves some of the more routine task pressures from the patrol officers.⁴

METHODOLOGY

In order to understand the reasons for the vacancy gap in the Police Department, the Grand Jury interviewed police and city officials, reviewed Departmental and City documentation, electronic news reports and conducted onsite reviews of Department facilities.

Onsite Visits

- Sacramento Police Academy
- Sacramento Police Headquarters

³ In January 2019, the Point in Time (PIT) Count was 5,770 people experiencing homelessness on any given night. *Sacramento Steps Forward*.

⁴ City of Sacramento Police Department position description on the City's website: www.cityofsacramento.org

Interviews

- Sacramento City Manager
- Sacramento Chief of Police
- Sacramento Police Officer Association Representative
- Director of Human Resources for the City of Sacramento
- Captain of the Sacramento Police Academy

Documentation

- FBI Data Explorer (online)
- Fresno, Long Beach and Sacramento Police Department budgets, 2018-2019
- 2016-2020 Sacramento Police Department budgets
- 2010 Pew Research Center Survey on Millennial Tattoos
- "We have a national crisis': Police relax old standards to fill positions fewer want," The Sacramento Bee, November 14, 2016
- Officers.Com (online magazine)
- USA.com (online city data)
- In Public Service (online magazine)
- "Investigation on police and city management strained relationship," Fox 40 News (online), June 9, 2017
- "Are Elected Officials Helping or Hurting Police?" National Police Support Fund, January 14, 2020. www.supportfund.com
- "Nationally there were 1,000 incidents of fatal police shootings of civilians in 2015," Washington Post, December 26, 2015
- City of Sacramento website: www.cityofsacramento.org

DISCUSSION

In order to understand the reasons for the vacancy gap in the Police Department, the Grand Jury reviewed Departmental application requirements, salary and benefits, morale, community support and application time.

Salaries and Benefits

While the Grand Jury found that salary and benefits of Sacramento Police Department are lower than other local law enforcement agencies with whom they compete for recruits, we also determined anecdotally that slightly lower salaries and benefits are not the most critical factors in potential applicants' assessments of the desirability of seeking employment in law enforcement. Rather, it has been the Grand Jury's impression, based on our interviews, that for most officers, the reason some prospective candidates chose the Sacramento Police Department over the Highway Patrol or the Sheriff's Department was due to the desire to be

part of an agency tasked with law enforcement responsibilities in a more kinetic, urban environment. The salary range under the latest union contract of between \$85,000 and \$127,000 is comparable to the salary ranges of other law enforcement agencies in the area, including the California Highway Patrol. Salary Incentives available to Sacramento police officers include the following:

- Earning a Bachelor's Degree (5 percent increase)
- Earning an Intermediate POST Certificate (5 percent increase)
- Earning an Advanced POST Certificate (8 percent increase)
- Serving 17 years on the force (3 percent increase)
- Becoming a Training officer (9.5 percent increase)
- Becoming a Detective (9.5 percent increase)

Morale and Community Support

The staffing crisis is not limited to the Sacramento area. It is a nation-wide issue. The perception of the police, and as a result policing as a career, appears to be at an all-time low. The occurrence of high-profile incidents of police officer shootings both nation-wide and locally have tainted the profession of policing.⁵ Recruitment applications in Sacramento have dropped 50 percent over the past decade.

The public's perception of law enforcement is a critical factor affecting recruiting. Potential recruits may be concerned that the profession is no longer held in high esteem. In Sacramento, after the Stephon Clarke shooting in February 2018, there was widespread community criticism of the Police Department as well as citizen allegations of racial animus. According to an online police magazine entitled In Public Safety, "Recruiting and retaining qualified police officers is one of the greatest challenges facing law enforcement leaders. Low pay, antiquated hiring practices, negative public perception, high attrition rates, exposure to chronic stress and trauma, and increasing responsibilities all contribute to the downturn in the number of police applicants."⁶

Community distrust of the police undermines morale within the Police Department which, in turn, affects the retention of good officers (See Figure 3) that most attrition is attributable to transfers to other agencies. In a 2017 Fox 40 news special entitled "Sacramento Officers Speak on Strained Relationship with Department, City Leadership"⁷ officers spoke about the poor relationship between the Mayor and the then Chief Brian Louie. Three unnamed police officers alleged that the Mayor was not "pro-police" and the then current Chief Louie did not "have

⁵ Nationally, there were 1,000 incidents of fatal police shootings of civilians in 2015. Washington Post. https://www.washingtonpost.com/sf/investigative/2015/12/26/a-year-of-reckoning-police-fatally-shoot-nearly-1000/?utm_term=.7c1810e651af

⁶ In Public Safety, January 14, 2019.

⁷ <https://fox40.com/news/local-news/sacramento-officers-speak-on-strained-relationship-with-department-city-leadership/>

their backs" in defending the Department against alleged criticism of the Department by the Mayor.

Since that time, the City has hired Daniel Hahn as the new Police Chief. Despite the appointment of a new Chief, the community's distrust of the police was severely tested during the aftermath of the tragic shooting of Stephon Clarke. Under these circumstances, people may be less likely to consider careers in law enforcement and parents may discourage their children from seeking careers in law enforcement.

Efforts by the Department to improve police/community relations and to strengthen community respect for the law enforcement profession include the following:

- Expanded community engagement training for recruits in the Academy
- Sacramento Police Department boot camp program to help future police officers train for the physical demands of the policing profession
- The "Walk in My Shoes" Program which promotes stronger relationships and fosters a better understanding between officers and community members



Community member greeting Sacramento police officers at recruiting booth

- The evaluation of the Body Worn Camera (BWC) program
- The Start Smart Driver's Education Program focusing on common causes of collisions
- The Links for Law Enforcement partnering with local Community Based Organizations
- The implementation of the Crisis Intervention Training (CIT) program
- Redeployment of the Problem Oriented Policing Program (POP) teams throughout the city

Outreach between the Department and the community leaders appears to have been sporadic and semi-annual open forum town hall style meetings with police officers, moderated by the Mayor, City Manager, Police Chief and the Police Union Representative would give officers and management an opportunity to address areas of concern and interest within the department.

Recruitment

Attrition continues to outpace the Police Department's ability to hire new staff. The Sacramento City government is amenable to hiring more police officers but only once current officer vacancies are filled.

There is no line item in the 2020-21 police budget specifically for recruiting and the recruitment is carried out in-house by officers who rotate through the assignment continuously. This process provides no plan and/or consistency for the hiring process. Officers are not routinely consulted by senior management regarding strengthening of recruitment policies, nor are professional recruitment advisors engaged to help develop and implement a more aggressive recruitment strategy. The Grand Jury found it is a good idea to engage all officers in the recruitment process, although there should be some continuity and consistency with the recruiting position. The Grand Jury also found that having a full-time professional recruiter who understands the target candidates, at this point Gen Y most often referred to as millennials, would be beneficial. The professional recruiter's staff would continue to be augmented with police officers assigned to the task who have an interest in recruiting and who would be trained to specialize in recruiting. In addition, the Department could establish a committee or forum of younger officers to provide input on the type of "incentives" or programs that are geared to the younger professional lifestyle in order to attract new officers.

While strengthening recruitment efforts is a goal of the Department, allocation of resources in support of recruitment of potential candidates has been a relatively low priority. The recruitment positions do not include police officers who wish to be trained to specialize in recruitment. To secure more recruits for the candidate pipeline, the Police Department has increased its outreach with rap videos and freeway signage and has initiated several changes to requirements placed on candidates which previously were potential deterrents.⁸

First, the Police Department is beginning to relax the tattoo requirements that have been in place for years.⁹ Previously tattoos were only allowed if fully covered. The new, relaxed policy

⁸ "We have a national crisis: Police Relax old Standards to fill fewer positions nobody wants," The Sacramento Bee, November 14, 2012. <https://www.sacbee.com/news/nation-world/national/article114717463.html>.

⁹ A 2010 Pew Research Center Survey found 40 percent of millennials (Gen Y people born between 1980 and 2000) have tattoos.

will possibly enable police officers to more readily relate to a segment of the people they are sworn to protect. In addition, the Police Department is reviewing policies on below the collar pony tails and body piercings.

Secondly, the Police Department has relaxed the education requirement (currently A.A. Degree or 60 hours of college credit) for ex-military personnel who bring a level of paramilitary experience to the Department, although the potential impact on recruiting may be minimal.¹⁰ The education requirements for lateral police officer transfers are more restrictive than for ex-military personnel. Currently lateral transfers, regardless of service in good standing, cannot enter the transfer process to Sacramento unless they meet the current education requirements, whereas a military veteran with no law enforcement experience has those same requirements waived.

A principal factor that impacts recruitment efforts is the Department's physical and academic qualifications that applicants must meet before even being allowed to apply for Police Department employment. The Department has criteria for job performance and success that could be used to evaluate candidates' potential for success as police officers. However, the current practice of screening out candidates for technical reasons before the Department has had the opportunity to evaluate how the candidates' life skills and abilities measure up to the Department's criteria for success may unnecessarily limit the pool of candidates before they can be evaluated (see below, Figure 5).

Figure 5. Candidates entering the Hiring Process

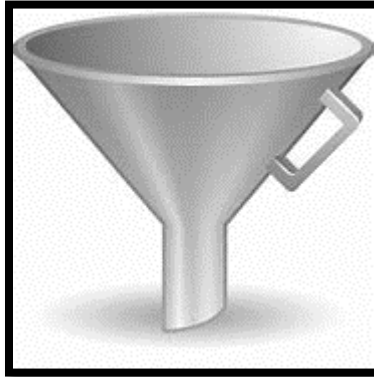


The current process is restricting the number of candidates who enter the pipeline whereas if you turn the funnel to its proper position (See figure 6), the number of candidates entering the

¹⁰ The Pew survey (above, n 9) found that only two percent of millennials are ex-military so it is unsure how much this will help the applicant pool.

hiring process and ultimately the Academy increases exponentially, which is the preference of the Academy Captain.

Figure 6: Candidates entering the Hiring Process



Qualified Recruits Graduating the Police Academy

According to the Academy Captain, the Academy and assigned staff members may be better able to determine a potential officer's suitability than a process that screens out candidates before they have been interviewed. Instead of eliminating so many potential candidates prior to entering the hiring process, the Sacramento Police Department should consider accepting those of good character and an interest in a career in law enforcement. New officers would then be added to the force upon the successful completion of their Academy program.

Application Process

Another factor impacting recruitment is the amount of time it takes for a candidate to complete the application process. Departmental representatives estimate the recruitment process can take up to 18 months from application to admission and includes a written exam, physical ability test, oral interview, background investigation, and medical and psychological evaluations. Although the candidate's delay in providing required documentation can be a significant factor in delaying the process, Departmental representatives believe the process time could be reduced to a maximum of six months.

With a shortened process, fewer potential candidates would get discouraged or find other law enforcement opportunities. Shortening the hiring process keeps potential recruits in the hiring pipeline until they enter the Academy.

An additional factor impacting recruitment is the "washout" rate (the percent of trainees who do not complete Academy training). The number one reason a candidate washes out is due to

a recruit resigning from the Academy (11.49 percent). Two other factors are failure to meet POST firearms and/or driving requirements (3.44 percent)¹¹. In most of those instances, candidates are encouraged to enroll in the Pre-Academy to improve their skills in these areas before re-enrolling in the Academy. The Department is working with POST officials to adjust the requirements.

The Police Academy is now sending all candidates through the Pre-Academy program with the hope of reducing the dropout rate. The Pre-Academy prepares the candidates for the rigors of the full Academy as well as focusing on driving and firearms training in order to reduce washout rates. This has increased the percentage of those graduating and is beginning to lower the number of recruits washing out or leaving the Academy.



Sacramento Police Academy graduation ceremony

Candidates who are not successful in passing the Academy program are sent back to the Department to serve as a CSO 2 until the next Academy begins. This practice helps retain the recruit with pay and benefits until they are ready to enter the Academy again. At the time of this report there were 29 Sacramento Police Department candidates in the Academy and after 28 weeks no candidates had washed out.

As a Non-Affiliated Police Academy, the Sacramento Police Academy serves not just the Sacramento Police Department but other police departments throughout the State. At the time of this report, the Academy class has 29 Sacramento Police Department recruits along with 22 recruits from other cities and counties. The combined group had a graduation rate of 72 percent.

Sacramento is the capital of the State of California and is a vibrant area with a growing population. The city needs and deserves a police force which can protect its people and

¹¹ Sacramento Police Department Academy Release List 2019

property, thereby enhancing the overall quality of life. The Grand Jury noted our elected officials must place high priority on providing resources required to return the Police Department to full staffing levels.

ADDENDUM: At the time of writing this report there is discussion underway regarding the release of hundreds of inmates from the Sacramento main jail into Sacramento County to help curb the spread of the COVID 19 virus outbreak. If this action is carried out there could be additional pressure placed on an already understaffed Police Department.

FINDINGS

- F1.** For several years Sacramento PD has lagged behind the national standard for number of officers based on population. This was caused by budget reductions during the 2008 recession resulting in staff reductions that, in spite of significant recruitment efforts, have never been fully restored.
- F2.** While recruitment seems to be a high priority within the Department, there is no line item budget for recruiting police officers and there is no continuity in police officer recruitment staffing.
- F3.** Unlike other Northern California law enforcement agencies, the Sacramento Police Department requires a potential recruit or transfer from another agency to have an A.A. Degree or 60 hours of college instruction. While the Department believes the requirement helps to assure higher quality policing, it may also unnecessarily preclude the Department's ability to consider otherwise highly qualified candidates. This requirement makes Sacramento PD less competitive for attracting recruits.
- F4.** Differences in law enforcement agency responsibilities and job functions appear to be determining factors in recruitment more than salary and benefits.
- F5.** Public officials support for the Department is a critical factor in improving departmental morale and in responding to community criticism of the Police Department. Community criticism of the Department has a negative impact in the recruitment of new officers and the morale of existing officers.
- F6.** Rapid growth in population away from the city center not only supports the need for additional police officers for patrol duties but also limits the amount of time available for officers to complete required administrative tasks and do community outreach.
- F7.** Due to the current demands of the job, officers are not able to spend as much time as would be desirable developing relationships within the communities they serve.
- F8.** The Grand Jury recognizes the Department has taken steps in reviewing policies specifically related to tattoos.

- F9.** The main target groups for recruitment are millennials or Gen Y individuals whose career needs and concerns vary from veteran officers.
- F10.** The resources allocated to public relations to enhance the image of the Police Department are inadequate. It must be noted that the Police Department is making some positive changes in public relations with rap videos and freeway signage etc.
- F11.** The current hiring process is antiquated and too long which may discourage potential recruits. The Grand Jury notes that the Police Department is reviewing how the process might be updated and shortened.
- F12.** POST training requirements for driving and marksmanship contribute significantly to candidate washout/failure at the Police Academy.
- F13.** The Community Service Officer program has made a positive contribution to both the Sacramento PD and the citizens it serves. Not only has it enabled the PD to reduce call response times even as the population has grown but it has provided a good pool of candidates to fill full time police officer positions.

RECOMMENDATIONS

- R1.** The Sacramento City Council and the Sacramento Police Department should work together to include the positions and budget authority necessary to permanently establish an on-going recruitment function in the Department. The position and budget authority should be included in the 2021-2022 Sacramento PD budget proposal considered for approval by the City Council.
- R2.** The Sacramento Police Department should review potentially eliminating the A.A. degree and 60-unit requirement to attract new recruits. The review should consider waiving those requirements for potential recruits with professional training and expertise that could be equally relevant (Military, Lateral Police Transfers). This review should begin immediately with an implementation of its recommendations during FY 2020-2021.
- R3.** The Grand Jury recommends that elected officials support and highlight the positive accomplishments of the Police Department and the vital mission/services provided by law enforcement, which in turn would encourage recruitment and retention of officers and would improve the morale of the Department. The Grand Jury recommends this becomes a priority immediately.
- R4.** The Sacramento City Council and the Sacramento Police Department should work together to include the positions and budget authority necessary to permanently establish an on-going recruitment function in the Department. The position and budget

authority should be included in the 2021-2022 Sacramento PD budget proposal considered for approval by the City Council.

- R5.** In an effort to improve public perception, the City should consider using a professional public relations firm and/or seek pro bono assistance of an ad agency to create a multi-faceted advertising campaign with the goals of building a collaborative relationship between the community and citizens and highlighting law enforcement as a career. The City's Public Information Office should present a public relations plan to the City Council and the PD for their consideration by the end of calendar 2020.
- R6.** The Department should explore ways to shorten the entire recruitment hiring process. This process should begin immediately with a completion date within the next 12 months.
- R7.** The Grand Jury recommends the Police Chief continue to work with POST officials to update or change cadet marksmanship and driving standards and to give candidates the attention needed to better prepare them for those requirements. The Goal for completion would be within the next 12 months.
- R8.** The Grand Jury recommends the Sacramento City Council and the Police Department continue to expand and make permanent the CSO Program and provide a strategy for the utilization of the CSO position by December of 2021.
- R9.** The Grand Jury recommends that bi-annual open forum style town hall meetings with the police officers moderated by the Mayor, City Manager, Police Chief and the Police Union Representative be conducted that would give officers and management an opportunity to discuss areas of concern and interest with the goal of bolstering support between police officers and community leaders. The Grand Jury recommends this meeting begin within the next six months.
- R10.** The Grand Jury recommends the Police Department establish a committee or forum of younger officers to provide input on the type of "incentives" or programs that are geared to the younger professional lifestyle in order to attract new officers. The goal would be to drive changes in the Police Department that will attract new candidates including lateral transfers and also assist in retaining current officers. The Grand Jury recommends this should be done within the next six months.
- R11.** The Grand Jury compliments the City and Sacramento Police Department for reviewing and relaxing restrictions on tattoos, and encourages them to take similar actions on body piercings and below the collar ponytails. The Police Department should reflect not only the diversity of the community but also what is now more prevalent and acceptable in order to increase the recruitment pool and better relate to the public they serve. The Grand Jury recommends this work begin immediately.

GLOSSARY

COMMUNITY POLICING -- Officers spending time to be proactive within the community, building relationships and having everyday human contact with the citizens they serve.

CSI -- Crime Scene Investigator

CSO -- Community Service Office

FTE -- Full Time Employee

GJ -- Grand Jury

NON-AFFILIATED POLICE ACADEMY -- The non-affiliated academy is for individuals who are interested in a career in law enforcement, but who have not been hired or sponsored to by a police agency or sent by a police agency from elsewhere in the state.

PIT --Point in Time Homeless Count

POP -- Problem Oriented Policing

POST --Peace Officer Standards and Training

PRE-ACADEMY --A shortened version of the full academy that focuses instruction on driving, weapons and the rigors of the academy which is held prior to the full academy in hopes of reducing recruit washout.

SPOA --Sacramento Police Officers Association



Child greeting a K-9 officer

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

From the following elected city officials within 60 days:

- Mayor Darrell Steinberg
City of Sacramento
915 I Street, 5th Floor
Sacramento, CA 95814

- City Council of Sacramento
City of Sacramento
915 I Street, 5th Floor
Sacramento, CA 95814

From the following governing bodies within 90 days:

- Howard Chan
City Manager
City of Sacramento
915 I Street, 5th Floor
Sacramento, CA 95814

- Daniel Hahn
Police Chief
City of Sacramento
5770 Freeport Blvd
Sacramento CA 95822

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES:

- Shelly Banks-Robinson
HR Director
City of Sacramento
915 I Street, 1st Floor
Sacramento, CA 95814
- Captain David Risley
Sacramento Police Academy
2409 Dean Street
North Highlands, CA 95652
- Tim Davis
Police Union Representative
City of Sacramento
5770 Freeport Blvd.
Sacramento CA 95822

Mail or deliver a hard copy response to:

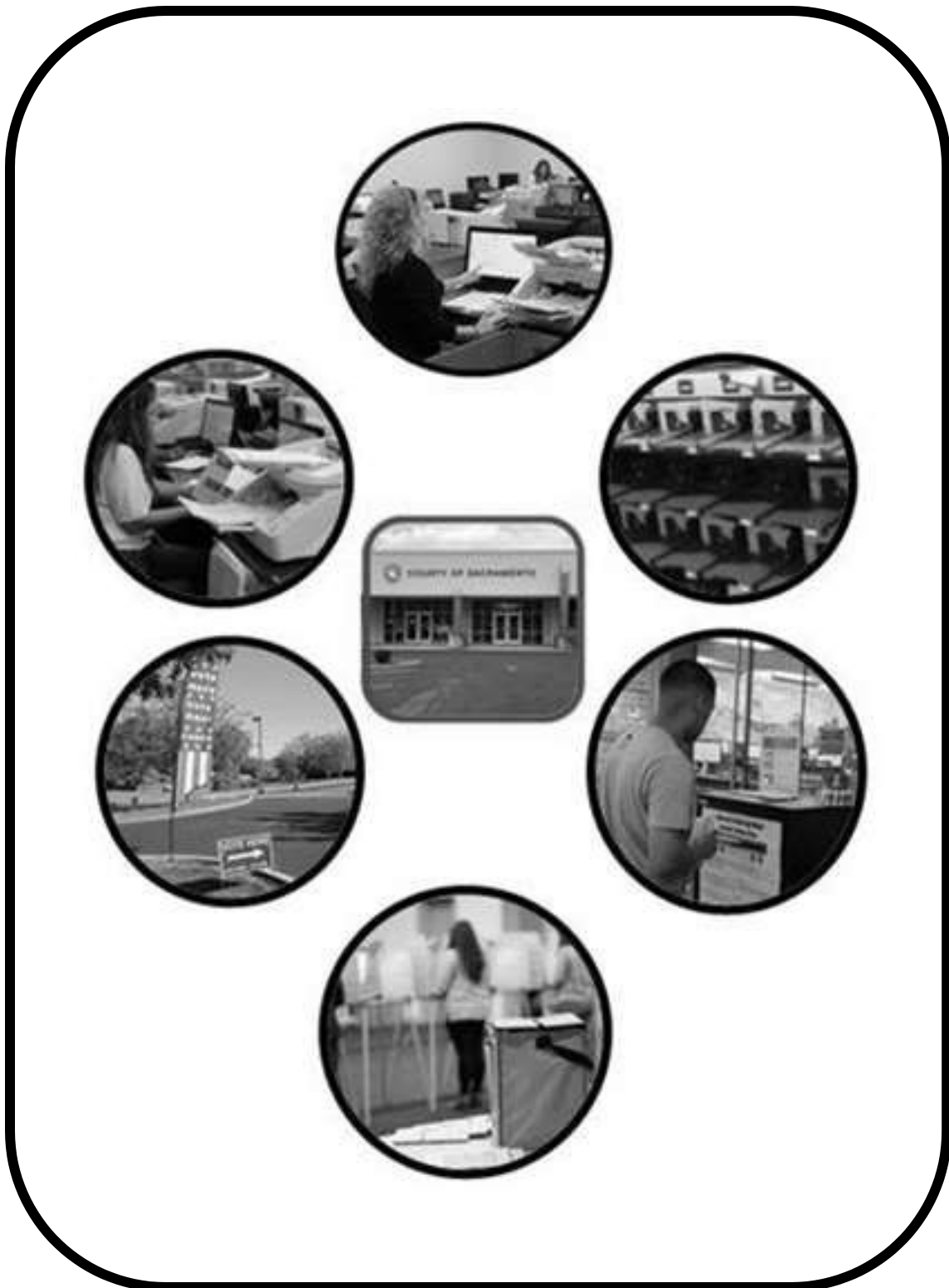
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Jury Commissioner
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Grand Jury
TapiaE@saccourt.ca.gov

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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Election Security in Sacramento County



ELECTION SECURITY IN SACRAMENTO COUNTY

Election Results

The date and time of the results are noted on the page.

Our first election night report includes absentee and mail ballots. All subsequent reports for election night reporting include results as they are processed.

3/24/2020 5:28 PM

Summary for: All Contests, All Districts, All Tabulators, All Counting Groups

Sacramento County

2020 Presidential Primary Election

March 3, 2020

FINAL

Elector Group	Counting Group	Cards Cast	Voters Cast	Registered Voters	Turnout
Democrat					
	Election Day	34,311	17,128		4.71%
	Vote by Mail	373,693	188,963		51.93%
	Canvass	17,762	8,911		2.45%
	Total	425,766	215,002	363,895	59.08%
Republican					
	Election Day	10,712	5,349		2.54%
	Vote by Mail	221,894	111,428		53.00%
	Canvass	4,709	2,364		1.12%
	Total	237,315	119,141	210,222	56.67%
Independent					
Non-Partisan	Election Day	1,282	641		2.28%
Green	Vote by Mail	19,455	9,753		34.75%
Libertarian	Canvass	446	223		0.79%
Peace Freedom	Total	150,325	75,208	164,766	37.83%
	Total	813,406	409,351	409,351	49.99%

Source: Election Results Sacramento County Website

SUMMARY

In 2010, hackers hijacked San Mateo's Registrar of Voters Election website and in 2016 cyberthieves successfully breached several employee email accounts using phishing techniques. A 2018-19 San Mateo County Grand Jury (SMCGJ) report, "Security of Election Announcements," focused on the vulnerabilities of their county's email and online communication platforms to hijacking and propagating disinformation in the guise of election instructions and/or announcements, and included a series of recommendations which proposed short-term fixes to address the immediate risk to upcoming elections and longer-term changes to assess the broader cybersecurity threats to election information.

In 2019, the Sacramento County Grand Jury (SCGJ) received a citizen inquiry regarding whether Sacramento's Voter Registration System could benefit from the recommendations adopted in San Mateo. The SCGJ forwarded this report to the Sacramento County Registrar of Voters (SCRV) to ask if these recommendations applied to Sacramento and, if so, whether they were being implemented. The SCGJ found that most of the San Mateo recommendations had either been adopted by or were in the process of being adopted by the Sacramento County Department of Technology (DTech) and the Voter Registration and Elections Department (VRE). However, the SCGJ also determined that DTech was not regularly performing vulnerability scans and penetration testing of Sacramento County information technology systems. We, therefore, recommend that DTech develop a plan to perform regular vulnerability scans and penetration testing.

BACKGROUND

In 2008 after a \$1 million comprehensive review of the voting system, the Secretary of State of California decided that several of California's electronic voting machines were faulty and required that all electronic voting machines must leave a paper trail. VRE uses a state-of-the-art paper ballot system and an air gap computer system to tally results. Air gapping is a network security measure employed on one or more computers to ensure that a secure computer network is physically isolated from unsecured networks, such as the public Internet or an unsecured local area network.

The 2016 Voter's Choice Act dramatically changed the voting process in California. The 2020 Primary Election is the second time the new process has been used in Sacramento County and the first time for most of the other counties in California, giving Sacramento County a lead role in implementation both in the U.S. and statewide. The Department of Homeland Security's (DHS) website notes, "A secure and resilient electoral process is a vital national interest and one of our highest priorities." A 2018-19 SMCGJ report focused on the vulnerabilities of its county's email and online communication platforms to hijacking and propagating disinformation in the guise of election instructions and/or announcements and issued a series of recommendations to strengthen the security of its Voter Registration system. The report concluded with findings and recommendations which represented short-term fixes to address the immediate risk to upcoming elections and longer-term changes to assess the broader cybersecurity threats to election information.

In 2019, the SCGJ received an inquiry regarding the Sacramento Voter Registration System and whether it had or needed to adopt the same kinds of recommendations that were presented to San Mateo County. SCRIV was provided a copy of the report and was requested to provide an assessment and determination regarding the applicability of the San Mateo County recommendations to Sacramento and, if appropriate, plans for remediation.

VRE invited DTech to conduct a series of meetings to assess the recommendations, and if necessary, the plans for remediation. VRE collated their joint recommendations and provided the summary of actions taken or contemplated to the SCGJ. That comparative summary is included in the "Discussion" section.

METHODOLOGY

The SCGJ interviewed both senior and line staff of the VRE, the SCR, DTech and CyberDefenses. It also reviewed system documentation, including the system's assessment of recommendations and actions, and conducted onsite reviews of the VRE and their onsite information technology system. VRE and DTech currently have a contract with CyberDefenses, Inc. to evaluate information technology security throughout Sacramento County. SCGJ had a team onsite at the VRE offices during the March 3, 2020, primary election during which time a question and answer session was held with the SCR, two employees of DTech and the managing director of CyberDefenses, Inc.

DISCUSSION

In response to the Grand Jury's inquiry, the SCR, in cooperation with DTech conducted a series of meetings in 2019 to determine how Sacramento County's Voter System measured up to the standards as documented in the SMCGJ 2018-2019 Report "Security of Election Announcements."

The SCGJ reviewed the recommendations adopted by and actions taken by the VRE and DTech to determine the security of the current system and to determine if further recommendations or actions were required. The Grand Jury found that most of the San Mateo County recommendations had either been adopted by or were in the process of being adopted by the DTech and the VRE.

The SCGJ's decision to initiate this investigation may have helped bring the deficiency of multi-factor authentication forward as a threat to the current election cycle. A series of meetings with the department heads of DTech and VRE to address all the concerns of the SMCGJ report was undertaken. The implementation of Domain-based Message Authentication Reporting and Conformance (DMARC) may also have been accelerated because of the inquiry. DMARC limits the ability of hackers to use phishing techniques to steal passwords and other personal information to breach computing systems. The SCGJ was unable to determine when the last external audit was done to evaluate the security of Sacramento County Election systems or what entity had done the penetration testing.

SMCGJ's proposed security measures outlined in the table below are technical in nature. They were divided by the Sacramento County Grand Jury into categories for ease of presentation.

- Security measures 1, 2: Address the need to update the County's election security policies and to publish the revised results.
- Security measure 3: Addresses DMARC, (Domain-based Message Authentication, Reporting and Conformance) an email authentication, policy, and reporting protocol. It verifies linkage to the author ("From") domain name to ensure that the sender is properly identified and helps improve and monitor the protection of the domain from fraudulent email.
- Security measures 4 - 9: Address the management of account passwords and the enforcement of the County of Sacramento supported multi-factor authentication methods. Cell phones are specifically excluded as the SIM cards can be switched between phones.
- Security measures 10, 11, 12: The Election Security Working Group identifies and addresses security concerns for all aspects of the election system. A cyber hygiene awareness program is being implemented this year to educate and train new hires as well as existing staff in safe online practices.

SMCGJ Report

Proposed Security Measures

VRE and DTech Responses

1: Incorporate Communications into Election Security Definition: VRE should adopt a policy that defines election security to include the security of the VRE website, VRE staff email accounts, social media accounts used for VRE announcements, and other platforms VRE uses for publishing election announcements.	Policy adjustments are in progress to specifically call out security controls for election systems that deal with communications, registration, vote casting and results from the tabulation. Estimated completion June 30, 2020.
2: Publish Updated Security Policy: VRE should update the VRE website's written	Written descriptions of election security for VRE websites are in development.

descriptions of the election security to incorporate the policy resulting from R1 on the security of election communications in addition to the current focus on the security of (a) registration, (b) vote casting, and (c) election results. .	These descriptions will call out security controls for election systems that deal with communications, registration, vote casting and results from tabulation in an appropriate format for external dissemination. Estimated completion by March 15, 2020.
3: Prevent Spoofing with DMARC. DTech, the Communication and Media Office (CMO), and VRE should improve email security for employees involved in election announcements by configuring and enabling DMARC for at least the smcvre.org and smcgov.org domains.	DMARC is now fully implemented in all Sacramento County email domains.
4: Combat VRE Email Account Phishing with FIDO Keys: VRE should provide FIDO physical security keys to each of its permanent elections employees and require the use of those FIDO keys as part of their multi-factor authentication for accessing their County email accounts.	The County of Sacramento has begun a county-wide employee and contractor initiative to implement Duo to provide Multi-Factor Authentication for systems and applications. FIDO tokens are an available option but are not enforced as the only authentication method. The County of Sacramento will support the following: Duo multi-factor authentication types Duo Push, U2F (FIDO) and tokens (limited to Duo application and organizational desk phones). Cell phone texting and call verification methods are blocked to prevent SIM swapping. This project is currently in a limited pilot and is being rolled out in segments over 16 months, with critical infrastructure and

	departments like VRE deploying first.
5: Fast Identity Combat Other Email Account Phishing with FIDO keys: VRE should identify County employees outside of VRE that have a role in election announcements (e.g., Chief Communications Officer, senior DTech employees, etc.) and ask that the departments of the identified employees provide FIDO physical security keys to each of the identified employees and require the use of those FIDO keys as part of their multi-factor authentication for accessing their County email accounts.	The County of Sacramento has begun a county-wide employee and contractor initiative to implement Duo to provide Multi-Factor Authentication for systems and applications. FIDO tokens are an available option but are not enforced as the only authentication method. The County of Sacramento will support the following: Duo multi-factor authentication types Duo Push, U2F FIDO and tokens (limited to Duo application and organizational desk phones). This project is currently in a limited pilot and is being rolled out in segments over 16 months, with critical infrastructure and departments like VRE deploying first. VRE should complete this recommendation by December 31, 2020
6: Combat Island Hopping with FIDO key Vendor Requirement: VRE and DTech should require employees and contractors of any vendor that hosts the VRE website to use FIDO physical security keys as part of their multi-factor authentication.	The County of Sacramento has begun a county-wide employee and contractor initiative to implement Duo to provide Multi-Factor Authentication for systems and applications. FIDO tokens are an available option but are not enforced as the only authentication method. The County of Sacramento will support the following: Duo multi-factor authentication types Duo Push, U2F FIDO and tokens (limited to Duo application and organizational desk phones). This project is currently in a limited pilot and is being rolled out in segments over 16

	months, with critical infrastructure and departments like VRE deploying first.
7: Stop Sharing Social Media Account Passwords: VRE and Communication and Media Office (CMO) should implement procedures whereby communications staff manage official County social media accounts with multi-user administration, and no employees share social media account passwords.	Social Media Accounts are managed by the CMO and adhere to the County of Sacramento Social Media Policy. This policy is currently under review to address the management of account passwords and the enforcement of the County of Sacramento supported multi-factor authentication methods. The estimated completion date of January 15, 2021.
8: Request FIDO key Feature If Not Available: VRE and CMO should jointly draft and send a FIDO key feature request citing this report to the social media companies used by the County to broadcast election announcements, but that do not currently offer FIDO account security protections—especially Instagram and Nextdoor.	Social Media Accounts are managed by the CMO and adhere to the County of Sacramento Social Media Policy. This policy is currently under review to address the management of account passwords and the enforcement of the County of Sacramento authentication methods. The estimated completion date is June 30, 2020. Additionally, due to the limitations and diversity of Social Media Accounts authentications, a review of Social Media Management software will be conducted. The estimated completion date is January 15, 2021
9: Combat VRE Social Media Account Phishing with FIDO Keys: VRE should require any employee social media accounts capable of administering the official VRE social media pages listed in	Social Media Accounts are managed by the CMO and adhere to the County of Sacramento Social Media Policy. This policy is currently under review to address the management of account

Table 1 to use FIDO physical security keys as part of their multifactor authentication.	passwords and the enforcement of the County of Sacramento supported multi-factor authentication methods. The estimated completion date is June 30, 2020. Additionally, due to the limitations and diversity of Social Media Accounts authentications, a review of Social Media Management software will be conducted. The estimated completion date is January 15, 2021
10: Coordinate Election Security with Interdepartmental Working Group: VRE and DTech should create an election security working group that meets periodically and is responsible for evaluating and improving the security of elections (a) registration, (b) vote casting, (c) results from tabulation, and (d) communication within San Mateo County.	The County of Sacramento holds monthly meetings between the VRE department, infrastructure support teams and information security teams. This Election Security Working Group identifies and addresses security concerns for all aspects of the election system. Additionally, this group leverages independent security consultants to audit security control effectiveness and recommend improvements.
11: Evaluate Free DHS Elections Security Assistance Programs: VRE and DTech election security working group should evaluate the benefits of having all members of the election security working group participate in any of the free DHS elections security assistance programs listed in Table 2.	A vendor is scheduled to audit the next election from a people process and technology standpoint. A DHS assessment is in the roadmap after another organizational segment completes its audit. Report back by September 30, 2020

12: Offer Behavioral Cyber Hygiene Audits: DTech and the County Controller's Office should develop a behavioral auditing program consisting of sampling the day-to-day routines and security practices of employees, contractors, and/or vendors and offer to audit each department within the County periodically to (1) evaluate compliance with existing cyber hygiene policies and (2) provide proactive advice on cyber hygiene improvements that could inform new policies.	In support of the County's focus on cybersecurity, a new cyber awareness program is being rolled out this year to educate, evaluate, and enhance its security posture. This program includes activities like new hire training, annual computer-based training, site visits, promotional poster and email distributions, and cyber hygiene audits. Report back by September 30, 2020
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FINDINGS

F1. Sacramento County Department of Technology (DTech) is not currently practicing regular, consistent vulnerability scans and penetration testing. Vulnerability scanning and penetration testing are often confused. The two security procedures are quite different and are used for different purposes. At the most basic level, vulnerability scanning aims to identify any systems that are subject to known vulnerabilities while a penetration test aims to identify weaknesses in specific system configurations and organizational processes and practices that can be exploited to compromise security.

F2. Voter Registration and Elections Department (VRE) considers election security a major concern and has given it a very high priority. The Sacramento County Registrar of Voters (SCRV) and her staff were very cooperative and began almost immediately to implement changes and corrective measures for identified shortcomings.

F3. Media policy is currently under review to address the management of account passwords and the enforcement of the County of Sacramento supported multi-factor authentication methods. The estimated completion date is June 30, 2020. Social Media Accounts are managed by the Communication and Media Office (CMO) and adhere to the County of Sacramento Social Media Policy.

Due to the limitations and diversity of Social Media account authentications, a review of Social Media Management software will be conducted by the Sacramento County Department of Technology (DTech). The estimated completion date is January 15, 2021.

F4. Sacramento County Department of Technology (DTech) has begun a 16-month county-wide initiative to implement multi-factor authentication. Multi-factor authentication is one of the best deterrents to keep unauthorized users from hacking into computer networks. Voter Registration and Elections Department (VRE) will be one of the first departments to deploy this methodology.

RECOMMENDATIONS

R1. Sacramento County Grand Jury (SCGJ) recommends the Sacramento County Department of Technology (DTech) institute frequent penetration testing performed by a third party twice per year at a minimum. SCGJ further recommends DTech perform vulnerability scans each time the following occurs within the IT ecosystem.

- Security patches are applied,
- Significant changes are made to the infrastructure or network,
- New infrastructure or web applications are added,
- An office location changes, or an office is added to the network.

R2. Sacramento County Grand Jury (SCGJ) recommends the Communication and Media Office (CMO) adjust its election security policy to include security of the Voter Registration and Elections Department (VRE) website, communication, registration, voting and results from tabulation by June 30, 2020 in preparation for the November 2020 general election.

R3. Sacramento County Grand Jury (SCGJ) recommends that the Sacramento County Department of Technology (DTech) and Voter Registration and Elections Department (VRE) need to implement multi-factor authentication procedures before the November 2020 general election.

R4. Sacramento County Grand Jury (SCGJ) requests that the Sacramento County Department of Technology (DTech) report back to the SCGJ the results of the CyberDefenses, Inc. review and the U.S. Department of Homeland Security (DHS) audit of the election security by September 30, 2020.

GLOSSARY

CMO:	Communication and Media Office
DHS	U.S. Department of Homeland Security
DMARC	Domain-based Message Authentication Reporting and Conformance
Duo	Multi-factor authentication and device trust security platform
DTech	Sacramento County Department of Technology
FIDO	Fast Identity Online Alliance
Multi-factor Authentication	Proof of identity at login using a combination of unique identifiers
Phishing	The fraudulent practice of sending emails purporting to be from reputable companies to induce individuals to reveal personal information, such as passwords and credit card numbers.
SCGJ	Sacramento County Grand Jury
SCRV	Sacramento County Registrar of Voters
VRE	Voter Registration and Elections Department

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05 the grand jury requests responses as follows:
Responses from the following Sacramento County officials within 60 days:

- Courtney Bailey-Kanelos
Registrar of Voters
Voter Registration and Elections
7000 65th Street, Suite A
Sacramento, CA 95823
- Rami Zakaria,
Chief Information Officer
Department of Technology
799 G Street
Sacramento, CA 95814

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioners
ThornP@saccourt.ca.gov
- Ms. Erendira Tapier-Bouthillier
Grand jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES

- Janna Haynes
County Communication and Media Office
c/o Voter Registration and Elections
7000 65th Street, Suite A
Sacramento, CA 95823

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

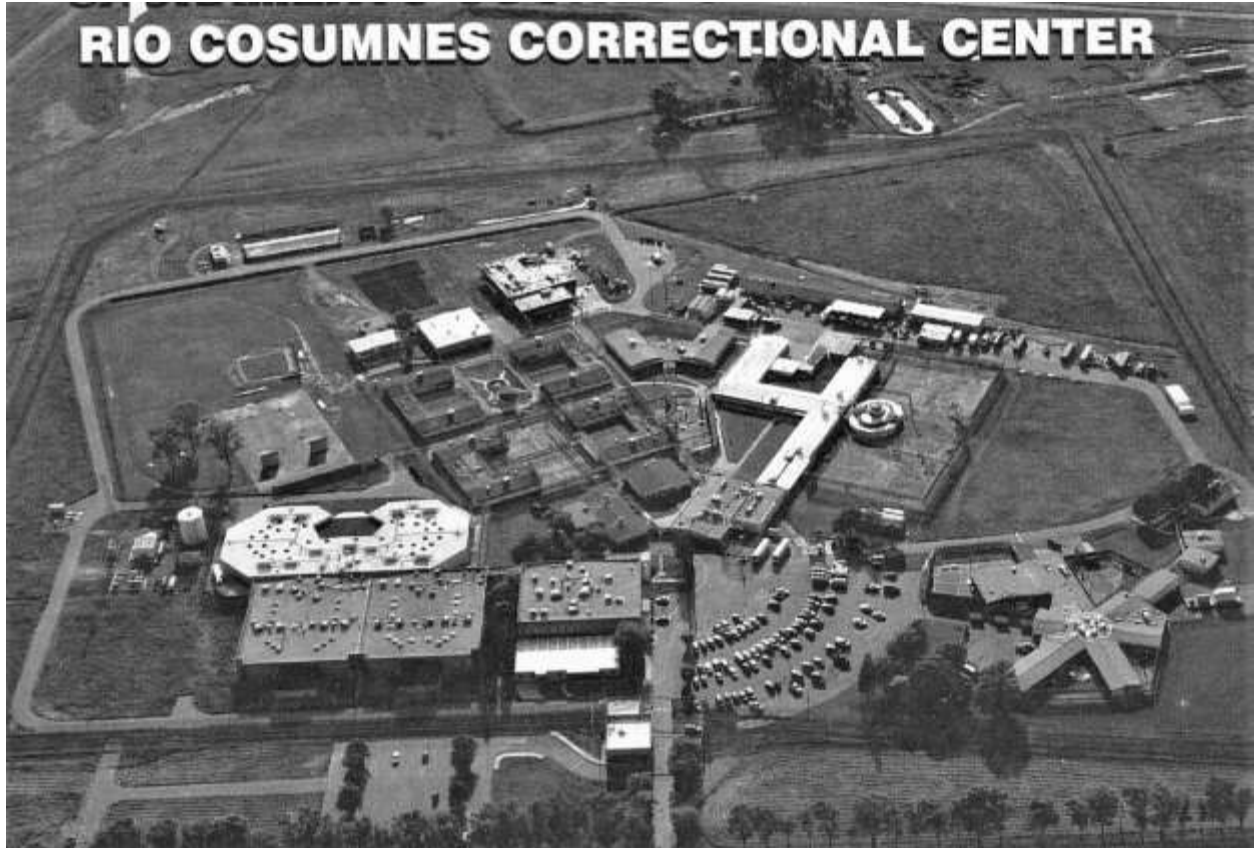
- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Eréndira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or fact leading to the identity of any person who provides information to the Grand Jury.

DISCLAIMER

One Grand Juror was recused from participating in all aspects of the investigation, including interviews, deliberations, and the writing and the approval of this report due to that Grand Juror's service as an election clerk in Sacramento County.

California Senate Bill 1022: A Gift Too Good to Ignore



CALIFORNIA SENATE BILL 1022: A GIFT TOO GOOD TO IGNORE

SUMMARY

The 2019-2020 Sacramento County Grand Jury (SCGJ) initiated an investigation into the County of Sacramento's hesitancy to accept \$80 million in state funds authorized by Senate Bill 1022, the Adult Local Criminal Justice Facilities Construction Program (SB 1022). The intent of SB 1022 is to promote the implementation of Assembly Bill 109, the California Public Safety Realignment Act (AB 109), a law that requires minor felony level defendants be incarcerated locally rather than in overcrowded state prisons. The Board of State and Community Corrections (BSCC) oversees and assists the counties in making the modifications necessary to house, educate and provide medical and mental health services to long term inmates.

In 2013-2014 Sacramento County received authorization for \$80 million to make the necessary to existing local facilities. If the County agrees to accept the funds it must agree to pay the staffing costs and operate the facility until the lease revenue bonds which raise the necessary monies are fully paid. The Sacramento County Office of Budget and Debt Management estimated the approximate yearly increased staffing and operating costs would be between \$6-\$8 million per year for the next 30 years, the term of the lease revenue bonds.

In 2014, the Sacramento County Sheriff's Department began developing a plan for the use of the \$80 million to expand the programs and services needed for long-term inmates housed at Rio Cosumnes Correctional Center (RCCC) and the Sacramento County Main Jail (SCMJ). That plan included construction of a medical and mental health services center capable of housing up to 26 inmates, and the upgrade of reception and cafeteria facilities, as well as the expansion of educational and vocational training programs.

The County issued Requests for Proposals (RFPs) from contractors in 2015, 2017 and 2019. The scope of the successive RFPs was reduced each time, but the bids continued to exceed the engineers' estimates.

At the same time the RCCC expansion plans were undergoing reviews and revisions, Sacramento County was also defending a lawsuit in the United States District Court, Eastern District CA, Sacramento Division concerning the conditions in the SCMJ and RCCC. The litigation, *Mays v. County of Sacramento*¹ resulted in a Consent Decree approved by the court on January 13, 2020 between the County and the plaintiffs. The Consent Decree obligated

¹ *Lorenzo Mays et al., Plaintiffs, v. County of Sacramento, Defendant*, United States District Court, E.D. California, No. 2:18-cv-02081-TLN-KJN (PC), January 8, 2020)

Sacramento County to extensively upgrade medical and mental health facilities, as well as provide accommodations to inmates required by the Americans with Disabilities Act (ADA).

The Grand Jury found that the County will need to expend considerable funds to adequately accommodate the needs of its increased number of inmates due to realignment and compliance with the requirements of the *Mays Consent Decree*; and that acceptance of the \$80 million in state funds available through SB 1022 will substantially offset anticipated funding requirements. Failing that, County funds should be allocated for infrastructure improvements to support the expansion of medical and mental health services, as well as the education and vocational training opportunities for all inmates.

BACKGROUND

On November 8, 1994, the California voters approved Proposition 184, Three Strikes Sentencing Initiative, also known as “Three Strikes and You’re Out.” The essence of the Three Strikes law was to mandate a lengthy prison sentence for habitual offenders. The law was codified in California Penal Code section 667.

Once implemented, the California prison population exploded and new prison construction couldn’t keep up with the growth. The population reached a high of approximately 173,000 inmates by 2007 up from about 125,600 inmates in 1994 when the “Three Strikes and You’re Out” sentencing law was passed.

In 2009 the US Supreme Court mandated that the State of California reduce the prison population to no more than 115,000 inmates, or 137.5 percent of its design capacity, within two years. By the year 2011 the state prison population continued to rise and reached 143,493 inmates or 180 per cent of design capacity. On April 4, 2011, the state legislature passed AB 109, to reduce the state prison population. This bill immediately shifted the responsibility for housing certain new offenders, specifically persons convicted of non-violent, non-serious, non-sex offenses and parole violations, from State Corrections to the County Sheriff and the responsibility for parole supervision from State Parole to County Probation.

As a result, since 2011 Sacramento County has become responsible for housing and supervising over 8,000 new offenders and state parole violators that otherwise would have been incarcerated in the state prisons or placed on state parole. The state appropriated funding to assist each County with the implementation of AB 109. Sacramento County has, through 2019, received approximately \$287 million in supplemental funding to support realignment.

On June 27, 2012, SB 1022 became law. The California Legislature adopted SB 1022 to help the counties fund the construction costs associated with AB 109. Up to \$500 million was authorized in lease revenue bond financing for the acquisition, design, and construction of adult local criminal justice facilities.

The State of California has allocated up to \$80 million to Sacramento County to replace, renovate and expand the medical, mental health and rehabilitation facilities at the Sacramento County jails. On November 5, 2019, at the Sacramento County Board of Supervisors (BOS) meeting, the Director of the Department of General Services (DGS) and the Chief Fiscal Officer of Sacramento County presented a proposal recommending that the County reject the latest bids received in August 2019, and instead, reduce the scope of the RCCC's expansion and infrastructure project, and authorize the distribution of RFPs (Request for Proposals) reflecting those reductions.²

Approving the Project requires that the County commit to provide staffing and operate the facility until the lease revenue bonds are fully paid. The Sacramento County Office of Budget and Debt Management estimated the approximate yearly staffing and operating costs would be between \$6-\$8 million each year for the next 30 years or until the bond is repaid. The Agenda noted that the lowest construction bid was \$15 million higher than the County's estimated cost. The bid was reviewed by representatives of the Sacramento Sheriff's Office, the DGS, the Sacramento County Counsel and the County's architectural/engineering consultant. Their review resulted in a recommendation to reduce the Project's scope and send out new RFPs.

Decarcerate of Sacramento (DS), criminal justice reform activists who advocate for community-based rehabilitation programs in lieu of incarceration, opposed going forward with the Project. DS contends that modifications to RCCC will increase inmate capacity and therefore the County should turn down the SB 1022 funds.

The BOS ultimately failed to adopt the Proposal by a vote of 2-2. One supervisor commented that the projected \$6-\$8 million a year cost to the County for the Project's additional personnel was a concern.³

² Jeffrey A. Gasaway and Britt E. Ferguson, eds. Agenda of November 5, 2019, *Contract No. 4347, "Rio Cosumnes Correctional Center Expansion and Infrastructure Improvements Project," Reject All Bids, Reduce Project Scope, And Authorize to Re-Advertise.*)

³ Gasaway and Ferguson, page 2.

METHODOLOGY

The 2019-2020 Grand Jury conducted:

Interviews with individuals from the following agencies:

- Sacramento County Board of Supervisors
- Sacramento County Sheriff's Department
- Sacramento County Office of Budget and Debt Management
- Board of State and Community Corrections
- Rio Cosumnes Correctional Center Staff, October 17, 2019
- Decarcerate of Sacramento

Extensive research and review of the following:

- California Assembly Bill 109
- California Senate Bill 1022
- California Proposition 184
- California PC Section 667
- Sacramento County Sheriff's Office Reentry Services Unit Program Guide. n.d.
- Sacramento County Board of Supervisors Broadcasted Meeting, Agenda and Associated Documents, November 5, 2019
- California State Legislative Analyst's Office
- Media reports on issues relevant to Senate Bill 1022 and AB 109
- Sacramento County Sheriff's Office, Rio Cosumnes Correctional Center Facility Guide, n.d.
- *Lorenzo Mays, et al., Plaintiffs, v. County of Sacramento, Defendant*, United States District Court, E.D. California, No. 2:18-cv-02081-TLN-KJN (PC), January 8, 2020.

Confinement facility tours:

- Sacramento County Main Jail, August 9, 2019
- Rio Cosumnes Correctional Center, October 17, 2019

DISCUSSION

The Elk Grove RCCC was established in 1960, in a structure originally built to house military personnel during World War II. It was designed to serve as an overflow facility for the Sacramento County Main Jail (SCMJ). It had the capacity to house, provide medical and mental health treatment, educational and vocational training services to 750 inmates with a maximum sentence of one year. Since the passage of AB 109 in 2011, Sacramento County has received an

additional 8,000 inmates. RCCC now houses offenders serving sentences averaging 5 years or more. At the time of this report the inmate population at RCCC was approximately 1,725 inmates, with a maximum capacity to house 2,262 inmates. The population at the SCMJ was 2,116 inmates with a maximum capacity to house 2,993 inmates.

The state appropriated funding through AB 109 to assist the counties with the implementation of realignment. This funding was divided between SCMJ, RCCC and County Probation (CP). According to published accounts, Sacramento County has received approximately \$287 million in supplemental funding to support realignment since 2011. RCCC was provided \$29 million each year of AB 109 realignment funds, making its annual budget a total of \$95 million.

The California State Legislature adopted SB 1022 in 2012 to assist the counties in funding the capital costs associated with realignment. Under the administration of the BSCC, each County is allocated SB 1022 funds, to help finance capital expenditures.

Sacramento County was initially authorized \$56 million in SB 1022 funds for construction in 2013. That allocation was increased to \$80 million when \$24 million previously allocated to other counties was not accepted and became transferrable to Sacramento County.

RCCC currently conducts a broad range of programs to facilitate inmates' re-entry to society, although the facilities are inadequate to serve all the needs of all of the inmates. As outlined in the Sacramento County Sheriff's Reentry Services Unit Program Guide, the programs include 10 Cognitive Behavior Therapy Treatment Programs, six Educational Programs, seven Vocational Programs and 13 Treatment Programs/Classes. However, when the 2019-2020 SCGJ toured RCCC on October 17, 2019, only 575 of the 1,725 total inmates housed at RCCC were participating in any type of programing, such as a work assignment, vocational training or an educational program.

There are currently 218 female inmates housed at RCCC. Male and female inmates are unable to participate in programs together, thus restricting the access for female inmates to participate in the majority of rehabilitative or vocational programs. The only rehabilitative trades offered to female inmates are Culinary Arts and a Janitorial Service vocational program. Additionally, they have access to two classroom programs, Thinking for Change and Cognitive Behavior Treatment.

At the time of this report RCCC can only provide re-entry training and education services to one-third of the inmates. For both females and males, the lack of programs for each inmate is due to RCCC's current lack of classroom facilities. Additional reasons include: short-term inmates are ineligible to participate because the amount of time to complete the class exceeds

the inmate's length of sentence; and serious offenders are not permitted to participate in some classes. Recidivism data shows that inmates who successfully complete RCCC re-entry programs have a 20 percent recidivism rate vs the 80 percent recidivism rate of inmates who leave prisons without skills or training.⁴

Furthermore, the perimeter fence, dorms and the trailers for classrooms are in need of repair, and there is limited space for medical and mental health treatment. Reports in the 1997-1998, 2009-2010 and 2018-2019 Sacramento County Grand Jury Report recorded similar deficiencies. The County will eventually have to provide funds for infrastructure improvements and the expansion of the medical and mental health services as well as the educational and vocational training opportunities for all inmates.

On June 20, 2019, a settlement in *Mays v. County of Sacramento*, was reached, which requires improvements in the Sacramento County jails. Specifically, the jails must reduce the use of solitary confinement, take additional measures to prevent suicide, expand program activities, treat mental illness and provide accommodations to inmates with disabilities. The federal court and the Prison Law Office will monitor all aspects of the *Mays Consent Decree* and the implementation of the remedial plans.

In light of the above, the 2019-2020 Grand Jury opened this investigation to understand why Sacramento County has not accepted funds from the State of California to improve the jails and inmate programs in the eight years since the passage of SB 1022.

It is our understanding that as of the date of this Report, no formal notification has been submitted by the Sacramento County to BSCC informing it that it does not plan to apply for these funds. Representatives of the Department of General Services, the County Executive, the Sheriff's Department and County Probation met with BSCC in January 2020. The plan is to report back to BSCC within six months as to if and how Sacramento County plans to seek SB 1022 funds for the RCCC expansion.

FINDINGS

F1. Due to realignment and the *Mays* Consent Decree the Sacramento County jails must provide additional educational and vocational training, medical and mental health services, and brings the facilities into compliance with ADA.

⁴ Sacramento County Sheriff's Reentry Services Unit Program Guide, pp. 12-14.

F2. The Grand Jury is aware, based on its interviews and research, that there are those who believe that acceptance of any funds would be an endorsement of a policy of increased incarceration. The Grand Jury believes proponents of the project should emphasize the importance of increased services and programs to ultimately reduce recidivism and improve the post incarceration lives of the inmates and their families.

F3. Accepting the SB 1022 funds will commit the County to spending between \$6-8 million each year for 30 years or until the bonds are repaid for staffing and operating costs.

F4. If the County does not accept the SB 1022 funds, the structural improvements identified by the Sheriff, DGS and the County Executive as essential to meet the housing, educational and medical and mental health service needs of long term inmates at RCCC will require county funds to be accomplished.

F5. Whether or not Sacramento County accepts the SB 1022 funds, the County will still be responsible to fund all the changes required by the *Mays* Consent Decree.

RECOMMENDATIONS

R1. By December 31, 2020, the Board of Supervisors should accept the \$80 million made available to Sacramento County through SB1022.

R2. By June 1, 2021, the Sheriff's Department should develop and begin implementation of the most cost-effective plan to achieve the objectives of the RCCC expansion and infrastructure improvement project.

R3. By June 20, 2021, the Board of Supervisors in co-operation with the Sheriff's Department should include in implementation plans the flexibility to reduce operating expenditures to the extent required by reductions in jail population.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2019-2020 Sacramento County Grand Jury requests responses from the following elected officials within 60 days:

- Sacramento County Board of Supervisors
700 H Street, Suite 1450
Sacramento, CA 95814

- Sheriff Scott R. Jones
711 G Street
Sacramento, CA 95814

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES

- Navdeep S. Gill
County Executive
700 H Street
Sacramento, CA 95814
- Jeffrey J. Gassaway
Director
County of Sacramento
Department of General Services
9660 Ecology Lane
Sacramento, CA 95827
- Captain Jim Barnes
Commander
Rio Cosumnes Correctional Center
12500 Bruceville Rd.
Elk Grove, CA 95757

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides

Public Confinement Review



F o l s o m S t a t e P r i s o n
E s t a b l i s h e d 1 8 8 0
F o l s o m , C a l i f o r n i a

PUBLIC CONFINEMENT REVIEW

BACKGROUND

The Sacramento County Grand Jury is mandated each year by California Penal Code 919 (b) to inquire into the conditions and management of public confinement facilities in Sacramento County. In fulfillment of this obligation, the 2019-2020 Sacramento Grand Jury toured all six confinement facilities within its jurisdiction, as well as the Sacramento County Sheriff's Work Release Division.

METHODOLOGY

The Grand Jury members met and spoke with officials from the respective confinement facilities prior to and during the scheduled tours. Questionnaires were provided to the officials, outlining areas of interest to be included in the inspections. Upon completion of each tour, the findings were documented for the Public Confinement Review.

Facilities Visited:

California State Prison-Sacramento (New Folsom)

Folsom State Prison

Folsom Women's Facility

Sacramento County Main Jail

Sacramento County Rio Cosumnes Correctional Center

Sacramento County Work Release Division

Sacramento County Youth Detention Facility

Sacramento County Main Jail Tour, August 9, 2019

With its maximum capacity for 2,432 inmates, the Sacramento County Main Jail's average daily population as of June of 2019 amounted to 1,924 inmates. The population was comprised of 1,398 non-sentenced males, 174 non-sentenced females, 280 sentenced males and 72 sentenced females.

The Main Jail staff consists of 254 sworn officers and 136 civilian employees, including plumbers, electricians, contracted vendors, state employees, nurses, doctors, and psychiatric staff. As of June 23, 2019 there were 45 vacancies within the ranks of staff. Sworn staff is

required to receive 24 hours of Standards and Training for Corrections (STC) each fiscal year. Civilian staff attends mandatory yearly training in policy and computer-related areas. Medical Standards and Training for Corrections (STC) each fiscal year. Civilian staff attends mandatory yearly training in policy and computer-related areas. Medical personnel receive training in jail safety as well as adherence to mandated Medical Board of California requirements.

The Booking area includes three stations staffed by doctors, registered nurses, and vocational licensed nurses. New arrestees are screened when first booked to determine if they are fit for incarceration, have pre-existing medical conditions, or exhibit signs of being suicidal. If required, pharmacy records of arrestees are obtained and noted. The jail has access to the California DNA database and a DNA sample is taken from each person booked for a felony.

The jail has access to the California DNA database and a DNA sample is taken from each person booked for a felony. California Penal Code (PC) Section 295 mandates that a DNA sample is taken from those booked for felony and misdemeanor offenses outlined in PC Sections 290 and 296 (a). Those offenses include: sex offender crimes; voluntary manslaughter or murder; or attempts to commit murder or voluntary manslaughter.

Inmates receive a comprehensive evaluation by the Main Jail's Classification Unit, generally within 24 hours of booking. The Unit is comprised of eight full-time deputies, two part-time deputies and one sergeant. Inmates are evaluated for criminal history, the nature of their offense, mental condition, and other criteria. The information gathered is entered into a database and the software assigns a classification rating of high, medium or low supervision required.

The Main Jail's Correctional Health Services (CHS) provides medical care to inmates 24 hours a day, 365 days a year. Its team is staffed by doctors, nurse practitioners, nurses, medical assistants and administrative staff. Medical services made available to inmates include radiology, dialysis, ophthalmology, OB/GYN and orthopedic services, and dentists staff the fully equipped dental office. Prescriptions for patients are provided by pharmacists and pharmacy technicians from the in-house pharmacy.

Psychiatric care is available 24-hours a day in the Psychiatric Services Acute-Inpatient Unit. Patients are examined seven days a week in the 18-bed unit by psychiatrists who are on call for night visits as well. The Unit is also staffed by registered nurses, psychiatric social workers and licensed vocational nurses. The Intensive Outpatient Psych (IOP) Program, carried out by five Jail Psych Services (JPS) staff members, provides classes and group sessions on coping skills and daily living challenges. The visiting rules for pretrial inmates at the Main Jail are two visits per week on any two days, excepting Fridays due to "operational restrictions." (https://www.sacsheriff.com/Pages/Organization/Main_Jail/InmateVisitation.aspx.)

With the goal of reducing recidivism, programs are offered to encourage inmates to use their time in the Main Jail productively through classes on Self Esteem, Interpersonal Communication, and Job Readiness. The Inmate Programs Manager, in partnership with the

Sacramento County Social Services and the Elk Grove Education and Recreation staff, provides classes on Adult Basic Education, General Education Diploma (GED) Test Preparation and testing, as well as English as a Second Language (ESL). Classes on Parenting, Recovery Life Skills, Impulse Control, as well as sessions on accountability, non-violence and communications skills are also available for inmates.

Folsom State Prison Tour, August 19, 2019

Folsom State Prison, the second oldest prison in California, is a campus surrounded by three walls, with the American River as the fourth barrier. While there is no electrical wiring atop the walls, there are 10 guard towers that are staffed by Correctional Officers on a 24/7 basis. There are also 44 homes on the grounds for prison staff.

The Folsom Prison Warden met with the Grand Jury members in his office. He noted that at the time of the visit there were 1,100 staff members, 600 of whom were custody staff. He opined that current staffing levels were adequate to manage and monitor inmates.

The prison adheres to California State standards and annual audits and inspections for fire, medical, mental, pharmacy, environmental and nutritional purposes are routine. For any area inspected which receives a marked deficiency, an appropriate corrective action plan is developed per the Warden.

The prison population consists of 3,458 inmates, including 248 outside the main walls (eight at the firehouse and 240 at a minimum-security facility) and 491 at the Folsom Women's Facility. According to the Warden, this facility is slightly overcrowded but the inmate populations are generally well within the federal mandate of 137.85 percent occupancy per cell. However, Building I, the largest housing unit, places 965 inmates in 632 cells (1.53 percent occupancy) which does not meet the federal mandate for occupancy.

The oldest building on the campus, Building V, is still run on a lock and key basis, and has 160 cells. A majority of inmates are on minimum (Level I) and medium (Level II) security, while 584 inmates are on medium (Level III) security, and 128 inmates are on maximum (Level IV) security watch. Both Level III and Level IV require more staff and armed tower guards.

Folsom State Prison has programs for auto mechanics, computer coding, building framing, plumbing and welding, in addition to jobs making license plates. While inmates may opt not to participate, a majority of inmates take part.

There are also educational opportunities, enabling inmates to earn GEDs, take courses through Folsom Lake Community College and online courses through Lassen College.

Daily life in the prison is regimented, but inmates are out of their cells an average of 14 hours a day. Inmate recreation is scheduled three times daily. Each session is from 2¼ hours to 3¼ hours per day in one large recreational yard. Maximum security prisoners are allowed 12

hours per week in a smaller yard, which is separate from the general prison population. Inmates are not allowed weights. There is a canteen in the yard where inmates can purchase items and take them back to their cells.

Two hot meals and a box lunch are served each day. Meal times are for 15 minutes. The main dining area has seating of four to a table, filled on a first-come, first-seated basis. As with their yard times, inmates will time their arrival so they can be with their preferred associates. The food is prepared at California State Prison and is brought to Folsom State Prison, where it is then re-heated and served to the inmates. Members of the Executive Men's Advisory Council said the food is the inmates' most frequent complaint. While there has been some improvement, they would like to have more heart-healthy choices, including more fresh fruit and produce.

Greystone Chapel is on campus and opens for prayer and church services daily. There is a full-time chaplain and services are held for all denominations and faiths/beliefs.

Visits with families occur every Saturday and Sunday from 7 a.m. to 2 p.m. for two-hour periods. Inmates whose families travel more than 250 miles may have all-day visitations. Inmate phone calls are routinely monitored and mail is inspected. The California Department of Corrections and Rehabilitation (CDCR) specifies that "All prisoners are eligible to receive visits unless they have temporarily lost that privilege due to disciplinary action." The loss-of-privilege guidelines are itemized on the CDCR's website at <https://www.cdcr.ca.gov/visitors/inmate-visiting-guidelines/>.

Folsom Women's Facility Tour, August 19, 2019

Located a short distance from Folsom State Prison is a smaller facility, which was converted into the Folsom Women's Facility in 2013. It is under the purview of the Warden of Folsom State Prison. The Women's Facility currently houses 491 inmates in the 520-bed facility. Staffing levels include 15–20 guards per shift. Unlike the male inmates who are housed two to a single cell, female inmates live in open dorm settings. The dorms include a washer and dryer, which may be used on a sign-up basis. There is no hospital on the premises, so the women inmates must be transported to the men's prison for their medical needs.

Training programs for the women include computer coding, construction labor, and a culinary arts program. A recent releasee and graduate of the culinary arts program obtained a position at *The Kitchen* restaurant in Sacramento, which recently received a prestigious Michelin Star. There is also a successful and sought-after Puppy Program, with six inmates selected to train dogs to be service animals.

Fourteen female inmates serve on the Women's Advisory Council, which holds monthly meetings to address inmate concerns and share them with prison officials. One Council member said the prison administration has been very receptive to concerns expressed by

members of the Council. The same Council member mentioned the food is not bad and they are now being offered more fresh vegetables and fruit. One of the biggest concerns for the women is the overhead lighting in the dorms, which goes on at 5 a.m. and off at 9 p.m. The complaint is the brightness of the lights in the early morning. Another complaint from an inmate is that the mail delivery is very slow and can take up to one month instead of the expected seven days. The visitation guidelines for the Folsom Women's Facility inmates are the same as those established by the CDCR for male inmates at the Folsom State Prison.

California State Prison – Sacramento Tour, September 20, 2019

California State Prison - Sacramento (CSP) was called New Folsom Prison until 1992. It was built adjacent to Folsom State Prison and houses maximum security prisoners. Built in 1986, it has two guard towers and is surrounded by a lethal electrified fence.

The prison is primarily a Level IV-High Security Institution with a capacity of 2,993 inmates. The current population is 2,116, including one death row inmate who was transferred to CSP for medical reasons. There are no female inmates. There are 955 correctional officers - 829 male and 126 female.

By the time an inmate reaches CSP, his classification has been fully reviewed. Receiving CSP staff does not conduct an extensive reclassification review. Instead, they review each inmate's individual requirements before placing him in an appropriate housing unit.

The institution has three separate self-contained Level IV (high security) housing areas, designated as Facility A, B and C. Each facility has eight housing buildings arranged in a 180-degree half-circle layout, which is considered the most secure in prison design. The Level I Minimum Support Facility (MSF) contains the lower level inmates and consists of two open-dorm units that house approximately 90 inmates in each unit. If there is an escape, it is usually from this group and is considered a "walk-away" more than an escape. The Short-Term Restricted Housing Unit is the administrative segregation building that houses inmates who are at extreme risk to themselves, staff or other inmates. Administrative segregation inmates are isolated from the general population and receive services and activities apart from other inmates.

A total of 359 medical and 215 mental health and dental staff members serve in two medical units (Buildings M50 and M56). M50 is a medical clinic. M56 is a 28,100 square-foot facility that provides medical, optical, specialty services and mental health treatments. It includes a Crisis Treatment Center for inmates undergoing a severe mental crisis and requires inpatient care. An inmate on suicide watch is monitored 24/7. Inmates in this unit must carry identification at all times because medication is not dispensed without confirmation of the inmate picture and identification.

Due to the level of prisoner offenses and their varying mental states, violence can be an everyday occurrence. The staff works with the constant threat of physical assault and is trained to be vigilant and prepared to quickly stop violence. There were 539 reported "use of force" incidents during 2018. There have already been 384 such incidents as of July 31, 2019. To minimize potential violence, the staff works to create a positive interaction between themselves and inmates.

Inmates are allowed 5-minute showers. There is no cable TV (other than the prison channel). Inmates are all issued the same clothes and any personal clothing items can only be white, black or blue. An inmate in the MSF facility mentioned that a washing machine was not working and indicated there was a leak in the ceiling. The Grand Jury was unable to tour the main medical area or the kitchen facilities.

There are as many as 370 programs available to inmates and their length of prison term does not determine the programs they may choose. The Reentry Programs include: substance abuse, anger management, criminal thinking and family relationships. Long Term Offender Programs include all of the Reentry Programs as well as Denial Management and Victim Impact. Academic opportunities include Adult Basic Education (ABE), General Education Development (GED), and Adult High School (AHS).

Food tends to be a primary source of complaint and food allergies as well as diet restrictions have led to many lawsuits. There is a statewide-standardized menu for all California prisons, but the actual location of the prison can sometimes dictate the availability of certain foods. To meet the requirements of a large population, food has to be made "bland." CSP is required to have a three-day supply of food in case of an emergency. Meals are flash frozen and served three days later. Some inmates compensate for the blandness by storing hot sauce and spices in their cells.

CSP has a canteen where food and toiletry items can be purchased. The exception is the Short-Term Restricted Housing inmates who may only purchase toiletry items at the canteen. Inmates get a minimum of 10 hours a week yard time. Mail is delivered every day and is inspected and censored for content when necessary. Senders of inappropriate mail are offered the choice of the mail being destroyed or returned.

The Warden met with the touring Grand Jury members and offered many insights into prison operations. He said his current primary concerns are the morale and safety of staff, keeping medical staff from leaving, and the nationwide shortage of psychiatric health care workers. He noted that CSP is subject to many inspections from outside sources, generally legal and watchdog agencies.

Rio Cosumnes Correctional Center (RCCC) Tour, October 17, 2019

Rio Cosumnes Correctional Center (RCCC) is a correctional facility located in and operated by Sacramento County. It has a capacity of housing 2,262 inmates. At the time of the Grand Jury's visit, 1,728 inmates (1,503 males and 225 females) were housed in the facility. The principal function of RCCC to house inmates for up to one year in a county jail was expanded in 2011 by Assembly Bill 109 (AB109) to reduce state prison overcrowding. AB109 requirements are carried out by sentencing felons who are convicted of certain non-violent offenses to serve their sentences in local county jail facilities.

One of the most significant implications of AB109 has been the need for RCCC to develop vocational and educational re-entry programs. RCCC currently provides inmates with a series of educational and training programs to facilitate inmate re-entry into the community. The programs are conducted in cooperation with Los Rios Community College District, providing college credit for completion of specified courses, including computer skills. The re-entry program component includes the Culinary Arts Program for females, directed by Chef Bui.

Programs for male inmates are printing/engraving, welding/construction, horse training and auto repair. Females are currently ineligible for certain vocational programs, e.g., welding, due to regulations which bar combining genders in some programs.

Vocational training for males provides viable career tracks for inmates, resulting in significant reductions in recidivism of program enrollees. RCCC statistics reviewed during the Grand Jury tour indicated a 20 percent recidivism rate for vocational program graduates. Inmates who successfully complete welding, construction and printing/engraving programs may earn professional certification and are assisted by RCCC staff to obtain employment with local companies. The Wild Horse Training Program teaches male inmates to work with and train mustangs. The horses are auctioned to the public two or three times a year with prices ranging between \$700 and \$3,800 per horse. All proceeds from the auctions go to the Bureau of Land Management.

The 2018-2019 Grand Jury report of the RCCC tour noted that "deficiencies in the antiquated facilities were pointed out to the Grand Jury and were described as: decaying perimeter fence area; limited mental health space; limited space for vocational training; and the use of a trailer building for training." Grand Jury members observed the same conditions during their October 17, 2019, tour as well.

On June 27, 2012, the Adult Local Criminal Justice Facilities Construction Program, also known and referred to as SB1022 (Senate Bill 1022), became law. The bill authorized up to \$500 million in lease revenue bonding financing for the acquisition, design and construction of adult local criminal justice facilities.

The most recent proposal to apply for SB 1022 funds to improve facilities and programs at RCCC, submitted by the County Executive and Department of General Services to the Board of

Supervisors on November 5, 2019 was not adopted, and stakeholders are currently in the process of exploring possible alternatives.

Sacramento County Youth Detention Facility (YDF) Tour, October 21, 2019

The Sacramento County Grand Jury toured the Sacramento County Youth Detention Facility (YDF) on October 21, 2019 to review conditions and management of the facility.

Sacramento County Probation is responsible for the operation and management of the YDF, also known as Juvenile Hall. When a minor between the ages of 12 and 18 is suspected of a criminal act, the youth may be issued a citation and released to the custody of a parent/guardian or may be booked into the YDF. A youth under age 12 is released to the custody of a parent/guardian. A youth brought to the YDF is searched for contraband, has personal items removed and stored, and is fingerprinted and photographed. The youth then meets with an Intake Officer who does a risk assessment to determine if the youth can be released to a parent/guardian or should be detained. The youth is allowed telephone calls to a parent/guardian, a lawyer and an employer.

If the youth is detained, he or she completes in-processing and is assigned a security classification and housing. The law requires that charges be filed within 48 hours and also requires a detention hearing within two court days.

YDF is divided into 20 “housing” units. Each unit is a self-contained facility providing YDF services. Some units are living units where the detainees sleep (in a single occupant locked cell) and a common area where they eat. Male and female detainees are assigned to separate housing units. Young detainees (ages 12-14) are housed apart from older detainees.

Detainees over 18 are housed in a separate unit. Other units are used for YDF services such as educational programs, medical and recreational services such as Boys and Girls Club. Other units are currently unused or used for storage.

It was emphasized during the tour that the Sacramento County Probation Department is totally separate from the Sacramento County Sheriff’s Department and the Sacramento County jail. However, a juvenile YDF detainee may be temporarily housed in the county jail during extended court proceedings. On the day of the Grand Jury’s visit, the YDF had 120 detainees (106 male, 14 female). The facility has a maximum capacity of 418.

The Grand Jury was shown various programs provided by the YDF. These included the library, the Boys and Girls Club, and educational facilities. Grand Jury members had opportunities to talk with staff members in the Vocational Unit and the Boys and Girls Club Unit. The Vocational Unit is the location of the Culinary Arts Program, which was described by staff as the most popular program offered by the YDF. The Grand Jury had an opportunity to talk with a 17-year- old male detainee enrolled in this program.

During the visit, Grand Jury members discussed drug and alcohol counseling programs with staff. While counseling is available, the YDF does not have a permanent counseling staff. Outside counselors provide this service.

The Grand Jury was permitted to see the locked cell sleeping quarters of a female detainee who was not present during the tour. The sleeping quarters appear to be brightly lit and comfortable. Detainees are allowed to have limited personal items but cannot decorate the walls with posters or other items leading to an overall “stark” ambiance.

At the end of the visit, members of the Grand Jury talked to the guides about working conditions in the facility. Current staffing includes 146 full time staff, 100 part-time/on-call staff, and approximately 200 volunteers. Four-year college degrees are required for YDF full-time staff. Staff members who spoke with the Grand Jury were generally satisfied with the work environment but wished more resources were available. Some of the guides reported that in many cases burnout can become an issue and retention of senior staff is a problem.

Sacramento County Work Release Division (WRD), November 4, 2019

The mission of the Work Release Division (WRD) is to provide quality alternative correctional programs for Sacramento County by working in partnership with government agencies, the citizens of the community and local public organizations. During the tour it was stressed that their primary goal is to “keep people out of jail.” The WRD is administrative and does not contain detention facilities.

The three primary programs of the WRD are the Alternative Sentencing Program (ASP), the Sheriff’s Work Program (WP) and the Home Detention Program (HD). The WRD program budgets are funded, in part, by the individuals that participate. There is an application fee of \$80 and a participant can pay up to maximum per day of \$40 for the WP, \$30 for ASP and \$47 for HD. These fees are assessed subject to an ability to pay. All fees collected go to the General Fund.

Alternative Sentencing Program

If recommended by the sentencing judge, individuals are allowed to participate in community service. This usually includes park districts, churches and other non-profit organizations that serve the community. Participants are supervised by a work site administrator and this service is considered non-custodial. Currently there are about 1,000 participants.

Sheriff’s Work Project

As recommended by the sentencing judge, certain inmates are assigned to a work crew supervised by a Deputy Sheriff. The community benefits from the inmate labor and participation commutes the inmate’s sentence. Any disciplinary violation by an inmate will extend the inmate’s release date. Currently there are about 1,200 participants.

Home Detention (HD) Program

Each participant is fitted with an ankle transmitter. The goal of this program is to allow inmates who are employed, attending school or have certain medical conditions the ability to continue their activities. There are weekly required drug tests. Medical marijuana and other types of mood-altering medications are not allowed while participating. HD participants require much more staff time and resources, so the number of participants is generally fewer than 300. The average population is about 220.

Power Program

Education and assistance in re-entry into the community is provided by the Power Program.

The Power Program provides pre-employment training, resume writing, job search assistance and workshops to increase self-esteem in a non-custodial setting.

During the tour, staff stated that each unit could use at least one more staff person. Each position generally needs a vehicle or technical equipment which makes the position more costly and harder to budget. Although the staff work with a demanding caseload, they acknowledge that overtime is not the answer.

Staff members report that they are working hard to prevent staff “burnout.” Other budget concerns include the outdated office equipment, such as computers, and the need to update the office administrative spaces.



Responses to 2018 -2019 Grand Jury

