

This document is an extract of a larger publication.

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**SUPERVISING JUDGE OF THE
CONTRA COSTA COUNTY CIVIL GRAND JURY**



HONORABLE ANITA SANTOS
January 2018 - Present

Superior Court of California

COUNTY OF CONTRA COSTA
725 COURT STREET
P.O. BOX 911
MARTINEZ, CA 94553-0091



June 11, 2018

Contra Costa County
2017-2018 Civil Grand Jury
725 Court Street
Martinez, CA 94553

Dear Civil Grand Jury Members,

I write to you with heartfelt appreciation for your service as civil grand jurors for the 2017-2018 term. The commitment of your time and energy to the concerns of the *Contra Costa County* community is reflected in the thorough investigations, reports and recommendations that you have published.

Under the stellar leadership of your foreman, Mr. Mario Gutierrez, you have dedicated countless hours, weeks and months for the betterment of our county, its governance and the allocation of public resources.

I join with Judge Laettner in commending all of you and the vital role you graciously filled as a civil grand jurors. Thank you all and I wish you all the very best.

Best Regards,

A handwritten signature in blue ink that reads "Anita Santos". The signature is written over a horizontal line.

Anita Santos
Contra Costa County
Civil Grand Jury Supervising Judge

**SUPERVISING JUDGE OF THE
CONTRA COSTA COUNTY CIVIL GRAND JURY**



Photography by S. Todd Rogers Photography

HONORABLE JOHN T. LAETTNER
2010 - 2017

Superior Court of California

COUNTY OF CONTRA COSTA

725 COURT STREET

P.O. BOX 911

MARTINEZ, CA 94553-0091



June 15, 2018

Members of the 2017-2018 Grand Jury
Contra Costa County
725 Court Street
Martinez, CA 94553

Dear Grand Jury Members:

On behalf of the Judges of the Contra Costa County Superior Court, I wish to thank you for your service as members of the 2017-2018 Grand Jury. Your dedication in pursuit of the public objectives entrusted to you under the law was exceptional and is very much appreciated not only by us, but by all citizens of this county. You are to be commended for your work and accomplishments.

A special thanks is due, of course, to your foreperson, Mario Gutierrez. It is due largely to his leadership skills that your work was conducted so harmoniously and well.

Since the time of our founding fathers, the role of the Grand Jury has been to protect the public against abusive, corrupt, and/or wasteful governmental practices. By making constructive suggestions on how our county's governmental bodies can operate more effectively and efficiently, you have continued to perform that function in a most positive way. You should be proud of your service.

Thank you very much.

Very truly yours,

A handwritten signature in cursive script that reads "John T. Laettner".

JOHN T. LAETTNER
Supervising Judge of the
2017-2018 Grand Jury

June 15, 2018



Honorable Anita Santos
Judge of the Superior Court
Contra Costa County
725 Court Street
Martinez, CA 94553

Dear Judge Santos,

On behalf of the 2017-2018 Contra Costa County Civil Grand Jury, it is my honor to submit our final report. The report is a compilation of investigations that contain findings and recommendations regarding government agencies within our jurisdiction.

During our year of service, we met dozens of dedicated government employees, and we appreciate their cooperation in our investigations. Contra Costa County residents can be justifiably proud of their workforce.

I would like to express our appreciation for your judicial oversight. We also would like to express our thanks and gratitude for the support of Elisa Pantaleon and Alan Frenklach, the Superior Court Administrative Assistants. Additionally, our thanks to County Counsel Advisors Rebecca Hooley, Hannah Shafsky, and Sharon Anderson for the many hours spent reviewing, editing, and advising on each individual report. Finally, our thanks to Lynn Uilkema, District Attorney Advisor for her support.

Most of all, I would like to personally thank each Grand Juror for the many hours they spent and their dedication and commitment to investigating, interviewing, writing, and debating the merits of each investigation. We hope that these efforts will bring positive meaningful change to County, Cities, and Special Districts within our County.

Respectfully,

A handwritten signature in blue ink, which appears to read "Mario Gutierrez".

Mario Gutierrez, Foreperson
2017-2018 Contra Costa Civil Grand Jury

CONTRA COSTA COUNTY CIVIL GRAND JURY

2017 – 2018



BACK ROW

Helen Bunch, David Wiegles, Husam Masri, Ernie Gonzalez,
Timothy Kean, Aaron Doyle, Geoffrey Hillier, Steven Boyles, Robert Frey

FRONT ROW

April Raffel, Jeanette Wanous-Clarke, Silvia Ledezma, James Tatum,
Mario Gutierrez, Judge Anita Santos, Judge John T. Laettner, Richard
Nakano, Lorene Dees, Marianne Bonner, Joan D'Onofrio

The 2017 – 2018 Contra Costa County

Grand Jury

Approved this Final Report

On June 15, 2018



MARIO GUTIERREZ
Foreperson

**I accept for filling this Final Report of the
2017 – 2018 Contra Costa County Grand Jury**

On

June 15, 2018



HON. ANITA SANTOS
Supervising Judge of the 2017 – 2018 Grand Jury

A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY CIVIL GRAND JURY
725 Court Street
Martinez, California 94553

Report 1801

**COMPLIANCE AND CONTINUITY
REPORT**

Contact:
Mario Gutierrez
Grand Jury Foreperson
925-389-1556

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CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1801

COMPLIANCE AND CONTINUITY REPORT

The Contra Costa County Civil Grand Jury is impaneled annually to investigate city and county government, special districts and certain non-profit corporations to ensure that their functions are performed in a lawful, economical and efficient manner. Findings and recommendations developed from these investigations are contained in the reports signed by the Civil Grand Jury Foreperson and the Grand Jury Judge. Responses to these reports must be made within certain time constraints and in accordance with specific formats pursuant to 933 and 933.05 of the California Penal Code. These responses to the recommendations must include one of the following legally permitted options:

- The recommendation has been implemented
- The recommendation has not yet been implemented, but will be implemented in the future
- The recommendation requires further analysis
- The recommendation will not be implemented because it is not warranted or is not reasonable

The 2017-2018 Civil Grand Jury reviewed 11 reports from the 2016-2017 Civil Grand Jury. There were 36 letters, with copies of applicable reports, mailed to the different entities from which responses were required. These 11 reports made a cumulative total of 155 recommendations to the various recipients, of which 77 responses (50%) stated that the recommendation(s) have been or will shortly be implemented and 22 (14%) responses stated that the recommendation required further analysis. For further explanation and clarification of subject responses to recommendations, refer to their full responses posted online. Responses to the 2016-2017 Grand Jury reports are posted on the Contra Costa County Grand Jury Website in their entirety and can be viewed at:

<http://www.cc-courts.org/civil/grand-jury-reports.aspx>

The Grand Jury believes it is important for future Grand Juries to continue to review these responses and to be vigilant in seeing that recommendations that have been accepted and are implemented. In this manner, the commitment and hard work of past and future Grand Juries will result in positive changes for the citizens of Contra Costa County.

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1702

EMERGENCY MASS CARE AND SHELTER

Are We Ready?

Recommendation #1: The Sheriff's Office of Emergency Services (OES) should consider creating a schedule for updating the Bay Area Earthquake Plan operational annexes by the end of 2017.

RESPONDENT	RESPONSE
Contra Costa County Sheriff	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #2: The Board of Supervisors should consider identifying funds by July 1, 2018, to permit Sheriff Office of Emergency Services (OES) and the Contra Costa County Employment and Human Services Department (EHSD) to coordinate and complete the Mass Care and Shelter Plan according to the schedule submitted by the Sheriff OES.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future
Contra Costa County Sheriff	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation #3: The Sheriff's Office of Emergency Services should consider developing a written Mass Care and Shelter protocol by July 1, 2018, that covers selection, inspection, opening a shelter, and identifying funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Sheriff	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #4: The Sheriff's Office of Emergency Services should consider including shelter selection, inspection, and preparation when it establishes the Emergency Operations Center for a simulated disaster as part of exercises.

RESPONDENT	RESPONSE
Contra Costa County Sheriff	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #5: The Contra Costa County Employment and Human Services Department should consider access to view the National Shelter Services Program (NSS) list by the end of 2017.

RESPONDENT	RESPONSE
Contra Costa County Employment and Human Services Department	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation #6: The Sheriff's Office of Emergency Services should consider providing training to the Contra Costa County Employment and Human Services Department on how to use the National Shelter Services Program after the EHSD is granted access to view the NSS list.

RESPONDENT	RESPONSE
Contra Costa County Sheriff	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation #7: The Employment and Human Services Department (EHSD) should consider periodic reviews of the currency of the data and make update recommendations and corrections to the American Red Cross after EHSD is granted access to view the NSS list.

RESPONDENT	RESPONSE
Contra Costa County Sheriff	Does not apply to the Office of the Sheriff

Recommendation #8: The Sheriff's Office of Emergency Services and American Red Cross should consider inviting the Employment and Human Services Department to their regular meetings regarding earthquake planning and review of associated policies.

RESPONDENT	RESPONSE
Contra Costa County Sheriff	The recommendation has been implemented

Recommendation #9: The Sheriff's Office of Emergency Services should consider reviewing its plans to coordinate local jurisdictions, EHSD and the American Red Cross during an emergency, and develop procedures and provide training where deficiencies are identified.

RESPONDENT	RESPONSE
Contra Costa County Sheriff	The recommendation has been implemented

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1703 MENTAL HEALTH SERVICES FOR AT-RISK CHILDREN IN CONTRA COSTA COUNTY
--

Recommendation #1: The Board of Supervisors should consider identifying funds to add six psychiatrists at the three regional mental health clinics.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation requires further analysis

Recommendation #2: The Board of Supervisors should consider directing Human Resources to review the compensation packages for County psychiatrists to ensure their compensation packages are competitive compared with the private market.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #3: The Board of Supervisors should consider directing BHS to redeploy therapists with a view to a more equitable ratio of children per therapist among the County's three mental health clinics.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation #4: The Board of Supervisors should consider identifying funds to enable BHS to review and improve systems related to the real-time availability of CBO's and individual private therapists for mental health service appointments.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #5: The Board of Supervisors should consider directing BHS to monitor and report on the wait times for mental health treatment for at-risk children.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1704 SELECTION OF BALLOT MEASURE ARGUMENTS

Recommendation #1: Prior to the next election, the Registrar should consider developing internal procedures to clarify the process for selecting between multiple ballot arguments of the same priority.

RESPONDENT	RESPONSE
Contra Costa County Clerk-Recorder Registrar	The recommendation has been implemented

Recommendation #2: In the next and subsequent revisions of the Argument Guide, the Registrar should consider including procedures that clarify the process for selecting between multiple ballot arguments of the same priority.

RESPONDENT	RESPONSE
Contra Costa County Clerk-Recorder Registrar	The recommendation has been implemented

Recommendation #3: Prior to the next election, the Registrar should consider developing internal procedures to facilitate collaboration between parties that file competing ballot arguments.

RESPONDENT	RESPONSE
Contra Costa County Clerk-Recorder Registrar	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #4: In the next and subsequent revisions of the Argument Guide, the Registrar should consider including procedures to facilitate collaboration between parties that file competing ballot arguments.

RESPONDENT	RESPONSE
Contra Costa County Clerk-Recorder Registrar	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #5: Prior to the next election, the Registrar should consider developing internal procedures by which an association of citizens can establish its bona fide status.

RESPONDENT	RESPONSE
Contra Costa County Clerk-Recorder Registrar	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #6: In the next and subsequent revisions of the Argument Guide, the Registrar should consider including procedures by which an association of citizens can establish its bona fide status.

RESPONDENT	RESPONSE
Contra Costa County Clerk-Recorder Registrar	The recommendation will not be implemented because it is not warranted or is not reasonable

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1705 FUNDING FLOOD CONTROL INFRASTRUCTURE
--

Recommendation #1: The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider continuing to pursue efforts to educate elected officials about the urgency of passing the California Water Conservation, Flood Control and Storm Water Management Act.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation #2: The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider identifying funds to increase the Flood Control maintenance budget to begin reducing the deferred maintenance backlog, prior to January 2018.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation #3: The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider identifying funds to begin building reserves to fund the reconstruction of the County flood control system prior to January 2018.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation #4: The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider instructing Flood Control staff to prepare plans for a County wide campaign to educate the public on the need to replace the infrastructure.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1706

FUNDING THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Recommendation #1: The ECCFPD Board should consider continuing to place tax measures on the ballot that would provide funding to reopen fire stations.

RESPONDENT	RESPONSE
East Contra Costa Fire Protection District Board	The recommendation requires further analysis

Recommendation #2: The ECCFPD Board should consider undertaking market research to better understand how to motivate potential voters to approve ballot measures that would raise funds to increase the number of operating fire stations.

RESPONDENT	RESPONSE
East Contra Costa Fire Protection District Board	The recommendation requires further analysis

Recommendation #3: The ECCFPD Board should consider appointing a district-wide task force to research possible funding opportunities to benefit the fire district and make recommendations to the ECCFPD Board.

RESPONDENT	RESPONSE
East Contra Costa Fire Protection District Board	The recommendation requires further analysis

Recommendation #4: The ECCFPD Board should consider supporting legislation to reallocate property tax revenues from one or more local agencies to ECCFPD.

RESPONDENT	RESPONSE
East Contra Costa Fire Protection District Board	The recommendation requires further analysis

Recommendation #5: The ECCFPD Board should consider negotiating with local agencies to voluntarily transfer a portion of their property tax to ECCFPD.

RESPONDENT	RESPONSE
East Contra Costa Fire Protection District Board	The recommendation has been implemented

Recommendation #6: The City should consider adopting a policy to collect impact fees from all developers of residential and commercial properties to fund capital improvements that will be needed to fund future stations.

RESPONDENT	RESPONSE
Brentwood City Council	The recommendation has been implemented
Oakley City Council	The recommendation has been implemented

Recommendation #7: The County should consider adopting a policy to collect impact fees from all developers of residential and commercial properties to fund capital improvements that will be needed to fund future stations.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #8: The City should consider adopting a policy to enter agreements with all developers to establish Community Facility Districts to provide operating revenue for ECCFPD.

RESPONDENT	RESPONSE
Brentwood City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Oakley City Council	The recommendation requires further analysis

Recommendation #9: The County should consider adopting a policy to enter into agreements with all developers to establish Community Facility Districts to provide operating revenue for ECCFPD.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1707 HOMELESSNESS IN THE CITIES

Recommendation #1: The city should consider establishing CORE teams either by partnering with one or more cities in the region or by funding its own team.

RESPONDENT	RESPONSE
City of Antioch	The recommendation has been implemented
City of Brentwood	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Clayton	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Concord	The recommendation has been implemented
Town of Danville	The recommendation will not be implemented because it is not warranted or is not reasonable
City of El Cerrito	The recommendation has not yet been implemented, but will be implemented in the future
City of Hercules	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Lafayette	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Martinez	The recommendation has been implemented
Town of Moraga	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Oakley	The recommendation requires further analysis
City of Orinda	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Pinole	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Pleasant Hill	The recommendation has been implemented
City of Pittsburg	The recommendation has been implemented
City of Richmond	The recommendation requires further analysis
City of San Pablo	The recommendation requires further analysis
City of San Ramon	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Walnut Creek	The recommendation has been implemented

Recommendation #2: The City should consider providing incentives for developers to construct housing for the extremely low income, very low income, and homeless populations.

RESPONDENT	RESPONSE
City of Antioch	The recommendation has been implemented
City of Brentwood	The recommendation has been implemented
City of Clayton	The recommendation has been implemented
City of Concord	The recommendation has been implemented
Town of Danville	The recommendation will not be implemented because it is not warranted or is not reasonable
City of El Cerrito	The recommendation has been implemented
City of Hercules	The recommendation has not yet been implemented, but will be implemented in the future
City of Lafayette	The recommendation has been implemented
City of Martinez	The recommendation requires further analysis
Town of Moraga	The recommendation has been implemented
City of Oakley	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Orinda	The recommendation has been implemented
City of Pinole	The recommendation has been implemented
City of Pleasant Hill	The recommendation has been implemented
City of Pittsburg	The recommendation has been implemented
City of Richmond	The recommendation has been implemented
City of San Pablo	The recommendation has been implemented
City of San Ramon	The recommendation has been implemented
City of Walnut Creek	The recommendation has been implemented

Recommendation #3: The City should consider using Successor Agency funds, CDBG and other federal housing funds, impact fees, and city general funds to assist in funding housing for the extremely low income, very low income and homeless populations.

RESPONDENT	RESPONSE
City of Antioch	The recommendation has been implemented
City of Brentwood	The recommendation has been implemented
City of Clayton	The recommendation has been implemented
City of Concord	The recommendation has been implemented
Town of Danville	The recommendation has been implemented
City of El Cerrito	The recommendation has not yet been implemented, but will be implemented in the future
City of Hercules	The recommendation has not yet been implemented, but will be implemented in the future
City of Lafayette	The recommendation has been implemented

City of Martinez	The recommendation has not yet been implemented, but will be implemented in the future
Town of Moraga	The recommendation has not yet been implemented, but will be implemented in the future
City of Oakley	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Orinda	The recommendation has been implemented
City of Pinole	The recommendation has been implemented
City of Pleasant Hill	The recommendation has been implemented
City of Pittsburg	The recommendation has been implemented
City of Richmond	The recommendation has been implemented
City of San Pablo	The recommendation requires further analysis
City of San Ramon	The recommendation has been implemented
City of Walnut Creek	The recommendation has been implemented

Recommendation #4: The City should consider adopting a five-year comprehensive homeless plan, as soon as possible with a target date of January 1, 2019, to reduce the homeless population in the City.

RESPONDENT	RESPONSE
City of Antioch	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Brentwood	The recommendation has been implemented
City of Clayton	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Concord	The recommendation has been implemented
Town of Danville	The recommendation will not be implemented because it is not warranted or is not reasonable
City of El Cerrito	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Hercules	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Lafayette	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Martinez	The recommendation has not yet been implemented, but will be implemented in the future
Town of Moraga	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Oakley	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Orinda	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Pinole	The recommendation will not be implemented because it is not warranted or is not reasonable

City of Pleasant Hill	The recommendation requires further analysis
City of Pittsburg	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Richmond	The recommendation requires further analysis
City of San Pablo	The recommendation requires further analysis
City of San Ramon	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Walnut Creek	The recommendation will not be implemented because it is not warranted or is not reasonable

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1708 ANIMAL SHELTER SERVICES IN ANTIOCH AND CONTRA COSTA COUNTY
--

Recommendation #1: The Council should consider finding sustainable funding for all of the changes recommended by ARF to the Shelter, including those that the Shelter has already implemented.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation requires further analysis

Recommendation #2: The Council should consider staggering the Shelter's hours of operation to include evening hours one day per week to permit those with daytime commitments the opportunity to visit the Shelter.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation requires further analysis

Recommendation #3: If no qualified Antioch Shelter volunteer is available for this position, the Council should consider identifying funds to create a new position for a Volunteer/Rescue Coordinator.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation requires further analysis

Recommendation #4: The Council should consider directing the Shelter to develop and implement strategies to enlist more volunteers.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation requires further analysis

Recommendation #5: The Council should consider directing the Shelter to establish written policies and procedures consistent with those used by ARF regarding animal care.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation has been implemented

Recommendation #6: The Council should consider authorizing the Shelter to hire an experienced full-time Director of Animal Services and identify the funds to do so.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation has not been implemented, but will be implemented in the future

Recommendation #7: The Council should consider requiring all permanent staff be fully trained on Chameleon software as soon as reasonably possible.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation has not been implemented, but will be implemented in the future

Recommendation #8: The Shelter should consider posting photos of all animals on its website within 24 hours of intake.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #9: The County Board of Supervisors should consider funding a study to examine the feasibility of establishing a County animal shelter in East County.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #10: The County Board of Supervisors and the Antioch City Council should consider negotiating an MOU whereby the Shelter agrees to accept all animals. Those that are identified as non-city of Antioch animals should be regularly picked up and transported to a County Shelter by County Animal Control Officers.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable
Antioch City Council	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #11: The Council should consider directing the Shelter to collaborate with all accredited rescue groups to maximize rescues and adoptions.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #12: The Council should consider the selection of an independent community-based animal advisory group to routinely visit the Shelter to monitor animal welfare and Shelter conditions.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation will not be implemented because it is not warranted or is not reasonable

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1709 CONCORD NAVAL WEAPONS STATION REUSE Management and Reporting
--

Recommendation #1: The Local Reuse Authority (LRA) should consider holding regular LRA meetings, separate from the City Council meetings.

RESPONDENT	RESPONSE
Concord City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Local Reuse Authority	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #2: To increase transparency, the LRA should consider posting agendas, minutes and video of the LRA (including the CAC meetings) on its website.

RESPONDENT	RESPONSE
Concord City Council	The recommendation has been implemented
Local Reuse Authority	The recommendation has been implemented

Recommendation #3: The LRA should consider instructing staff to issue regular written periodic projects reports containing relevant information and current status, and to post the report on the LRA website to increase public awareness.

RESPONDENT	RESPONSE
Concord City Council	The recommendation has not yet been implemented but will be implemented in the future
Local Reuse Authority	The recommendation has not yet been implemented but will be implemented in the future

Recommendation #4: The LRA should consider creating a project execution plan in accordance with accepted program management standards as soon as possible, but no later than the completion of the specific plan.

RESPONDENT	RESPONSE
Concord City Council	The recommendation has been implemented
Local Reuse Authority	The recommendation has been implemented

Recommendation #5: The LRA should consider selecting a master developer prior to negotiating a Term Sheet in future phases of the project.

RESPONDENT	RESPONSE
Concord City Council	The recommendation has not yet been implemented but will be implemented in the future
Local Reuse Authority	The recommendation has not yet been implemented but will be implemented in the future

Recommendation #6: The LRA should consider using a project management software system which would include project cost forecasting capabilities.

RESPONDENT	RESPONSE
Concord City Council	The recommendation has not yet been implemented but will be implemented in the future
Local Reuse Authority	The recommendation has not yet been implemented but will be implemented in the future

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1710 LAW ENFORCEMENT USE OF FORCE AND MENTAL HEALTH AWARENESS
--

Recommendation #1: The Sheriff should consider broadening and enhancing CIT training to educate all law enforcement officers.

RESPONDENT	RESPONSE
Contra Costa County Sheriff	The recommendation has been implemented

Recommendation #2: The Sheriff should consider coordinating with the Contra Costa Police Chiefs Association in their effort to create additional CIT training in the County.

RESPONDENT	RESPONSE
Contra Costa County Sheriff	The recommendation has been implemented

Recommendation #3: The Sheriff should consider researching methods to document the effectiveness of CIT training, and identifying funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Sheriff	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation #4: The Sheriff should consider providing annual updates of CIT training course materials to police departments in the County, and identifying funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Sheriff	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #5: The Sheriff should consider conducting a feasibility study to determine the benefits of establishing additional MHET teams.

RESPONDENT	RESPONSE
Contra Costa County Sheriff	The recommendation has not yet been implemented, but will be implemented in the future

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1711 ALAMO PARKS PLANNING AND DEVELOPMENT
--

Recommendation #1: The Board of Supervisors should consider developing a written, long-term plan for the CSA R7 funds.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation #2: The Board of Supervisors should consider instructing the MAC to use some of its CSA R7 funds to perform a survey of residents to ensure that long term plans for Alamo parks reflect the needs and concerns of the community.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #3: Prior to funding any park projects, the Board of Supervisors should consider ensuring that improvements or land purchases are in accordance with proposed long-term CSA R7 plan and the County's General Plan.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation #4: The Board of Supervisors should consider replacing the new sign at the Miranda Avenue entrance of Livorna Park to match the other existing sign, which indicates park hours from sunrise to sunset.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #5: The Board of Supervisors should consider directing the MAC to hold large events at Hap Magee Park, rather than Livorna Park.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #6: To ensure that the MAC's recommendations are supported by the community, the Board of Supervisors should consider instructing the MAC to provide a history of community outreach efforts and feedback to support their recommendations.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1712

MORE SHELTER BEDS NEEDED FOR THE HOMELESS IN CONTRA COSTA COUNTY

Recommendation #1: The Board of Supervisors should consider instructing the Health Services Department to create and present a proposal outlining the cost of opening and running a shelter with emergency beds in East County.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #2: The Board of Supervisors should consider finding a funding source to create and maintain a County-operated shelter in East County.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #3: The Board of Supervisors should consider finding a funding source to create and maintain a County-operated CARE center in East County.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #4: The Board of Supervisors should consider finding a sustainable funding source to increase the number of beds in existing County operated shelters.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #5: The Board of Supervisors should consider finding a sustainable funding source to set up additional County-operated CARE centers.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #6: The Board of Supervisors should consider expanding master lease programs.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation #7: The Board of Supervisors should consider looking for opportunities to create additional shelter beds by using unused warehouses, commercial buildings, or motels to make best use of existing unoccupied structures.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #8: The Board of Supervisors should consider asking the Health Services Department to create a plan for those frail homeless seniors who are demented or unable to take care of activities of daily living.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

**A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1802

**Los Medanos Community
Healthcare District**

APPROVED BY THE GRAND JURY

Date April 10, 2018


MARIO GUTIERREZ
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date 4/19/2018


ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1802

Los Medanos Community Healthcare District

**TO: Contra Costa County Board of Supervisors, Los Medanos
Community Healthcare District, Local Agency Formation
Commission**

SUMMARY

The Los Medanos Community Healthcare District (LMCHD) is a community-based healthcare district that serves Pittsburg, Bay Point, and portions of Clayton, Clyde, and Antioch. The combined population served is approximately 96,760.¹

The Contra Costa County Civil Grand Jury (Grand Jury) conducted an investigation of LMCHD's efficiencies providing healthcare services, and evaluated how the special healthcare needs of its population are being met, especially in terms of preventative healthcare.

The Grand Jury found that LMCHD does not provide any hospital, physician, or emergency medical services. Instead, LMCHD funds grants to third-party agencies that provide healthcare programs and activities related to health, wellness, and disease prevention. The Grand Jury also found LMCHD grant program administrative expenses are high compared to the amount spent on grants. For example, in FY2016-2017, LMCHD spent 40% of its revenue on grants and 36% administering those grants, with the remaining 24% going to reserves. LMCHD's FY2017-2018 budget allocates 42% for grant programs, and 51% for grant program administration. Earlier years' administrative expenditures were similarly distributed. Typically, comparable local governmental administrative entities devote 10-20% to administrative expenses. Previous Grand Jury reports reached similar conclusions.

Based on these findings, the Grand Jury recommends that the Local Agency Formation Commission (LAFCO) consider dissolving LMCHD. The Grand Jury also recommends that the grants for healthcare programs currently funded by LMCHD be maintained by a

successor. These healthcare programs are important to the community. Any savings from the dissolution could be applied to improvement and expansion of healthcare programs.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Researched the history, programs, and current financial status of the LMCHD
- Interviewed public officials, County employees, and members of the LMCHD Board and the County Board of Supervisors
- Attended an LMCHD Board Meeting and reviewed meeting minutes
- Attended 2017 Local Agency Formation Commission (LAFCO) Healthcare Services Municipal Service Review (MSR) meetings
- Reviewed County records, budget reports, LMCHD's Strategic Plan, and LAFCO's Municipal Service Review documents

BACKGROUND

Previous Grand Jury reports examined LMCHD's administrative expenses. The current Grand Jury investigated LMCHD fiscal performance and healthcare needs of the district in terms of preventative healthcare.

Preventative Healthcare

Healthcare continues to be a significant national and local concern. Research from the Centers for Disease Control and Prevention (CDC) shows that "70 percent of chronic illnesses are preventable, and health costs savings associated with keeping people healthy and out of hospitals substantial." The delivery of healthcare has shifted from hospital-based services to preventative healthcare, which consists of measures taken for disease prevention rather than disease treatment.²

Preventative healthcare is important given the increase in chronic diseases and resulting deaths. One key method for preventing disease is regular check-ups for adults and children. Physicians may consider using these visits to conduct disease screenings, provide tips for healthy and balanced lifestyles, and administer immunizations and boosters. Some common disease screenings include checking for hypertension (high blood pressure), hyperglycemia (high blood sugar, a risk factor for diabetes), hypercholesterolemia (high blood cholesterol), colorectal cancer, and depression. Additionally, screenings specifically for women include mammography (for breast cancer) and Pap smear tests (for cervical cancer).

A presentation to the Board of Supervisors on January 31, 2017, by the County Administrator, identified reduction of hospital dependency as a budget challenge. According to the CDC, a preventative healthcare program reduces hospital dependency by producing a healthier population.

Los Medanos Community Healthcare District

LMCHD was formed in 1948 to operate a hospital within its boundaries. In rural communities, such districts were created to provide for hospitals that otherwise would not exist. LMCHD operated the Los Medanos Community Hospital until 1994 when the hospital closed due to bankruptcy. Since then, LMCHD has not provided any hospital, physician, or emergency medical services. Instead of providing direct services, LMCHD funds third-party agencies that provide health-related programs.

LMCHD derives most of its revenue from property taxes. They lease its decommissioned hospital building to the County, which operates it as the Pittsburg Health Center. The Health Center is the largest clinic in the Contra Costa County Health System, with over 100,000 patient visits per year.

LMCHD is governed by a Board of Directors. The directors are elected at-large by the residents of the District and serve four-year terms.

The FY2017-2018 budget shows a general fund revenue of \$1.0 million. Of that amount, \$0.5 million is allocated to administrative overhead, \$0.4 million to community health programs, and \$0.1 million to reserves.

Local Agency Formation Commissions (LAFCOs)

Local Agency Formation Commissions (LAFCOs) are regional agencies that oversee the creation, expansion, governance, and dissolution of local government bodies. State law requires LAFCOs to prepare a Municipal Service Review (MSR) for each District every five years. These reviews provide information to guide districts in performance improvement and boundary changes and can serve as a catalyst for LAFCO to initiate consolidations or dissolutions.

DISCUSSION

Cancer, heart disease, stroke, and diabetes are the leading causes of preventable morbidity (disease) and premature mortality (death) in Contra Costa County. They are major drivers of health inequities in our communities. Contra Costa Health Services defines health inequities as “unnecessary, avoidable, unfair and unjust differences in health status due to unequal distribution of social, physical, economic and political resources that put some groups at a disadvantage for good health outcomes and limits their ability to lead healthy lives.”³ Major risk factors for chronic diseases include

obesity, poor nutrition, lack of physical activity, tobacco use, and drug and alcohol consumption.⁴

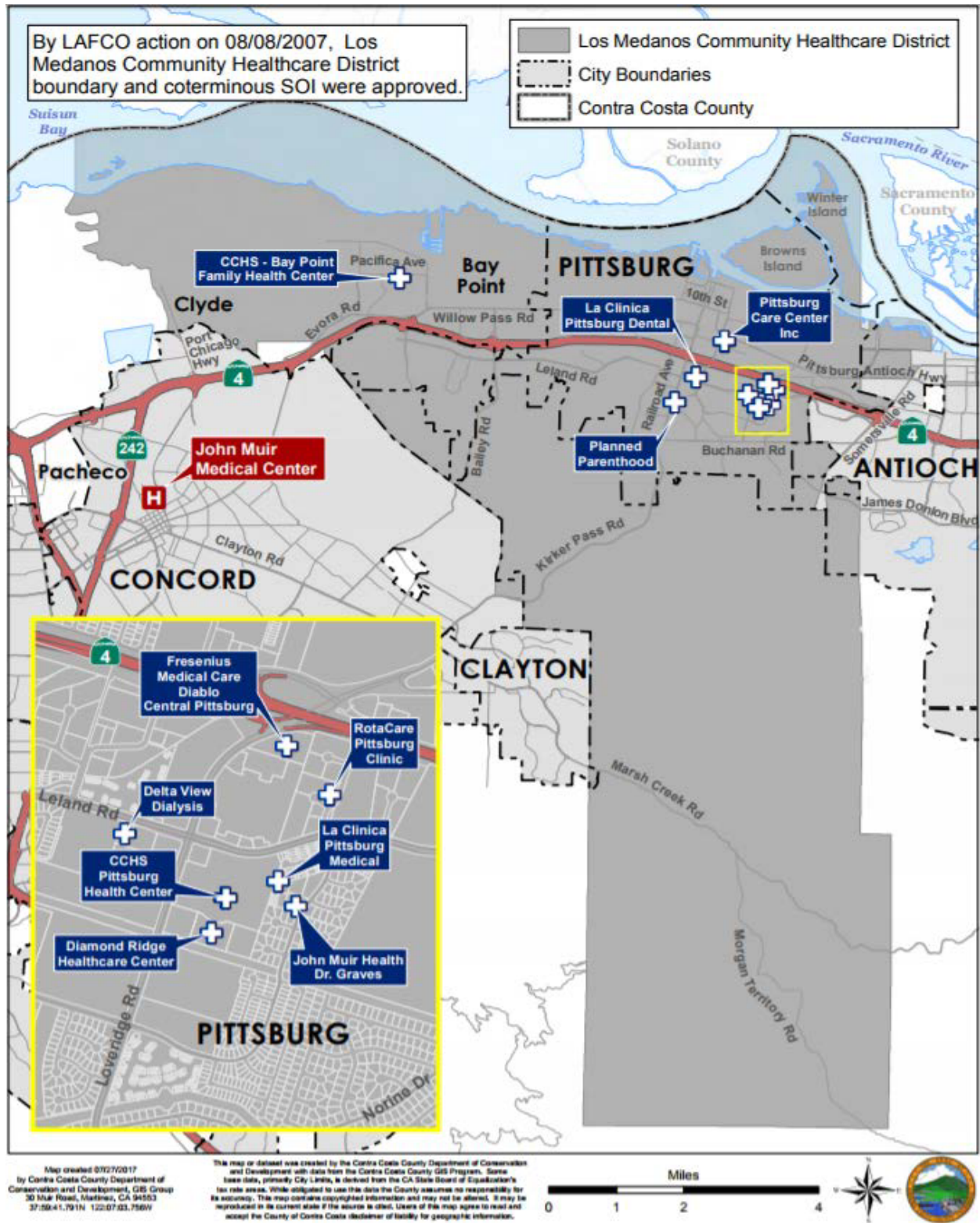
Growth and population projections

Chronic diseases are linked to income, education, and ethnicity and are thus more prevalent in areas of poverty, low educational attainment, and communities of color. The population within the current LMCHD boundaries is especially affected by these socioeconomic conditions and is growing faster than the county at large.⁵ Because of the rapid growth of these populations, preventative healthcare programs are important to improve health in the community and to contain costs.

The Association of Bay Area Governments (ABAG) projects continued growth in LMCHD, estimated at 36% from 2015 through 2040. This compares to 23% growth overall in the County. Population growth and demographic changes will drive future health care needs.⁶

The map below indicates the location of medical facilities within and near LMCHD. While there are no acute care hospitals within the district, several major acute care facilities do exist in adjacent communities. Other medical facilities operate within and around the district to address preventative healthcare needs.

LMCHD Sphere of Influence (SOI)



Characteristics of disadvantaged communities within LMCHD

The unincorporated communities of Clyde and Bay Point, and much of the City of Pittsburg qualify as disadvantaged communities. The California Public Utilities Commission defines “disadvantaged communities” as the areas throughout California which most suffer from a combination of economic, health, and environmental burdens. These burdens include poverty, high unemployment, health conditions like asthma and heart disease, as well as air and water pollution, and hazardous wastes.⁷

Adequacy of Public Services

A presentation to the Board of Supervisors on January 31, 2017, by the County Administrator, identified reduction of hospital dependency as a budget challenge. Some senior officials indicated that a significant number of people obtain treatment for chronic conditions from hospital emergency departments because they lack access to primary care.

LMCHD residents need better access to both primary and urgent care. General medical services are currently provided in the district primarily through the Pittsburg Health Center, which is operated by Contra Costa County, and through clinics in Pittsburg, Antioch, and Bay Point. The Grand Jury found that opportunities exist to expand urgent care services in the Pittsburg Health Center, as well as increase awareness of underutilized health resources. This would improve health outcomes and decrease health disparities.

Accountability

LMCHD adopted a Strategic Plan in 2010 for the years 2011-2016 and updated it to include 2017-2022. The 2010 Strategic Plan relied heavily on the 2010 Community Health Indicators for Contra Costa County, prepared by the Community Health Assessment, Planning and Evaluation Unit (CHAPE). This CHAPE document is intended to help county agencies identify and address health disparities in Contra Costa County. Today, LMCHD uses data from the following resources to determine priority health needs: U.S. Census Bureau (2016), CDC, Contra Costa Health Services reports, and other sources.

Service Delivery and Transparency

The Little Hoover Commission,⁸ in its August 2017 report *Special Districts: Improving Oversight and Transparency*, made several recommendations relevant to LMCHD. Recommendations include: LAFCOs consider district dissolutions to eliminate redundancies and improve efficiency; steps that healthcare districts can take to improve operational transparency—such as requiring every district to have a website with basic information; and to standardize current reporting requirements on revenues, expenditures and reserves.⁹

Although the grant programs funded through LMCHD may be of significant benefit to the community, the LMCHD website lacks data demonstrating such a benefit. It does not provide metrics addressing the public health needs of the community. In addition, it provides no data indicating targeted populations nor any measurement of outcomes.

The Grand Jury found no evidence that LMCHD collaborated with the County, non-profit hospitals, or other local entities to avoid duplication of services. Several organizations received grants from both the County and LMCHD. This duplication of services occurred because the County grant administrator, Keller Canyon Mitigation Fund, supports some of the same programs funded through LMCHD. If the County were to assume administration of LMCHD grant programs, there would be no duplication of administrative expenses because the County grant process is already in place.

LMCHD did not utilize health needs assessments to determine the community's health needs before funding programs. Health needs assessment is a "systematic method of identifying unmet health and healthcare needs of a population and making changes to meet these unmet needs."¹⁰

For comparison, in 2016 the Kaiser Foundation Hospital-Antioch conducted a Community Health Needs Assessment (CHNA) of its service area, which includes the LMCHD geography. Based on the CHNA, Kaiser determined that the top healthcare priorities in the area were: 1) Economic Security, and 2) Obesity, Diabetes, Healthy Eating, and Active Living.¹¹ Kaiser's CHNA cited the names of grantees, the grant amounts they received, the nature of their project, and their progress to date. Kaiser had implemented the grants, tracked the grantees' progress, and documented their results. The outcomes of the programs were clearly displayed on Kaiser's website. Kaiser's CHNA is an example of what other healthcare providers use to manage grant distribution based on community health needs.

The grant program is important as the non-profit entities delivering the services can best focus on particular needs of affected communities, where the services are most needed. This safety net ensures that grant program funds are allocated and used effectively for the most disadvantaged communities.

Finances

LMCHD receives nearly all its annual revenue from property taxes. It uses this revenue to pay for program and wellness grants, as well as administrative expenses. It also funds an ongoing reserve/surplus. The tables below provide a breakdown of these revenue/expense items for fiscal years 2013 through 2018.

Table 1

LMCHD Governmental Fund Revenue and Expenditure year ended June
(\$ in Thousands)

	2013	2014	2015	2016	2017	2018
Revenue	683	786	865	960	1,106	992
Grants/Program Outreach	(345)	(380)	(303)	(329)	(438)	(412)
Administration	(438)	(358)	(423)	(362)	(396)	(510)
Surplus/Deficit	(100)	48	139	269	272	70

Source: 2018 Adopted Budget, 2017 unaudited financial statements, 2013-2016 audited financial statements

Table 2

LMCHD Governmental Fund Revenue and Expenditure year ended June
Expense as a % of Revenue

	2013	2014	2015	2016	2017	2018
Grants/Program Outreach	51%	48%	35%	34%	40%	42%
Administration	64%	46%	49%	38%	36%	51%

Source: 2018 Adopted Budget, 2017 unaudited financial statements, 2013-2016 audited financial statements

LMCHD's FY2017-2018 Budget allocated \$411,875 (or 42%) of the total General Fund to be spent on community health programs. The LMCHD's largest expenditure category is general administration at \$509,698 (or 51%) of total revenues.

According to the 2017 fiscal year unaudited financial statements, the District spent 36% of its revenue on administrative expenses and 40% on grants and programs. The remaining revenue was held as cash. As of June 30, 2017, the District had a cash balance of \$1.8 million. Of the \$1.8 million cash on hand, \$0.9 million was held in a bank account that earned no interest, and \$0.9 million at LAIF (Local Agency Investment Fund) in an interest-earning account. (See Table 3)

Table 3

LMCHD Governmental Fund Cash Balance as of year ended June (\$ in Thousands)

	2013	2014	2015	2016	2017
Cash on hand	296	349	422	697	889
Investment in LAIF	849	828	880	886	943
Total	1,145	1,176	1,302	1,584	1,832

Source: 2017 Unaudited financial statements, 2013-2016 audited financial statements

Operational Efficiency

LMCHD's administrative expenses range from 36% to 64% of General Fund revenues from FY2013-2018, depending on whether grant administration and program development are included in overhead. Other comparable Federal Grant programs run at 10% administrative costs. Contra Costa County budget runs at 15% administrative costs, and Concord/Pleasant Hill Healthcare District runs at 20%.¹² Because LMCHD is a free-standing entity, it incurs higher overhead costs than Concord/Pleasant Hill Healthcare District, a subsidiary district of the City of Concord.

During FY2015-2016, LMCHD funded twelve Community Health Programs in the amount of \$268,569, or approximately 25% of LMCHD revenue (see table 4). LMCHD's largest expenditure category was for administrative expense at \$362,307 or 38% of total revenues.

Table 4
Summary of LMCHD FY2015-2016 Grants

Student Eyeglasses Program	\$ 7,750
Youth Intern Program	\$ 4,682
African American Community Baby Shower	\$10,000
District Programs and Activities Committee	\$ 851
CPR/FAST	\$ 8,980
Pittsburg Swim Academy	\$20,900
Supervisor Glover's Youth Summit	\$10,000
St. Vincent de Paul RotaCare	\$30,000
Health and Wellness Fall Allocation	\$85,988
Health and Wellness Summer Allocation	\$75,359
Board Community Benefit Fund	\$10,300
Community Garden	\$ 3,759
TOTAL FUNDING	\$268,569

Source: LMCHD Annual Financial Report, June 30, 2016

Conclusions

To shift the current healthcare landscape in the community and offer more preventative healthcare services, dissolution of the LMCHD is recommended. Any cost savings can be directed toward enhancing current healthcare preventive services provided by the grantees, and exploring new programs and possible creation of an urgent care facility.

The community agrees and the Grand Jury's research validates the need for improvement of health services and urgent care in the area. The County health system may be in the best position to offer those services at a lower cost.

FINDINGS

- F1. LMCHD website lacked data addressing the public health needs of the community or measurable outcomes of the grant programs targeting the population served.
- F2. LMCHD used obsolete data rather than the current health needs assessments to prioritize grants.
- F3. The Grand Jury found no evidence LMCHD collaborated with the County, non-profit hospitals, or other local districts to avoid duplication of services.
- F4. LMCHD's level of administrative costs is high compared to other government agencies that fund grants.
- F5. As the County already has a grant administration program in place, and has some of the same grantees as the District, there is potential for administrative cost savings through elimination of redundancies.
- F6. LMCHD did not maximize cash assets as large balances were left in non-interest bearing account.

RECOMMENDATIONS

- R1. LAFCO should consider dissolving the LMCHD by December 2018 and assigning all the assets, rights, and responsibilities to the County as the successor to LMCHD.
- R2. The Board of Supervisors should consider maintaining grant funding levels for healthcare programs upon dissolution of LMCHD.
- R3. The Board of Supervisors should consider using any savings from LMCHD dissolution to improve and expand healthcare programs once appointed as the successor to LMCHD.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F5	R2, and R3
Los Medanos Community Healthcare District	F1, F2, F3, F4, and F6	
Local Agency Formation Commission	F1, F2, F3, F4, and F5,	R1

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

Appendix

¹ Berkson Associates, *Healthcare Services Municipal Service Review & Sphere of Influence Updates: Public Review Draft* (Martinez, CA: Contra Costa LAFCO, December 2, 2017): 39, http://www.contracostalafco.org/municipal_service_reviews/healthcare-services/Public%20Review%20Draft%2012-5-17.pdf.

² Little Hoover Commission, *Special Districts: Improving Oversight and Transparency*. Report #239 (August, 2017): 46, <http://www.lhc.ca.gov/sites/lhc.ca.gov/files/Reports/239/Report239.pdf>.

³ Contra Costa Health Services, *Community Health Indicators for Contra Costa County* (Martinez, CA: Contra Costa Health Services, December, 2010), accessed April 2, 2018, http://cchealth.org/health-data/hospital-council/2010/pdf/2010_community_health_indicators_report_complete.pdf.

⁴ Contra Costa Health Services, *Health Indicators and Environmental Factors Related to Obesity for Antioch, Bay Point, and Pittsburg* (Martinez, CA: Contra Costa Health Services, May, 2013): I, accessed April 2, 2018, <http://cchealth.org/prevention/pdf/Health-Indicators-and-Environmental-Factors-Related-to-Obesity-2013.pdf>.

⁵ Contra Costa Health Services, *Health Indicators and Environmental Factors*, III.

⁶ Berkson Associates, *Healthcare Services Municipal Service Review*, 40.

⁷ “Disadvantaged Communities”, California Public Utilities Commission, accessed April 2, 2018, <http://www.cpuc.ca.gov/discom/>.

⁸ Little Hoover Commission, *Special Districts*.

⁹ Berkson Associates, *Healthcare Services Municipal Service Review*, 4.

¹⁰ Berkson Associates, *Healthcare Services Municipal Service Review*, 10, 14.

¹¹ Berkson Associates, *Healthcare Services Municipal Service Review*, 40.

¹² Berkson Associates, *Healthcare Services Municipal Service Review*, 55.

**A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

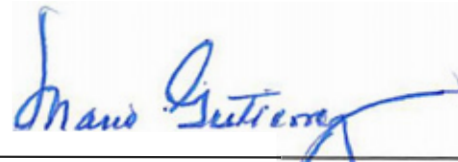
Report 1803

Voting Security

Integrity and Transparency

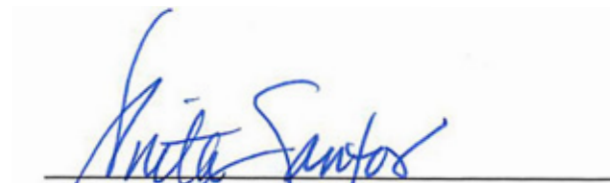
APPROVED BY THE GRAND JURY

Date April 19, 2018


MARIO GUTIERREZ
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date April 23, 2018


ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1803

Voting Security

Integrity and Transparency

TO: Contra Costa County Clerk-Recorder-Registrar

SUMMARY

The act of voting is central to our democracy. If citizens do not have confidence that their voting system provides accurate results, government risks losing its credibility.

Last year, media reports highlighted a range of potential issues affecting elections, including covert foreign influence on the American public, electronic intrusion (hacking) into voting systems, and alleged fraud. With this background, the Contra Costa County Civil Grand Jury (Grand Jury) investigated the voting system in the County, focusing on the voting process and system security to ascertain the ability of the County to deliver accurate election results. The Grand Jury did not perform a forensic study of cyber security. It did not address potential user interface issues such as ballot design. It did not deal with issues of covert influence on elections through social media or advertising.

Following its investigation, the Grand Jury concluded it has confidence in the integrity of the ballot process and accuracy of election results, and commends the paid County employees, volunteers, and temporary help who support the election process. Elections are the responsibility of the Clerk-Recorder's Office (CRO), which manages the election process and maintains the election equipment. The Grand Jury found a well-run operation maintaining cyber security and logistical security in accordance with current best practices. The election process is as transparent and accountable as is practicable, consistent with current law. The department has done an excellent job of maintaining smooth operations and creating cost savings to fund voting equipment replacement.

The County's voting equipment was in its end-of-maintainable-life phase. The Contra Costa County Board of Supervisors (BOS) voted on February 13, 2018 to approve the purchase of a new voting system as recommended by the CRO. The purchase is

covered by funds the CRO had already put aside for the purpose. Maintenance of the system over six years will be managed within current operational funding. The new system should be fully implemented in time for the June 2018 primary election.

The Grand Jury recommends that the CRO consider updating its business continuity plan and Memorandum of Understanding with Sacramento prior to the June 2018 election. The Grand Jury also recommends that the CRO consider completing its threat and vulnerability assessment, and implementing the resulting recommendations prior to the June 2018 election.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Reviewed public documents
- Reviewed facilities and equipment
- Researched press articles
- Interviewed election officials and volunteers
- Researched other states' election practices
- Attended accessibility training given by the department
- Participated in a public viewing of the vote counting procedure

BACKGROUND

Various voting methods are employed or have been considered across the United States: paper ballots available at polling sites, paper ballots delivered and returned through U.S. mail, e-voting (electronic voting at polling site) and i-voting (electronic voting over the internet). Any method used can lead to an improper outcome if there are voting process imperfections, voting equipment failures, individual fraud, or third-party intrusion into an insecure system. During the past two decades, the following issues and actions have been reported involving elections in the United States.

- The Help America Vote Act of 2002 made sweeping changes to the nation's voting process. It was seen as a response to revelations in the 2000 election of serious flaws in the nation's voting systems, voter access, and election administration (The Brennan Center for Justice report "America's Voting Machines at Risk," 2015).
- According to the Center for American Progress report "Election Security in All 50 States" dated February 2018 "...fourteen states use paperless DRE [direct recording electronic] machines in at least some jurisdictions. Five states rely

exclusively on paperless DRE machines for voting.” According to a Washington Post report dated October 7, 2017, “In July, at the DefCon hacking conference, programmers successfully invaded 30 Direct Record Electronic (DRE) touch-screen machines, including some identical to those in use in Virginia, within 90 minutes.” DRE machines do not have paper ballot backup. If a system is compromised, original voting records may not be recovered.

- In a February 8, 2018 interview with NBC News, “Jeanette Manfra, the head of cyber security at the Department of Homeland Security, said ... in 2016, ‘We saw a targeting of 21 states and an exceptionally small number of them [voter systems] were actually successfully penetrated.’”
- According to a BuzzFeed article dated March 22, 2018, “Homeland Security Secretary Kirstjen Nielsen called the need for new voting machines that produce a paper trail ‘a national security issue.’” The omnibus spending bill passed March 23, 2018 by Congress provided money targeted to replace voting machines that did not leave an audit trail, as well as to implement post-election audits, provide cyber security training for state and local officials, and fund other election security-related improvements.

Paper ballots are generally considered by the experts to be the safest method of voting available. According to Lawrence Norden, Deputy Director of the Democracy Program at the Brennan Center for Justice at the New York University School of Law, “...the most important technology for enhancing security has been around for millennia: paper. Specifically, every new voting machine in the United States should have a paper record that the voter reviews, and that can be used later to check the electronic totals that are reported.” (*The Atlantic*, May 10, 2017)

California and Contra Costa County have chosen to continue using paper ballots, which are available at polling places or sent by mail. Vote-by-mail (VBM) ballots are returned by mail or turned in by hand at polling stations. Ballots are tallied using optical scanning machines.

However, the process logistics and the voting system (software and hardware) the process uses are complicated. Therefore, continuous and rigorous attention to details and full transparency are vitally important. This investigation considered Contra Costa County’s voting process and voting system, and its security implications to determine if continued confidence in the integrity of the ballot process and accuracy of election results is justified.

The CRO has recently purchased a new voting system to replace its current aging system. The new voting system has updated technology and additional features, but in terms of logistics, it is similar to the current system in its operation. This report will discuss the voting system and process that have been in place, and will note the new voting system changes that affect security.

DISCUSSION

A review of local press articles over the last decade shows that the Contra Costa County CRO, which manages elections, has no history of voting system security issues. Only two incidents were uncovered: one involved false voter registrations by a paid-to-turn-out-the-vote group, and the other was a double voting attempt using a loophole in a practice mandated by the State. Both incidents involved only a small number of votes and according to the CRO had no effect on the outcome of the election.

The 2016 presidential election was a good test of the voting system in Contra Costa County. More than 100,000 new voters registered for the election. With three paper sheets for each ballot, the system had to scan almost 1.5 million ballot sheets to tally the vote. Approximately 65% of all votes were vote-by-mail. State Election Code §15360 mandates an audit be completed of at least one percent of precincts in which paper ballots are manually counted and compared to the electronic tally. In the 2016 election, to cover all the different ballot types, Contra Costa County manually audited 29 out of 656 precincts (4.4%). The manual count tallied exactly with the electronic count.

There were 4,018 provisional ballots (over 0.8% of voters) disallowed due to non-registration. These are people voting in the wrong county or who do not realize the need to register when relocating to the County if they were registered elsewhere in California. State law in 2016 did not allow eligible voters to register and vote the same day. Assembly Bill 1436, a State law enacted in 2012, will go into effect this year to allow people to both register and vote on Election Day.

System Description

The Contra Costa voting system is comprised of three main activities:

1. Voter registration
2. Ballot logistics
3. Ballot creation and counting

1) Voter registration

A valid list of voters is critical to the election process. Voters apply to be registered to vote, either online through the State portal or in person at various locations throughout the County. Applicants must provide their California Driver License number, California Identification Card number, or Social Security number. Their signature is scanned. If the application is completed online, the signature used is the electronic version associated with the Driver License. A voter list is created by the County and shared with the State.

The County is broken up into different voting areas called precincts (700 as of January 2018). A precinct is an area used to group residents that vote on the same issues. The

voter list is combined with precinct geographical data. The combined data is used to create the mailing list for VBM ballots, and the roster for in-person voting for each polling location. Each person receives the ballot specific to his/her precinct.

2) Ballot logistics

VBM ballots are mailed directly to the voter from the certified mail service vendor, which prints the ballots. Vote-in-person ballots are warehoused in a secure County facility. The day before Election Day, trucks operated by at least two volunteers deliver ballots and optical ballot scanners for use in the polling locations. The trucks act as local depots for multiple polling locations. Each polling location Inspector, the person who manages the polling location, signs for and picks up the materials from the truck, and stores them at home overnight before taking them to the polling location. After the election, the scanners and the completed ballots are placed in secured containers, and returned to the trucks by the Inspector accompanied by another polling location worker. The materials are signed for and trucks return the materials to the warehouse for final tallying. With the new voting system, the equipment and ballots will be delivered directly to the polling locations. After the election, the data card with the electronic tally and the completed ballots will be returned in secured containers.

There are separate processes for the three types of ballots:

- **Vote-in-person:** People are checked against the voter roster specific to their polling station. They sign the roster, receive their ballot, and have their completed ballots scanned by machines in the polling places. After the polling location closes, the number of signatures on the roster is compared to the electronic record of ballots scanned. The tally from the optical scanners and the paper ballots are returned to the warehouse.
- **Provisional:** Voters at a polling station whose names are not on that voter roster can vote using a provisional ballot. The provisional ballot is counted but not scanned at the polling station. It is returned to the warehouse in a sealed envelope. If validated, the ballot is scanned by high volume optical scanners.
- **Vote-by-mail:** Returned VBM ballots are stored at the warehouse. If validated, the ballot is scanned by high volume optical scanners.

3) Ballot creation and counting

A software program is used to create the ballots, program the machines that optically scan the ballots to count the votes, and aggregate the resulting vote totals.

To aggregate the County vote totals, the electronic totals are recovered from the scanners returned from the polling stations. For VBM ballots and provisional ballots, the envelopes are run through a sorter at a secure warehouse. The sorter captures the name, address, and signature of the voter from each envelope. This information is

validated by comparing it with the data from the master list of registered voters to help ensure the votes are legitimate and there are no duplicate votes.

During the 2016 election, approximately two hundred volunteers extracted and prepared the ballots for counting. Validated ballots were taken to a separate secure facility and fed into high volume optical scanners. The count from these machines (VBM and provisional ballot tallies) was aggregated with the count from the polling machines (vote-in-person tallies) for a final total. The aggregated vote total is sent to the State. Paper ballots and envelopes are archived for twenty-two months.

Security

This report defines *security* to mean all measures taken to ensure an accurate return of voting tallies. It concentrates on these security areas:

1. Machine condition
2. Logistics security
3. Cyber security

1) Machine condition

Contra Costa County is in the process of implementing a new voting system. Until very recently, the voting system in the County consisted of Election Systems and Software (ES&S) equipment: Unity Election Management System (EMS) software, M100 optical scanners, M650 high speed optical scanners, and the Automark Voter Assist Terminal (VAT), which is a ballot-marking device with support for alternate languages and the disabled.

The voting system had been reaching the end of its maintainable life. The M100 and M650 optical scanners and the Automark VAT are 10-11 years old and using obsolete technology. The Brennan Center of Justice's 2015 report "American Voting Machines at Risk" surveyed vendors, experts, and users regarding voting equipment age and maintainability. For voting equipment manufactured since 2000, these respondents reported usable life spans to be 10-15 years. After that, the machines became increasingly unreliable. Users reported optical scan and touch screen registration issues, intermittent connectors, failing memory boards, obsolete storage technology, and paper jams.

Supplies were difficult to find and the CRO was reduced to using eBay to find system storage drives. The County reduced the number of polling locations three years ago, which freed up machines for spares.

New voting systems were recently certified by the State for use in California. The CRO conducted a study of the available systems and made a purchase request to the BOS.

The request was unanimously approved by the BOS at the Board meeting on February 13, 2018. Trials of the new equipment began in March 2018, and County-wide implementation is expected in June. The new voting system should eliminate age-related issues and will also help prepare the County to respond to new legislation.

The County is purchasing the Democracy Suite voting system from Dominion Voting Systems. The Suite replaces the Unity EMS with the Democracy Suite EMS. It replaces the Automark equipment with the ImageCast Evolution optical scan tabulator and ballot marking device. It replaces the M100 with the ImageCast Precinct optical scan tabulator, and the M650 with the ImageCast Central count system. The CRO will need to review its security procedures based on the new equipment. At the time of this writing, the CRO is preparing a threat and vulnerability assessment, which will cover the new systems and procedures.

2) Logistics security

Logistics security encompasses safeguards to the voting process, physical security of facilities, ballots, system equipment and electronics pre-vote, during voting, and post-vote. It also includes cross-checks to the system.

Only two process incidents have been uncovered: one involved false voter registrations by a paid-to-turn-out-the-vote group, and the other was a double voting attempt using a loophole in a practice mandated by the State. Neither of these had an effect on the election outcome. According to an *East Bay Times* article dated August 15, 2016, the Clerk-Recorder “claimed that 113 people successfully voted twice in the primary election... At issue is whether voters in Contra Costa who come to polling places on Election Day wanting a different ballot from the one they were issued through the mail should be required to fill out provisional ballots.” According to the article, the Secretary of State’s office said the requirement to fill out a provisional ballot is against state law. The article noted that a legal alternative is to print out and distribute the VBM rosters, which could be used to check whether they had already voted.

The Contra Costa County District Attorney’s office has four open investigations involving improper voting activity. One is a felony relating to someone who was allegedly paid to register voters and who allegedly registered fictitious voters. Sixteen registration forms were found by the DA’s investigation to be fictitious. The other three open investigations are misdemeanors where a person is alleged to have voted twice.

Voter list

The list of registered voters forms the foundation of the election system. A new state-wide voter registration system, VoteCal, was brought online in September 2016 to replace the previous system, named CalVoter. VoteCal includes the State’s approximately 19.4 million (in 2017) registered voters. It interacts with, and exchanges information with, various state and county information systems to update the voter registration list (per California Secretary of State, 2016) including:

- County Election Management Systems (EMS): to exchange voter information between State and County. All 58 counties are connected to VoteCal. Counties use their EMSs to register voters and update voter information, which is then uploaded to VoteCal. Changes at the State and county level synchronize with each other. Counties are notified of any State-level changes for verification purposes. Registration information is maintained redundantly at the State and County for security.
- California Department of Corrections and Rehabilitation: persons with felonies are excluded or removed from registration rolls.
- California Department of Public Health: exclusion of deceased persons from registration rolls.
- California Employment Development Department: address change information for voter registration records.
- California Department of Motor Vehicles (DMV): address change information for voter registration records and use of applicant's DMV signature electronic record. The signature is appended to the voter's application.

Contra Costa County maintains its own voter registration database on County-owned servers in the event the State system goes offline or is impacted by outside agencies. This enhances the security of the voter registration data.

From a security perspective, VoteCal has three main differences from the previous CalVoter system which may lead to more vulnerability: 1) More access is allowed (each county can now see all data whereas before a county could only see its own data), 2) there is an update mechanism that did not exist before (the State can now automatically update county voter lists), and 3) the DMV is now connected to the system. This may create greater potential for cyber disruption and potential fraud. While this is a State security issue, the County may have to implement new procedures on its end to manage updates securely.

Facilities

The County facilities that house the election system and materials are secured three ways: a) key card access, with sensitive areas additionally protected by b) a key code alarm system and c) video cameras. They appear to be adequately protected.

The elections system

Prior to the election, polling locations are surveyed by the CRO to ensure compliance with the American Disabilities Act (ADA). The CRO trains poll workers in operations, accessibility practices, security, and voter support through in-person classes and a comprehensive reference manual. All software on all machines is deleted and freshly

installed from a verified copy of the software. Voting machinery is aligned and rigorously tested across all combinations of ballots and candidates.

The elections-system software and vote-tabulating equipment are never connected to the internet, and have no wireless connection capability.

Security for the voting electronics and completed paper ballots in transit to, at, and from the polling locations is enforced through use of equipment locks and carrier bags, each with numbered, tamper-proof security tags. These tags are logged and materials signed for each time the materials change hands. The CRO maintains chain of custody documents. More than one person must accompany these items at all times. The only exception is when Inspectors take the ES&S electronics and ballots home with them the night before the election, and then to the polling locations the following morning. Inspectors are selected from experienced volunteers and must undertake a training course. The Dominion equipment is managed differently. It is built as a big rolling cart, and is delivered directly to the polling location. The main concern of the vote-in-person process logistics occurs when the trucks gathering the electronic data and ballots from polling locations return them to the central location. Any accident destroying a truck could wipe out both the electronic data and the paper ballots from multiple polling locations.

At polling locations, the combination of locks and security tags on machines make it difficult for someone to tamper with the equipment. During voting, the voting machines are always in plain sight of the poll workers and the voters.

Handling of the completed ballots is managed in a secure County warehouse using volunteers. Mail-in ballots and provisional ballots are run through a sorting machine. The sorting machine electronically captures the voter's name, address, and signature from the outside of the envelope. That information is compared to the County's EMS records to ensure that: a) only registered voters have voted, b) their signatures match their vote application, and c) they have not voted more than once. County staff open the envelopes and place them in boxes. The boxes are brought to two volunteer teams, each consisting of two members, who must stay seated. One team member removes the ballots from the envelopes, ensures the envelopes are empty, and counts and bundles them. The second member unfolds and counts the ballots. The team then swaps tasks, and recounts and records the numbers. Staff observe the process, and remove the envelopes and box of ballots. The entire process has staff oversight and the facility has security cameras.

The boxes of counted ballots are then placed on enclosed trolleys, and are accompanied by two people to the central elections facility for high speed scanning and counting. The press and the public are welcome to watch both the ballot handling and vote-counting processes.

A three-tier process is used for validating mail-in and provisional ballots. Volunteers use the EMS system to compare the voter's name, address, and signature taken from the

envelope to the data in the voter registration list. Discrepancies are flagged for CRO staff review. If the staff person also believes there is a discrepancy, it is referred to managers to make the final determination. Only managers can disallow a vote. Unsigned ballots are not counted.

Signatures are not validated for in-person voters at polling locations. The voter rosters from the polling locations include barcodes identifying each voter. These barcodes are scanned to record that the persons voted, but their signatures are not checked. This is because there is no way to associate a signature on a roster to that person's ballot as the ballot is anonymous.

Validation

The County voting system has several validation checkpoints. For in-person voting, the polling locations' electronic vote counts, the count of paper ballots, and the total number of signatures on the voter roster are cross-checked. All discrepancies are documented and researched. Discrepancies are prioritized by volume. If the volume is insignificant to the election, the discrepancy may be just documented.

For VBM and provisional ballot cross-checking, the sorting machine counts the number of envelopes handled, which is compared to the envelope slicers' count of the number of envelopes opened. The extractors count the number of ballots removed from the envelopes, which is compared to the high-speed optical scanners' count of the number of ballots scanned. The number of ballot sheets is compared to the total number of envelopes. There will be less, as people do not always return all ballot sheets when voting.

The CRO carries out an audit of at least one percent of the precincts. In an audit, paper ballots are manually counted and compared to the electronic record. The CRO conducts a lottery to determine which precincts to audit. If any additional precincts are needed to audit all ballot races, they are then added by the Clerk-Recorder staff. Counting is conducted by teams of two volunteers, each supervised by staff. The public is invited to view both the lottery and the count.

Contingency plans

Procedures to handle issues arising during the election process are covered by a reference manual provided by the CRO to volunteers and staff. Anything not covered by the manual can be referred to a command center which supports all operations during the election. Complex issues are escalated to CRO managers who are on hand to make any necessary decisions.

Power for the equipment in the central location is backed up by a generator for the building, with additional battery backup for servers and networking equipment. Data is backed up daily, with one copy onsite and another to the cloud. The voting system is backed up at various points before, during, and after an election. Copies of the backup

reside on redundant voting system servers. An additional copy is stored on an external drive in a fire-proof safe.

The department's business continuity plan (systems and procedures to continue business in the event of system failure) includes a reciprocal agreement with Sacramento County to provide vote counting services to each other in the event of need. Both counties use the same voting system. The CRO will need to update its plan and the Memorandum of Understanding with Sacramento to reflect any changes necessitated by the new voting system. The plan should be tested to ensure that it works and all parties understand their duties.

3) Cyber Security

Cyber security is designed to protect against electronic intrusion (hacking) into the voting system to alter an election outcome. Altering the election by electronic intrusion requires an entry point or connection, and the ability to alter software or data. Potential targets include the County EMS software, the voter registration list, and the voting tallies.

California Election Code §19205 requires that the election system must not be connected to the internet and must not operate a wireless connection. Contra Costa County adheres to this requirement. The EMS software resides in a secure room on an internal wired network that is not electronically connected to any other internal system or to the internet. Prior to each election, software on the entire voting system is deleted and freshly installed from a verified copy of the software. No physical media (data devices) used by the system are ever allowed outside the secure room unless in use. All software updates and all input data (voter list, precinct geographical data, and voting data from the precinct optical scanners and the central high-speed scanners) are brought to the EMS on physical media. Final voting tallies are exported from the EMS on physical media. Voter identification information from the sorting machine (name, address, and signature) is delivered from the warehouse to the facility on a dedicated data line.

While the software that controls the vote-counting optical scanners is totally isolated from the internet, this is not true of the voter registration list. The County EMS is connected to the State's VoteCal using a secured State data connection through a County and State firewall. Registration list data is encrypted during transmission. VoteCal gets electronic input from other State entities. Security for those interconnections is the responsibility of the State. The Secretary of State is responsible for maintaining VoteCal system security. The County will need to review security procedures at its own level.

Planning for the Future

Senate Bill 450 (SB450), known as the California Voter's Choice Act, passed in 2016. The bill defines a new voting model, but compliance is not mandatory. It will allow

counties, on a county by county opt-in basis, to change the voting process to replace the current precinct model of voting with a new “vote center” model. The stated aim of the law is to improve voter turnout. Under the law, VBM is encouraged. All registered voters will get a VBM ballot in the mail. They can also vote in any vote center in the County. There will be fewer vote centers than precinct polling locations, but the vote centers will be open more days prior to the election. Under this law, each county is encouraged to solicit community input regarding acceptance and implementation of SB450.

According to the Senate Rules Committee Office of Senate Floor Analyses 8/25/2016, “...the provisions of this bill are modeled after the way that Colorado conducts its elections. ... Fully implemented for the 2014 elections, this hybrid system resulted in Colorado achieving one of the highest voter turnouts in the nation.”

Orange County trialed the vote center model in 2016. Fourteen counties, not including Contra Costa, have been authorized to trial the model prior to 2020. Contra Costa, and the remainder of the counties, may choose to adopt the model for 2020 or later elections. As of February, four of the fourteen counties have chosen to trial the SB450 model.

If adopted by Contra Costa County, the key elements of SB450 and voter impact in the County would be:

- Every eligible voter will receive a mailed ballot 29 days before Election Day.
- In-person voting will be available in a limited number of locations:
 - one vote center for every 50,000 Registered Voters will be open for ten days before Election Day
 - one vote center for every 10,000 Registered Voters will be open for four days before Election Day
 - one secure drop off location for every 15,000 Registered Voters will be open for ten days before Election Day

A County citizen will be able to vote or drop off a ballot at any vote center in the County. A voter can register and vote on the same day.

The CRO says the newly purchased Dominion voting system will be able to support the SB450 requirements.

The County has not yet determined whether it will implement SB450. Cost will be an issue. SB450 still mandates keeping both VBM and in-person voting systems. It increases the cost of VBM voting by mandating the mailing of a VBM ballot to all registered voters. In the County's case, it may also increase the cost of in-person voting. The County currently has trouble finding locations willing to provide multiple-day usage for its current six non-County owned early voting locations. Finding dozens of locations

that would require extended hours and additional staffing would increase cost and logistical issues. The County is waiting to see the impact that SB450 has on the four counties that are planning to adopt it, before it decides whether to implement SB450.

FINDINGS

- F1. For the last ten years, there have been no reported significant security or voter fraud issues with County elections.
- F2. The CRO is following good cyber security and logistical security practices, with a process that is as open and accountable as is practicable under current law.
- F3. The County's voting machinery is reaching the end of its maintainable life, but the County expects to implement a new system for the June 2018 election. The CRO had put aside sufficient funds for a new voting system and recommended one for purchase, which the Board of Supervisors unanimously approved.
- F4. Vote-by-mail is the more secure method of voting in the County, simplifying logistics and avoiding the "single point of failure" where a traffic accident could wipe out all voter records for multiple polling locations.
- F5. Implementation of SB450, the California Voter's Choice Act, is not mandated. Before determining whether to implement the law, Contra Costa County is waiting to see how the law affects other counties that have chosen to implement the law, especially as it relates to the optimal number of voter centers and drop-off locations needed.
- F6. The implementation of VoteCal, the new State-wide voter registration system, introduces the facility for automated updates, and it is now connected to the DMV.
- F7. The CRO is preparing a threat and vulnerability assessment of the new system, which is planned to complete prior to the June 2018 primary election.
- F8. The CRO follows good practice in system redundancy and backup, and has a business continuity plan with Sacramento County to provide reciprocal vote counting support since each county has the same voting system. The Memorandum of Understanding and plan covering the agreement are not yet updated to include the new voting system.

RECOMMENDATIONS

- R1. The CRO should consider completing its threat and vulnerability assessment of its overall operation, and implement any recommended changes to its procedures per its current timetable – prior to the June 2018 election.

- R2. The Grand Jury recommends that the CRO consider updating its business continuity plan and Memorandum of Understanding with Sacramento County prior to the June 2018 election, and then test the plan's effectiveness on a regular basis.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Clerk-Recorder's Office	F1, F2, F3, F4, F5, F6, F7, and F8	R1 and R2

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

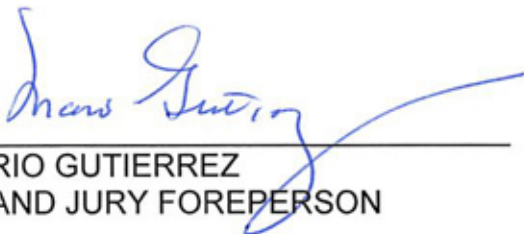
**A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1804

BART Crime and Transparency

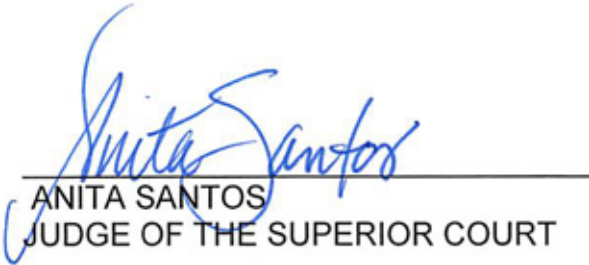
APPROVED BY THE GRAND JURY

Date MAY 8, 2018


MARIO GUTIERREZ
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date May 8, 2018


ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1804

BART Crime and Transparency

TO: BART Board of Directors, BART Police Chief

SUMMARY

The Bay Area Rapid Transit District (BART or the agency) operates a public rail system that serves four counties in the San Francisco Bay Area. Service will be extended to a fifth county in late 2018. BART operates the BART Police Department (BART PD).

BART PD has been criticized by riders, the news media, and some BART officials for lack of transparency reporting crime data to the public. Critics contend that the public has a right to know the type of crimes occurring on BART property. They maintain that failure to provide timely and detailed crime information raises public concerns and creates the impression that BART PD has something to hide.

The Contra Costa County Civil Grand Jury (Grand Jury) considered these issues and found the complaints to be valid. BART PD's transparency of crime reporting is limited. Subscribers to a daily log, mainly reporters, receive an email with a crime summary. Subscription to this log is not available to the public. Instead, the agency communicates with the public using the crime-reporting website crimemapping.com. BART PD provides their crime incident data to the website crimemapping.com in order that it be available alongside data from other contributing law enforcement agencies, and to allow the public flexibility in assessing the information. The Grand Jury found that integration of crimemapping.com website with the BART PD's daily log would provide easier and fuller access for the public to evaluate crime on BART property.

Riders and some BART officials expressed concerns about their safety and security on trains, at stations and in parking lots. They cite several factors that contribute to their sense of vulnerability: a police officer shortage, cell phone robbers, vehicle thieves, vandals, dirty stations, lack of operating video cameras, poor lighting in parking lots, and fare evaders.

The Grand Jury recommends BART PD be more transparent reporting crime. The content of the BART Police daily log could be made available to the public. Security could be improved in garages and parking lots by installing video cameras, better lighting, and deploying more Community Service Officers (CSOs).

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Interviewed some BART officials and employees
- Reviewed websites, news articles, reports and other Internet documents
- Reviewed reports and news articles posted on BART's website (www.bart.gov)

BACKGROUND

BART is a Special District created in 1957. It has operated a public transit system in the San Francisco Bay Area since 1972. The agency currently operates 669 cars over 112 miles of track. The rail system includes 46 stations spread across four counties.

The agency oversees the train system in Alameda, Contra Costa, and San Francisco Counties. It is divided into nine voting districts, each represented by a director. The directors are elected officials who serve a four-year term. The Board appoints a General Manager who oversees the transit system's day-to-day operations.

BART also serves San Mateo County and will begin service to Santa Clara County in late 2018. These counties are not part of the BART District and do not have representation on the Board.

The agency operates the BART PD, overseen by the Chief of Police, who reports to BART's General Manager.

DISCUSSION

Riders, the news media, and some BART officials have criticized BART PD for lack of transparency regarding crime and safety. BART PD provides limited information to the public regarding crimes that occur on BART property. Riders contend they have a right to such information, and the failure to provide it suggests that BART PD has something to hide.

Riders and some agency officials expressed concern about safety on BART property. They said the system has security lapses, including a lack of video cameras, poor

lighting, fare evasion, cell phone thefts, and vehicle break-ins. Riders also complained about a lack of sanitation, particularly in stations and restrooms.

Complaints about these issues escalated in 2017 following incidents reported by the press:

- January 9, 2016: At approximately 7:40 P.M. a 19-year-old male was shot on a BART train at the West Oakland station. BART PD released a video of a suspect on March 9, 2016, but the assailant has never been identified. Shortly after the incident, BART admitted that a majority of security cameras in BART trains were decoys.
- April 22, 2017: At around 9:30 P.M. 50 to 60 juveniles jumped the fare gates at the Coliseum station. The juveniles then boarded a train and robbed multiple passengers of cell phones and other items. Two people were injured. BART PD subsequently arrested two juveniles. When news agencies requested a video of the incident, BART PD refused, stating that it wanted to avoid racial stereotyping.
- June 30, 2017: At around 6:25 P.M. a group of about a dozen teens was traveling on a Warm Springs-bound train when one of them robbed a passenger of her cell phone. Another passenger recovered the phone, and BART Police detained the teens.

Crime Information

BART PD provides limited information to the public regarding crimes that occur on BART property. The data it does provide can be divided into two categories: annual statistics and daily updates.

Annual Statistics

BART PD voluntarily provides annual crime statistics to the Federal Bureau of Investigation. It reports data on both violent and property crimes. Violent crimes include homicides, rapes, robberies, and aggravated assaults. Property crimes include burglaries, larcenies, auto thefts, and arson.

Crime statistics are reported in the annual BART Police Department Report, which is available on its website. The statistics show that crime on BART fluctuates from year to year, both in the number of crimes and the types of incidents.

Annual BART Police Department Report

Crimes	2011	2012	2013	2014	2015	2016	2017	Total
Homicide	0	0	1	0	1	1	0	3
Rape	1	2	0	2	3	4	8	20
Robbery	195	202	209	153	161	232	290	1,442
Aggravated Assault	24	41	29	44	35	42	49	264
Violent Crime Subtotal	220	245	239	199	200	279	347	1,729
Burglary	12	27	25	7	4	12	15	102
Larceny	2,067	2,356	2,524	2,597	2,325	2,217	2,584	16,670
Auto Theft	351	433	483	522	480	480	419	3,168
Arson	2	0	0	0	0	1	4	7
Property Crime Subtotal	2,432	2,816	3,032	3,126	2,809	2,710	3,022	19,947
Total	2,652	3,061	3,271	3,325	3,009	2,989	3,369	21,676

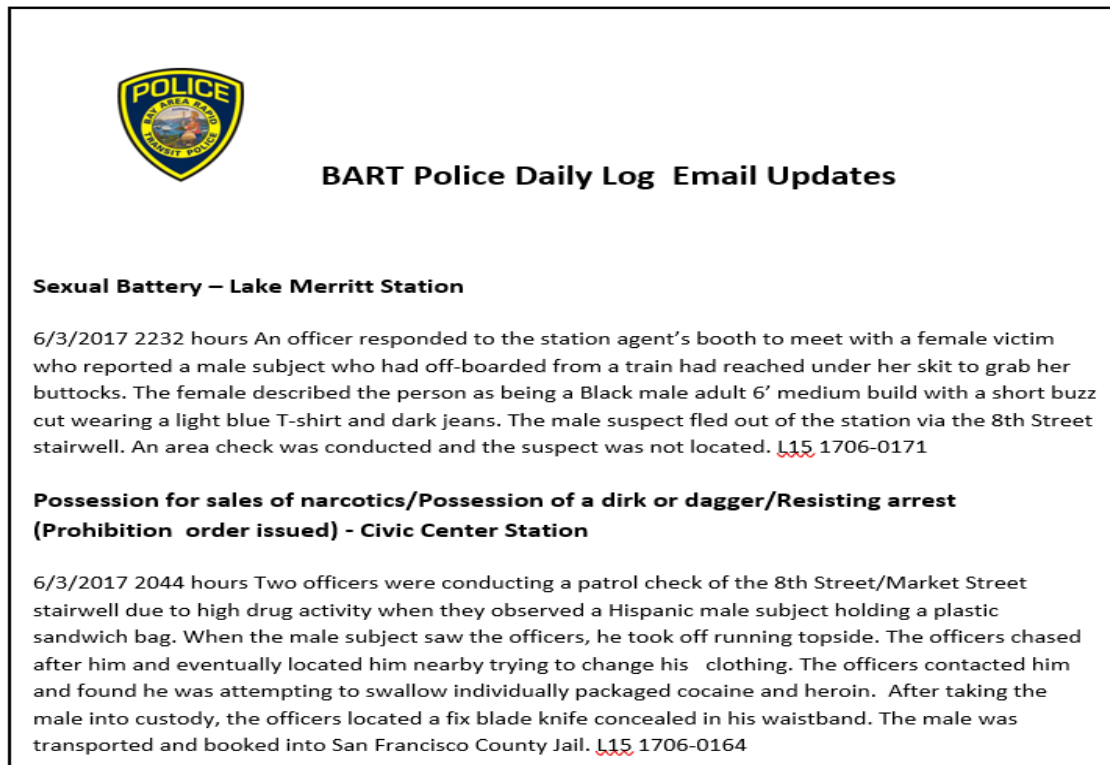
Daily Updates

BART PD's daily crime information is available from three sources: a) a BART Police daily log (daily log) emailed to subscribers, b) crimemapping.com, and c) bartcrimes.com.

a) BART Police Daily Log

BART PD emails a daily crime summary to subscribers. The daily log is curated by the watch commander on duty. It provides a summary of all crimes committed the previous day. The daily log contains a narrative description of each crime, including the names of adult offenders (juveniles are not named), and the date and time the incident occurred. It also indicates whether an arrest was made and if the arrest was based on an outstanding warrant or an existing prohibition order. A prohibition order bars a criminal offender from entering BART property for a specified period (30 days to a year).

The following chart is an excerpt from BART PD's daily crime log dated June 3, 2017.



BART published a news article on June 6, 2017 announcing plans to use crimemapping.com to report crimes. The article made no mention that the daily log email would be discontinued that day. Subscribers to the daily log were to use crimemapping.com to obtain crime information.

The termination of the daily log generated an outcry from news reporters. Several BART directors complained publicly, arguing that crimemapping.com was not a good substitute for the email daily log. They contended that the website was cumbersome, lacked transparency, and provided few details about individual crimes. BART PD reinstated the daily crime log in mid-July, 2017.

The daily log is available only to subscribers, most of which are BART directors, employees, or members of the media. The public does not have easy access to the log as no signup link is provided on BART's website.

b) Crimemapping.com

Crimemapping.com is a website built by a private company, TriTech Software Systems. It is used by BART PD and other law enforcement agencies nationally to report mapped crime data. The site provides free access to crime information via the Internet. BART does not own or operate this site but simply uses it as a crime-reporting tool.

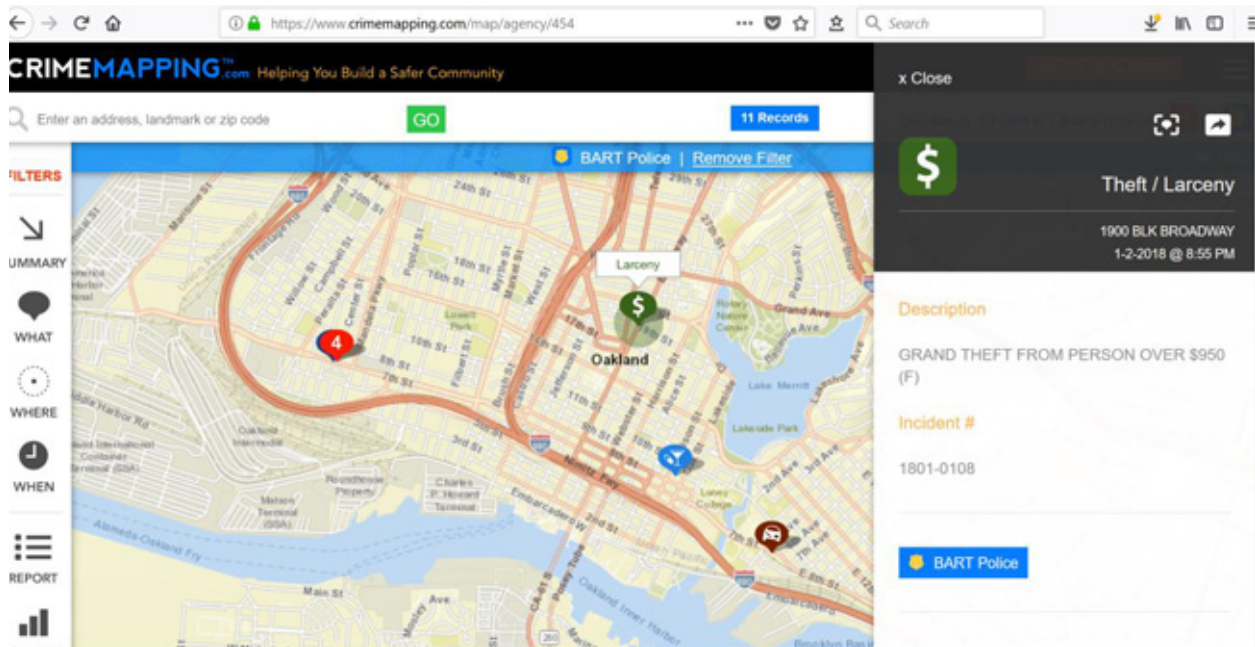
According to TriTech Software Systems, “CrimeMapping.com is an overview of designated crimes within a particular law enforcement agency. The icons are intended to indicate the block in which the crime allegedly occurred. Information shown is displayed for a maximum of 180 days and is updated once a day.” The information provided is uploaded by BART PD periodically.

The public can use the website to view crimes in 15 incident categories as reported by subscribing police departments. Crimes are displayed on a map of the relevant area. The public can search by agency or by location (a two-mile radius of a specific address or location.) Users can limit their search to crimes reported to a specific police agency, such as BART Police or Oakland Police. They can also use filters to look for specific types of crimes such as robberies, assaults, or crimes that took place within a specific time. Search results appear as icons on a map. Different icons represent different crime types. For example, a white car on a purple background depicts a motor vehicle theft, while a white car on a brown background indicates a vehicle break-in. Maps and a list of crimes can be printed.

The June 6, 2017 news release stated that use of the site would increase the efficiency, accuracy, and transparency of the agency’s crime reporting. Media reports and some BART officials have stated that crimemapping.com provides little in the way of transparency. The Grand Jury analyzed the website and found the following:

- The site could be more intuitive. Retrieving data on crimes related to BART PD will bring up BART Police reported crimes and also crimes reported in the area of BART stations by other police agencies. If users want BART PD reported crimes only, then they first select “California” and “BART Police” from the drop-down boxes on the site’s homepage. When the map appears, they must click the shield icon and select “show only records from this agency on a map.”
- The website provides limited information about individual crimes. Each record indicates the date, time, incident number, address (such as 1400 Block of 7th St.), and type of crime, such as “battery” or “assault.” It does not describe the perpetrator, the victim (if there was one), how the crime occurred, or whether an arrest was made.
- The tool does not highlight BART stations with an icon or any other designation. To search for crimes that have occurred near a specific station, users must enter the station name into the search box.

Below is a screenshot from crimemapping.com on January 2, 2018. The dollar sign icon shown on the map indicates a larceny incident. If a user clicks the icon, a window appears on the right side of the screen displaying the date, time and location of the crime and an incident number.



c) Bartcrimes.com

While the Grand Jury does not investigate private businesses, it reviewed a privately-operated website that provides BART crime information to the public. This website serves as an example of what BART PD could do to communicate crime-related information to riders.

Bartcrimes.com was created in the summer of 2017 by a software engineer and regular BART rider, Ben Friedland. The stated goal on this website is “Making Public Information Public.” Mr. Friedland subscribes to BART PD’s daily crime log and transfers the data from the log to his website. The site is financed by donations from users and is available to the public for free.

Bartcrimes.com lists crimes chronologically; the most recent events appear first on the home page. The site offers two options for sorting data. Users can sort by “station” to obtain a list of all crimes that have occurred at a BART station, or they can sort by “tag.” Each tag applies to a type of crime, like Assault/Battery or Bicycle Theft. A user can view all crimes in a specific category by selecting the appropriate tag. For instance, a user can create a list of all bicycle thefts that have occurred throughout the system by selecting the Bicycle Theft tag.

Bartcrimes.com does not have the capability to tabulate data into a list or spreadsheet. For instance, riders cannot use the site to determine how many assaults or bicycle thefts occurred throughout the system within a given time.

A screenshot of a record captured from bartcrimes.com on March 7, 2018 follows. This website provides substantially the same data for individual crimes as BART's daily crime log.

236 Pc/243.3 Pc

Powell St. - 1803-0231

The victim confronted the suspect near the platform elevator as she thought he was urinating. The suspect pushed the victim into the elevator and the victim fought back. At times the victim tried to exit the elevator, but the suspect prevented her from exiting. The suspect left the area before officers arrived. The victim was not injured with only a complaint of pain to her face.

✕ Arrest

✕ Prohibition order

✕ Warrant related

Assault/Battery

 Tweet

 Share 0

1 comment(s)

12:33 PM

Security and Safety

According to the news media and some BART officials, riders avoid using the system during off-peak hours and at night. They cite the following reasons why riders feel vulnerable:

- A scarcity of police officers on trains, in stations, and parking lots
- Fare evaders
- Poor lighting in parking lots and garages
- A lack of working video cameras
- Frequent cell phone robberies
- Numerous vehicle break-ins
- Poor sanitation, particularly in stations, elevators, and restrooms

Officer Shortage

BART officials informed the Grand Jury that BART PD is experiencing a staff shortage. On May 3, 2018 BART PD stated that they are operating with approximately 16 percent fewer officers than authorized. Staffing requirements will increase in late 2018 when two new stations open in Santa Clara County.

News media reports stated that BART riders would like to see more officers throughout the system. The Grand Jury was told that existing officers are spread thin. They spend their shifts responding to routine events and have little time to patrol trains or stations. When crimes occur, officers typically travel to the crime scene by car. Officers cannot reach a crime scene quickly if they travel by train.

Several factors have contributed to the shortage of police officers:

1. Experienced officers are retiring and leaving the force
2. BART PD is competing for officers in a declining talent pool
3. Vetting new officers is a lengthy process

BART PD is taking steps to solve its staffing problem that includes: offering \$10,000 hiring bonuses for academy graduates and lateral transfers from other law enforcement agencies; accelerating the hiring process so new officers can be brought on board more quickly; and advertising for recruitments in and on BART stations, trains, and kiosks at community colleges, police academies, military bases, and other locations.

BART officials maintain that the police officer shortage will take time to resolve. Some have suggested that riders might feel more secure if the agency deployed more Community Service Officers (CSOs) at stations and parking lots. CSOs are non-sworn civilian employees who perform tasks like issuing parking citations and recovering video from cameras. They wear BART CSO uniforms and are visible to riders.

Fare Evasion

BART has a severe fare evasion problem. The agency estimates it loses \$15 to \$25 million in annual revenue due to gate-jumping riders. Fare evasion angers fare-paying customers and generates complaints. Many riders are unnerved by the sight of people hopping over gates.

The agency finally acted against fare evaders in October 2017 by enacting a proof of payment policy. The policy went into effect January 1, 2018. It authorizes CSOs to conduct periodic fare inspections in paid areas. When performing an inspection, a CSO will ask all passengers in a car or on a platform to produce a valid ticket. Fare evaders are subject to fines. Those who cannot afford the fine may perform community service.

BART is also using physical deterrents to combat fare evasion. The agency is installing high barriers around fare gates and securing swinging gates to discourage fare cheaters. Elevators are also being enclosed to limit access from unpaid areas.

Cameras and Lighting

BART's 2016 revelation that most train video cameras were dummies generated public concern. The Board of Directors responded by approving \$1.42 million to purchase and install new cameras. By June 2017, all trains had been outfitted with working cameras. The cameras have proved useful in solving crimes. In October 2017, a video was used to identify two suspects, who were later arrested for separate felonies. In January 2018, BART PD used video to identify and arrest a man who had assaulted riders on two different trains.

Most BART stations are equipped with multiple security cameras. The cameras are positioned to capture entrance and exit gates and pay areas. Station cameras are tools for deterring and catching gate jumpers and other criminals.

In contrast to trains and stations, most BART garages and parking lots have few cameras or none. The vast majority of crimes that occur in parking areas are vehicle thefts or auto break-ins. According to BART officials, some of those crimes could be deterred by the strategic use of video cameras.

Another safety feature lacking in many BART parking lots is sufficient lighting. Lighting affects riders' perception of safety. Dark parking areas are perceived as unsafe. Poor lighting also facilitates auto break-ins and other vehicle-related crimes. BART officials have suggested that better lighting in parking facilities could help deter crime and improve riders' sense of security.

Cell Phone Theft

Cell phone theft on BART property is an ongoing problem. BART PD has reported that there were 417 thefts of electronic devices in 2017. This was a 52% increase over the number of thefts (274) that occurred in 2016. To address the issue, BART PD initiated a public awareness campaign in 2017. It used recorded announcements in trains and stations to encourage riders to keep phones secure.

Poor Sanitation

Another source of complaints by riders and some BART officials is a lack of cleanliness. A 2016 Satisfaction Study indicated that riders are concerned about unsanitary conditions in stations, elevators, and restrooms. According to BART officials, homelessness and drug addiction are major contributing factors to the agency's sanitation problems.

BART is addressing this issue by focusing its resources in the stations that need them the most. The agency employs a full-time crisis intervention and community outreach worker, who connects those in need with social services. At some stations, canopies have been installed to prevent people from entering stations after trains stop running.

BART Watch App

In 2014 BART PD introduced a smartphone app called BART Watch. The app enables riders to send text messages directly to a BART PD dispatcher. Users can report crimes occurring on trains, in stations, or in parking areas. If a crime occurs on BART property, the victim or another rider can notify BART PD immediately. BART promotes the App as a tool to increase rider safety and security.

FINDINGS

- F1. BART PD controls subscriptions to its daily crime log and does not make the log readily available to the public. There is no permanent link on BART.gov website
- F2. BART PD provides crime incident reports within fifteen incident categories to crimemapping.com. A crosscheck between incidents reported on the BART Police Daily Log and in the crimemapping.com website suggests that some BART PD incident data is being lost.
- F3. Crimemapping.com offers limited information about crimes that occur on BART property.
- F4. Crimemapping.com provides the public less detailed information about crime on BART than Bartcrimes.com
- F5. BART PD is currently operating with about 16 percent fewer sworn officers than its authorized staffing level.
- F6. Community Service Officers are non-sworn civilian employees that provide technical assistance to BART police personnel and could be assigned to patrol stations and parking lots.
- F7. BART parking lots and garages have insufficient lighting and few or no security cameras.
- F8. BART officials and riders are dissatisfied with the lack of sanitation in stations, elevators, and restrooms.

RECOMMENDATIONS

- R1. BART PD should consider providing permanent web links to crimemapping.com and to the subscription form for the BART Police Daily Log on the “BART Police” page (<https://bart.gov/about/police>) of BART.gov by September 30, 2018.
- R2. BART PD should consider reviewing their data upload process to crimemapping.com for process integrity and data completeness within the fifteen crime incident categories reported, by December 31, 2018.
- R3. BART PD should consider offering the most recent 180 days of the BART Police Daily Log reports, with simple text search function, from a permanent web link on the “BART Police” page (<https://bart.gov/about/police>) of BART.gov by December 31, 2018.
- R4. BART PD should consider seeking funds at the next budget funding cycle to deploy more Community Service Officers to patrol BART stations and parking lots.
- R5. BART’s Board of Directors should consider seeking funds at the next budget funding cycle to equip all parking lots and garages with adequate lighting and working video cameras.
- R6. BART’s Board of Directors should consider directing maintenance to make cleanliness a priority and improve the level of sanitation in stations, elevators, and restrooms. If additional personnel is needed, a request for funding may be considered for the next funding cycle.

REQUIRED RESPONSES

	Findings	Recommendations
BART Board of Directors	F7 and F8	R5 and R6
BART Police Chief	F1 to F6	R1, R2, R3, and R4

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1805

**Effectiveness of IT Operations
in County Government**

APPROVED BY THE GRAND JURY

Date MAY 10, 2018


MARIO GUTIERREZ
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date May 18, 2018


ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1805

Effectiveness of IT Operations in County Government

TO: Contra Costa County Board of Supervisors

SUMMARY

Information Technology (IT) is fundamental to the functioning of Contra Costa County government. Effective implementation of information technology is key to enhancing efficiency, reducing cost, and turning data into useful information to provide better customer experiences for County employees and citizens. IT cost is a significant part of the County budget. In 2016, IT expenditure was estimated by the Grand Jury at over \$117 million or approximately 6.4% of the County's annual budget of \$1.8 billion.

Information Technology is evolving rapidly. The Grand Jury undertook an investigation to determine whether IT dollars are being spent effectively and whether the County is taking advantage of current best practices and available technology. The Grand Jury found that while IT staff were open, cooperative and focused on doing the best job they can, it concluded that the County IT operation presented opportunities to improve both efficiency and effectiveness.

The Grand Jury found that the IT organization, with a County IT group and individual departmental IT groups, has become too decentralized. Departmental IT groups perform a vital function by supporting their respective business groups' very different business activities. However, decentralization has led to departments duplicating effort to deliver the same services, and for some to lack the necessary resources to create needed technology competencies. The Grand Jury believes selective consolidation will increase productivity and financial savings.

The Board of Supervisors (BOS) hired a new Chief Information Officer (CIO) in March 2018 who will concentrate on County IT organization and strategy. The Grand Jury commends the BOS in its focus on a County-wide strategy. To complement this

process, the Grand Jury recommends a set of strategic options that would: create centers of expertise around key technologies such as security, business process automation, and cloud management to consolidate effort and attract technical talent; standardize or centrally deliver selected common IT services such as email, IT security, and disaster recovery to increase efficiency and reduce costs; and re-create County-wide governance to help set strategy, implement related policies, and monitor strategy outcomes.

METHODOLOGY

The Grand Jury used the following investigative methods:

- Reviewed County websites
- Interviewed County administrators to understand organization and governance
- Surveyed various IT groups
- Interviewed departmental IT staff to understand operations
- Interviewed selected IT customers

BACKGROUND

In Contra Costa County government, Information Technology (IT) is deployed across twenty-three County departments plus the Courts, which is a State-run department. It is organized as a central IT group operating in conjunction with individual departmental IT groups.

The County has a central IT group named Department of Information Technology (DoIT). It is responsible for the central corporate computing complex, and the County's wide-area networking and telephony. It also provides general business and technical consulting services to other departments, if requested and paid for. County-wide software project and service costs are centralized in DoIT and apportioned back to the various departments.

Currently, departments largely retain autonomy over their own IT strategy, procurement, and the IT services and resources that support their programs and operations. Under this decentralized operating model, departments may have their own data and network centers, varying in size and capabilities depending on the degree to which they use DoIT services. Some departments have a large IT staff. The balance employ a small number of IT personnel for local and/or specialized support, and generally rely on DoIT for IT services.

Centralized monitoring capabilities are limited. The Grand Jury discovered that the annual County budget does not provide a detailed account of IT spending. IT costs are

not broken out by individual departmental sections in the overall County budget, and there is no report outlining total IT costs for the County. The Controller's office has not performed a County-wide IT audit in seven years. Committees that prescribed and monitored IT policy County-wide were dissolved after the 2008 recession and have not been reestablished. The County's IT Strategy document was last updated 18 years ago.

The Board of Supervisors (BOS) has limited control over departmental IT:

- The BOS is responsible for adopting the County's budget and retains control of departments' budgets derived from the general fund, including the budget and contracts for IT-related expenditures. With respect to elected officials (Sheriff-Coroner, Auditor-Controller, Clerk-Recorder, Assessor, Treasurer-Tax Collector, and District Attorney), the BOS does not govern the way in which elected officials spend their respective budget allotments or the manner in which the officials assign authorized departmental personnel. The BOS also has limited control over funds derived from grants, given that the terms of the grant generally control the use of grant funds.
- The BOS, through the County Administrator's Office, appoints and manages those department heads who are not elected by the voters.

County IT supports a mix of technologies and equipment, including an aging mainframe, on-premise servers, and remotely hosted software. The County's mainframe system dates from the 1970s. Critical finance, law, and justice software systems running on the mainframe are programmed in an obsolete language which DoIT is having trouble supporting.

Senior County staff reported that obsolescence and inefficiency are driving the need for the following major technology and software-intensive projects:

- Selection of technologies for the new administration building (under construction) and the Sheriff's emergency operations building (nearing completion)
- Replacement of Law and Justice key software systems for District Attorney Adult, Juvenile, and Public Defender
- Replacement of the Finance System
- Replacement of the Tax System
- Replacement of the Time and Attendance System

DISCUSSION

Twenty-three County departments, many with their own IT groups, were reviewed in our investigation to gain a sense of the overall effectiveness of the current organizational structure. Five departments were selected to be studied in more depth.

The County departments span very different activities (for example, healthcare, social services, public works, accounting, and law enforcement). For this reason, IT was diversified under a mixed model with both central and individual departmental IT staffing. This design was meant to provide the flexibility needed to accommodate very different business requirements. Staff indicated that there are advantages and disadvantages. Advantages include flexibility and responsiveness to adapt to the different businesses' unique needs. Disadvantages of decentralization may include fragmentation of resources, duplication of effort, and difficulty in creating coherent strategy. Centralized strategy, governance, and selective centralization of services and resources are typically employed to mitigate these disadvantages, while largely preserving the flexibility and responsiveness of decentralization.

This investigation reviewed the current IT operation to see how well the potential disadvantages are being mitigated. It concentrated on three areas: operation, technology, and project delivery.

IT Operation

Structure

The centralized IT group, DoIT, was formed to provide core IT functions County-wide. It is responsible for communications (telephony, microwave, satellite), the County-wide IT wide area network backbone, and Geographic Information System (GIS) functions. It supports a data center and manages the County mainframe. It undertakes other IT functions for departments on a fee-for-service basis. DoIT is generally well regarded, but many departments do not use its range of services. Reasons cited for this include: DoIT does not operate 24/7 in the needed areas, it does not have the particular expertise requested, or the requesting department does not have the budget. Departments then must manage by themselves or contract outside services. In particular, DoIT acknowledged it does not have the staff to provide security services to individual departments.

Individual departments that the Grand Jury interviewed indicated that having their own IT groups is more flexible and enables them to be more responsive to their business units' specific needs with regards to 24/7 specialized operations, response time, and application domain knowledge. Many also acknowledged that the lack of depth and breadth of knowledge in foundational IT domains (such as networking and security) could leave them exposed. The smaller IT staffs act as application domain specialists and IT generalists. They tend not to have the time or expertise to build the necessary detailed technical/business cases for new technology.

The ability to build knowledge around the different technologies is in turn fragmented, with individual departments duplicating effort in learning the same technology. Critically needed services such as security and disaster recovery are left to the individual departments without coordination. The Grand Jury found that attracting competent staff is a widespread problem due to proximity to Silicon Valley. The County competes with

the Valley's salary structure and the lure of working with the latest technology. However, there is an approach that might make more efficient use of resources and offer more attractive jobs for potential hires. This topic is further explored in the Technology section of the report.

Governance

Governance is the process of establishing policies, and the continuous monitoring of their proper implementation, by the members of the governing body of an organization.

Leading enterprises have a CIO who ensures that IT strategy is aligned with business strategy. A governance body is used to help manage strategy and to create policies and monitor the IT operation to ensure proper implementation and outcomes of the policies. The strategy and related policies together provide guidelines for the organization to ensure coordinated action for maximum benefit.

The County used to have both a CIO involved in County-wide strategy and a governance body. The strategic function of the CIO position has been de-emphasized for some time. The last CIO acted as the operational head of DoIT. Senior County staff reported that he did not have time to concentrate on strategy. The BOS recently moved to correct this. It created two related job positions: (1) a CIO to focus on overall County IT organization and strategy and (2) an Assistant CIO with responsibility for the overall coordination and direction of DoIT departmental activities. The new CIO started April 2018.

The County used to have three centralized committees to provide governance and coordinate IT. According to the County website IT page <http://www.co.contra-costa.ca.us/666/Policies-Contracts>, accessed 5/3/2018:

- The BOS sets IT policies with input from the County's Information Technology Steering Committee (ITSC), which is the organization's Executive IT Governance Committee. The ITSC is headed by the County Administrator and the CIO. The ITSC created the County's IT strategy document, which is the basis for all IT decisions and priorities brought before and approved by the ITSC.
- The ITSC works with the County's Information Technology Advisory Committee (ITAC), and the Information Security Advisory Committee (ISAC). These committees are made up of representatives from every county department and represent the collective departments' input on technology issues.

This mechanism for County-wide governance was lost over time when key IT positions were eliminated. In May 2010, the Chief Information Security Officer and one of the System Software Architects were laid off. During this time, the ITSC and ISAC were disbanded. Only the ITAC remains today, chiefly to share ideas below the executive level.

The County IT strategy document – which set out goals, guiding principles, and policies – was last updated in 2000, leaving departmental IT groups without strategic direction. Some of the individual departments have created internal governance structures. As a rule: the larger the department, the more structured its governance processes.

The BOS expects the new CIO to bring the County IT strategy up to date and to review and amend the organizational structure as needed.

Finances

Within the county departments, DoIT is the only IT department organized as a separate cost center tracked in the County budget. DoIT charges its costs where appropriate to the individual departments utilizing its services. For all other departments, IT expenditure is not broken out in the overall County budget document. As a result, the County does not track overall IT spending. The Grand Jury came to its estimate for overall County IT spending using data supplied by various county departments. As such, it is the best estimate and may not reflect the total actual expenditures.

The following table shows actual IT spending for the 2016-17 fiscal year for selected departments, based on the overall County budget and self-reporting from the departments:

Table A
2016 -2017 County Budget Expenditures

DEPARTMENT	2016 -2017 IT ACTUALS (000s)	IT SPENDING AS % OF OVERALL DEPARTMENT ACTUALS	% OF OVERALL COUNTY IT ACTUALS
DoIT	\$12,072	100%	10%
HHS	\$57,432	16%	49%
EHSD	\$26,742	5%	23%
Public Works	\$2,598	3%	2%

Source: Grand Jury survey, departmental self-reporting, Contra Costa budget actuals

IT costs include personnel (salary and benefits), facilities, hardware, software licenses, services and consulting. Actual expenditure in FY2016-17 is estimated to be \$117M, or 6.4% of the \$1.8B Governmental fund expenditure. This estimate is based on information received from County departments.

Information Technology is a major County cost center, but there is no system in place today to collect, analyze, or report budgeted and actual costs. This lack of information makes it more difficult to inform IT policy makers as to how to allocate scarce resources in a way which would benefit the County overall.

Procurement

Although there is a centralized purchasing function in the Public Works department, other departments maintain their own purchasing units. The Grand Jury found that opportunities exist to improve inter-department coordination of purchasing activities to ensure the best pricing for basic IT goods and services.

The Grand Jury recognizes that each department typically needs some unique and specialized tools and services consistent with its operations. However, more consolidated procurement of the bulk of the remaining standard equipment and services may provide the County (and its individual departments) negotiating power to secure the best competitive pricing available.

In response to a Grand Jury request, County departments provided a detailed list of the orders they placed over the past two years. The Grand Jury focused its review on four of the heaviest users: DoIT, Employment and Human Services Department (EHSD), Health Services Department (HS), and Department of Public Works (PW). Based on submittals received, during the calendar years 2015 through 2017 these departments placed a total of \$57.6 million in orders to over 260 vendors in more than 1,200 purchase orders. The total number and value of purchase orders across all departments are significantly higher.

Orders were sorted into categories according to their main purpose:

- Maintenance – orders covering equipment and software service including periodic preventive maintenance and update and any on-call support; training of County staff, cloud storage, and other support services requested
- Hardware – supply of personal computers, server hardware, monitors, printers, scanners, switches, routers, projectors, wireless equipment, cell phones
- Software – all software, specialized and off-the-shelf programs, including periodic updates, license fees, and other support services as requested
- Supplies – includes various expendables, cables, discs, furniture and other small hardware items.

The following table provides a summary of these orders by category for the four major departments:

Table B
Value of Orders Placed
(\$ Million)

	DoIT	EHSD	HS	PW	TOTAL
Maintenance	\$1.49	\$1.34	\$4.16	\$0.02	\$7.01
Major Hardware	\$4.04	\$5.01	\$12.31	\$1.04	\$22.40
Software	\$4.04	\$3.02	\$14.52	\$1.65	\$23.23
Supplies	\$0.76	\$0.88	\$3.09	\$0.18	\$4.91
TOTAL	\$10.33	\$10.25	\$34.08	\$2.89	\$57.55

Source: Based on information submitted by the respective departments; Orders were placed during 2015, 2016, and 2017

More than 40% of all purchase orders (\$23.2M of the \$57.6M spent) from these departments were awarded to nine vendors (see Table C). This may present an opportunity for consolidating order volume across departments to achieve more competitive pricing and savings.

Table C
Vendors Receiving over \$1.5 million in Orders
(\$ Million)

	DoIT	EHSD	HS	PW	TOTAL
R-Computer	\$0.21	\$0.77	\$3.18	\$0.10	\$4.26
Omnipro		\$2.57	\$1.37		\$3.94
Groupware Technology			\$3.17		\$3.17
Dimension Data			\$3.13		\$3.13
CDW-G	\$0.11	\$0.56	\$1.28		\$1.95
ABF Data 5yr. Inc.			\$1.93		\$1.93
Integrated Archive 5yr. Inc.	\$0.38				\$1.79
SSP Data	\$1.00			\$0.17	\$1.56
Oracle	\$1.18		\$0.12		\$1.51
TOTAL	\$2.88	\$5.91	\$14.18	\$0.27	\$23.24

Hardware expenses accounted for 39% (\$22.4M of the \$57.6M spent) of purchase orders for these four departments in this period, with 78% of the hardware purchased from ten vendors (see Table D). This may present another opportunity to reduce costs by consolidating some of the hardware orders across fewer vendors.

Table D
Major Hardware Provided by Key Vendors
(\$Million)

VENDORS	HARDWARE					TOTAL BY VENDOR
	Monitor	PC	Printer	Server	Switches	
Sharp Business Systems	\$0.01			\$0.66		\$0.67
CDW-G	\$0.04	\$0.94	\$0.10			\$1.08
Computerland of Silicon Valley				\$0.30	\$0.28	\$0.58
Dell	\$0.14	\$0.37		\$0.58	\$0.03	\$1.12
Integrated Archive Systems, Inc.				\$0.35	\$1.02	\$1.37
ABF Data Sys. Inc.				\$1.79		\$1.79
Dimension Data				\$1.54	\$0.67	\$2.21
R-COMPUTER	\$0.28	\$1.94	\$0.14	\$0.08	\$0.02	\$2.46
Groupware Technology				\$2.45	\$0.21	\$2.66
Omnipro LLC		\$3.72	\$0.02			\$3.74
TOTAL BY HARDWARE	\$0.47	\$6.97	\$0.26	\$7.75	\$2.23	\$17.68

These tables illustrate opportunities for combining orders by vendor or category among the different departments. While this is just a representative sample, the Grand Jury believes that there are other opportunities to save. For example, a modest target of a 0.5% reduction in pricing with just the nine vendors in Table C amounts to over \$1.0 million in savings to the County. If smaller departments with less purchasing volume are included, the County may realize even greater savings.

Technology

Technology can be a powerful driving force for greater efficiency. Employing new technologies typically allows for greater capabilities with less effort. The following technology considerations may provide opportunities for the County to reduce operating costs and complexity, and to streamline its efforts.

Software

The Grand Jury noted that the County is generally moving from home-grown applications to off-the-shelf or customized commercial software whenever possible, to take advantage of economies and new capabilities. Some applications used in the County are now Software-as-a-Service hosted by the software provider, with no County infrastructure required other than bandwidth for internet connection.

Software has a lifespan. Older software is typically less efficient, often poses a security hazard, and is typically more expensive to maintain. Some core County mainframe software, including Finance applications and Law and Justice applications, are written in a language developed about 60 years ago with almost non-existent technical support. Similarly, some older applications on servers and desktop PCs require older and unsupported versions of the operating system, which can no longer receive security updates.

The County is trending in the right direction with its plans to replace its aging mainframe software, adopt cloud applications, and finish its server software upgrades to avoid security issues.

Infrastructure

The County has an extensive hardware infrastructure, consisting of an aging mainframe and over a thousand servers mostly located in data centers. Due to the mainframe and its software's age, it is difficult to find technical support staff for maintenance. The collective operational cost of the servers maintained by the County is substantial. Based on averages from *IBM Systems Magazine* (December 2011), the cost of electricity and cooling alone is roughly \$1000/unit/year for the County's servers, or over \$1M annually. In addition to the acquisition cost for each server, and its replacement roughly every five years, there is also the cost of monitoring and maintaining it. Redundancy for business continuity adds further costs.

These infrastructure costs can be minimized by virtualizing servers (the ability to make one physical server act like multiple servers), or even eliminated by using cloud services (although other costs come into play). Use of these technologies requires specialized knowledge. DoIT is often consulted regarding virtualization. No IT group has yet built up a cloud architecture knowledge base.

While DoIT provides the wide area network backbone for the County and uses consistent hardware, there is no policy for individual departments' internal network hardware. This creates a multiple vendor network, which is generally considered to be more complex to maintain and upgrade.

Common Services

There are common IT services that are consumed by all departments that would benefit from standardization and consolidation, but are currently implemented and delivered individually by each department. The Grand Jury recommends that the common services of email, disaster recovery, and IT security be considered for centralization to take advantage of economies of scale as well as expertise in these mission-critical functions. These services can then be provided in a standard manner to all departments.

Email

The County is moving to a common email vendor. However, email infrastructure and management are distributed throughout various departments, resulting in duplication of hardware and effort. Calendaring, facility scheduling, and address books are not available across all departments. There are no policies or procedures in place to create a centralized email service for County departments, which has caused problems. Notably, the County's internal open healthcare enrollment period had to be delayed recently due to a County-wide email broadcast that did not reach all County employees

in time. The broadcast email relied on an individual in each department to relay it to their users. One such individual was absent when the broadcast was sent resulting in the message not being relayed. No technical issue caused this.

A centralized service could simplify setup and maintenance and may reduce annual licensing costs.

Disaster Recovery

Redundancy, which provides the ability for businesses to continue operation in the event of failures, is often divided into two components. Business Continuity planning defines systems and procedures to maintain operation in the event of unit failures. Disaster Recovery planning defines systems and procedures to maintain or restore operations to deal with a natural disaster or other event causing massive operating failures.

The Grand Jury's investigation showed that departments are generally following good practice in Business Continuity. They are backing up data at reasonable intervals and storing it remotely. The majority of the County IT infrastructure is in data centers with standby emergency power.

However, Disaster Recovery plans vary and are another area where a common policy and approach might simplify the process and standardize the offering.

The Grand Jury identified the following potential issues:

- Some plans reviewed were in draft form
- Some plans did not include Service Level Agreements (SLAs) that specified recovery time
- Some plans were for data backup only, with no hardware backup
- Most plans were not regularly tested
- Several departments depend in part on DoIT's disaster recovery plan, which is outdated and was last tested in 2005
- Some redundant operations centers are in the same geographic area, although not on the same earthquake fault line
- There is no County policy to simplify and codify implementation of disaster plans

IT Security

IT security is a rapidly evolving field that requires continuous monitoring and update. Cyber threats have been increasing steadily over the last few years, and the nature of the threat changes constantly. A recent example of a security lapse is the ransomware attack on the City of Atlanta on March 22, 2018. This affected multiple city applications

and computers. Citizens were not able to access certain city services, and city workers were prohibited from turning on their city computers and printers for five days. Costs to remediate the attack were estimated at \$3.3 million.

The County stores a significant amount of sensitive data on its systems. DoIT is responsible for the security of the County's wide area network infrastructure. County staff reported that DoIT does not have the needed security staff to develop policies for departments to follow, nor to deploy and maintain security for departments. Some departments are not staffed to stay abreast of security technology.

Technology Resource Centers

By *technology resource centers*, the Grand Jury means knowledge repositories with subject-matter experts to support and promulgate technologies, especially new and rapidly evolving technologies. These centers can be centralized or distributed across an organization. DoIT has centralized delivery of certain services: telephony, wide area networking, and mainframe support.

A more decentralized mechanism for consolidating knowledge and making it available for widespread use is to create Centers of Excellence (CoEs), also called competency centers or capability centers. A CoE is a team, shared facility, or entity that provides leadership, best practices, research, support and/or training for a focus area. The CoE team can be centralized or distributed. The key is that the primary goal of this unit is to institutionalize the knowledge, make it available through training, and support its implementation.

Either way, this would avoid the need for multiple departments to go through the process of learning every new technology, or not doing it at all because they do not have time. Opportunities for technology resource centers include:

- Cloud architecture and implementation
- Data management
- Business process automation
- Cybersecurity
- Project management

Project Delivery

Implementing complex software projects is difficult. Recent examples show that the County's project delivery capability can be improved.

Project delivery includes these components: business requirements definition, solution definition, the plan to achieve the solution, the implementation, and the testing. Projects

generate customer satisfaction if they efficiently meet business needs and are delivered on time and within budget. Successful implementation of complex, configurable applications requires combining expertise from business analysts, domain specialists, project management, and vendor(s). Basically, this is done by first generating a comprehensive requirements document that captures and prioritizes the business' needs. Then vendor(s) generate a statement of work to define what work they will do, what work product will result, and what cost and time are required. This is combined with in-house work, and an overall project timeline and budget are developed. Project Management is tasked to keep the project on schedule and budget, and to surface any issues for timely resolution.

The Grand Jury reviewed two IT implementation projects undertaken by County departments: a PeopleSoft upgrade, and a suite of Law & Justice projects. The review was to better understand the County's capabilities in the implementation of large, complex software projects involving significant data management and business process automation.

The Grand Jury identified the following opportunities to enhance the current project management process:

- Strengthening project management capability and authority
- Increasing technology domain knowledge
- Ensuring sufficient stakeholder involvement and support to the project, particularly in requirements definition and the testing/acceptance phase of the project

PeopleSoft Application Upgrade

The Grand Jury reviewed the recent County-wide upgrade of its PeopleSoft human resources application. This was a complex project: a multi-version upgrade of the PeopleSoft software coupled with increased automation capabilities. The software had to be configured to support the County's complicated benefits package rules. The County hired an outside consultant to implement the project.

The original contract was for a fit/gap analysis (that is, an application's appropriateness for a set of business requirements) budgeted at \$1.2M. The subsequent implementation contract was for \$4.3M dated November 2015, with completion scheduled for January 2017 at a combined total cost of \$5.5M. Since then, five contract extensions for additional time and staff augmentation have been signed. As of March 2018, a project slated to cost \$5.5M has cost approximately \$13.3M, and is still incomplete. The project went live November 2017, nine months late, to accommodate the County's healthcare Open Enrollment. Significant portions of automation have been deferred. The project is ongoing to complete bug fixes, testing, and training.

The project was managed by a project manager from the County working with a project manager from the consultant. Consistent with County practice, the overall direction was provided by a Steering Committee made up of senior administrators and the outside consultant. The Steering Committee met monthly throughout the project to provide oversight and direction of the project.

Interviews with stakeholders and parties involved in the project identified the following concerns and issues. There was limited communication with users on the front end of the project. Once the project began, user input was not solicited and involvement was insufficient. Key staff involved in the project left the County and had to be replaced by consultant's expertise. County staff involved found it difficult to fulfill their day jobs and support ongoing evaluation and customer acceptance simultaneously. End-to-end testing did not begin early enough, nor were the key stakeholder groups sufficiently involved.

Underlying causes for these issues include:

- Complexities were not properly understood
- Stakeholders were not sufficiently engaged
- Project management was not strong enough or did not have the authority to ensure that basic project rules be followed
- Sufficient County user resources were not available for consultation and testing

Law & Justice System Upgrades

Law & Justice (LJ) includes: the District Attorney (DA), the Public Defender, Probation, the Superior Court, the Office of the Sheriff, and all cities' law enforcement agencies. Each entity uses applications specific to its needs, but with significant data transfer between them. LJ is moving core applications from old, mainframe-based applications to new, cloud-based applications. The projects are not yet fully defined, but the budget to implement them is expected to be millions of dollars.

These applications include: the DA's Office Case Management System, Probation Department's Case Management System, and a new Warrant System which serves all departments. County staff reported that some of the existing databases use outdated data schema (structure). Data cleansing and management into new data schemas will require significant effort. As such, implementation of the systems will be done in matched and interlocking phases to minimize translation of data from system to system.

Project preparation has been following generally accepted project management guidelines. IT is working closely with stakeholders to understand business processes, departmental business requirements, and the operations of their current systems. Requirements documents are being created, which form the basis for a Request for Proposal to vendors. Each stakeholder department is providing a project team with a

team leader point-of-contact throughout the project. The department's IT group is acting as project management with their own and consultant domain specialists. The Grand Jury was told of the following concerns:

- Three projects may need to be undertaken concurrently, and there are only four IT staff. The department may not have sufficient domain specialists/project managers to support this number of projects and it is difficult to get ad hoc project support from DoIT without having an ongoing support contract
- There are no data management domain specialists for the IT group to call on for support
- There is little, if any, cloud application knowledge available to draw on, even for standard contract language

FINDINGS

- F1. Individual departmental IT groups are useful in supporting the very different businesses of each department, but many find it difficult to stay abreast of all technology areas.
- F2. The County does not have sufficient policies to promote coordination and/or centralization in IT strategy, policy, procurement and strategic knowledge concentrations, especially in advanced cost-saving technologies.
- F3. The County's IT Strategy document, which sets out goals, guiding principles, and policies, is out of date, having last been updated May 2000.
- F4. The County's Information Technology central governance structure has almost completely disappeared. Governance has been left to the individual departments resulting in wide variations as to whether or how it is carried out.
- F5. Neither the County nor many individual departments have a consolidated IT budget or track overall IT expenditure, making it difficult to assess.
- F6. The County may not be taking full advantage of economies of scale due to the lack of policy coordinating equipment and service procurement among separate departments.
- F7. County-wide email and associated calendaring and address book functions are not sufficiently consolidated. Infrastructure and management is distributed throughout the departments. Policy and procedure have hindered efficient communication.
- F8. The County is constrained in implementing IT technology advances, in part due to insufficient or lack of access to appropriate skill sets.

- F9. DoIT does not have the staff to extend security oversight from County level to the departmental level. Cybersecurity capabilities vary by department.
- F10. Disaster recovery plans are in various stages of completion and readiness by department and typically are not tested on a regular basis.
- F11. There are insufficient Project Management resources with the expertise and authority to consistently implement the County's critical IT projects on time and within budget.

RECOMMENDATIONS

- R1. The BOS should consider directing the CIO to update the County's IT Strategy (last updated in 2000) by December 2018.
- R2. The BOS should consider seeking funds prior to the FY2019-2020 budget cycle to expand existing resources into a centralized cybersecurity unit to support and coordinate County-wide IT security activity.
- R3. The BOS should consider directing the CIO to re-establish a County-wide governance mechanism by December 2018.
- R4. The BOS should consider directing the CIO to investigate policies to standardize procurement, equipment, and IT services prior to the FY2019-2020 budget cycle. Opportunities include departmental networks, and services such as email, IT security, and disaster recovery.
- R5. The BOS should consider directing the CIO to centralize the delivery of certain common services in time for the FY2019-2020 budget cycle. Opportunities include email, IT security, and disaster recovery.
- R6. The BOS should consider directing the CIO to conduct a review of departments' disaster recovery plans by December 2018 to ensure they are up to date and routinely tested.
- R7. The BOS should consider presenting a consolidated IT budget for the entire County down to the department level, as part of the annual budget process, by the FY2019-2020 budget cycle.
- R8. The BOS should consider directing the CIO to investigate improving coordination between departments of IT procurement to reduce costs, prior to the FY2019-2020 budget cycle.
- R9. The BOS should consider directing the CIO to investigate establishing technology resource centers for dissemination of strategic technology knowledge and support,

in order to create efficiencies and attract and retain staff. Candidate areas include cloud architecture and implementation, data management, business process automation, and cybersecurity.

R10. The BOS should consider directing the CIO to ensure that there is sufficient County IT project management staff with appropriate authority to effectively manage the County's large, complex software projects by December 2018.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F1 to F11	R1 to R10

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

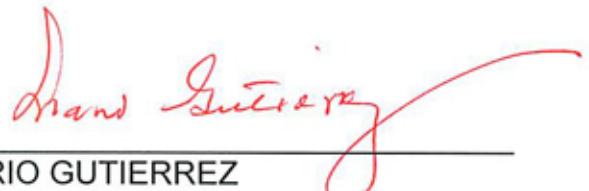
Report 1806

The Opioid Crisis

Dying for Treatment

APPROVED BY THE GRAND JURY

Date MAY 25, 2018


MARIO GUTIERREZ
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date May 25, 2018


ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1806

The Opioid Crisis

Dying for Treatment

**TO: Contra Costa County Board of Supervisors,
Contra Costa County Office of Education**

SUMMARY

According to news reports and numerous studies, approximately eighty percent of the global opioid supply is consumed in the United States. More than two million Americans suffered from opioid addiction in 2016, and more than 600,000 have died from overdoses since 2000. In 2016 alone, more than 64,000 Americans died from this epidemic, up 22% from 2015.

The Contra Costa County Civil Grand Jury (Grand Jury) investigated the effect the opioid crisis is having in Contra Costa County (County) and the programs currently available to address the crisis. The Grand Jury found that whether directly through the loss of a loved one or indirectly through adverse consequences to the community, County residents are suffering from the effect of this crisis.

The Urban Institute and County senior healthcare officials reported that in 2015-2016 over 100 Contra Costa residents died from opioid overdoses and an estimated 54,000 county residents currently suffer from Opioid Use Disorder (OUD). County deaths mirror the alarming trend and the national epidemic of misuse and abuse of opioids, particularly prescription painkillers. (www.urban.org/sites/default/files/contra_costa.pdf)

The Grand Jury found that a common response for combating the opioid epidemic is an approach designated as the Four Pillars Strategy: Prevention, Harm Reduction, Enforcement, and Treatment adopted by municipalities and agencies nationwide. The County has devoted significant resources to Enforcement and has supported efforts in Prevention and Harm Reduction. This investigation focused specifically on Treatment.

The Grand Jury also found that limited implementation, lack of funding, inadequate availability, and insufficient accessibility have resulted in treatment being the least

supported of the strategies. There are not enough programs in place to enable first responders to provide treatment immediately when sought. There is a need for on-demand treatment, but delays in access to medical care result in missed opportunities to reduce harm, aid recovery, and prevent overdose deaths.

Based on its findings, the Grand Jury recommends that the County Board of Supervisors (BOS) consider seeking funds for expansion of addiction treatment programs. The BOS may also consider encouraging more medical care providers to become Medication-Assisted Treatment (MAT) certified, hire more MAT clinicians, provide in-county residential treatment facilities for adolescents, and place more certified professional addiction clinicians within the County's three detention facilities. The Grand Jury also recommends that the Contra Costa County Office of Education consider making overdose antidotes available in public high schools.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Interviewed recovering opioid addicts
- Conducted internet and document research
- Interviewed staff from County Health Services and County Office of Education
- Interviewed the Medical Director of a private opioid treatment center in the county
- Interviewed members of the National Coalition Against Prescription Drug Abuse
- Attended Nar-Anon and Narcotics Anonymous 12-Step recovery meetings related to opioid addiction

BACKGROUND

According to news media, more than two million Americans suffered from an opioid addiction in 2016, and over 600,000 have died from overdoses since 2000. There were more than 64,000 drug deaths in 2016, up 22% from the previous year. Opioids killed more Americans in 2016 than HIV/AIDS at its 1995 peak. Media reports estimate that over 70,000 deaths occurred in 2017. Approximately 80% of the global opioid supply produced worldwide is consumed in the United States.

The 2017 Contra Costa Health Services Health Advisory publication reported that over 100 Contra Costa residents died from opioid overdoses in 2015-2016. County deaths mirror the alarming trend and national epidemic of misuse and abuse of prescription opioids and illegal opioids. In 2016, over 760,000 opioid prescriptions were issued for the county's population of 1.1 million. There were over 100 opioid overdose emergency department visits in the county in 2015. Opioid overdose has now replaced automobile accidents as the leading cause of accidental death among individuals ages 25 to 64.

The Urban Institute and County senior healthcare officials reported that an estimated 54,000 county residents currently suffer from Opioid Use Disorder (OUD).

More individuals use controlled prescription opioids than heroin, cocaine, methamphetamine, MDMA (ecstasy) and PCP combined.

According to County healthcare officials, the current opioid epidemic will persist for the next decade or longer. These officials say there will be increasingly greater treatment needs and a growing death rate.

Opioids

Opioids are drugs naturally found in the opium poppy plant. Some prescription opioids are made directly from the plant, while others are produced by scientists in laboratories using the same chemical structure. Heroin, one of the world's most dangerous opioids, is illegal to possess in the United States without a license from the Drug Enforcement Administration. The following pain-relieving opioids are legal and available by prescription:

- Hydrocodone (Vicodin)
- Oxycodone (OxyContin and Percocet)
- Oxymorphone (Opana)
- Morphine (Kadian and Avinza)
- Codeine
- Fentanyl

Treatment

Opioid addiction is a chronic, lifelong medical condition. It cannot be cured, but it can be arrested, managed, and treated. Taking medication for opioid addiction compares to taking medication to control heart disease or diabetes. It helps the person manage their addiction so the benefits of recovery can be maintained.

The following are commonly used treatments for reversing opioid overdoses and as part of long-term recovery maintenance programs:

Naloxone: sold under the brand name NARCAN and is used by hospitals and emergency medical technicians. There is now a movement to expand access and get it into the hands of first responders, drug users, and their family members. Approximately 130 members of the Contra Costa County Sheriff's office have access to kits and have been trained to use naloxone on an opioid overdose emergency.

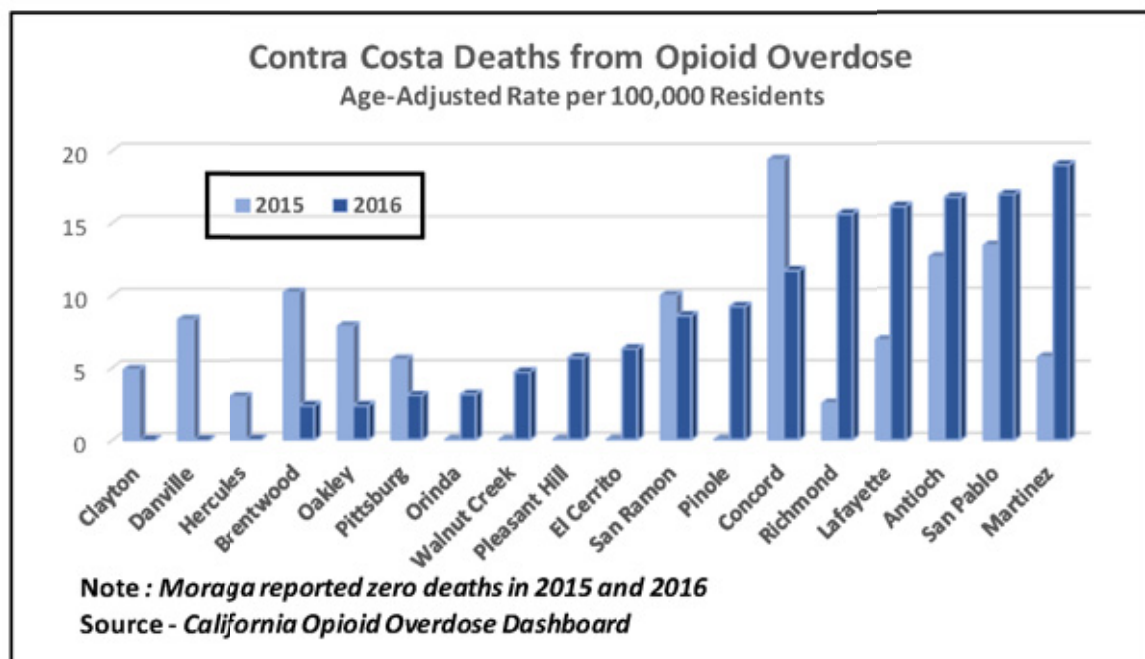
Naltrexone: sold as ReVia and Vivitrol and used to manage opioid and alcohol dependence. Beneficial effects to counter cravings start within 30 minutes after taking it.

Methadone: an opioid prescribed under controlled circumstances to treat the symptoms of heroin withdrawal without causing the “high” associated with drug addiction. It is part of addiction detoxification and recovery maintenance programs.

Buprenorphine: a medication used to treat opioid dependence and relieve drug cravings.

DISCUSSION

Communities and families in the County are facing the losses associated with opioid addiction (jobs, health, family, premature death, and other). The following chart presents the 2015 and 2016 reported deaths from opioid overdose in cities within the County. The data do not show any correlation between the reported deaths and geographic location or economic status. Furthermore, about half of the cities experienced a decrease in deaths from 2015 to 2016, while the other half showed an increase in deaths over the same period highlighting the complexity of the opioid epidemic



No community is immune to this epidemic, according to the County’s Medication Education and Disposal Safety (MEDS) Coalition. The MEDS Coalition is an organization formed by a diverse group of public and private County stakeholders.

Individuals with OUD tend to be white males, between the ages of 18-49 with access to medical care and to doctors who prescribe opioids.

There is a misperception that opioid deaths affect only individuals with substance dependency issues. The National Institute of Drug Addiction reports that combining fentanyl with other illicit drugs, such as cocaine or ecstasy, is exposing recreational users and young people experimenting with party drugs to the same risk of death as habitual addicts.

Altered Opioids

A mounting number of opioid addicts are encountering a more lethal supply of drugs. The new and deadlier drugs are altered opioids that bind in more powerful ways to the brain's receptors and act more quickly. The combination of factors makes these drugs hundreds of times deadlier.

All opioids connect to particular brain and nervous system receptors that upon activation release the body's natural pain killer, endorphins. In medicine and law enforcement, the relative strength of various opioids is measured in comparison to morphine. Oxycodone, the opioid in Oxycontin and Percocet, is about 50% stronger than morphine. Marketed in the 1800s as a solution to morphine addiction, heroin ranges from twice as strong to five times as strong as morphine. Fentanyl is over 50 times stronger than morphine or heroin. Unlike many medically prescribed opioids, the street supply of fentanyl comes primarily from illegal production.

Heroin users often do not know what has been mixed with the powder. This unknown mixture increases the risk of unknowingly receiving more powerful opioids or other toxic chemicals. Because fentanyl is so cheap and readily available, it is often mixed with heroin, creating a deadlier dosage.



Lethal doses of heroin and fentanyl

Rehabilitation

No single form of care is effective for all individuals with opioid dependence. Diverse treatment options are needed.

Detoxification

Drug detoxification is the intervention in a case of physical dependence to a drug. A detoxification by itself does not address the elements of addiction, social factors, psychological addiction, or the complex behavioral issues that intermingle with addiction.

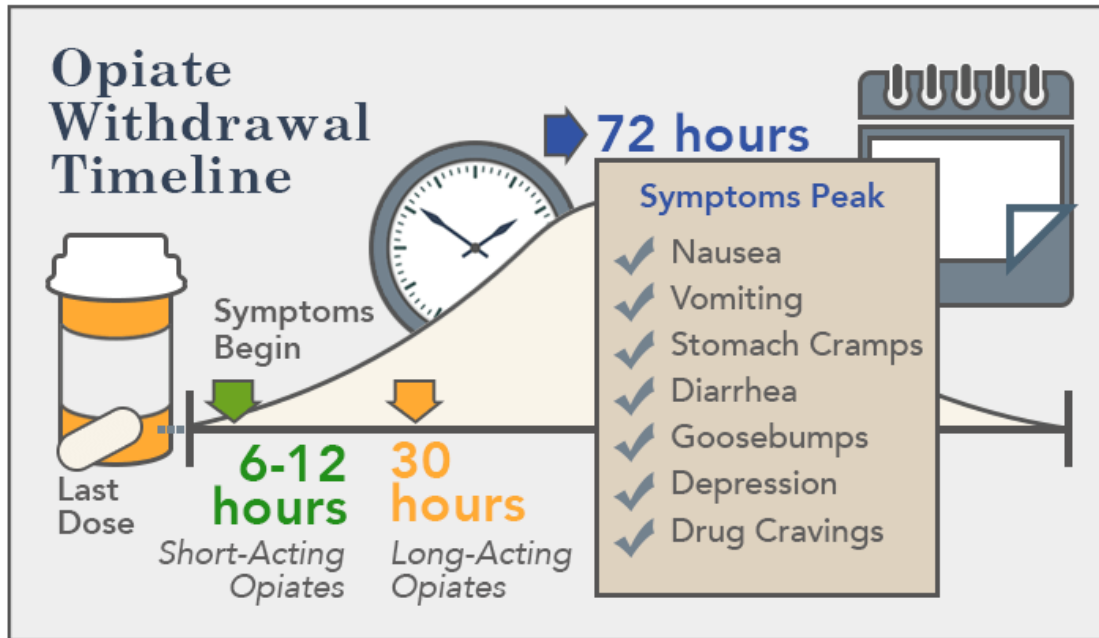
Drug detoxification is the first step for many forms of longer-term abstinence-based treatment. Detoxification includes a way for addicted persons or first responders to gain immediate access to treatment. This treatment includes withdrawal management and access to acute addiction treatment. (World Health Organization, www.who.int)

Detoxification is known to prevent fatal consequences resulting from sudden cessation of use and can aid the patient in becoming abstinent from drugs.

Relapse following detoxification is common. Detox alone does not typically induce lasting behavioral changes. According to County senior health care officials, among opioid addicts limited to a 28-day in-patient detoxification program, 80-90 percent are likely to relapse in a matter of weeks or days.

Withdrawal Management

Opioid withdrawal includes a wide range of symptoms that occur after stopping or dramatically reducing the dose of opioid drugs following heavy and prolonged use. For short-acting opioids such as oxycodone and heroin, withdrawal symptoms usually emerge within 12 hours of the last opioid use. Withdrawal will peak within 24-48 hours and diminish over 3-5 days.



For long-acting opioids such as fentanyl and morphine, withdrawal symptoms may last up to 10 days. Opioid withdrawal syndrome is rarely life-threatening. Abrupt discontinuation of opioids may precipitate withdrawal symptoms, leading to continued cravings and resulting in relapse.

Medication-Assisted Treatment

Most afflicted individuals cannot escape on their own from the misery and risks of drug addiction. One important component used for rehabilitation is called Medication-Assisted Treatment (MAT), the goal of which is to save lives and foster recovery.

In May 2017, the BOS approved Resolution 2017/87 recognizing that access to MAT should be expanded to assist people recovering from their Substance Use Disorder (SUD).

Treatment for Adolescents

According to the 2017 California Student Survey conducted by WestEd, use of drugs increases in the middle and high school years. The survey further shows that high-school staff see drug use as a moderate to severe problem among 64% of students. (www.kidsdata.org)

Opioid drug use often begins with teens taking medications prescribed for a family member or friend. When that supply is exhausted, teens seek outside drug sources. Senior officials indicated when addicts cannot afford prescription opioids, they often turn to more affordable heroin.

In the County, demand for treatment of addicted adolescents overwhelms the limited resources, with no residential in-patient options available. Residential opioid addiction treatment centers are useful for teens who need to be separated from their drug source environment and focus solely on recovery. They require that the teen live at the facility for the duration of the recovery program. Programs typically last between 30 and 90 days, but they can be extended to accommodate needs. They often provide dual diagnoses to see if the teen suffers from a co-occurring mental or behavioral health disorder.

Naloxone can reverse an opioid overdose. Treatment professionals recommend making naloxone available to public schools. Health care professionals use the analogy of naloxone as the EpiPen of opioid overdoses.

Known as the California Marijuana Tax Fund, Assembly Bill 1748 requires that a portion of the taxes from legal marijuana sales be used for youth drug abuse treatment programs. These funds could be an option for the creation of in-county residential in-patient treatment. Additionally, the Bill authorizes school districts to make naloxone available to school nurses and trained personnel to provide emergency medical aid to persons suffering from an opioid overdose.

Treatment in Adult Detention Facilities

The criminality associated with addiction follows directly from the need to purchase drugs. Addicts are known to shoplift, steal, and rob as ways to obtain funds to pay the drug supplier.

Contra Costa County Alcohol & Other Drug Services (AODS), a division of Behavioral Health Services, informed the Grand Jury that it is difficult to motivate incarcerated individuals to enter treatment. Assembly Bill 109 and Proposition 47 transferred responsibility for supervising certain kinds of felony offenders from state prisons to county jails, which strained the County's SUD treatment resources. According to the 2015 "Jail Needs Assessment" report conducted for the County Office of the Sheriff, County's jails offer limited support to address SUD because they do not have the number of clinicians needed to meet the treatment demand.

The American Association for the Treatment of Opioid Dependence stresses the importance of keeping clinical decision-making about medications in the hands of SUD clinicians. Deciding on the appropriate medication is a matter of clinical discretion.

Treatment Long-Term

The scientific and medical communities acknowledge that OUD is a chronic, recurrent disorder with patterns of adherence to treatment and relapse. This disorder is similar to other chronic disorders such as hypertension, diabetes, and asthma. Limiting the time needed for treatment is inconsistent with the course of OUD. Treatment interruption can increase the risk of death and underlies serious effects associated with OUD.

Addiction sufferers often need specific treatment programs addressing the addiction itself and withdrawal symptoms. Associated disorders of anxiety and depression can accompany withdrawal. In the nation, an estimated eight million adults suffer both SUD and mental illness simultaneously. Less than 9% receive both mental health care and substance use treatment. Over half receive no treatment. (Substance Abuse and Mental Health Services Administration 2017)

The Contra Costa County Behavioral Health Services Division (CCBHS), oversees the AODS system of care. Treatment for SUD is delivered through contracts with community-based and County-operated SUD treatment programs. In the current system, addicts can either get direct access or a referral to treatment providers who complete an initial assessment and conduct the intake screening process. (Contra Costa County Drug Medi-Cal Organized Delivery System Implementation Plan, 2016)

The County's Choosing Change Clinics provide out-patient opioid treatment services. Persons who are doctor-approved to receive buprenorphine can be helped with detoxification and maintenance therapy. Choosing Change groups meet weekly and are led by an addiction medicine specialist. Currently, there are Choosing Change Clinics located at the County health centers in Concord, West County, Pittsburg, and Antioch, and the Wellness Center in Martinez.

The Choosing Change Clinics in Antioch, San Pablo, and Pittsburg are open one day each week for four hours. The Concord clinic is open two days each week for four hours, and the Martinez clinic is open three days each week for four hours.

Healthcare professionals, County staff, and recovering addicts interviewed by the Grand Jury all emphasized that treatment models that support acute addiction care through to long-term recovery warrant expansion. More sobering centers, detoxification beds, and sober living environments are needed.

Senior health care officials indicated that in the County's detention facilities more mental health positions are needed to be able to cover the facilities 24/7. Some positions are staffed weekdays only and none on Saturday or Sunday, when the need is greatest.

Barriers to Treatment

OUD sufferers who do not get access to required treatment when they need it most end up having poor outcomes. They are more likely to die prematurely as a result of lack of access and care coordination. In a 2018 Substance Abuse and Mental Health Services Administration federal study of patients seeking medical care and entering a rehabilitation in-take center, the average wait time to enter a treatment program after initial contact with a provider was 42 days. Approximately one third received an appointment within 24 hours. (Substance Abuse and Mental Health Services Administration survey 2018)

There is a gap between the number of people who need SUD treatment and the number of people who receive any type of treatment. In a recent year, only 18% of opioid addiction sufferers received treatment from self-help groups or emergency care.

Among Contra Costa's estimated 54,000 individuals with opioid use disorder, fewer than 10% can be treated long-term given current care capacity.
(www.urban.org/sites/default/files/contra_costa.pdf)

This rate of treatment is lower compared to other common health conditions such as hypertension (77%), diabetes (73%), and major depression (71%).

A federal Substance Abuse and Mental Health Services Administration survey in 2017 identified obstacles individuals face when seeking OUD treatment:

- 40% say they are not ready to stop using
- 37% have no health coverage and cannot afford the cost of treatment
- 9% do not know where to go for treatment
- 7% have health coverage that does not cover treatment or costs
- 7% say treatment is inconvenient or they lack transportation

Other challenges complicate the efforts to offer same-day services that include: application obstacles, long waiting periods, too much paperwork, lack of referrals, loss of child custody, fear, community resistance, and privacy concerns. For homeless addicts, one major barrier can be having no place to stay while beginning treatment.

Federal regulations require that clinicians seeking to prescribe buprenorphine must undergo specialized training. The County does not have enough healthcare professionals who have been legally authorized to prescribe buprenorphine for opioid addiction patients. Providers eligible for specialized training include doctors of general and osteopathic medicine, nurse practitioners, and physician assistants. Of the 5,585 public and private potential prescribers practicing throughout the County, only 3.2% have a buprenorphine waiver. (County-Level Estimates of Opioid Use Disorder and Treatment Needs in California, The Urban Institute, 2016)

Stigmatization of Opioid Dependence

What is often keeping the patient from agreement to treatment is embarrassment. It is generally recognized that just as there is a social stigma around mental illness, so there is shame being identified as a drug addict or drug-dependent. Treatment professionals point out that people addicted to substances exist in every walk of life regardless of gender, sexual orientation, race, ethnicity, employment, or economic status. Opioid addiction is a condition that can affect anyone.

The stigma of opioid dependence is a major hurdle to getting addicts into treatment. Health professionals emphasize to patients and their families that long-term opiate habits change the brain, it becomes a biomedical problem, and it's not about being a weak person or some other issue.

FINDINGS

- F1. The availability of MAT in the County's emergency rooms, medical offices, County health clinics, and the County's detoxification sites does not meet the needs of people with OUD.
- F2. Only 3.2% of the nearly 5,600 private and public medical providers in the County have acquired the Drug Enforcement Agency waiver to prescribe buprenorphine, creating a MAT gap for people seeking treatment.
- F3. The limited open hours at the County-operated Choosing Change Clinics are a barrier to treatment for OUD users.
- F4. The 2016 California Marijuana Tax Fund (AB 1748) requires that a portion of taxes paid be used for youth drug abuse treatment programs.
- F5. The demands for programs addressing high-school drug abuse throughout the County exceed the resources available.
- F6. The demand for programs throughout the county to educate high school students and their parents on overdose prevention, the dangers of opioid use, and responses to overdoses exceed the available supply.
- F7. There are no in-County adolescent residential treatment facilities. Youth requiring residential treatment are directed to seek care outside the County.
- F8. Stigma of drug addiction is a barrier to treatment, and presents barriers to providing more in-County recovery facilities.
- F9. For incarcerated opioid addicts, there are staffing gaps in the detention facilities during the week for intake screening, withdrawal management, and clinical treatment.
- F10. The majority of those who abuse opioid prescription medications do not get them from the street. Instead, they obtain these from the homes of family and friends. The danger is exacerbated by the lack of sufficient public awareness.
- F11. In a 2018 Substance Abuse and Mental Health Services Administration study of patients seeking medical care and entering a rehabilitation intake center, the average wait time to enter a treatment program after initial contact with a provider was 42 days. Only about a third received an appointment within 24 hours.

F12. Among the County's estimated 54,000 persons with opioid use disorder, fewer than 10% can be treated long-term, given current care capacity.

RECOMMENDATIONS

- R1. The BOS should consider requesting Behavioral Health Services to develop a plan by December 2018 to motivate more physicians to complete their qualifications for a waiver to prescribe and dispense buprenorphine starting in 2019.
- R2. The BOS should consider seeking funds, in the FY2019-2020 budget, for Behavioral Health Services to offer the course "Buprenorphine Treatment: Training for Multidisciplinary Addiction Professions" or equivalent to all of the County's public medical care providers starting July 1, 2019.
- R3. The BOS should consider seeking funds, in the FY2019-2020 budget, for Behavioral Health Services to hire more buprenorphine clinicians beginning July 1, 2019.
- R4. The BOS should consider requesting the Alcohol and Other Drugs Services (AODS) division of Behavioral Health Services to use funds available under the California Marijuana Tax Fund legislation (AB 1748) for in-county adolescent outpatient and residential inpatient treatment.
- R5. The Contra Costa County Office of Education should consider seeking funds, in the FY2019-2020 budget, to provide free NARCAN kits in all County school districts.
- R6. The BOS should consider seeking funds, in the FY2019-2020 budget, for Behavioral Health Services to develop a plan to increase clinical treatment of substance use disorders in the three detention facilities.
- R7. The BOS should consider seeking funds, in the FY2019-2020 budget, for Behavioral Health Services to develop and deliver educational campaigns to improve public awareness of the County's opioid addiction crisis and available treatment options, starting July 1, 2019.
- R8. The BOS should consider seeking funds, in the FY2019-2020 budget, for Behavioral Health Services to use multiple modes of communication such as news media, social media, community TV/Radio, and billboards, with a positive message to help alleviate the stigma of OUD, starting July 1, 2019.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F1, F2, F3, F4, F5, F7, F8, F9, F10, F11, and F12	R1, R2, R3, R4, R6, R7, and R8
Contra Costa County Office of Education	F6	R5

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by email to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

ACRONYMS

AODS – Alcohol and Other Drugs Services

BHS – Behavioral Health Services

BOS – Board of Supervisors

MAT – Medication-Assisted Treatment

MEDS – Medication Education and Disposal Safety

ODU – Opioid Use Disorder

SUD – Substance Use Disorder

A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1807

Minimizing School Casualties During an Active Shooter Incident

APPROVED BY THE GRAND JURY

Date MAY 25, 2018


MARIO GUTIERREZ
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date 5/24/2018


ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1807

Minimizing School Casualties During an Active Shooter Incident

**TO: Contra Costa County Board of Supervisors,
Governing Board of the Acalanes Union High School District,
Contra Costa County Fire Protection District Board of Directors**

SUMMARY

Between the 2012 Sandy Hook Elementary School massacre and May 18, 2018, there have been 240 School Shootings nationwide resulting in 148 individuals killed and 310 wounded. From January 2017 to May 11, 2018, California schools experienced seven active shooting incidents, resulting in three individuals killed and six wounded. The trauma of these events prompted law enforcement agencies and first responders across the country to search for solutions on how to minimize casualties in an active shooting incident.

No active shooting incidents have occurred on school campuses in Contra Costa County (County). The Contra Costa County Civil Grand Jury (Grand Jury) conducted an investigation to determine what preparations law enforcement agencies have made to respond to such an incident in the County, should one occur. The Grand Jury reviewed current practices of County law enforcement and paramedics serving the County. The investigation focused on high schools, where most school shootings have occurred.

County law enforcement training procedures require the first officer or deputy who arrives at a school shooting incident to immediately enter the building to stop the shooter. Previously, procedures required waiting for other officers to arrive. The Office of the Sheriff has begun training Contra Costa County Fire Protection District (Fire District) and American Medical Response (AMR) paramedics to enter school buildings, escorted by law enforcement, to attend to injured victims before the entire structure is cleared of the shooter(s). In past shootings throughout the nation, delays in reaching injured victims have resulted in a loss of lives as wounded victims have died within minutes.

Fire District and AMR paramedics are currently prohibited from entering a school building during an actual active shooter incident due to lack of training and lack of ballistic protection equipment.

The Grand Jury surveyed the Acalanes Union High School District's four high schools (AUHSD), at one of which local police ran an active shooter exercise. The goal of the survey was to determine whether the AUHSD has provided teachers written guidelines on responding to an active shooter breaking into the classroom. Although most teachers and students have received verbal guidance on dealing with an armed classroom intruder, they have not received specific written instructions developed jointly by the AUHSD and the local police.

The Grand Jury recommends that the County Board of Supervisors (BOS) consider seeking funds to finance ballistic protection for Fire District paramedics. The Grand Jury further recommends that the BOS continue funding the County Sheriff's Office active shooter training program for paramedics and law enforcement. In addition, the Grand Jury recommends that the AUHSD Governing Board consider requiring its four high schools to work directly with local police to develop and implement specific written guidelines for teachers and students on how to handle classroom break-ins by an active shooter.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Interviewed city police chiefs
- Participated in a County-run law enforcement/paramedic high school campus 'active shooter' training scenario
- Surveyed County school districts and law enforcement agencies
- Attended an 'active shooter' seminar given to teachers by a police chief
- Interviewed school district superintendents within the County
- Interviewed senior County Fire District staff members
- Interviewed a high school principal
- Interviewed high school teachers

BACKGROUND

The Grand Jury investigated current County law enforcement and paramedic response procedures regarding active shooting incidents on high school campuses. The investigation focused on high schools, where most shootings occur. News media

reported that of the fourteen active shooter incidents that occurred in American K-12 schools between January 1 and May 18, 2018, eleven involved high schools.

County law enforcement agencies define an 'active shooter' as a person who fires a gun with the intent to kill individuals in a confined, populated public space without any prior demands. According to Gun Violence Archive, a nonprofit independent database that tracks gun violence, 2017 was the deadliest year of mass shootings in American history.

As of May 18, 2018, there have been 240 school shootings nationwide since a gunman killed 20 kindergarteners and six staff members at Sandy Hook Elementary School in 2012. In those episodes, 148 were killed and 310 people were wounded. Seventeen of the 240 shootings were classified as mass shootings, events in which four or more people are shot.

Seven active school shootings occurred in California from January 2017 to May 11, 2018. These incidents resulted in three deaths and six people injured.

Contra Costa County has not experienced an active shooter incident on a school campus. However, the County Sheriff's Office and local police departments are preparing for such an incident, should one occur, by revising and accelerating their active shooter training program. Some live law enforcement training exercises have been conducted jointly with paramedics from County Fire and AMR. Paramedics from AMR provide ambulance and paramedic services under contract with the County.

DISCUSSION

Traditional Emergency Response Procedures in the United States

To date, shooters at high schools have been young males whose goal was killing as many people as possible in a short period of time. The challenge for paramedics during an active shooter incident has been to reach victims quickly. County law officials estimate that securing a school during a shooting incident can take two or more hours. Police consider a school secure only when they are certain that every space on every floor within that school is clear of a shooter.

Prior to 1999, federal and state response procedures required the first police officers on the scene to establish a perimeter and wait for SWAT units to arrive. Similarly, fire department paramedics were required to stage in a safe zone blocks away and wait for law enforcement to secure the school. This delayed the treatment of victims, who may have only minutes to live, and allowed the shooter to continue causing casualties.

The 1999 Columbine High School shooting incident in Littleton, Colorado, was a learning experience for law enforcement, according to David Billings, "EMS Under Fire: Manchester Fire/Rescue," (2014). When the first law enforcement officers and fire

department paramedics arrived at Columbine, they waited 45 minutes for SWAT. During that time, an additional ten people were killed.

Based on the experience gained from previous school shootings, law enforcement agencies across the nation have determined that assembling an officer entry-team takes too long. As a result, numerous law enforcement agencies have adopted a policy of immediately engaging the active shooter when the first officer arrives.

Current County Emergency Response Training Procedures

Fire District and AMR personnel recognize the value of offering medical aid inside the school building, as soon as possible, even before the entire structure has been secured by law enforcement. However, the Fire District cannot set a policy allowing paramedics to enter an uncleared building with a police escort until all paramedics, including those employed by AMR, have been thoroughly trained and are provided with ballistic protection equipment.

In September 2017, Grand Jury members attended a County-run active shooter training exercise for law enforcement and paramedics. The exercise demonstrated the basic procedures for an active shooter scenario on a school campus.



Courtesy of DanvilleSanRamon.com

Active Shooter Simulation at a Danville High School

The exercise began with one or two officers entering the school to search for the active shooter(s). As additional law enforcement units arrived, they formed Protection Task Force (PTF) teams to stop the shooter and prevent further loss of life. PTF teams were instructed to bypass the wounded and seek out the shooter in order to protect other potential victims.

When Fire District and AMR units arrived, they formed a unified command with law enforcement. The joint command facilitated close coordination between paramedic Rescue Task Force (RTF) teams and PTF teams throughout the exercise. The PTF Command Officer made security assessments and decisions regarding the movement of RTF personnel within the threat areas.

RTF actions are based on the operational concept of threat zones. This concept is endorsed by the International Association of Fire Fighters, the United States Fire Administration and other organizations. It includes the following three threat zones:

- Hot Zone: the area where there is an immediate life threat and where RTF teams will not operate
- Warm Zone: the area where the threat to RTF members is greatly reduced but not absent
- Cold Zone: the RTF staging area near the building(s), where no threat exists



Photo Courtesy of E. Reed Smith

Paramedics and law enforcement practice response in the Warm Zone

The September 2017 active shooter exercise included the training of County paramedics for operations inside Warm Zones. PTF teams aided paramedics by radioing them the type of weapon and ammunition used on the wounded.

Responses to school shootings typically involve over 150 PTF and RTF personnel. The PTF Commander tracks the progress of all teams. An RTF member operates the radio inside the building with codes common to law enforcement and paramedics. A law

enforcement officer stated that communication among large numbers of task force personnel is a major challenge.

In 1999, the United States Fire Administration suggested that firefighters be outfitted with protective armor and escorted by law enforcement into Warm Zones to provide rapid medical interventions. In 2012, the New York City Police Counterterrorism Bureau examined over a decade of active shooter incidents. The study revealed that most deaths occur within six minutes from the time a shooting spree begins. Thus, the goal of County RTF teams is to gain access to Warm Zones as soon as safely possible, escorted by County PTF personnel.

The Fire District has not requested funds for ballistic equipment because their RTF Program has not been adopted by the County BOS. A new vest and Kevlar helmet set costs between \$600 and \$1300, depending on versatility, adjustability, comfort, weight, and level of protection. Provisioning all 126 paramedics currently serving with the Fire District would cost between \$75,600 and \$163,800.

AMR paramedics operate under contract with the County. Because AMR is a private company, it would have to fund its own ballistic protection equipment. AMR has no provision for allowing its paramedics to enter Warm Zones. According to senior AMR staff, paramedics employed by AMR would only be allowed to enter Warm Zones if they were trained, volunteered as private citizens, and had their own ballistic protection.

Guidelines for County School Districts in Case of an Active Shooter Incident

Survey of County School Districts

The Grand Jury surveyed all County school districts to understand the procedural guidelines they follow in the event of an active shooting incident.

- Most districts have annual active shooter/lockdown drills for staff and students at one of their high schools during school hours. Law enforcement and/or the fire department occasionally observes these drills.
- Most districts host annual active shooter training for law enforcement during non-school hours at one of their high schools. The fire department sometimes participates.
- Most districts are working with local police to understand the Run-Hide-Fight strategy to help teachers respond appropriately during an active shooter incident.
- A small number of teachers have received individual instruction from law enforcement on how to respond to an active shooter breaking into their classroom.
- Most districts have a police resource officer on duty at their high school(s). In case of an active shooter incident, these officers could immediately respond.

Run-Hide-Fight Strategy

Numerous schools in the County have adopted the Run-Hide-Fight strategy recommended by local law enforcement as a means of responding to an active shooting on a campus. Actions under this strategy depend on an individual's proximity to the shooter. Based on the strategy, defensive actions are:

- Run: seek an immediate escape route and leave belongings behind.
- Hide: find an area out of the shooter's view and try to block entry to it.
- Fight: as a last resort, attempt to incapacitate the shooter with physical aggression.

The Run-Hide-Fight strategy is endorsed by federal preparedness and response organizations. These include the U.S. Departments of Justice, Homeland Security, and Health and Human Services. ("Mass Shootings and Why Lockdown Fails," SafePlans, 2017)

If a shooter suddenly becomes active on a school campus in the County, the school is immediately put on Lockdown. Teachers ensure their classroom doors are locked. Staff and students not in the classroom are advised to carry out the Run-Hide-Fight strategy.

Law enforcement experts recommend that teachers and students stay inside a secured room. However, if the shooter breaks into the classroom, teachers and students are advised to use the Fight strategy.

Survey of the Acalanes Union High School District

The Grand Jury surveyed the four high schools comprising the Acalanes Union High School District (AUHSD) to determine whether teachers have received written guidelines on responding to a classroom break-in by an active shooter. The survey indicated that:

- One school provides general guidance to staff in the Lockdown section of its Emergency Handbook.
- One school uses guidance based on police briefings at faculty meetings.
- The other two schools are working with local police or the on-site resource police officer to develop more specific written guidelines for teachers.
- Most AUHSD teachers have received guidance on the Fight portion of the Run-Hide-Fight strategy.

At this time, there are no written guidelines for AUHSD students on how to counter an active shooter breaking into their classroom. Students have been given annual verbal guidance and one school is working with local police to formulate written guidelines for students.

FINDINGS

- F1. The Fire District, through the Office of the Sheriff, has supported training to coordinate law enforcement and paramedic response to an active shooting incident at a school.
- F2. Fire District paramedics are unable to operate in Warm Zones because not all paramedics are thoroughly trained in joint operations with law enforcement.
- F3. Fire District paramedics are unable to enter Warm Zones because they lack ballistic protection equipment.
- F4. Deaths during active shooter incidents can be minimized if paramedics reach victims quickly.
- F5. As of April 1, 2018, the AUHSD had no written guidelines for teachers or students on how to counter an active shooter breaking into their classroom.
- F6. As of April 1, 2018, two AUHSD schools were working with local police to develop specific written guidelines on how teachers should respond to a classroom break-in by an active shooter.

RECOMMENDATIONS

- R1. The County Fire Protection District Board of Directors should consider seeking funds, in time for the FY2019-2020 budget cycle, to finance ballistic protection gear for Fire District paramedics.
- R2. The County Board of Supervisors should consider continuing to fund the training (provided by the Office of the Sheriff) of all Fire District paramedics to operate in Warm Zones.
- R3. The Governing Board of the AUHSD should consider requiring all four high schools, by November 1, 2018, to begin working directly with local police to develop specific written guidelines for teachers and students on how to respond to a classroom break-in by an active shooter.
- R4. The Governing Board of the AUHSD should consider implementing, by April 1, 2019, all active shooter guidelines jointly developed with local police.

REQUIRED RESPONSES

Responder	Findings	Recommendations
Contra Costa County Board of Supervisors	F1	R2
Governing Board of the AUHSD	F5, and F6	R3, and R4
Contra Costa County Fire Protection District Board of Directors	F1, F2, F3, and F4	R1

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Civil Grand Jury – Foreperson
725 Court Street
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Martinez, CA 94553-0091

**A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

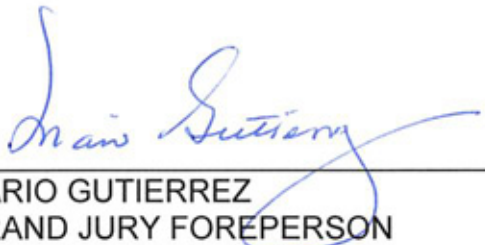
Report 1808

Joint Powers Authorities

Transparency and Accountability

APPROVED BY THE GRAND JURY

Date MAY 31, 2018


MARIO GUTIERREZ
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date June 5, 2018


ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1808

Joint Powers Authorities

Transparency and Accountability

**TO: Contra Costa County Auditor-Controller;
Local Agency Formation Commission;
City Councils of the following cities: Antioch, Brentwood,
Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette,
Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill,
Richmond, San Pablo, San Ramon, and Walnut Creek**

SUMMARY

When you review your property tax bill, have you ever questioned why there was a particular assessment? Was this on a ballot? Was there public disclosure? The majority of tax assessments are approved by the voters. However, assessments can also be made without voter approval by cities that are members of Joint Powers Authorities.

Local governments have used Joint Powers Authorities (JPA) as a flexible, easy to form, cost-effective means to carry out specific functions. JPAs have been used to cover a wide range of functions, such as: fire protection, recreational programs, construction projects, and transportation.

As of December 2017, the 19 incorporated cities in Contra Costa County (County) reported to the Contra Costa Civil Grand Jury (Grand Jury) that they were members of at least one of 157 JPAs established in the County. The Grand Jury could not confirm that this was the total number of JPAs established. The Grand Jury also found that the 19 cities in the County have issued bonds, with an estimated cumulative value that exceeds \$1.5 billion. (www.standardandpoors.com, Dec 2017)

The Grand Jury investigated the use of JPAs by the cities. Due to the level of debt generated, the Grand Jury focused on financial type JPAs and specifically on their oversight, transparency, and financial accountability.

Based on our findings, the Grand Jury recommends the County Auditor post on their website all documents received from all JPAs associated with Redevelopment Agencies

(RDA) and their Successor Agencies. All cities should confirm their compliance with Gov. Codes 6500, and 33400 et seq. To demonstrate full transparency, cities should consider reporting all JPA financial information separate from their city budgets. The cities should also consider submitting periodic financial reports directly to the County Auditor, and increasing their efforts to provide the public an opportunity to understand and comment on planned debt actions pertaining to JPAs.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Interviewed Contra Costa Auditor-Controller senior staff
- Interviewed Contra Costa Tax Collector senior staff
- Interviewed Local Area Formation Commission (LAFCO) senior staff
- Interviewed Finance Directors of three representative cities within the County
- Submitted two Requests for Information to the 19 cities in the County
- Researched financial data published by Standard and Poor's

BACKGROUND

The California State Legislature passed the Joint Powers Authority Act in 1921. California Government Code (Gov. Code) statutes for JPA laws are set forth in Sections 6500 - 6599. A JPA is formed when two or more public agencies agree on creating a function/service that benefits all JPA members. JPAs are not formed by voter initiative or voted on by the electorate, but by the action of the agencies' governing bodies.

To form a JPA, the organization members post a formal notice, hold a public meeting, and solicit comments from the public and stakeholders. The members formalize the agreement and appoint a Board of Directors. The JPA can then enter into contracts and incur debt to finance projects.

The intent of a JPA is to provide services efficiently, resulting in financial benefit to the taxpayers. By sharing resources and combining services, the member agencies save time, create efficiencies, and reduce overlapping functions and costs. JPAs allow governments to conduct selected public projects without voter approval of financial commitments or key operational decisions. JPAs can be formed for many reasons: acquisition of land, construction and maintenance projects, financing, insurance pooling, and operations of facilities.

When multiple jurisdictions decide a new project is needed, they can form a JPA. Otherwise they would have to take the lengthy approach to get a measure on the ballot, secure majority-voter approval, and sell revenue bonds to private investors to raise capital to fund the project.

Gov. Code, Section 6547 allows JPAs to issue revenue bonds without voter approval provided each of the member agencies adopts a separate local ordinance to issue such bonds. Voters have a 30-day period to call for a referendum election on the local ordinances, but this rarely occurs.

JPAs and Special Districts

JPAs are sometimes confused with Special Districts, which are another legal entity established to provide specific functions. The difference is that a Special District is an independent entity with its own governing body that delivers services to a dedicated community. Special Districts rely on different State laws for their legal authority and are governed by elected boards.

While counties and cities must provide basic services in accordance with federal and state law, Special Districts provide specific services and must be approved by the Local Agency Formation Commission (LAFCO) and the voters. Some examples include fire districts, water districts, and pest abatement. LAFCOs are responsible for "...overseeing the establishment, expansion and organization of cities and special districts and their municipal services in meeting current and future community needs" Gov. Code Section 56000 et seq.

In 2017, SB 1266 created a formal reporting process connecting JPAs and LAFCOs.

Types of Joint Powers Authorities

JPAs can be categorized into five broad groups based on the type of services they provide ("Governments Working Together: A Citizens Guide to Joint Powers Agreements," Cypher & Grinnell, 2007):

- Financial services: financing construction of public works such as city halls, bridges, and flood control projects
- Public services: transportation, police and fire protection
- Insurance pooling and purchasing discounts: pooling for lower insurance rates
- Planning Services: addressing and planning for topics of regional importance that go beyond city and county limits
- Regulatory enforcement: ensuring that member agencies adhere to state and federal laws and procedures by conducting educational seminars, formulating enforcement procedures, and maintaining an oversight role

DISCUSSION

The Grand Jury requested a list of all JPAs in Contra Costa County from the County Auditor-Controller and the State Controller's offices. Neither the County nor the State could provide a consolidated list of all the JPAs operating in the County. The State

Controller publishes an annual report on its website combining all relevant financial JPA information with Special Districts. The Grand Jury's attempts to identify JPA-specific data was not possible because the data was mixed in with Special Districts' data.

To secure JPA-specific data, the Grand Jury submitted a Request for Information to each of the 19 incorporated cities in the County to which all responded.

A total of 157 JPAs were reported. Because multiple cities participate in the same JPA (e.g., State Route 4 Bypass Authority), the number of individual JPAs is 66.

JPAs in Contra Costa County

JPAs				JPA TYPES	
Antioch	8	Oakley	5	Public	35
Brentwood	10	Orinda	5	Financial	23
Clayton	10	Pinole	8	Insurance	4
Concord	9	Pittsburg	9	Regulatory	3
Danville	10	Pleasant Hill	10	Planning	1
El Cerrito	7	Richmond	11		
Hercules	9	San Pablo	5		
Lafayette	4	San Ramon	18		
Martinez	4	Walnut Creek	8		
Moraga	7				
TOTAL			157	TOTAL	66

Source: RFI responses from 19 cities

The Grand Jury determined that due to the number of JPAs in the County and the amount of bonds issued, the investigation would focus on Financial JPAs (see chart above). The investigation addressed three areas of transparency and accountability: organization, reporting, and oversight.

Organization

RDAs were originally formed by California cities to fund their urban renewal programs. The California Community Redevelopment Law and Redevelopment Agencies were dissolved by Assembly Bill (ABx1.26) effective October 1, 2011. This was done to support the state's budget deficit and address issues with RDAs. After losing an appeal, California RDAs were officially dissolved on February 1, 2012. Their assets and liabilities transferred to Successor Agencies and Successor Housing Agencies. The Government Codes addressing RDAs and their Successor Agencies as a result of ABx1.26 are set forth in Gov. Codes Sections 33500, 33600, 34161, and 34170 et seq.

Numerous Successor Agencies now operate under a JPA. The Grand Jury identified 23 financial JPAs: nine with multiple cities, two without RDA, and 12 formed between a city and its RDA, creating the RDA's Successor Agency. Three JPAs that have been labeled

“Defunct” by the respective cities have ongoing financial obligations (such as repayment of bonds). The 12 Financial JPAs with RDA are:

- Antioch Public Finance Authority between the City of Antioch and its RDA
- Antioch Public Facilities Financing between the City of Antioch and its RDA
- Brentwood Infrastructure Finance Authority between the City of Brentwood and its RDA
- Concord Financing Authority between the City of Concord and its RDA
- El Cerrito Public Financing Authority between the City of El Cerrito and its RDA
- Hercules Public Financing Authority between the City of Hercules and its RDA
- Lafayette Public Facilities Financing Authority between the City of Lafayette and its Successor Agency to the RDA (Defunct)
- Pinole Financing Authority between the City of Pinole and its RDA
- Pleasant Hill Financing Authority between the City of Pleasant Hill and its RDA (Defunct)
- Richmond Financing Authority between the City of Richmond and its RDA
- San Pablo Financing Authority between the City of San Pablo and its Successor Agency to the RDA
- San Ramon Public Financing between the City of San Ramon and its Successor Agency to the RDA (Defunct)

The Gov. Codes Sections 34161, and 34170 et seq. required the closing of RDAs and the formation of Successor Agencies. The Successor Agencies were prohibited from taking on new redevelopment or debt and were required to dissolve and pay off their existing debt under a conservator’s guidance and State oversight. The Successor Agency was to terminate once the debt is fully paid off.

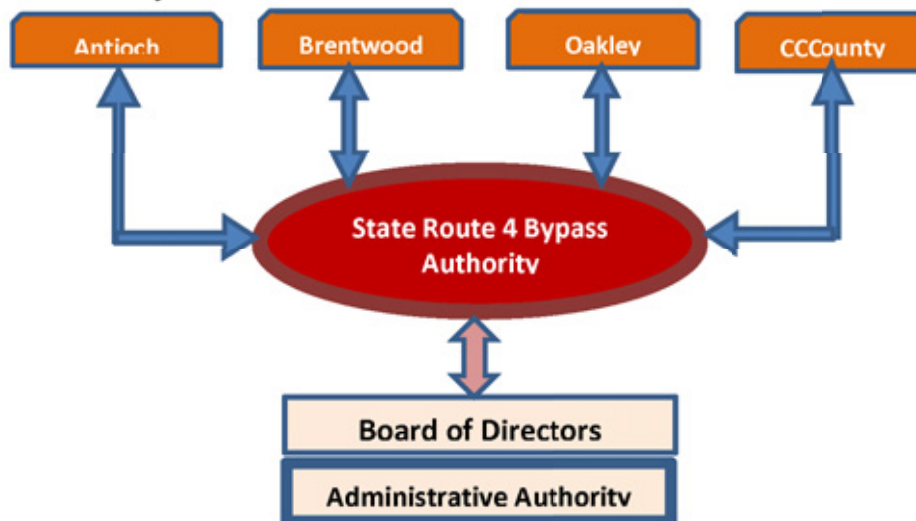
Numerous city councils elected themselves to be the Successor Agency conducting their own oversight. Eleven cities, listed above, formed JPAs consisting of the city council and the Successor Agency. These new JPAs may be invalid if they take on new debt (Gov. Codes Sections 34161, and 34170 et seq.).

The Grand Jury determined that, based on their characteristics, JPAs can be divided into two distinct organizational models: Direct and Circular.

Direct Organizational Model

The Direct model supports shared services: insurance pools, transportation, communications systems, worker’s compensation and flood protection. The JPA members are composed of similar entities that share a mutual challenge or opportunity.

Each member delegates a function of their authority to a JPA to either improve the service that is provided or to reduce the cost through a joint effort. If the JPA does not provide positive results or improvements, any member can withdraw from the JPA. This structure has checks and balances and allows for self-correction and accountability. In addition to each member providing inputs, the public has access to the JPA at the City Council member and JPA's Board levels. The majority of JPAs maintain this organizational structure and comply with the intent of the statute (Gov. Codes, Sections 6505, 6547 et seq.). The following is a simplified model of one JPA, The State Route 4 Bypass Authority.



Circular Organizational Model

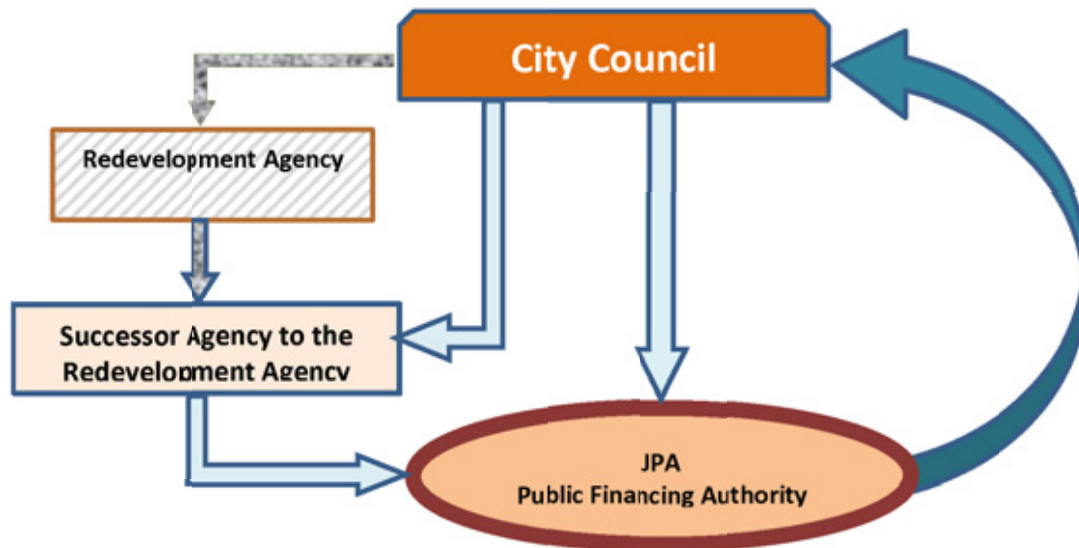
The Circular model is not made up of independent entities like the Direct model but is one entity using internal staff or departments. The members of this JPA are controlled by a single authority, such as the city council. Because JPAs can issue revenue bonds without voter approval, there is no public access or independent party to review financial accountability.

The 12 Financial JPAs with RDA use this Circular model. The city council now has authority over the city, its RDA, and the financing JPA. The reporting structure is circular as shown in the diagram below. The Grand Jury reviewed several Financial JPAs' charters and noted that the City Manager and City Clerk were signatories for both the city and the RDA. In one case, the same individual signed for both the city and its RDA. Since all its members are from a single entity, the Circular model does not have the same checks and balances and accountability as the Direct JPAs.

The circular model presents a potential risk to the public due to the absence of checks and balances resulting in a loss of transparency and accountability to its citizens.

In the event that a JPA falls short of its ability to repay debt, a member could utilize its General Fund or other internal sources to avoid the risk of defaulting on the bond. JPA protocols allow such actions by the city council without voters' approval. If the debt

increase is unchecked, a negative outcome can be damaging to the reputation of the city and its credit rating, and may result in higher costs to taxpayers.



Reporting

State Law SB 282 requires the State Controller to annually publish financial information of Special Districts, JPAs and public benefit corporations, excluding school districts. The Grand Jury was not able to accurately document JPA finances because the State Controller's report did not separate JPA data from Special District data. The Grand Jury also requested JPA information from the County Auditor-Controller's Office. They provided information only on JPAs with which the County was directly involved.

Health and Safety Code Sections 34182-34188.8 requires the Auditor-Controller to review JPAs' compliance with ABx1.26 (dissolution of redevelopment agencies and the designation of Successor Agencies) to determine any violation.

In 2017, SB1266 was amended to require JPAs to send a copy of their agreement to LAFCO. LAFCO was designated only to be a repository of filings with no authority over JPAs, they focus on municipal ground services and not JPAs formed for the purpose of financing.

Without a consolidated and useful way to track JPA financial reporting, there is a loss of transparency and accountability to the public.

Oversight

No State or County agency directly oversees the use and operation of JPAs in Contra Costa County. The Secretary of State, State Controller, the California Debt and Investment Commission and LAFCO serve only as a repository of JPA reports.

JPA's that fail to report their financial information to the State or county violate Gov. Codes Section 6505(a), which requires that "...an annual audit of the accounts and records of every agency or entity." Gov. Codes Section 6505(c) requires that when an audit is made, "...a report thereof shall be filed as public record with each of the contracting parties to the agreement and also with the county auditor of the county where the home office of the joint powers is located."

Because JPAs are easy to create, they facilitate the sharing of services and financing. If they are mismanaged, JPAs may present a burden for taxpayers. The estimated \$1.5 billion bonds issued by cities in the County may provide needed services and financial benefit to the taxpayers. However, the latitude allowed by State statutes creates the potential for JPAs to acquire debt that exceeds the ceiling imposed on government entities.

JPA's provide a legal process that gives cities the ability to remain compliant with California Constitution Article XVI, Section 18 "Debt." Article XVI prohibits cities, counties and school districts from borrowing an amount that exceeds the income and revenue for each year, unless approval is obtained from at least two-thirds of the voters. Since JPAs are separate legal entities formed by two members, such as the City Council and a Successor JPA, they are not bound by this prohibition on city, county and school debt. Gov. Codes Sections 6547 et seq, does not require voter approval on a JPA ordinance to issue revenue bonds, unless voters initiate a referendum to contest the action during the 30-day referendum period. If there is no referendum, the JPA can then issue revenue bonds that can exceed a cities' annual debt limit imposed by Article XVI, Section 18.

JPAs have no direct State or County oversight and minimal reporting requirements. As a result, Some JPAs, such as those defined as circular, are a mechanism whereby cities may take on debt that is not independently monitored.

FINDINGS

- F1. In the Direct JPA model, each member delegates to the JPA a function that each member has the legal authority to provide. This shared approach results in cost savings and better efficiency on behalf of taxpayers.
- F2. The Circular JPAs with a single controlling entity, such as a city council, have the potential to avoid legal debt limits and provide limited disclosures to taxpayer.
- F3. In Contra Costa County, there are 12 Circular JPAs created by cities with RDAs that no longer exist. These JPAs may no longer be valid because each is a member of another Financial JPA which may take on new debt without the prohibition (Gov. Codes Sections 6505 3416/34170 et seq,) placed on Successor Agencies.

- F4. Cities that have created the 12 Financial JPAs do not provide JPA-specific financial information in their budget document. As a result, the public may have difficulty evaluating JPA's financial performance.
- F5. The Contra Costa Auditor-Controller's office maintains information only on JPAs of which the County is a member. The County Auditor could not verify that all JPAs in the County have filed an audit in accordance with Gov. Codes Sections 6505 et seq.
- F6. LAFCO has no JPA oversight and acts as a repository only for municipal services JPAs that choose to voluntarily file. This limits LAFCO's ability to review Financial JPAs.

RECOMMENDATIONS

- R1. All cities with JPAs in the County should confirm their compliance with Gov. Codes Sections 6505 by submitting the required audit report to the County Auditor by December 31, 2018.
- R2. The Auditor-Controller under Health and Safety Code Sections 34182-34188.8, should consider a review of JPAs under ABx1.26 (dissolution of redevelopment agencies and the designation of Successor Agencies) by June 30, 2019 to determine any violation of the prohibition on taking on new redevelopment or debt.
- R3. The Auditor-Controller should consider posting on its website all financial and organizational data received from JPAs associated with an RDA or their Successor Agency in a manner readily available to the public by September 30, 2018.
- R4. The 11 cities that are members of a JPA associated with an RDA or their Successor Agencies should consider confirming their compliance with the provisions of ABx1.26 (Gov. Codes Sections 34177 et seq.) and report their findings and any corrective actions to the Auditor-Controller's office by December 31, 2018.
- R5. All cities with JPAs should consider making special efforts, such as special mailings to taxpayers, website postings and announcements in local media, to communicate JPA debt decisions and audit reports to the public beyond simple notifications by December 31, 2018.
- R6. Contra Costa County LAFCO should consider seeking funds to expand their focus to include County Financial JPAs by September 1, 2019.

REQUIRED RESPONSES

	Findings	Recommendations
Cities of Antioch, Brentwood, Clayton, Concord, Town of Danville, El Cerrito, Hercules, Lafayette, Martinez, Town of Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, Walnut Creek	F1	R1, R5
Contra Costa County Auditor-Controller	F2, F3, F4, and F5	R2 and R3
Cities of Antioch, Brentwood, Concord, El Cerrito, Hercules, Lafayette, Pinole, Pleasant Hill, Richmond, San Pablo, San Ramon	F2, F3, and F4	R4
Local Agency Formation Commission (LAFCO)	F6	R6

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

**A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1809

Community Reentry from Jail

APPROVED BY THE GRAND JURY

Date June 8, 2018



MARIO GUTIERREZ
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date June 7, 2018



ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1809

Community Reentry from Jail

**TO: Contra Costa County Board of Supervisors,
Contra Costa County Office of the Sheriff**

SUMMARY

Every year thousands of incarcerated individuals are released from Contra Costa County jails and face the challenges of reentry to their communities and families. These challenges include: increased risk of homelessness, unemployment, drug and alcohol addiction, trauma, and discrimination. According to the National Institute of Justice, more than three-quarters of the released inmates nationwide are re-arrested within five years.

Having a safe place to live and stable employment is critical to the reduction of recidivism and homelessness of former inmates. This has made the reentry process a priority for local-government policymakers and criminal justice professionals.

Contra Costa County (County) has instituted a variety of programs in support of reentry and jail-population reduction. According to the 2011 Contra Costa County Strategic Reentry Plan, reentry services are part of a continuum that begins when an individual is incarcerated and continues through a successful reintegration into their community. A measure of success for these programs is the number of former inmates that end up not being re-incarcerated.

The Contra Costa Civil Grand Jury (Grand Jury) investigated these programs and their effectiveness. It reviewed programs and services that provide access to employment, housing, education and vocational training, and connection to other resources.

The Grand Jury found a number of reentry programs that work, but also found some gaps in these programs that, once addressed, may provide positive results. The Grand Jury recommends that the Board of Supervisors (BOS) consider identifying funds to improve reentry programs for housing and employment, and for a data system that provides integrated linkage of services and programs.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Interviewed staff of the Offices of Sheriff, Public Defender, Education, and Health Services
- Observed operations at the Reentry Success Center in Richmond
- Observed operations at the County's three detention facilities
- Conducted internet and document research
- Interviewed one formerly incarcerated person

BACKGROUND

The Grand Jury investigated the County's process for reintegrating formerly incarcerated individuals from jail into their local community.

The County's reentry process is comprised of services that form a continuum of care that begins at the point an individual is incarcerated and continues through reintegration into the community. These services are provided by County agencies and by County-contracted community-based organizations.

The passage in 2011 of California's Public Safety Realignment Act (AB109) increased the need for County reentry program services. AB109 dealt with overcrowding in the State prison system by mandating that individuals sentenced to non-serious, non-violent or non-sex offender crimes serve their sentences in County jail. AB109 also signaled a policy shift statewide by providing offenders with various services that support reentry and successful reintegration, along with in-custody treatment and rehabilitation.

Inmates sentenced to prison under AB109 are generally incarcerated for longer periods than the average County jail inmate. Compared to offenders in prison, people incarcerated in local jails are generally much closer geographically to their families and the social service organizations in their communities.

County Departments Involved in Reentry

Numerous County departments are involved in the reentry process, these include:

- Community Corrections Partnership (CCP): the state-mandated body in each county responsible for implementing and monitoring AB109. It brings together representatives from the Offices of the Public Defender, Probation, District Attorney, Sheriff, County Administrator, Education, and Reentry and Justice.

- Office of Adult Correctional Education: offers education to incarcerated adults in collaboration with the Sheriff's Office. Adult Correctional Education is overseen by the Contra Costa County Office of Education (CCCOE).
- Office of Reentry and Justice (ORJ): launched in January 2017 as a 2.5-year pilot project of the County Administrator's Office. The goal of ORJ is to coordinate the County's public safety realignment, reentry, and justice programs and initiatives. It is primarily funded by AB109 revenues from the State.
- Office of the Public Defender (OPD): has the mandated responsibility of defending any individual accused of crimes in the County and unable to afford counsel.
- Probation Department (PD): provides rehabilitative services to ex-offenders and enforces court orders for those under community supervision.
- Office of the Sheriff: responsibilities include operating the County's three detention facilities.
- Contra Costa Council on Homelessness: appointed by the BOS, the Council provides advice and input on the operations of homeless services, program operations, and program development efforts in the County.

County-Contracted Community-Based Organizations

County-contracted community-based organizations provide a range of services to the reentry population, from housing assistance and employment services to mentorship and family reunification.

The following are community-based organizations receiving funding for FY2018-2019 under AB109 through the Office of Reentry and Justice:

- Reentry Success Center: operations and management, connections to resources
- Rubicon Programs: employment
- Bay Area Legal Aid: legal services
- Goodwill Industries: employment
- Shelter Inc.: housing
- Reach Fellowship International: employment and education liaison for women
- Men and Women of Purpose: peer mentoring
- Center for Human Development: family reunification
- HealthRIGHT360: healthcare network management
- Fast Eddie's Auto Services: auto repair training

- Centerforce: transition planning services for women
- Ms. Shirliz: sober living homes
- Contra Costa County Adult Education: transition services

County Detention Facilities

The three County detention facilities (jails) house an average daily population of 1,500 inmates:

- The Martinez Detention Facility (MDF) is a maximum-security facility and the point of entry for all arrestees in Contra Costa County. The facility has a rated capacity of 695 inmates, housing both sentenced and pre-sentenced individuals.
- The West County Detention Facility (WCDF) in Richmond has a rated capacity of 1,096 inmates. WCDF operates as a co-educational, program-oriented, medium-security facility. Education and vocational programs are provided through a contract between the Office of the Sheriff and the Contra Costa County Office of Education.
- Marsh Creek Detention Facility (MCDF) in Clayton has a rated capacity of 188 inmates. It is the County's minimum-security facility for men.

DISCUSSION

According to the County's 2011 Reentry Strategic Plan, the full reentry process begins when a person is incarcerated and ends when they are released from jail and reintegrated back into their community. Reentry program services are delivered in both pre-release and post-release settings. This process typically includes education courses and job training while incarcerated, as well as programs that help the inmate address any substance abuse and behavioral issues. The process is designed to help ensure that the transition from jail to the community is safe and successful both for the former inmate and the community.

This recent emphasis on reentry and reintegration is different from the traditional focus on the purely operational role of sustaining incarceration while providing in-jail security for both inmates and facility staff. Reentry seeks to identify and meet the needs of the individual at each point of the process in a way that supports ultimate success upon reentry into the community.

The Grand Jury investigated various County programs that support reentry and jail-population reduction. This investigation focused on the phase of reentry when individuals are released from jail and are returning to their community. The majority of

released inmates face the challenge of meeting the basic needs of housing and employment, as well as obtaining treatment for addiction and behavioral health issues.

According to the 2011 Reentry Strategic Plan, 74% of parolees and probationers have a history of substance abuse. Only 10% receive treatment while incarcerated. Over 3,000 treatment spaces are needed. Sixty percent of parolees and probationers are unemployed one year after release, and nearly 2,500 job placements are needed.

Between 30-50% of parolees are homeless, and between 1,000 to 2,000 housing placements are needed annually for released inmates. Among parolees, 40% lack a high school diploma or GED, and 1,700 adult education spaces are needed. Among soon-to-be-released inmates, 55% have children under the age of 18. Roughly 2,300 parolees and probationers may need family counseling, support, or reunification assistance.

Reentry Transition

The preparation of a discharge plan at the time an individual enters the correctional facility is important for reentry. As described in AB720's 2017 amendment to the California State Penal Code §2603, "...jails should also provide discharged inmates with adequate discharge plans ... in order to obtain community-based support and services while maintaining needed therapeutic treatment"

In 2016, the County's Community Corrections Partnership (CCP) issued its Pre-Release Planning Pilot proposal. This resulted in the creation of the Reentry Transition Specialist position to work with incarcerated individuals at WCDF. The Reentry Transition Specialist position is under the CCCOE. The Specialist connects adult inmates to employment services, vocational training, educational opportunities, social services, rehabilitation programs, and counseling. Since the implementation of the position in 2017, the demand from inmates for these services has grown from an initial 36 enrollees to over 100 in early 2018. The current demand exceeds the staffing level.

Social Service Workers in the Office of the Public Defender

Social service workers in the Public Defender's office link indigent adult clients to services throughout their criminal case. Social service workers facilitate their clients' transition from incarceration to finding housing, employment, and educational programs.

Over 19,000 cases were assigned to the OPD in 2016 for the criminal defense of indigents. Currently, the OPD has one social services worker.

Educational and Vocational Training

According to a RAND Corporation national study, "Inmates who receive general education and vocational training are significantly less likely to return to jail, and are

more likely to find employment.” Other studies have found that a 10% percent increase in high school graduation rates results in a 9% percent decline in the criminal arrest rate. Employment after release is 13% higher among inmates who participate in either academic or vocational education programs than those who do not.

According to County senior officials, each year more than 4,000 inmates receive educational and/or vocational training at one of the County’s three jail facilities. Classes are provided through a contract with the CCCOE. Inmate participation is voluntary. Training is offered in skilled trades. WCDF offers Sign/Engraving Shop and Frame Shop training programs for women. MCDF offers a Carpentry Shop training program for men. None of the classes provide the inmates a certificate of completion.

The County’s 2011 Reentry Strategic Plan was developed through the Contra Costa Reentry Planning Initiative. The plan was the result of a collaborative effort between the Richmond Office of Neighborhood Safety and the BOS Public Protection Committee. This Plan recommended increasing educational services for both formerly and currently incarcerated individuals. The 2017 Strategic Plan recommended various educational programs. One educational program was designed to provide and expand training in computer skills. Another program was designed to provide access to college-level courses during and after incarceration. Another program was designed to offer remedial and supportive educational skills to boost basic proficiency levels.

Inmate Resource and Job Fairs

In the Fall of 2017, WCDF held a Resource Fair for soon-to-be-released inmates. The fair was designed as an informational service to interested inmates looking for work and resources to help improve their lives. The fair hosted representatives of various social services, employment, housing, behavioral health, and community organizations. Over 300 inmates and nearly 20 vendors took part. The vendors included Project Second Chance, Fast Eddie’s Auto Services, Bay Area Legal Aid, County Adult Education, Local Shelters, Custody Mental Health, and the Reentry Success Center.

The Spring 2018 Job Fair consisted of eleven trade unions, apprenticeship schools, and prospective employers that pay prevailing wages and provide benefits such as health insurance.

The Spring and Fall Fairs, to be held annually, are conducted as a joint effort between the Office of Adult Correctional Education, Reentry and Justice, and the Office of the Sheriff. These fairs provide an opportunity for WCDF inmates to connect with private and public organizations and agencies. They also provide other services such as Driver License reinstatement assistance. According to the County’s Workforce Development Board, over 200 companies in the county are committed to providing employment opportunities to formerly incarcerated residents returning to their community.

Tracking and Assessing Reentry Programs

Public and community agency service providers have used various data systems that do not provide linkage for coordinated tracking of services provided to inmates. Without integration into a consolidated data system, agencies face challenges both in providing continuity of care services and in measuring the effectiveness of services provided. It is important that community-based organizations and support networks provide continuity of care through individualized case management across organizations when an inmate is released.

A 2015 Jail Needs Assessment report published by the Office of the Sheriff concluded the County's current jail management system lacks several key features. Those features include the support of real-time, accurate, and comprehensive data analysis for the tracking of service delivery, program participation, and participant progress. The Jail Needs Assessment recommended the establishment of a program for comprehensive data collection services, and more coordinated pre-release planning processes. The report was developed in support of the County's proposal to construct a new adult detention facility to open in 2021 at the West County Detention Facility site.

The need for continuity between in-custody and post-release supervision and services was further highlighted in the County's 2015 AB109 Performance Review prepared by Resource Development Associates. The Performance Review noted that several partner departments lack the capacity to collect and report important data on AB109 individuals. The Performance Review also stated that individuals are not assessed upon entry into custody for problems, traits, or issues that directly relate to the individual's likelihood and risks of a return to crime. As a result, there is no process to ensure that their risks and needs are aligned with the programs and services they may receive upon release.

The Reentry Network for released inmates in East and Central Contra Costa County is a linked system of County-contracted services to help these individuals succeed in reintegrating into their communities. The Network functions as a broad-based collaborative system working in partnership with local law enforcement, Probation, other County agencies, and community-based and faith-based organizations. The goal is to provide integrated reentry service. The Reentry Network currently utilizes the SAFE database system to track a released client's continuity-of-service across several community-based service providers.

In 2017 staff of the ORJ and other County entities determined that moving contracted reentry providers to a single database system would be best accomplished through the utilization of the SAFE database system. Such a system may facilitate the County's ability to implement, track, and evaluate reentry efforts countywide.

Barriers to Employment and Community Participation

Two programs that contribute to a successful community reintegration in Contra Costa County are the Clean Slate program in the Office of the Public Defender, and the Reentry Success Center (RSC) in Richmond. These programs assist formerly incarcerated individuals by minimizing the barriers to employment and reintegration back into their communities.

Clean Slate

Clean Slate is a national cooperative project between federal, state and community legal services to improve employment outcomes for people with criminal records and to meet employers' need for qualified workers. Clean Slate services also assist clients to gain housing as well as further their education. Clean Slate has been adopted by many governmental organizations, including Contra Costa County.

In Contra Costa County, the OPD is charged with providing the Clean Slate service for people with criminal records. Clean Slate attorneys and advocates assist clients in such areas as:

- Post-conviction remedies, including early termination of probation
- Reduction of felony convictions to misdemeanors and dismissed charges
- Sealing of arrest records
- Employment denials related to criminal background
- Driver License suspensions
- Reduction and discharge of court fines and fees
- Reduction and discharge of municipal debt (parking tickets, towing fees)

Criminal record clearance efforts by Clean Slate are useful for successful reentry and reducing recidivism. According to the County's 2015 AB109 Performance Review, the OPD does not have sufficient resources to address all the Clean Slate cases. The OPD has a current backlog of roughly 10,000 reclassification cases.

Under Clean Slate, the OPD is also required by Proposition 64, the California Marijuana Legislation Initiative, to petition the court for relief of the estimated 3,000 marijuana cases in the County that are eligible for reduction, dismissal, or sealing of prior convictions. Since early 2017, the OPD has submitted petitions to the court for approximately 200 (or 7%) of those 3,000 cases.

Reentry Success Center

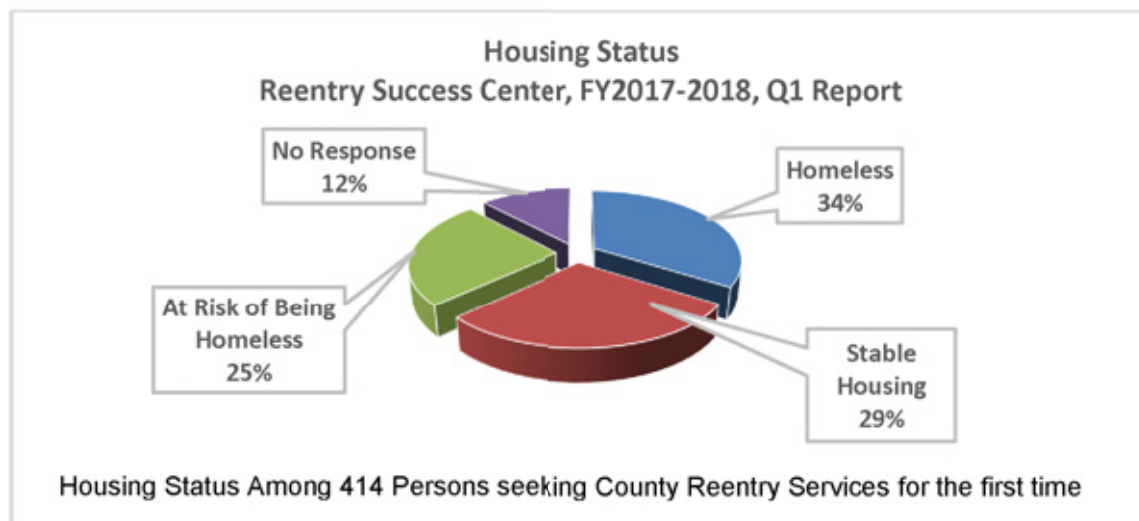
RSC in Richmond helps former inmates reintegrate with society after incarceration. The Center opened in 2015 and is primarily funded through AB109 realignment funds. RSC facilitates access to the services of many organizations together in one location for former inmates and their families. These organizations include the Contra Costa County Human Employment and Services Division, the Office of the Public Defender, Bay Area Legal Aid, and Reach Fellowship International.

The County's thousands of men and women on parole can use RSC to help find jobs and housing. RSC provides access to computers and to classes on resume writing, interviewing skills, smoking cessation, and household budgeting. Former inmates can learn about eligibility for general assistance and medical services.

Transitional Reentry Housing

According to the Justice Center of the Council of State Governments, providing access to safe and secure housing for those released from jail reduces recidivism and homelessness, as well as ensures stable living situations for children, families, and communities. Former inmates without stable housing in the community are more likely to return to criminal activity. Homelessness among the formerly incarcerated is seven to eleven times higher than among the general public, due to their limited access to education and employment. Homelessness contributes to heavy usage of emergency medical and detoxification services, at a high personal cost to the individual and a high financial cost to taxpayers.

Stable housing is widely recognized as critical to enabling probationers to adhere to the terms of their post-release supervision and to avoid re-incarceration. According to the Reentry Success Center, nearly 60% of former inmates seeking reentry services are either homeless or at risk of homelessness, as shown below.



According to the County's Reentry Strategic Plan, the County lacks comprehensive data detailing use of existing County housing services, as well as the types and volume of housing options needed for this population. The Plan projects that the County requires an estimated 1,000 to 2,000 housing placements annually to meet the needs of the reentry population.

Limited housing options in the County hinder reentry clients' ability to fully participate in other reentry-related programs. Barriers to housing include lack of client income and landlord resistance to renting to people with a criminal record. Some types of public housing disallow renting to persons with certain kinds of convictions. Affordability, accessibility, and availability are obstacles for former inmates to secure shelter beds, halfway houses, transitional housing, and sober living environments.

The County's Reentry Strategic Plan concluded that "Consequently, the County must provide the necessary resources to make sure that all those reentering will not become homeless." For FY2018-2019, \$1.03 million out of the County's total \$28.56 million AB109 budget request is allocated for short-term and long-term housing access. This allocation addresses only a small fraction of the approximate 1,000 to 2,000 housing placements needed annually. In contrast, \$18.13 million of the budget is allocated for the Offices of Probation, District Attorney, Sheriff and other law enforcement, according to the County's Community Corrections Partnership.

FINDINGS

- F1. Currently, the County has no single data system that collects and reports on services and outcomes for both county and community agencies. A data system such as SAFE could support integrated provision of a continuum of service from intake to reentry.
- F2. Resource and Job Fairs are held at WCDF only and not at the other detention facilities, providing an opportunity for more outreach to current and former inmates.
- F3. Since the creation of the Reentry Transition Specialist position in 2017, demand has grown from 36 enrollees to over 100. Demand for reentry services exceeds available resources.
- F4. Recent surveys indicate that nearly 60% of inmates upon release are either homeless or at risk of homelessness, leaving them vulnerable to reoffend. The County currently has neither a plan in place nor funds allocated to address the projected 1,000 to 2,000 housing placements needed annually.
- F5. Clean Slate is also tasked with petitioning the court for relief on the estimated 3,000 marijuana cases eligible for reduction, dismissal, or sealing of prior convictions, under Proposition 64 (the California Marijuana Legislation Initiative)

enacted in late 2016. With current County staffing, Clean Slate has been able to submit only 200 petitions to the court to resolve these cases. The demand for services exceeds the currently available staffing.

- F6. There is one social service worker in the Office of the Public Defender to serve all indigent defense cases. The demand for services exceeds the currently available staffing to address the backlog of Clean Slate reclassification cases
- F7. WCDF has Sign/Engraving Shop and Frame Shop training programs for women. MCDF has a Carpentry Shop training program for men. No certificate of completion, which would provide documentation to prospective employers, is currently provided for these programs.

RECOMMENDATIONS

- R1. The BOS should consider seeking funds, in time for the FY2019-2020 budget cycle, for adoption of the SAFE database system (or equivalent) countywide, for implementing, tracking, and evaluating reentry services.
- R2. The BOS should consider seeking funds, in time for the FY2019-2020 budget cycle, to sponsor annual or semiannual Job and Resource Fairs, modeled after the current WCDF Job and Resource Fairs, to serve those who have been released from incarceration.
- R3. The BOS should consider seeking funds, in time for the FY2019-2020 budget cycle, for additional Reentry Transition Specialists, in support of reentry programs.
- R4. The BOS should consider requesting the Community Corrections Partnership, in consultation with the County's Council on Homelessness, to provide a report to the BOS prior to June 30, 2019, on the housing needs of AB109 offenders and the current availability and utilization rates of AB109-related housing programs, including any relevant recommendations.
- R5. The BOS should consider requesting the Community Corrections Partnership to develop a five-year plan, in time for the FY2019-2020 budget cycle, to provide funding for transitional housing resources to ensure that inmates released from jail do not become homeless.
- R6. The BOS should consider seeking funds, in time for the FY2019-2020 budget cycle, for the Office of the Public Defender to address the backlog of Proposition 64 marijuana cases eligible for reduction, dismissal, or sealing.

- R7. The BOS should consider seeking funds, in time for the FY2019-2020 budget cycle, for additional social service workers in the Office of the Public Defender in support of reentry planning and implementation.
- R8. The BOS should consider seeking funds, in time for the FY 2019-2020 budget cycle, for resources in the Office of the Public Defender to address the backlog of roughly 10,000 reclassification cases seeking to petition the court to clear their criminal record.
- R9. The Office of the Sheriff in coordination with the CCCOE should consider providing a “Certificate of Completion” to inmates in the vocational programs at WCDF and MCDF, as documentation to assist prospective employers in their skills evaluation of former inmates.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F1, F2, F3, F4, F5, and F6	R1, R2, R3, R4, R5, R6, R7, and R8
Contra Costa County Office of the Sheriff	F2 and F7	R9

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Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

ACRONYMS

BOS: Board of Supervisors

CCP: Community Corrections Partnership

CCCOE: Contra Costa County Office of Education

MCDF: Marsh Creek Detention Facility

MDF: Martinez Detention Facility

OPD: Office of Public Defender

ORJ: Office of Reentry and Justice

PD: Probation Department

RSC: Reentry Success Center

WCDF: West County Detention Facility

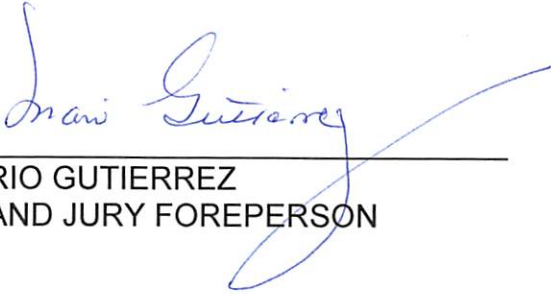
A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1810

Chronic Absenteeism in West Contra Costa County School Districts

APPROVED BY THE GRAND JURY

Date June 11, 2018


MARIO GUTIERREZ
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date June 11, 2018


ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1810

Chronic Absenteeism in West Contra Costa County School Districts

**TO: Contra Costa County Superintendent of Schools,
Governing Board of West Contra Costa Unified School District,
Governing Board of John Swett Unified School District**

SUMMARY

California is one of seven states that funds schools based on Average Daily Attendance (ADA) rates. ADA rates are calculated by dividing the total number of days students attended by the number of instructional days in a regular school year. School districts receive State funding proportionally based on daily attendance data. As an example, a school district with a 95% ADA and a projected annual budget of \$300 million would receive only \$285 million, having been reduced by 5% due to their ADA rate.

In the past, school districts in California developed policies and procedures to improve attendance with policies focused on ADA and truancy. National and State education officials have expanded their focus to include chronic absenteeism. They believe this is a more accurate way to measure attendance because it takes into account all types of absences, including excused, unexcused, and suspensions. Students become chronic absentees if they are absent for 10% or more of the school days in the school year.

In December 2017, the California Department of Education (CDE) released the California School Data Dashboard (Dashboard). This tool provides districts and schools information about school attendance at the county, district, and school levels. Through the Dashboard, chronic absenteeism data is now available for all districts and schools in the State.

According to the Office of Attorney General (OAG) *In School + On Track* reports, chronic absenteeism rates are high among communities of low-income and of color. One of the most economically and racially diverse populations of Contra Costa County (County) is in West County. The Contra Costa County Civil Grand Jury (Grand Jury)

investigated five elementary schools in low-income West County neighborhoods to determine what steps are being taken to reduce chronic absenteeism.

Based on this investigation, the Grand Jury recommends that school districts in West County consider ways to improve parental engagement and also consider posting current attendance data on their websites on a regular basis. The Grand Jury also recommends that the Contra Costa County Superintendent of Schools consider using available media platforms to promote kindergarten and the *Every School Day Counts* campaign to the communities-at-large.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Interviewed officials from the Contra Costa County Office of Education
- Interviewed school district attendance supervisors
- Interviewed school districts superintendents
- Visited five elementary schools in West County and interviewed school administrators and staff
- Reviewed educational websites at the national, state, county, and school district levels
- Researched school attendance-related resources

BACKGROUND

California is one of seven states that funds schools based on ADA rates. The CDE defines ADA as the total days of student attendance divided by the total days of instruction. School districts receive State funding proportional to this ratio.

The chronic absenteeism rate is defined as the percentage of the student population that have been absent for 10% or more of the school year. A chronic absentee misses a minimum of a month of instruction within one school year. Attendance Works is a national non-profit organization dedicated to reducing chronic absence. In 2011, it published a report on ADA and chronic absenteeism effects in three large urban districts. The report showed that:

- Schools with ADA rates higher than 97% rarely have a problem with chronic absence.
- Schools with ADA rates between 93% and 97% have chronic absenteeism rates from 7% to 15%.

- Schools with ADA rates below 93% have chronic absenteeism rates greater than 15%.

The State Education Code defines the following terms related to absence:

- **Excused Absentee** (EC Section 48205): "A pupil ...shall be excused from school when the absence is due to illness, quarantine, medical appointment, funeral services of an immediate family member, appearance in court, and other reasons within the discretion of school administrators."
- **Truant** (EC Section 48260): "A pupil ... who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than a 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof..."
- **Chronic Absentee** (EC Section 60901): "A pupil ... who is absent on 10 percent or more of the school days in the school year, when the total number of days a pupil is absent is divided by the total number of days (in the school year)..."

By focusing on ADA and truancy, California education system data has masked chronic absenteeism problems. The focus has gradually shifted to chronic absences (excused, unexcused, and suspensions). According to Attendance Works, chronic absenteeism is one of the primary causes of low academic achievement and is a predictor of which students may eventually drop out of school.

Office of the Attorney General

The OAG released four reports from 2013 to 2016. These reports emphasized the significant impacts truancy and chronic absenteeism had on school funding and student academic success. The initial report *In School + On Track, Attorney General's 2013 Report on California's Elementary School Truancy & Absenteeism Crisis* uncovered this crisis in the State schools. The report indicated that truancy and chronic absence were very high in the State's elementary schools, where one in five students were reported as truant. Almost 85% of truant students were from low-income families. At 30.4%, Contra Costa County had one of the highest elementary school truancy rates among San Francisco Bay Area counties.

The reports outlined the importance for districts to track chronic absenteeism and for the CDE to modernize the state-wide student records system. As a result, districts are upgrading their Student Information Systems (SIS) to monitor attendance. These systems track absences and notify parents if the student is absent for three or more days.

Contra Costa County Office of Education

The Contra Costa County Office of Education (CCCOE) provides services to schools and school districts in the County. The CCCOE evaluates and approves each district's

Local Control Accountability Plan (LCAP). The LCAP is a three-year plan that districts complete to describe their eight goals and associated actions, services, and budgets to promote student outcomes. The CCCOE also facilitates and promotes County-wide attention to improve student attendance.

From 2014 to 2017, the CCCOE partnered with Attendance Works to offer Learning Works, a three-year pilot program for districts to address chronic absenteeism. District teams received training on how to analyze their attendance data. They learned how to generate attendance reports, develop strategies for reducing chronic absenteeism, and draft a plan for addressing chronic absenteeism in their LCAPs.

The CCCOE and the County District Attorney's Office are partners in a County-wide Attendance Awareness campaign, *Every School Day Counts*. This is the fourth year of the campaign. Its purpose is to communicate the importance of attendance to schools, students, and the community. It is not highly publicized beyond the school communities.

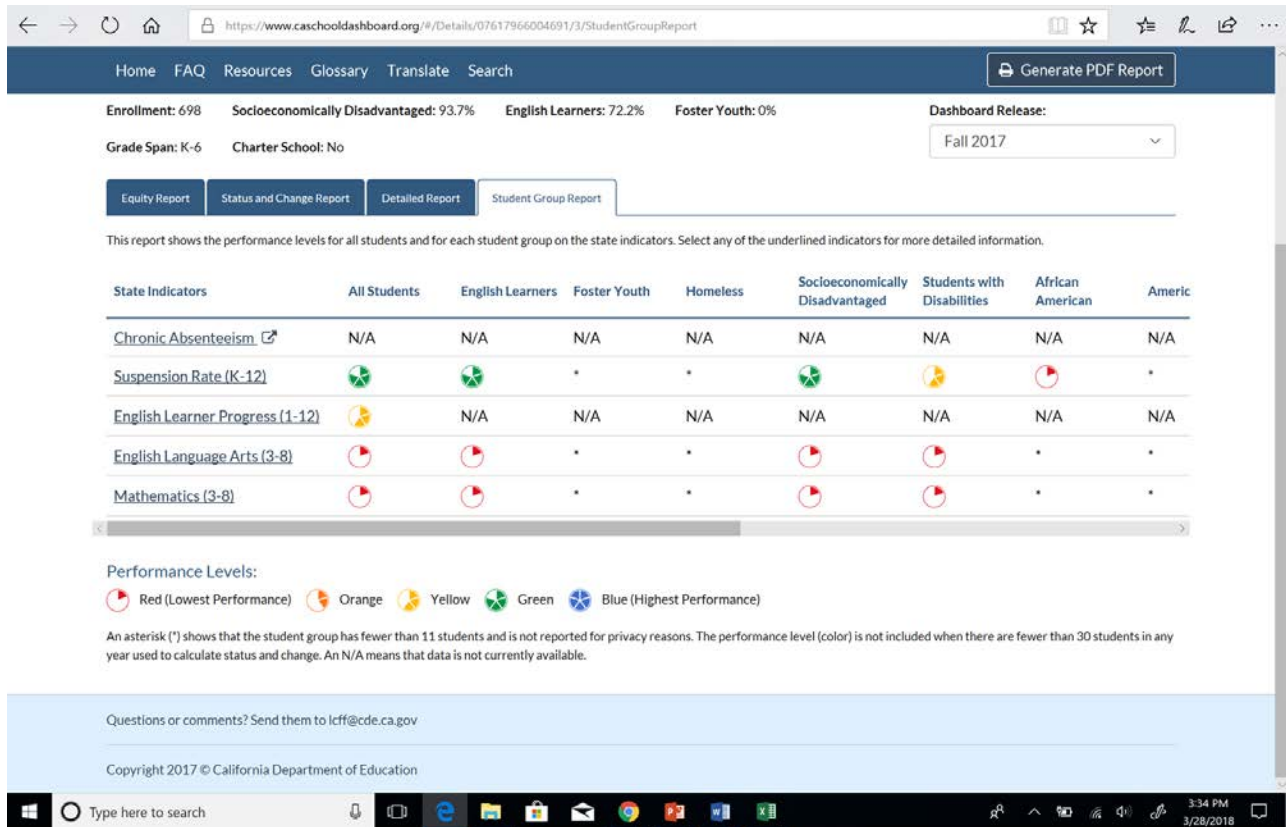
The CCCOE has a permanent forum called the Coordinating Council. Participants are school district administrators and key personnel from other County agencies who work with students on attendance and behavioral issues. The Council meets every two months to discuss topics such as best practices, current education laws, and concerns related to the School Attendance and Review Boards (SARBs). A SARB is a district-level body composed of district, school, and community members who meet regularly to diagnose and resolve students' persistent attendance or behavior problems.

California Department of Education

In December 2017, the State Superintendent of Public Instruction announced the availability of its California School Dashboard website (www.caschooldashboard.org). The State began collecting attendance data from districts in late spring 2017 for the 2016-2017 school year. For the first time, this tool presents Statewide chronic absenteeism data as one of six State performance indicators:

1. Chronic Absenteeism
2. Suspension Rate
3. English Learner Progress
4. Graduation Rates
5. College/Career Readiness
6. Academic Performance

California School Data Dashboard



Chronic absenteeism can be further analyzed by categories such as gender, English learners, students with disabilities, ethnicity, socioeconomic disadvantage, homeless, and foster students. "This data helps us determine which schools, districts, and student groups have the largest concentration of chronic absences, allowing educators and community members to focus attention and resources and take actions needed to keep those students in class and back on the path to academic success." (*CDE News Release*, December 5, 2017.)

The Dashboard provides color-coded comparisons of school districts based on current performance levels and yearly growth. Some school districts and educational organizations have developed tutorials and learning modules to help educators and community-based organizations use and interpret the information. These modules are in addition to the videos and tutorials already provided by the CDE.

DISCUSSION

Within the past eight years, the Grand Jury has published two reports on school truancy:

- Report 1012: *Truancy, “The Kindergarten of Crime” (2010)* focused on tracking and reporting of attendance data.
- Report 1615: *Truancy and Chronic Absence in Contra Costa County Schools (2016)* focused on software systems used to collect, analyze, and report attendance data.

Since the 2016 report was published, the CDE, school districts, and schools have focused on chronic absenteeism. The State has published chronic absenteeism data since December 2017. The final OAG 2016 *In School + On Track* report showed that districts and schools have reduced truancy and chronic absenteeism through consistent tracking and monitoring. They have also improved information sharing about attendance among districts and schools.

This Grand Jury investigation focused on the strategies of five low-income elementary schools from the West County to improve attendance and reduce chronic absenteeism.

Chronic Absenteeism and Socioeconomic Problems

A 2008 report by the National Center for Children in Poverty (NCCP) indicated that chronic absenteeism was highest among children living in low-income communities and poor families. This study also showed that these children are more likely than children from affluent families to experience family risk factors that impact a child’s school performance. These factors are more likely if the child lives with a single parent, has multiple siblings, has food insecurities, lacks transportation, lives in a high crime neighborhood, or lives with a parent who has a low education level, poor health, is on welfare, or is unemployed.

According to the Dashboard, 91% of West County’s elementary school students who were chronically absent were from socioeconomically disadvantaged families. The Dashboard categorizes chronic absenteeism into subgroups. One of the subgroups is Socioeconomically Disadvantaged (SD). The State Board of Education defines the SD subgroup as consisting of students who meet one of two criteria: neither of the students’ parents is a high school graduate, or the students are eligible for the free or reduced-price lunch program.

Charts A through E are based on data from the CDE website. Chart A illustrates that absenteeism in elementary schools is more prevalent in the County’s school districts that have a higher percentage of SD students. The blue bars show the chronic

absenteeism rate percentage, while the orange line shows the percentage of SD students in the schools.

Chart A

Chronic Absenteeism by District % versus Socioeconomically Disadvantaged %

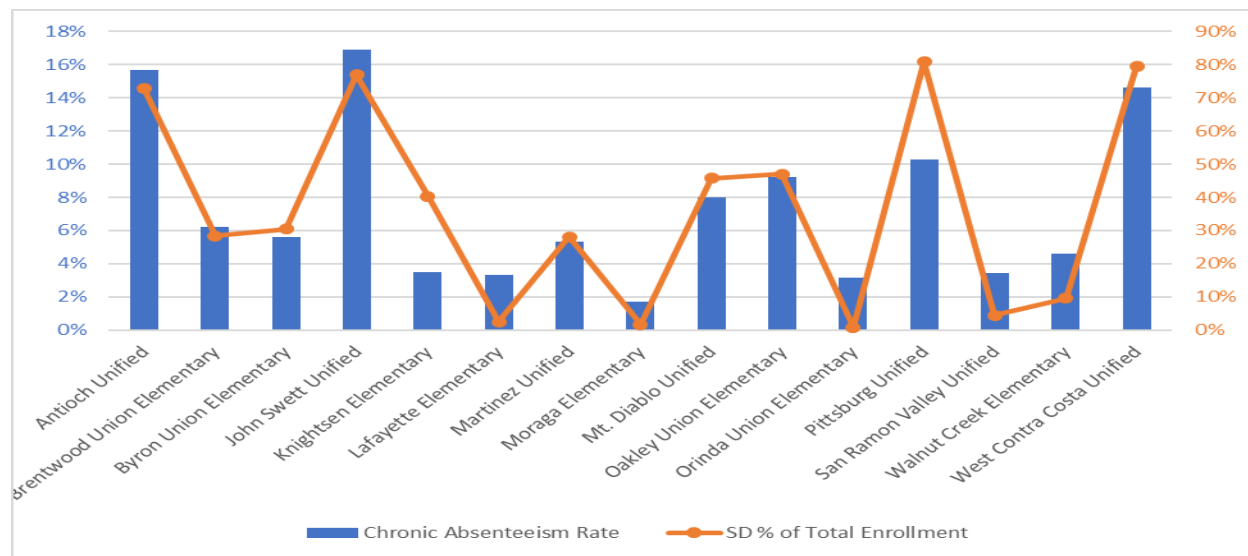
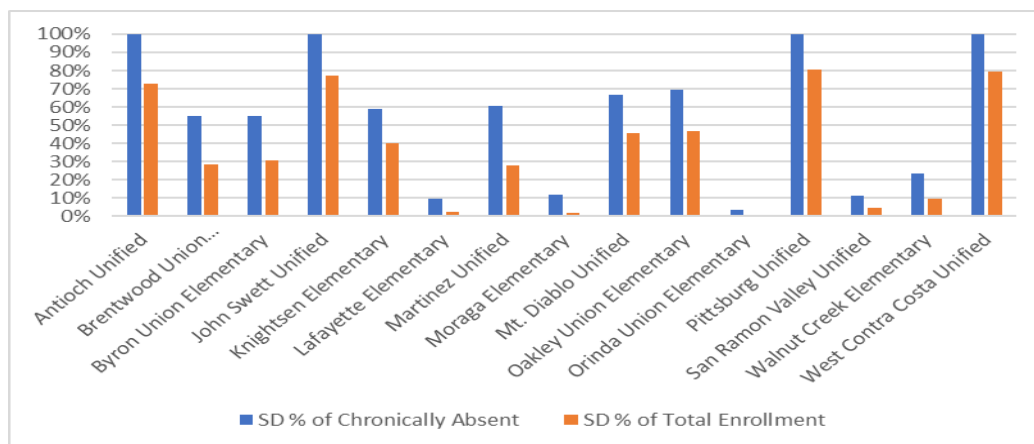


Chart B shows that the SD group represents a disproportionate amount of the chronic absenteeism in elementary schools. If absenteeism were equally distributed among all student backgrounds, the percentage of socioeconomically disadvantaged students who were chronically absent (blue bars) would equal the percentage of SD students (orange bars) in the district. In other words, the blue bars would be the same height as the orange bars. This demonstrates the disproportionate effect of socioeconomic disadvantages.

Chart B

Socioeconomically Disadvantaged Make Up Disproportionate Amount of Chronic Absenteeism



West Contra Costa County School Districts

There are two unified school districts in West County: West Contra Costa Unified School District (WCCUSD) and John Swett Unified School District (JSUSD). These districts, which serve approximately 30,000 students, have some of the highest SD rates in the County.

The Grand Jury reviewed both districts' 2016-2017 LCAP Goal 4. This goal addresses student engagement, which includes attendance. One district plans to have all schools maintain an ADA rate of 95% or higher. It also intends to gradually decrease its 2015-2016 chronic absenteeism baseline rate of 16.1% by three percentage points per year, for the next three years.

The other school district plans to increase its attendance rate by one-to-two percentage points per year and decrease its chronic absenteeism rate by two percentage points per year for the next three years. Unlike the first district, the second district did not show its 2015-2016 baseline rate for attendance or chronic absenteeism.

From 2014 to 2017, both districts participated in the Learning Network, a three-year pilot program sponsored by the CCCOE and Attendance Works. The pilot program provided the districts with research-based strategies to reduce chronic absenteeism and improve overall attendance. One of the districts is currently working with Attendance Works on developing attendance training modules. Both districts continue to use Attendance Works as a resource.

The districts regularly send their attendance teams to the CCCOE Coordinating Council meetings. The teams stated that the meetings provided an opportunity to learn about other districts' successes and challenges.

Each district uses a different SIS and software to collect, analyze, and monitor student absences. The systems notify parents and guardians with automatic letters and/or phone calls when a student has three or more unexcused absences. District attendance supervisors send monthly attendance reports to each school to review and take actions as needed.

The Five Elementary Schools

The 2008 NCCP report shows that schools with a high percentage of SD students tend to have high rates of chronic absenteeism. Chart C shows that the schools are similar in student-to-teacher ratio and teacher pay. Cumulative enrollment did not have much impact on chronic absenteeism rates.

Among the five schools reviewed, the one with the lowest enrollment had the highest chronic absenteeism and more teachers with fewer years of experience. The principal stated that high teacher turnover has made it difficult to build steady relationships between students and staff and between staff and community.

Chart C

Comparing SD Population with Chronic Absenteeism

SCHOOL	1	2	3	4	5
Cumulative Enrollment	413	752	459	806	382
ADA Percentage	96.1%	95.8%	94.6%	96.0%	93.1%
Chronic Absenteeism Percentage	10.9%	12.1%	16.6%	17.0%	30.1%
SD Percentage of Enrollment	90.8%	94.4%	96.5%	77.2%	83.5%
Percentage of SD Students that are Chronic Absentees	100.0%	95.6%	97.4%	86.9%	85.2%
Pupils per Teacher	19.5	21.9	23.1	19.1	19.1
Avg Teacher Yrs Experience	10	11	9	8	5
Teacher pay (lowest certified)	\$ 38,699	\$ 38,699	\$ 38,699	\$ 43,226	\$ 38,699
Teacher pay (BA+30, 5 yrs)	\$ 53,042	\$ 53,042	\$ 53,042	\$ 47,920	\$ 53,042

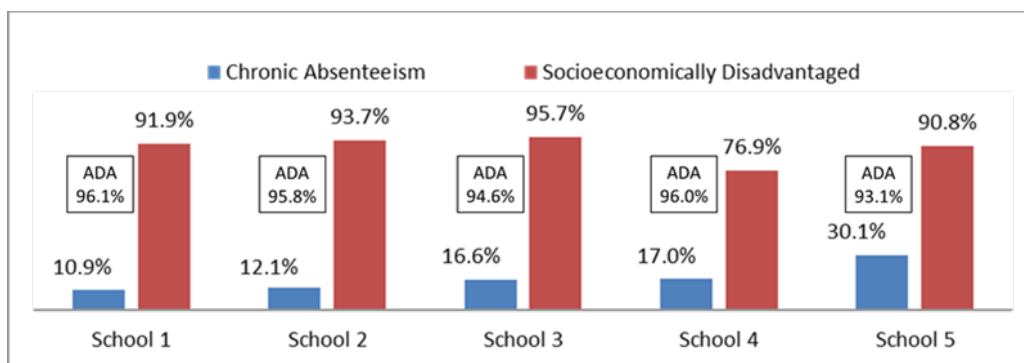
At both the district and school levels, SD population percentage is generally a predictor of chronic absenteeism rate. SD students make up a disproportionate number of chronic absentees. However, there are exceptions.

In Chart D, the five schools are arranged in ascending chronic absenteeism rate order. School 1 has the lowest chronic absenteeism rate while School 5 has the highest. The difference between the SD rates for these two schools is only 1.1 percentage points.

However, the difference between their chronic absenteeism rates is 19.2 percentage points.

Chart D

Five Elementary Schools: 2016-17 ADA, Chronic Absenteeism and Socioeconomically Disadvantaged Rates



Each of the five schools is unique, with different communities, staffing, and support services. Each used different strategies to reduce chronic absenteeism. These strategies can be divided into three categories: School Climate, Attendance Practices, and Family Support.

School Climate

The staff at all five schools stressed that building relationships among students, teachers, and families is essential for student success. Administrators, teachers, and staff members work to create a positive school climate by:

- Greeting students by name each day
- Expressing happiness that students who were absent have returned to school
- Offering incentives such as pencils, ribbons, pins, certificates, and school-wide activities to promote attendance
- Providing emotional support for students who are experiencing trauma

Attendance Practices

All five schools have clear attendance policies. Each school has an attendance clerk who monitors daily attendance and calls the homes of absent students. In some schools, the teacher or principal makes the calls and offers support to get the student back to school. Some schools review their monthly attendance reports as part of the regular faculty meetings. One principal's constant attention to absences has improved attendance at that school by:

- Monitoring the school's attendance records closely to identify students who are absent more than two days
- Contacting the families immediately to determine if any services are needed
- Holding family meetings with parents of absent students
- Conducting Saturday classes for chronically absent students
- Continually reviewing and revising the attendance goals for the school

Family Support

All five schools' administrators stated that parental engagement is crucial to improving student attendance. The administrators stated that building trust with parents is important for improving student attendance.

To improve parental engagement with the schools, WCCUSD introduced a Parent University course in 2015. This seven-week course was designed to teach parents how to navigate the school system, build effective communication skills, become active parent leaders, and support their children's long-term academic success. Through this training, parents become more regularly engaged not only in the school system but also in their children's education.

Some schools encourage parent participation through activities such as School Site Council, English Language Advisory, Math Nights, Literacy Nights, and Special Celebrations. They also did the following:

- Help parents understand that missing school can negatively impact their children's academic success
- Encourage parents to visit and/or participate in their children's classroom
- Conduct home visits and offer support to families
- Encourage parents in the WCCUSD to attend the Parent University course

Broader family support includes a number of social services. Each school has a community outreach worker and access to social workers and mental health personnel. Three of the five schools were in San Pablo. They receive extra social services support from the San Pablo Police Department Parent Project Program, City of San Pablo & Bay Area Community Resource, and a School-Based Health Center Coordinator. Four of the schools are Full-Service Community Schools which bring together many partners to offer a range of support and opportunities for students, families, and the community. Some of the services include, but are not limited to, breakfast, lunch, supper, before- and after-school childcare, ESL classes for adults, tutoring, wellness clinics, and other activities to support the surrounding community.

Each school has a version of a School Attendance Review Team designed to create solutions to help students with attendance or behavior problems. The teams include the principal, teacher, student, parents, community outreach persons, social workers, and other personnel to connect the student to services, as needed. Sometimes, the solutions are as easy as a bus ticket, alarm clock, or enforced bedtime rules. One solution was to provide a used washer/dryer set for a family so the student would have clean clothes to come to school.

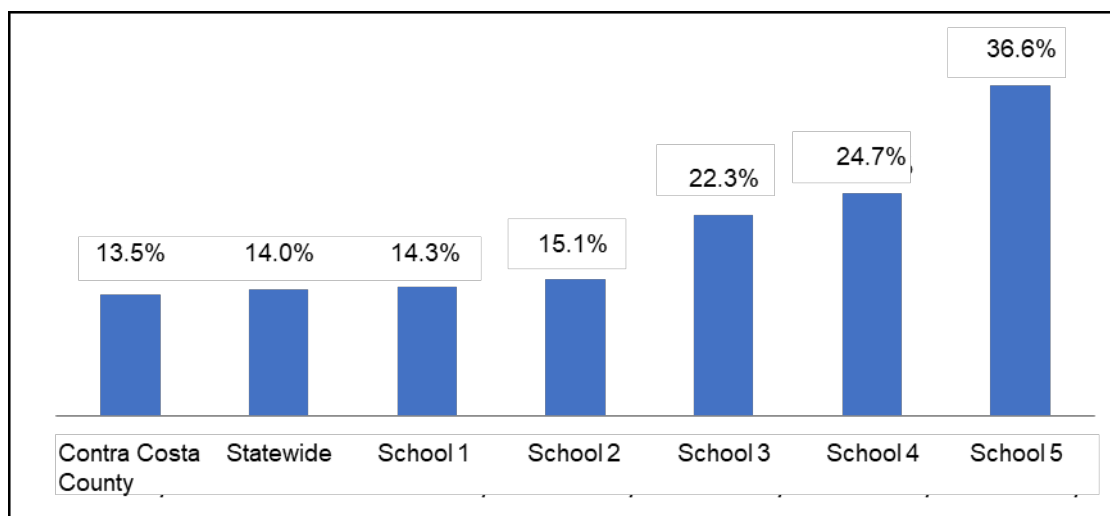
Impact of Kindergarten

The five schools' administrators reported that of all grades, kindergarten had the highest chronic absenteeism rate. Reports from the OAG and Attendance Works indicate that kindergarten is crucial to building good attendance habits in later grades.

Chart E indicates that the lowest kindergarten absentee rate among the five schools is 14.3%, which is slightly above the County and State rates. The highest rate is 36.6%, which is almost three times the County's rate. Since kindergarten is not mandatory in California, the percentages are based on enrolled students only.

Chart E

2016-2017 Kindergarten Chronic Absenteeism Rate



District and school officials suggested the following causes for high absenteeism:

- Kindergarten is not mandatory.
- Some parents do not see kindergarten as important.
- The school day for kindergarten is shorter than for other grades, so childcare and transportation may be issues for working parents.

- Kindergarten students cannot be referred to the SARB process until they are six years old.
- Kindergarten-age children are frequently ill.

According to the OAG reports, kindergarten is important not only for a child's social and academic development, it can also impact the student's future attendance patterns. *In School + On Track (2016)* reported that 75% of all students who were chronically absent in kindergarten and first grade did not meet the California state standards in third grade for mathematics and English language arts. Students who cannot read at grade level by the time they reach third grade are four times more likely to drop out of school.

Over the years, California lawmakers have written multiple bills to make kindergarten compulsory, but these bills failed. Opponents stated these bills would cost too much and/or stifle parental choice. According to an article in the *Los Angeles Times* (August 21, 2015), the State estimates that 80-86% of age-appropriate children attend public kindergarten in a given year. The cost of educating the remaining 14-20% is estimated by State sources to be \$276 million to \$620 million per year.

FINDINGS

- F1. The public does not have access to monthly attendance and chronic absenteeism data because districts do not consistently post this data on their websites.
- F2. ADA rates do not adequately indicate chronic absentee levels. Although the school districts in West County maintain ADA rates of around 95%, individual school chronic absenteeism rates range from 2.3% to 30.1%, with an average of 14.6%.
- F3. Average daily attendance is used to calculate funding for school districts in California. School districts can increase their future ADA funds by reducing their chronic absenteeism rates.
- F4. The school districts in West County have had success improving attendance rates by building relationships with students and families.
- F5. Since the 2015-2016 school year, the WCCUSD has offered a Parent University course. School administrators believe that this course helps parents, through increased engagement with the school, support their children's academic success.
- F6. School administrators in West County believe that incentives such as gifts, awards, and school-wide recognition motivate students to come to school.
- F7. Communities are generally not aware of the CCCOE Attendance Awareness *Every School Day Counts* campaign slogan because it is not broadly advertised on school marquees, school websites, and district websites.

- F8. One of the barriers faced by West County districts in increasing kindergarten attendance is the belief held by some parents and guardians that kindergarten is not educationally important because it is not compulsory.

RECOMMENDATIONS

- R1. The Governing Boards of the WCCUSD and the JSUSD should consider including previous year baseline rates, in addition to improvement goals, for attendance and chronic absenteeism in their LCAP Goal 4 by the next LCAP summary deadline.
- R2. The Governing Boards of the WCCUSD and the JSUSD should consider requesting the district superintendents to post monthly attendance data on their websites by the beginning of the 2018 fall semester.
- R3. The Governing Board of the WCCUSD should consider seeking funds, in time for the FY2018-2019 budget cycle, to conduct a study of the Parent University course and its potential in reducing chronic absenteeism through parental engagement. The findings can be shared through the Coordinating Council with other districts and schools to help them reduce their chronic absenteeism rates.
- R4. The Contra Costa County Superintendent of Schools should consider expanding its Attendance Awareness *Every School Day Counts* campaign through community television and radio, social media, and school marquees prior to the 2018 fall semester.
- R5. The Contra Costa County Superintendent of Schools should consider highlighting the importance of attending kindergarten through its Attendance Awareness *Every School Day Counts* campaign in time for the 2019 school year.

REQUIRED RESPONSES

	<u>Findings</u>	<u>Recommendations</u>
Contra Costa County Superintendent of Schools	F1 to F3, F7	R4 and R5
Governing Board of West Contra Costa Unified School District	F1 to F8	R1 to R3
Governing Board of John Swett Unified School District	F1 to F4, F6 to F8	R1 and R2

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

ACRONYMS

ADA: Average Daily Attendance

CCCOE: Contra Costa County Office of Education

CDE: California Department of Education

JSUSD: John Swett Unified School District

LCAP: Local Control and Accountability Plan

NCCP: National Center for Children in Poverty

OAG: Office of the Attorney General

SARB: Student Attendance Review Board

SD: Socioeconomically Disadvantaged

SIS: Student Information System

WCCUSD: West Contra Costa Unified School District