

Contra Costa County
GRAND JURY REPORT
FINAL REPORT 2020 - 2021



ABOUT THE COVER:

Cover photo provided by Susan Lloyd, photographer.

Cover design: Members of the 2020-2021 Contra Costa County Grand

Contra Costa County
Grand Jury
Final Report
2020 - 2021

The Contra Costa County Civil Grand Jury Roster

SAMIL BERET, Foreperson, Danville
RICHARD SPENCER, Foreperson Pro Tempore, Pleasant Hill
ELAINE KELLEY, Secretary, Pittsburg

MEMBERS

MICHAEL ARKELIAN
Orinda

ROBERT COWDEN
Walnut Creek

JAMES LAHIVE
Danville

SAMIL BERET
Danville

THOMAS FRASER
Lafayette

JOHN MINNEY
Danville

ROBERT BERNSTEIN
Kensington

CAROL OREDSSEN-
GARBEZ
Concord

CYNTHIA ROBERTS
Martinez

CHARLES CERJAN
Danville

BRUCE GREENLEE
Richmond

RALPH SLOSSER
Lafayette

SUE CHOATE-BRYE
Clayton

ELAINE KELLEY
Pittsburg

RICHARD SPENCER
Pleasant Hill

JOEL TEPPER
Walnut Creek

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GRAND JURY REPORTS

COMPLIANCE AND CONTINUITY REPORT

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



HONORABLE JILL C FANNIN

Superior Court of California

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



Contra Costa County
2020-2021 Civil Grand Jury
725 Court Street
Martinez, CA 94553

November 4, 2021

Dear Civil Grand Jury Members,

On behalf of the Contra Costa Superior Court and the citizens of Contra Costa County, I extend my sincere gratitude for your exceptional service as civil grand jurors for the 2020-2021 term.

Each of you embarked on this journey with the expectation that you would serve an abbreviated 6 month term during the ongoing Covid-19 pandemic. When it became apparent the jury's work could not be fully realized in that shortened time frame, you each generously agreed to extend your service to a full year.

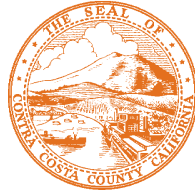
You made this commitment despite the uniquely challenging circumstances presented by the ever-changing conditions brought about by the pandemic. All of you have demonstrated remarkable patience, flexibility, selfless commitment and tireless energy in completing your work on behalf of the community. Under the outstanding leadership of your foreperson, Mr. Samil Beret, your dedication and hard work are reflected in the detailed and thorough reports published by the jury.

I congratulate each of you on your service and hope that the experience has enriched your lives. Thank you all.

Sincerely,

A handwritten signature in blue ink that reads "Jill C. Fannin".

Jill C. Fannin
Contra Costa County
Civil Grand Jury Supervising Judge



Honorable Jill Fannin
Judge of the Superior Court
Contra Costa County 725 Court Street
Martinez, CA 94553

Dear Judge Fannin,

On behalf of the 2020-2021 Contra Costa Civil Grand Jury, I would like to submit our final report. The report is a compilation of our investigations that contains findings and recommendations regarding government agencies within our jurisdiction. During our year of service, we heard from many dedicated government employees and elected officials. We appreciate their cooperation and the valuable information they provided to our work efforts.

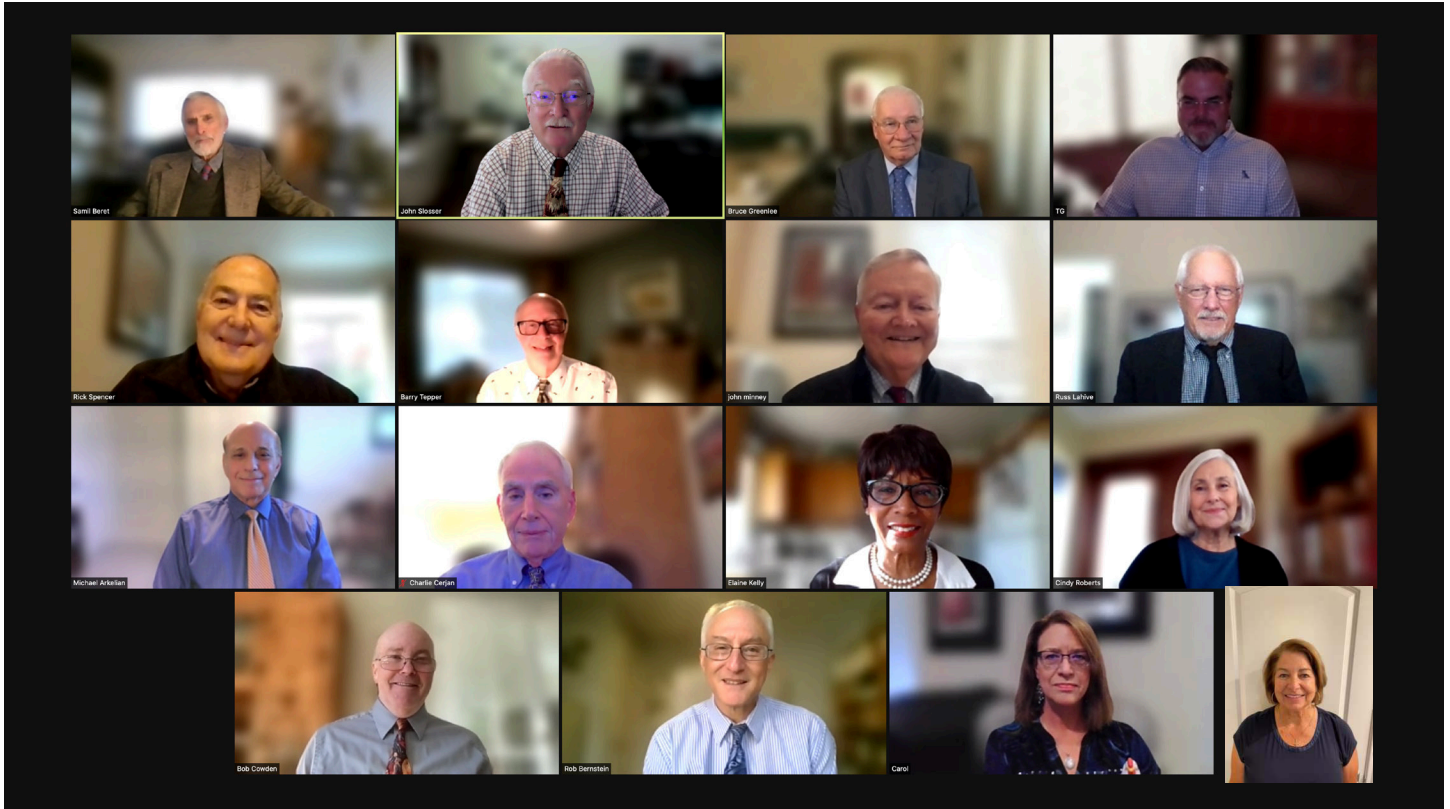
I would like to thank you for your steadfast oversight, guidance, and support of our work. I also want to thank Elisa Pantaleon and Evelyn Perez, the Superior Court Administrative Assistants, for their unwavering support and efforts on our behalf. As a Grand Jury, we are very grateful to Hannah Shafsky, our County Counsel, who spent many hours answering our legal questions, as well as reviewing, editing, and advising on each report.

This has been a challenging year, especially with the impact of the global pandemic. I would like to personally commend and thank each Grand Juror for their dedication and commitment to the success of our term. They spent many hours interviewing, writing, and debating the merits of each investigation. I would like to also acknowledge the contributions of jurors who left the jury during the year. The Grand Jury made progress under very difficult conditions to issue reports that we hope will shed a light on important issues and inform the communities in the County, Cities, and Special Districts of Contra Costa.

Respectfully,

Samil Beret, Foreperson
2020-2021 Contra Costa County Civil Grand Jury

CIVIL GRAND JURY ROSTER 2020-2021



MICHAEL ARKELIAN
 SAMIL BERET (FOREMAN)
 ROBERT BERNSTEIN
 CHARLES CERJAN
 SUE CHOATE-BRYE
 ROBERT COWDEN
 THOMAS FRASER
 CAROL GARBEZ
 BRUCE GREENLEE
 ELAINE KELLY (SECRETARY)
 JAMES (RUSS) LAHIVE
 JOHN MINNEY
 CYNTHIA ROBERTS
 RALPH (JOHN) SLOSSER
 RICHARD SPENCER (PRO TEM)
 JOEL (BARY) TEPPER

ORINDA
 DANVILLE
 KENSINGTON
 DANVILLE
 CLAYTON
 WALNUT CREEK
 LAFAYETTE
 CONCORD
 RICHMOND
 PITTSBURG
 DANVILLE
 DANVILLE
 MARTINEZ
 LAFAYETTE
 PLEASANT HILL
 WALNUT CREEK

TRANSMITTAL FORM

The 2020-2021 Contra Costa County Grand Jury
Approved this Final Report
on December 17, 2021

A handwritten signature in black ink, appearing to read "Samil Beret", written over a horizontal line.

Samil Beret
Foreperson

I accept for filing this final Report of the
2020 – 2021 Contra Costa County Grand Jury
on December 17, 2021

A handwritten signature in blue ink, appearing to read "Jill CR", written over a horizontal line.

Hon. Jill Fannin
Supervising Judge of the 2020 – 2021 Grand Jury

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**THE 2020-2021 CONTRA COSTA COUNTY
CIVIL GRAND JURY**

725 Court Street
Martinez, California 94553

Report 2101

**Compliance and
Continuity Report**

Contact:
Samil Beret
Grand Jury Foreperson
(925) 608-2621

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CONTRA COSTA COUNTY CIVIL GRAND JURY

COMPLIANCE AND CONTINUITY REPORT

Background:

Pursuant to the Penal Code, the Contra Costa County Civil Grand Jury is impaneled annually to investigate city and county government, special districts, and certain non-profit corporations.

Findings and recommendations developed from these investigations are contained in the reports signed by the Civil Grand Jury Foreperson and the Grand Jury Judge.

For more information go to <http://www.cc-courts.org/grandjury>

Recommendations:

The 2020-2021 Civil Grand Jury reviewed seven reports from the 2019-2020 Civil Grand Jury. There were 54 letters, with copies of applicable reports, mailed to the different entities from which responses were required.

Recipient entities are to respond to the reports within certain time constraints and in accordance with specific formats pursuant to 933 and 933.05 of the California Penal Code. The responses to the recommendations must include one of the following legally permitted options:

| |
|---|
| The recommendation has been implemented with a summary regarding the implemented action |
| The recommendation has not been implemented but will be implemented in the future with a time frame for implementation. |
| The recommendation requires further analysis with an explanation and the scope and parameters of an analysis or study and a time frame (which shall not exceed 6 months from date of report publication) for the matter to be prepared for discussion. |
| The recommendation will not be implemented because it is not warranted or not reasonable with an explanation therefor. |

These seven reports made a cumulative total of **194 recommendations** to the various recipients.

- ◆ 94 responses (49%) stated that the recommendation(s) **have been implemented** or **will shortly be implemented**.
- ◆ 29 (15%) responses stated that the recommendation required **further analysis**.
- ◆ 65 responses (33%) stated that the recommendation **will not be implemented because it is not warranted or not reasonable**.
- ◆ 4 responses (2%) differed from Code requirements.
- ◆ 3 responses (1%) contained a mixed response that the recommendation has been implemented partially, requires further analysis in some cases, or is not feasible in some cases.

For further explanation of the responses to the recommendations, refer to the complete responses posted online.

The Responses to the 2019-2020 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 are implemented. Special attention should be paid to those responses requiring implementation within specified time frames. 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.

2101 - Compliance and Continuity Report

Response Summary

| Report Title: 2002 - SECURING OUR WATER SUPPLY FROM CYBERATTACK | | | | |
|---|----------------------------|--|---------------------------|---|
| | Response to Recommendation | | | |
| | Has been implemented | Not implemented, but will be in the future | Requires further analysis | Not implemented because it is not warranted or not reasonable |
| Responding Party | | | | |
| Contra Costa Water District | | R4, R5 | | |
| East Bay Municipal Utilities District | R2, R3 | R1 | | |

| Report Title: 2003 - CONTRA COSTA BART RIDER CONCERNS | | | | |
|---|---|--|---------------------------|---|
| | Response to Recommendation | | | |
| | Has been implemented | Not implemented, but will be in the future | Requires further analysis | Not implemented because it is not warranted or not reasonable |
| RESPONDENT | | | | |
| BART Board of Directors | R1, R2, R3 - The response language differs from Code requirements. See full responses for further details. | | | |
| BART Board of Directors | | R2, R3 | R1, R5 | R4 |

| Report Title: 2004 - POLICE DEPARTMENT STAFFING | | | | |
|---|----------------------------|--|---------------------------|---|
| | Response to Recommendation | | | |
| | Has been implemented | Not implemented, but will be in the future | Requires further analysis | Not implemented because it is not warranted or not reasonable |
| RESPONDENT | | | | |
| Contra Costa Board of Supervisors | | | | R1 |
| Contra Costa County Sheriff | R3 | | | |
| City of Antioch | R3, R4, R5 | | | R2 |
| City of Brentwood | R5 | R4 | R2, R3 | |
| City of Clayton | | | | R2, R3, R4, R5 |

| RESPONDENT | Response to Recommendation | | | |
|-----------------------|----------------------------|--|---------------------------|---|
| | Has been implemented | Not implemented, but will be in the future | Requires further analysis | Not implemented because it is not warranted or not reasonable |
| City of Concord | R5 | | R3, R4 | R2 |
| Town of Danville | | | | R3, R4, R5 |
| City of El Cerrito | | | | R2, R3, R4, R5 |
| City of Hercules | R5 | | | R2, R3, R4 |
| City of Lafayette | | | | R3, R4, R5 |
| City of Martinez | R4 | | | R2, R3, R5 |
| Town of Moraga | | | | R2, R3, R4, R5 |
| City of Oakley | R4, R5 | R3 | | R2 |
| City of Orinda | | | | R3, R4, R5 |
| City of Pinole | R5 | R2, R4 | R3 | |
| City of Pittsburg | | | R3, R4 | R2, R5 |
| City of Pleasant Hill | | | | R2, R3, R4, R5 |
| City of Richmond | | | | R2, R3, R4, R5 |
| City of San Pablo | R4 | | | R2, R3, R5 |
| City of San Ramon | R5 | | R4 | R2, R3 |
| City of Walnut Creek | R3, R5 | | | R2,R4 |

| Report Title: 2005 - PUBLIC SAFETY POWER SHUTOFF | | | | |
|--|----------------------------|--|---------------------------|---|
| RESPONDENT | Response to Recommendation | | | |
| | Has been implemented | Not implemented, but will be in the future | Requires further analysis | Not implemented because it is not warranted or not reasonable |
| Contra Costa Board of Supervisors | R1, R4, R5 | R8 | | R2, R3, R6, R7 |

| Report Title: 2006 - JUVENILES IN DETENTION | | | | |
|---|----------------------------|--|---------------------------|---|
| RESPONDENT | Response to Recommendation | | | |
| | Has been implemented | Not implemented, but will be in the future | Requires further analysis | Not implemented because it is not warranted or not reasonable |
| Contra Costa Board of Supervisors | | R1 | R3 | R2, R4 |

| Report Title: 2007 - WILDFIRE PREPAREDNESS IN CONTRA COSTA COUNTY | | | | |
|---|----------------------------|--|---------------------------|---|
| RESPONDENT | Response to Recommendation | | | |
| | Has been implemented | Not implemented, but will be in the future | Requires further analysis | Not implemented because it is not warranted or not reasonable |
| Contra Costa County Fire Protection District Board of Directors | | R1, R2* | R4 | |
| East Contra Costa Fire Protection District Board of Directors | R3 | R1 | R4 | R2 |
| Moraga-Orinda Fire Protection District Board of Directors | R2 | | R4 | |
| Rodeo-Hercules Fire Protection District Board of Directors | | R1, R2* | R4 | |
| San Ramon Valley Fire Protection District Board of Directors | R1 | | | R2 |
| City of El Cerrito | R5, R6* | | R7 | |
| City of Pinole | | R5, R6, R7 | | |
| City of Richmond | | R5, R6, R7 | | |

*The recommendation has been implemented (partially), requires further analysis in some cases, or is not feasible in some cases. See full responses for further details.

Report Title: 2008 - DO OUR PUBLIC SCHOOLS HAVE ADEQUATE EMERGENCY SUPPLIES

| RESPONDENT | Response to Recommendation | | | |
|--|----------------------------|--|---------------------------|---|
| | Has been implemented | Not implemented, but will be in the future | Requires further analysis | Not implemented because it is not warranted or not reasonable |
| Contra Costa County Superintendent of Schools, Office of Education | | | R2, R6 | |
| Contra Costa County Board of Education | | | | R2, R6 |
| Governing Board of Acalanes Union High School District | R1, R4 | R5 | R3 | |
| Governing Board of Antioch Unified School District | R3 | R1 | | R4, R5 |
| Governing Board of Brentwood Union School District | | R1, R5 | R3, R4 | |
| Governing Board of Byron Union School District | R1, R3 | | | R4, R5 |
| Governing Board of Canyon Elementary School District | | R1, R3, R4, R5 | | |
| Governing Board of John Swett Unified School District | R4 | | R1, R3, R5 | |
| Governing Board of Knightsen Elementary School District | R1, R3, R4 | R5 | | |
| Governing Board of Lafayette School District | R4, R5 | R1 | R3 | |
| Governing Board of Liberty Union High School District | R1, R3 | | | R4, R5 |
| Governing Board of Martinez Unified School District | | R1, R4, R5 | R3 | |
| Governing Board of Moraga School District | R1, R4 | R5 | R3 | |
| Governing Board of Mt. Diablo Unified School District | R4 | R1, R5 | | |
| Governing Board of Oakley Union Elementary School District | R4 | R1, R5 | R3 | |
| Governing Board of Orinda Union School District | R5 | R3, R4 | | |
| Governing Board of Pittsburg Unified School District | | R1, R3, R4, R5 | | |
| Governing Board of San Ramon Valley Unified School District | R3, R4 | | | R5 |
| Governing Board of Walnut Creek School District | R1, R4 | R5 | R3 | |
| Governing Board of West Contra Costa Unified School District | R1, R3, R4 | R5 | | |

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 2002
Securing Our Water Supply from Cyberattack

RECOMMENDATIONS:

R1: *EBMUD Board of Directors should consider publishing a cyber policy acknowledging the cyberattack threat and informing the public of its programs to overcome and prevent attacks on the public water supply by December 31, 2020.*

| RESPONDENT | RESPONSE |
|--------------------------|--|
| EBMUD Board of Directors | The recommendation has not yet been implemented, but will be implemented in the future |

R2: *EBMUD Board of Directors should consider publishing its conformance with the American Water Infrastructure Act on its public webpage by December 31, 2020.*

| RESPONDENT | RESPONSE |
|--------------------------|---|
| EBMUD Board of Directors | The recommendation has been implemented |

R3: *EBMUD Board of Directors should consider applying for a grant to offset new technology costs and strengthen its cybersecurity infrastructure under the Drinking Water Infrastructure Risk and Resilience Program by December 31, 2020.*

| RESPONDENT | RESPONSE |
|--------------------------|---|
| EBMUD Board of Directors | The recommendation has been implemented |

R4: *CCWD Board of Directors should consider publishing a cyber policy acknowledging the cyberattack threat and informing the public of its programs to overcome and prevent attacks on the public water supply by December 31, 2020.*

| RESPONDENT | RESPONSE |
|-------------------------|--|
| CCWD Board of Directors | The recommendation has not yet been implemented, but will be implemented in the future |

R5: CCWD Board of Directors should consider applying for a grant to offset new technology costs and strengthen its cybersecurity infrastructure under the Drinking Water Infrastructure Risk and Resilience Program by December 31, 2020.

| RESPONDENT | RESPONSE |
|-------------------------|--|
| CCWD Board of Directors | The recommendation has not yet been implemented, but will be implemented in the future |

The Responses to the 2019-2020 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>

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 2003
Contra Costa BART Rider Concerns

RECOMMENDATIONS:

R1: The BART Board of Directors should consider publishing an updated strategic plan to address improvements to safety, cleanliness, and fare evasion over the term of the plan by December 31, 2020.

| RESPONDENT | RESPONSE |
|-------------------------|---|
| BART Board of Directors | The response language differs from Code requirements. See full response in the link provided. |

R2: The BART Board of Directors should consider continuing to modify or replace fare gates and establish a timeline and funding for implementation by December 31, 2020.

| RESPONDENT | RESPONSE |
|-------------------------|---|
| BART Board of Directors | The response language differs from Code requirements. See full response in the link provided. |

R3: The BART Board of Directors should consider reconfirming its plan to add 19 police officers per year over the next five years, with 66 of them on the trains, by December 31, 2020.

| RESPONDENT | RESPONSE |
|-------------------------|---|
| BART Board of Directors | The response language differs from Code requirements. See full response in the link provided. |

R4: The BART Board of Directors should consider constructing station booths and staffing the booths with agents at the Pittsburg Center and Antioch eBART stations by December 31, 2021.

| RESPONDENT | RESPONSE |
|-------------------------|---|
| BART Board of Directors | The response language differs from Code requirements. See full response in the link provided. |

R5: The BART Board of Directors should consider developing a plan to systematically survey non-riders by county by December 31, 2021, and implement that plan along with the 2022 Customer Satisfaction Survey.

| RESPONDENT | RESPONSE |
|-------------------------|--|
| BART Board of Directors | The recommendation requires further analysis |

The Responses to the 2019-2020 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>

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 2004
Police Department Staffing

RECOMMENDATIONS:

R1: The Board of Supervisors should consider identifying funds to develop a countywide outreach program to attract more applicants to police agencies in Contra Costa County, by June 30, 2021.

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

R2: The City/Town Councils of Antioch, Brentwood, Clayton, Concord, El Cerrito, Hercules, Martinez, Moraga, Oakley, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek should consider identifying funds to study the cost/benefit of a countywide screening process for police officer positions, to avoid replication of these steps while allowing each city police department to select and evaluate candidates, by June 30, 2021

| 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 requires further analysis |
| City of Clayton | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Concord | 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 Martinez | The recommendation will not be implemented because it is not warranted or is not reasonable |
| 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 Pinole | The recommendation has not yet been implemented, but will be implemented in the future |
| City of Pittsburg | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Pleasant Hill | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Richmond | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of San Pablo | The recommendation will not be implemented because it is not warranted or is not reasonable |
| 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 |

R3: The Sheriff, and the City/Town Councils of 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 should consider directing their police departments to apply annually, or when offered in 2021, to the Department of Justice COPS Hiring Program, which provides funding for hiring additional officers, by June 30, 2021.

| RESPONDENT | RESPONSE |
|-----------------------------|---|
| Contra Costa County Sheriff | The recommendation has been implemented |
| City of Antioch | The recommendation has been implemented |
| City of Brentwood | The recommendation requires further analysis |
| City of Clayton | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Concord | The recommendation requires further analysis |
| 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 will not be implemented because it is not warranted or is not reasonable |
| Town of Moraga | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Oakley | The recommendation has not yet been implemented, but will be implemented in the future |
| City of Orinda | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Pinole | The recommendation requires further analysis |
| City of Pittsburg | The recommendation requires further analysis |
| City of Pleasant Hill | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Richmond | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of San Pablo | The recommendation will not be implemented because it is not warranted or is not reasonable |
| 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 |

R4: The City/Town Councils of 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 should consider identifying funds to increase the number of authorized sworn officers to fill understaffed units, such as traffic patrol and school resource officers, by June 30, 2021.

| RESPONDENT | RESPONSE |
|-----------------------|---|
| City of Antioch | The recommendation has been implemented |
| City of Brentwood | The recommendation has not yet been implemented, but will be implemented in the future |
| City of Clayton | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Concord | The recommendation requires further analysis |
| 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 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 has been implemented |
| City of Orinda | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Pinole | The recommendation has not yet been implemented, but will be implemented in the future |
| City of Pittsburg | The recommendation requires further analysis |
| City of Pleasant Hill | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Richmond | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of San Pablo | The recommendation has been implemented |
| City of San Ramon | The recommendation requires further analysis |

| | |
|----------------------|---|
| City of Walnut Creek | The recommendation will not be implemented because it is not warranted or is not reasonable |
|----------------------|---|

R5: The City/Town Councils of 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 should consider identifying funds that would permit their police departments to over-hire officer positions as a strategy for keeping departments fully staffed, by June 30, 2021.

| RESPONDENT | RESPONSE |
|--------------------|---|
| City of Antioch | The recommendation has been implemented |
| 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 has been implemented |
| City of Lafayette | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Martinez | The recommendation will not be implemented because it is not warranted or is not reasonable |
| Town of Moraga | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Oakley | The recommendation has been implemented |
| City of Orinda | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Pinole | The recommendation has been implemented |
| City of Pittsburg | The recommendation will not be implemented because it is not warranted or is not reasonable |

| | |
|-----------------------|---|
| City of Pleasant Hill | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of Richmond | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of San Pablo | The recommendation will not be implemented because it is not warranted or is not reasonable |
| City of San Ramon | The recommendation has been implemented |
| City of Walnut Creek | The recommendation has been implemented |

The Responses to the 2019-2020 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>

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 2005
Public Safety Power Shutoff

RECOMMENDATIONS:

R1: By December 31, 2020, the Board of Supervisors should consider commencing the development of a unified approach to PSPS events to be used by all County departments which includes: requirements for backup power, communications, Community Resource Center coordination, and training of additional staff to support essential activities.

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

Recommendation #2: By December 31, 2020, the Board of Supervisors should consider directing County departments to develop a list of real-time information to be required of PG&E before initiation and during PSPS events.

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

R3: By December 31, 2020, the Board of Supervisors should consider directing Contra Costa Health Services to have a protocol in place for working with PG&E to ensure that CCHS receives the information it requires to notify medical base-line customers of a PSPS event.

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

R4: By December 31, 2020, the Board of Supervisors should consider evaluating alternative communication coverage during a PSPS event to address service disruption to cell sites, internet, and cable providers dependent on the PG&E power distribution system.

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

R5: The Board of Supervisors should consider directing the County Administrator to establish a means of tracking PSPS costs by December 31, 2020.

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

R6: By December 31, 2020, the Board of Supervisors should consider establishing a requirement that a final After-Action Report and a fiscal impact report be completed no later than 60 days after a PSPS event.

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

R7: The Board of Supervisors should consider developing a plan to take advantage of funding available for PSPS events from various programs at State and Federal levels by December 31, 2020.

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

R8: By December 31, 2020, The Board of Supervisors should consider tracking and communicating to County departments the status of existing and pending legislation which may mitigate the effects of a PSPS event on the County and its residents.

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

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CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 2005
Juveniles in Detention

RECOMMENDATIONS:

R1: *The Grand Jury recommends that the Board of Supervisors consider directing the Contra Costa County Probation Department to acquire and install a case management system to compile data on recidivism and program effectiveness, by June 30, 2021. The system would also facilitate coordination of post-release services for youth with other agencies.*

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

R2: *The Grand Jury recommends that the Board of Supervisors consider directing the Contra Costa County Probation Department to hire a case manager to coordinate the use of the case management system, by June 30, 2021*

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

R3: *The Grand Jury recommends that the Board of Supervisors consider directing the Contra Costa County Health Services Department to hire additional mental health care staff to reduce the wait time for post-release services for youth and families, by June 30, 2021.*

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

R4: *The Grand Jury recommends that the Board of Supervisors consider directing the Contra Costa County Probation Department to evaluate the propriety of relocating girls in detention with low-level offenses to Orin Allen Youth Rehabilitation Facility, by June 30, 2021.*

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

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

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 2007
Wildfire Preparedness in Contra Costa County

RECOMMENDATIONS:

R1: *The Board of Directors of Contra Costa County Fire Protection District, East Contra Costa Fire Protection District, Rodeo-Hercules Fire Protection District, and San Ramon Valley Fire Protection District should consider directing their Fire Chief to update wildfire evacuation plans and incorporate pre-determined polygons and advanced routing technology, by June 30, 2021.*

| RESPONDENT | RESPONSE |
|---|--|
| Contra Costa County Fire Protection District Board of Directors | The recommendation has not yet been implemented, but will be implemented in the future |
| East Contra Costa Fire Protection District Board of Directors | The recommendation has not yet been implemented, but will be implemented in the future |
| Rodeo-Hercules Fire Protection District Board of Directors | The recommendation has not yet been implemented, but will be implemented in the future |
| San Ramon Valley Fire Protection District Board of Directors | The recommendation has been implemented |

R2: *The Board of Directors of Contra Costa County Fire Protection District, East Contra Costa Fire Protection District, Moraga-Orinda Fire Protection District, Rodeo-Hercules Fire Protection District, and San Ramon Valley Fire Protection District should consider identifying funds to adopt or expand the use of new technologies, such as ground sensors, drones, satellites, and fire spotting cameras, to help detect fires in high-risk areas, by June 30, 2021.*

| RESPONDENT | RESPONSE |
|---|---|
| Contra Costa County Fire Protection District Board of Directors | The recommendation has been implemented (partially), requires further analysis in some cases, or is not feasible in some cases. |
| East Contra Costa Fire Protection District Board of Directors | The recommendation will not be implemented because it is not warranted or not reasonable |
| Moraga-Orinda Fire Protection District Board of Directors | The recommendation has been implemented |
| Rodeo-Hercules Fire Protection District Board of Directors | The recommendation has been implemented (partially) and also requires further analysis in some cases. |
| San Ramon Valley Fire Protection District Board of Directors | The recommendation will not be implemented because it is not warranted or not reasonable |

R3: The East Contra Costa Fire Protection District Board of Directors should consider identifying options to fund additional fire stations and staff to restore fire services to pre-2008 levels, by June 30, 2021.

| RESPONDENT | RESPONSE |
|---|---|
| East Contra Costa Fire Protection District Board of Directors | The recommendation has been implemented |

R4: The Board of Directors of Contra Costa County Fire Protection District, East Contra Costa Fire Protection District, Moraga-Orinda Fire Protection District, and Rodeo-Hercules Fire Protection District should review and consider mechanisms, such as the ordinance passed by the San Ramon Valley Fire Protection District, that would enable their fire district to recover labor and equipment costs from PG&E for overseeing electrical utility work that presents a high fire risk, by June 30, 2021.

| RESPONDENT | RESPONSE |
|---|--|
| Contra Costa County Fire Protection District Board of Directors | The recommendation requires further analysis |
| East Contra Costa Fire Protection District Board of Directors | The recommendation requires further analysis |
| Moraga-Orinda Fire Protection District Board of Directors | The recommendation requires further analysis |
| Rodeo-Hercules Fire Protection District Board of Directors | The recommendation requires further analysis |

R5: The City Councils of El Cerrito, Pinole, and Richmond should consider directing their Fire Chief to update wildfire evacuation plans and incorporate pre-determined polygons and advanced routing technology, by June 30, 2021.

| RESPONDENT | RESPONSE |
|--------------------|--|
| City of El Cerrito | The recommendation has been implemented |
| City of Pinole | The recommendation has not yet been implemented, but will be implemented in the future |
| City of Richmond | The recommendation has not yet been implemented, but will be implemented in the future |

R6: The City Councils of El Cerrito, Pinole, and Richmond should consider identifying funds to adopt or expand the use of new technologies, such as ground sensors, drones, satellites, and fire spotting cameras, to help detect fires in high-risk areas, by June 30, 2021.

| RESPONDENT | RESPONSE |
|--------------------|--|
| City of El Cerrito | The recommendation has been partially implemented |
| City of Pinole | The recommendation has not yet been implemented, but will be implemented in the future |
| City of Richmond | The recommendation has not yet been implemented, but will be implemented in the future |

R7: The City Councils of El Cerrito, Pinole, and Richmond should review and consider mechanisms, such as the ordinance passed by the San Ramon Valley Fire Protection District, that would enable their fire department to recover labor and equipment costs from PG&E for overseeing electrical utility work that presents a high fire risk, by June 30, 2021.

| RESPONDENT | RESPONSE |
|--------------------|--|
| City of El Cerrito | The recommendation requires further analysis |
| City of Pinole | The recommendation has not yet been implemented, but will be implemented in the future |
| City of Richmond | The recommendation has not yet been implemented, but will be implemented in the future |

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CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 2008
Do Our Public Schools Have Adequate Emergency Supplies?

RECOMMENDATIONS:

R1: Each Contra Costa County school district board should consider adopting the Contra Costa County Office of Education Emergency Supplies list (minimum standard list) for its schools and identifying funding sources to purchase the supplies, by December 31, 2020.

| RESPONDENT | RESPONSE |
|--|--|
| Governing Board of Acalanes Union High School District | The recommendation has been implemented |
| Governing Board of Antioch Unified School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Brentwood Union School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Byron Union School District | The recommendation has been implemented |
| Governing Board of Canyon Elementary School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of John Swett Unified School District | The recommendation requires further analysis |
| Governing Board of Knightsen Elementary School District | The recommendation has been implemented |
| Governing Board of Lafayette School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Liberty Union High School District | The recommendation has been implemented |
| Governing Board of Martinez Unified School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Moraga School District | The recommendation has been implemented |
| Governing Board of Mt. Diablo Unified School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Oakley Union Elementary School District | The recommendation has not yet been implemented, but will be implemented in the future |

| | |
|--|--|
| Governing Board of Pittsburg Unified School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Walnut Creek School District | The recommendation has been implemented |
| Governing Board of West Contra Costa Unified School District | The recommendation has been implemented |

R2: The Contra Costa County Board of Education and the Contra Costa County Office of Education should consider assisting school districts by identifying and applying for federal, state, corporate, and non-profit organization grants that fund the acquisition of school emergency supplies, by June 30, 2021.

| RESPONDENT | RESPONSE |
|--|--|
| Contra Costa County Superintendent of Schools, Office of Education | The recommendation requires further analysis |
| Contra Costa County Board of Education | The recommendation will not be implemented because it is not warranted or not reasonable |

R3: The Contra Costa County school district boards should consider applying for federal, state, corporate, and non-profit organization grants to fund the acquisition of school emergency supplies, by June 30, 2021.

| RESPONDENT | RESPONSE |
|---|--|
| Governing Board of Acalanes Union High School District | The recommendation requires further analysis |
| Governing Board of Antioch Unified School District | The recommendation has been implemented |
| Governing Board of Brentwood Union School District | The recommendation requires further analysis |
| Governing Board of Byron Union School District | The recommendation has been implemented |
| Governing Board of Canyon Elementary School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of John Swett Unified School District | The recommendation requires further analysis |
| Governing Board of Knightsen Elementary School District | The recommendation has been implemented |
| Governing Board of Lafayette School District | The recommendation requires further analysis |
| Governing Board of Liberty Union High School District | The recommendation has been implemented |
| Governing Board of Martinez Unified School District | The recommendation requires further analysis |

| | |
|--|--|
| Governing Board of Moraga School District | The recommendation requires further analysis |
| Governing Board of Mt. Diablo Unified School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Oakley Union Elementary School District | The recommendation requires further analysis |
| Governing Board of Orinda Union School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Pittsburg Unified School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of San Ramon Valley Unified School District | The recommendation has been implemented |
| Governing Board of Walnut Creek School District | The recommendation requires further analysis |
| Governing Board of West Contra Costa Unified School District | The recommendation has been implemented |

R4: Each Contra Costa County school district board should consider developing a plan to identify organizations that provide CPR and First Aid certification refresher training for district teachers, by December 31, 2020.

| RESPONDENT | RESPONSE |
|---|--|
| Governing Board of Acalanes Union High School District | The recommendation has been implemented |
| Governing Board of Antioch Unified School District | The recommendation will not be implemented because it is not warranted or not reasonable |
| Governing Board of Brentwood Union School District | The recommendation requires further analysis |
| Governing Board of Byron Union School District | The recommendation will not be implemented because it is not warranted or not reasonable |
| Governing Board of Canyon Elementary School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of John Swett Unified School District | The recommendation has been implemented |
| Governing Board of Knightsen Elementary School District | The recommendation has been implemented |
| Governing Board of Lafayette School District | The recommendation has been implemented |
| Governing Board of Liberty Union High School District | The recommendation will not be implemented because it is not warranted or not reasonable |

| | |
|--|--|
| Governing Board of Martinez Unified School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Moraga School District | The recommendation has been implemented |
| Governing Board of Mt. Diablo Unified School District | The recommendation has been implemented |
| Governing Board of Oakley Union Elementary School District | The recommendation has been implemented |
| Governing Board of Orinda Union School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Pittsburg Unified School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of San Ramon Valley Unified School District | The recommendation has been implemented |
| Governing Board of Walnut Creek School District | The recommendation has been implemented |
| Governing Board of West Contra Costa Unified School District | The recommendation has been implemented |

R5: Each Contra Costa County school district board should consider developing a plan to identify funding, if necessary, to provide CPR and First Aid certification refresher training for district teachers, by December 31, 2020.

| RESPONDENT | RESPONSE |
|---|--|
| Governing Board of Acalanes Union High School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Antioch Unified School District | The recommendation will not be implemented because it is not warranted or not reasonable |
| Governing Board of Brentwood Union School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Byron Union School District | The recommendation will not be implemented because it is not warranted or not reasonable |
| Governing Board of Canyon Elementary School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of John Swett Unified School District | The recommendation requires further analysis |
| Governing Board of Knightsen Elementary School District | The recommendation has not yet been implemented, but will be implemented in the future |

| | |
|--|--|
| Governing Board of Lafayette School District | The recommendation has been implemented |
| Governing Board of Liberty Union High School District | The recommendation will not be implemented because it is not warranted or not reasonable |
| Governing Board of Martinez Unified School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Moraga School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Mt. Diablo Unified School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Oakley Union Elementary School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of Orinda Union School District | The recommendation has been implemented |
| Governing Board of Pittsburg Unified School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of San Ramon Valley Unified School District | The recommendation will not be implemented because it is not warranted or not reasonable |
| Governing Board of Walnut Creek School District | The recommendation has not yet been implemented, but will be implemented in the future |
| Governing Board of West Contra Costa Unified School District | The recommendation has not yet been implemented, but will be implemented in the future |

R6: The Contra Costa County Board of Education and the Contra Costa County Office of Education should consider applying for federal, state, corporate, and non-profit organization grants to fund voluntary CPR and First Aid certification refresher training for teachers, by June 30, 2021.

| RESPONDENT | RESPONSE |
|--|--|
| Contra Costa County Superintendent of Schools, Office of Education | The recommendation requires further analysis |
| Contra Costa County Board of Education | The recommendation will not be implemented because it is not warranted or not reasonable |

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A REPORT BY

THE 2020-2021 CONTRA COSTA COUNTY CIVIL GRAND JURY

725 Court Street
Martinez, California 94553

Report 2102

Tele-Mental Health: Expansion of Remote Access to Care

APPROVED BY THE GRAND JURY

Date 10/15/2021



SAMIL BERET
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date 10/12/21



JILL C. FANNIN
JUDGE OF THE SUPERIOR COURT

Contra Costa Grand Jury Report

Tele-Mental Health: Expansion of Remote Access to Care

**To: Contra Costa County Behavioral Health Services
Contra Costa County Board of Supervisors**

SUMMARY

Barriers to people receiving mental health intervention include the limited availability of mental health clinicians, geographic distances, transportation difficulties, and insufficient financial resources to afford treatment costs. Research indicates that tele-mental health services are comparable to in-person mental health services regarding patient satisfaction, efficacy, and cost effectiveness with diverse populations. Identifying the need and benefit of telehealth services, the California Telehealth Advancement Act of 2011 promotes the parity of telehealth with in-person health care services.

Although Contra Costa County Behavioral Health Services (BHS) identifies the priority of increasing access to mental health services, this investigation determines that BHS does not incorporate tele-mental health services in its service delivery model. In addition, BHS lacks adequate resources to collect data to improve the quality of outpatient mental health services offered to the community.

The Grand Jury recommends that BHS develop a hybrid plan to integrate tele-mental health services with in-person services in both their outpatient clinics and network provider groups. In addition, the Grand Jury recommends that BHS collect outcome data from their clinics and network provider groups to improve the quality of outpatient mental health services offered to the community. Toward this goal, the Grand Jury recommends that BHS modernize the electronic data collection capabilities of the quality management program, seeking grants and funding through the Mental Health Services Act (MHSA). The Grand Jury also recommends that the Contra Costa County Board of Supervisors provide funds to BHS to upgrade its quality management program.

METHODOLOGY

The Grand Jury used the following investigative methods:

- Researched internet-based scholarly literature pertaining to the use of tele-mental health practices with different clinical populations
- Reviewed Federal and State legislation concerning telehealth

- Reviewed BHS authorizations approving the use of tele-mental health services during the Covid-19 public health emergency
- Reviewed the Contra Costa County MHSA Three Year Program and Expenditure Plan for Fiscal Year 2020-2023
- Reviewed information provided by BHS administration in response to Requests for Information
- Conducted multiple interviews with behavioral health program administrators and clinical personnel
- Reviewed BHS clinical staff and network provider surveys

BACKGROUND

The Need

The demand for mental health services exceeds the supply of trained clinicians. In 2018, there were 115 million Americans living in an area with a shortage of professional service delivery providers. According to the National Survey on Drug Use and Health, almost one-quarter of adults with mental illness reported not receiving treatment. Between 1999 and 2017, the Centers for Disease Control and Prevention reported an increase of 33% in suicide rates with the highest increase in rural counties, which was double the rate of urban areas.¹ In 2016, 16.5% of children in the United States had at least one treatable mental health disorder. Half of the estimated 7.7 million children in the United States with a treatable mental health disorder did not receive treatment from a mental health professional.² In California there are only 13 practicing child and adolescent psychiatrists for every 100,000 children under 18.³

In addition to the limited availability of mental health clinicians, barriers to people receiving mental health intervention include geographic distances, transportation difficulties, insufficient financial resources to afford treatment costs, and time constraints, such as being unable to take time off from work or having caretaking responsibilities.

¹Michael L. Barnett and Haiden A. Huskamp, Telemedicine for mental health in the United States: Making progress, still a long way to go. A commentary, *Psychiatric Services*, 71 no. 2, (February 2020): 197-198.

² Daniel G. Whitney and Mark D. Peterson, US national and state-level prevalence of mental health disorder and disparities of mental health care use in children, *JAMA Pediatric*, 173 no. 4 (February 11, 2019): 389-391.

³ American Academy of Child and Adolescent Psychiatry, *Workforce Maps by State – Practicing child and adolescent psychiatrists* (2021).

Access

Tele-mental health is the use of telecommunication or videoconferencing technology, rather than in-person services, to provide mental health services.⁴ Tele-mental health is emerging as an alternative to in-person mental health services for addressing the limited accessibility to mental health services. Studies showed tele-mental health services to be comparable to in-person intervention in patient satisfaction, efficacy, and cost effectiveness.⁵ Evidence indicated the strength of the patient-therapist relationship was comparable to in-person treatment.⁶ Research showed tele-mental health was an effective treatment approach with diverse groups, including children and adolescents, rural residents, nursing home populations, college students, veterans, immigrants, and incarcerated individuals.⁷ Additionally, psychotherapy services delivered by phone were shown to reduce symptoms of anxiety and depression.⁸

A Service Delivery Model

Identifying an expanded approach to providing behavioral health services to meet the needs of underserved populations, the American Psychological Association identified a four-level model of health care delivery⁹ to provide access based on the diverse needs of patients:

1. In-person services
2. Traditional telehealth services provided at an originating site such as a clinic or health care facility
3. Telehealth service without originating site restrictions to allow for certain services to be delivered directly into a patient's home
4. Audio-only telehealth for a subset of services and/or particular populations

The California Telehealth Advancement Act of 2011

Recognizing the potential of telehealth to meet the needs of underserved populations the California legislature passed the California Telehealth Advancement Act of 2011 (AB 415). It states, in part,

⁴ National Institute of Mental Health, National Institute of Health Publication No. 21-MH-8155.

⁵ Sam Hubley, Sarah B. Lynch, Christopher Schneck, Marshall Thomas, and Jay Shore, Review of key telepsychiatry outcomes, *World Journal of Psychiatry*, no. 2 (2016): 269-282.

⁶ American Academy of Child and Adolescent Psychiatry (AACAP) Committee on Telepsychiatry and AACAP Committee on Quality Issues, Clinical Update: Telepsychiatry with children and adolescents, *American Academy of Child and Adolescent Psychiatry* 56, no. 10 (2017): 875-893.

⁷ Stacie Deslich, Bruce Stec, Shane Tomblin, and Alberto Coustasse, Telepsychiatry in the 21st Century: Transforming healthcare with technology, *Perspectives in health information management* (Summer 2013).

⁸ Mental Health Liaison Group, Submission to the Subcommittee on Health of the House Committee on Energy & Commerce Hearing, The future of Telehealth: How Covid-19 is changing the delivery of virtual care, Recommendations for tele-behavioral health priorities (March 2, 2021).

⁹ American Psychological Association, Submission to the Subcommittee on Health of the House Committee on Energy & Commerce Hearing, The future of Telehealth: How Covid-19 is changing the delivery of virtual care (March 2, 2021).

[The] lack of primary care providers, specialty providers, and transportation continue to be significant barriers to access to health services in medically underserved rural and urban areas [and] parts of California have difficulty attracting and retaining health professionals, as well as supporting local health facilities to provide a continuum of health care. . . . It is the intent of the legislature to create a parity of telehealth with other health care delivery modes. . . . Telehealth is a mode of delivering health care services and public health utilizing information and communication technologies to enable the diagnosis, consultation, treatment, education, care management, and self-management of patients at a distance from health care providers. . . . The use of information and telecommunication technologies to deliver health services have the potential to reduce costs, improve quality, change the conditions of practice, and improve access to health care, particularly in rural and other medically underserved areas. Consumers of health care will benefit from telehealth in many ways, including expanded access to providers, faster and more convenient treatment, better continuity of care, reduction of lost work time and travel costs, and the ability to remain with support networks.

The Covid-19 Public Health Emergency

The Covid-19 pandemic prompted the temporary expansion of public and private telehealth services. The U.S. Department of Health and Human Services declared a public health emergency on January 31, 2020, followed by the President's declaration of a national emergency on March 13, 2020, allowing greater flexibility for Medicare providers' use of telehealth services. Consequently, the California Department of Managed Health Care (DMHC) issued temporary emergency orders¹⁰ requiring Medi-Cal and other health plans regulated by the DMHC to reimburse providers at a parity rate for telehealth services typically delivered to patients in-person. Audio-only communication was an allowed service. Additionally, geographic-site constraints in providing telehealth services were suspended, enabling patients to receive services at-home.

Following this state directive, Contra Costa County authorized telehealth services on March 25, 2020.¹¹ BHS provided the following directive to be in effect during the Covid-19 public health emergency:

Telehealth is not a distinct service, but an allowable mechanism to provide clinical services. The standard of care is the same whether the patient is seen in-person, by telephone, or through telehealth. DHCS [The Department of Health Care Services] does not restrict the location of services via telehealth. Patients may receive services via telehealth in their home, and providers may deliver

¹⁰ California Health and Human Services Agency, Department of Health Care Services, Medi-Cal payment for telehealth and virtual/telephonic communications relative to the 2019-Novel Coronavirus (Covid-19) (3/18/20).

¹¹ Contra Costa County BHS Memorandum (4/1/20).

services via telehealth from anywhere in the community, outside a clinic or other provider site.

The Future of Tele-Mental Health

Policies enabling temporary telehealth services during the public health emergency period will expire when the state of emergency ends, which has yet to be determined. There have been national and California legislative bills drafted to extend the expansion of telehealth services permanently. Congress recently passed the Consolidated Appropriations Act of 2021¹² to be enacted after the public health emergency regulations are no longer in effect, allowing Medicare providers to permanently receive reimbursement for tele-mental health services that are integrated with in-person sessions. As a result of this legislation, tele-mental health services will be accessible in one's home and extended to residents who do not live in rural locations. Audio-only services are not included in this legislation.

Contra Costa County Broadband Access

The 2018 U.S. Census Bureau estimated the population of Contra Costa County to be 1,150,215 with approximately 9% living in poverty and 30% of the noninstitutionalized residents receiving public health coverage.¹³ Nonetheless, in 2021, the Federal Communications Commission (FCC) reported that 99.2 percent of Contra Costa County residents have fixed broadband access.¹⁴ Therefore, most Contra Costa County residents will be able to access tele-mental health services by either computer or smartphone.

Investigation Purpose

Underserved people in the community with mental illness concerns who may have difficulty receiving in-person services, including rural residents and those with mobility and financial limitations, could benefit from tele-mental health services. The focus of this investigation is to ascertain Contra Costa County BHS' plan to maintain and expand tele-mental health services for the community following the termination of the Covid-19 state of emergency.

DISCUSSION

Contra Costa County BHS is staffed by dedicated and compassionate professionals who are invested in the wellbeing of county residents. Clinical staff at BHS clinics provides services to people with severe mental illness. BHS contracts with outside network providers to offer services to people with mild and moderate mental health

¹² Consolidated Appropriations Act (2021): 1775-1776.

¹³ Contra Costa Mental Health Services Act Three Year Program and Expenditure Plan Fiscal year 2020-2023.

¹⁴ Federal Communication Commission, Fourteenth Broadband Deployment Report (January 19, 2021): 81.

needs. Despite extensive programs to meet the needs of underserved populations with severe mental illness, the mental health needs of the community exceed the available resources.

The Contra Costa County Mental Health Services Act Three Year Program and Expenditure Plan¹⁵ identifies “access” to service programs as a priority concern. “The cost of transportation and the County’s geographical challenges make access to services a continuing priority.” This was particularly pertinent for “homebound frail and elderly residents.” The Contra Costa County MHS Act Three Year Program identified several factors hindering residents receiving mental health services

- Transportation to clinics, especially for rural residents
- The need to provide services outside customary clinic hours
- The importance of clinicians who can offer cultural sensitivity and competent language skills for underserved ethnic groups

In addition, the MHS Act plan notes a shortage of psychiatrists, which contributes to long waiting periods for an appointment and undermines the wellbeing of patients who do not have their medication regimens monitored in a timely manner.¹⁶

Notwithstanding this defined need to increase access to mental health services, the Contra Costa County MHS Act Three Year Program did not include any initiatives to develop tele-mental health services.

In 2017, **the Mental Health Commission**¹⁷ advocated offering telepsychiatry to increase the availability of psychiatrists and to reduce wait times for appointments.¹⁸

BHS Limited Implementation of Tele-Mental Health

BHS addressed the need for more psychiatrists by hiring telepsychiatrists, improving access to psychiatric care. However, BHS did not initiate programs to provide tele-mental health services in accordance with the California Telehealth Advancement Act of 2011.

As noted in Table 1, prior to the Covid-19 public health emergency, tele-mental and audio-only health services collectively represented approximately 7% and 8% of total outpatient services provided in 2018 and 2019, respectively. After the public health

¹⁵ In 2004, the Mental Health Services Act became California Law providing additional funding to the existing public mental health system.

¹⁶ Contra Costa County Mental Health Services Act Three Year Program and Expenditure Plan Fiscal Year 2020 – 2023: 25-27.

¹⁷ Contra Costa Mental Health Commission Amended Bylaws (September 16, 2014). The Mental Health Commission was established in 1993 to serve in an advisory capacity to the Contra Costa County Board of Supervisors on matters related to mental health.

¹⁸ Mental Health Commission Annual Report 2018.

emergency in March 2020 allowing telehealth services to be reimbursed at parity with in-person services, telehealth services were 18% of services provided, fewer than the office sessions (30%) and services delivered by phone (52%).

Table 1: BHS Outpatient Modes of Service Delivery¹⁹

| Year | Office | % | Audio-Only | % | Tele-mental health | % | Grand Total |
|------|--------|-----|------------|------|--------------------|------|-------------|
| 2018 | 58,293 | 93% | 3,263 | 5% | 1,076 | 2% | 62,632 |
| 2019 | 63,319 | 92% | 3,162 | 4.5% | 2,424 | 3.5% | 68,905 |
| 2020 | 24,286 | 30% | 42,495 | 52% | 14,650 | 18% | 81,431 |

When the public health emergency orders were implemented, BHS created a list of General Telehealth Logistical Guidelines²⁰ for providers, who were given Zoom accounts. There was no evidence that providers or clients were given further training to use a tele-mental health approach appropriately and maintaining confidentiality, which would be likely to increase familiarity and comfort with using this approach. Rather than use tele-mental health with video capabilities, the majority of providers used audio-only, which does not allow visual contact with clients. Reportedly, clients preferred audio-only services for the convenience or discomfort with video. Although the Federal Communication Commission (FCC) in 2021 reported 99.2% of Contra Costa residents had fixed broadband access,²¹ BHS staff was concerned that a significant number of their clients did not have internet access.

Notwithstanding limited implementation, BHS clinical staff considered tele-mental health and audio-only services to be effective with clients who displayed symptoms of anxiety and depression. The clinical staff viewed clients who were more stable, verbal, insightful, and capable of managing technology benefited more from tele-mental health services. At the outset of the Covid-19 pandemic, BHS reported fewer missed appointments using telehealth and audio-only services in contrast to in-person services. However, as the pandemic persisted, some clients stopped seeking services.

Noteworthy, BHS clinical staff viewed tele-mental health to be inappropriate for the homeless and chronic schizophrenic patients with limited capacity to manage the tasks of daily life. A predominant method of service delivery, audio-only, was determined to be inadequate for patients prescribed controlled substances because of the absence of visual cues to assess the patient. Tele-mental health was also considered inappropriate for patients receiving medication injections.

¹⁹ Data provided by BHS.

²⁰ Contra Costa County BHS Memorandum (4/1/20).

²¹ Federal Communication Commission, Fourteenth Broadband Deployment Report (January 19, 2021): 81.

Concerned for the adverse effects of clients' social isolation, BHS expressed the intention to resume in-person sessions as the public health emergency waned. As previously noted, Medicare expanded eligibility for tele-mental health services when the Covid-19 public health emergency ends.²² BHS has not communicated plans to augment tele-mental health services in its mental health program.

Quality Management

BHS collects financial data on services provided and ensures documentation meets state standards. The BHS quality management program gathers information about the effectiveness of services provided by its clinical staff. The quality management information collected about tele-mental health services is limited to survey data about BHS clinicians' and network providers' perspectives.²³ The quality management program does not have access to electronic, email and texting forms of data collection.

Although BHS clinicians and network providers preferred in-person sessions, they conveyed confidence meeting client needs using tele-mental health services. Tele-mental health enabled clinicians to maintain connections with clients and facilitated family involvement, while reducing missed appointments. Another advantage acknowledged was the elimination of transportation difficulties to receive in-person treatment.

Network providers contract with the State of California, not Contra Costa County. BHS does not collect clinical information from network providers, who do not use the County electronic medical record system. Additionally, only one-third of clients use the Contra Costa County medical MyChart electronic records system, limiting the opportunity to collect information.

FINDINGS

F1. Prior to the Covid-19 pandemic, tele-mental health and audio-only services available through BHS were a small portion of the outpatient services provided (7% in 2018; 8% in 2019).

F2. During the Covid-19 pandemic, BHS did not offer training to prepare clinicians or clients for effective and confidential use of tele-mental health services.

F3. During the Covid-19 pandemic, BHS tele-mental health services continue to be underutilized. While audio-only increased to 52% of all outpatient services, tele-mental health was 18% of outpatient services delivered.

²² Consolidated Appropriations Act (2021): 1775-1776.

²³ CCBHS Remote Work Survey (September 2, 2020).

CCBHS Contract Providers Remote Work Survey (September 10, 2020).

F4. At the outset of the Covid-19 pandemic, tele-mental health and audio-only services decreased the number of missed appointments.

F5. Tele-mental health services are appropriate for clients who are more stable, verbal and insightful.

F6. Tele-mental health services are appropriate to use with clients displaying symptoms of anxiety and depression.

F7. The greater use of audio-only services has the limitation of not offering visual cues, which provide clinicians with important clinical information.

F8. Tele-mental health services are not appropriate for

- a. Homeless populations
- b. Patients presenting with chronic schizophrenia with a limited capacity to manage the tasks of daily life
- c. Patients prescribed controlled substances or injectable medication.

F9. BHS has not incorporated tele-mental health into a comprehensive service delivery model to offer a broad range of opportunities for underserved populations to receive outpatient mental health services.

F10. Access to outpatient mental health services in Contra Costa County suffers from difficulties with transportation to clinics, long wait times for appointments, and insufficient availability of after-hours appointments.

F11. BHS has a limited number of clinicians who can provide culturally and linguistically sensitive services to diverse minority groups.

F12. Increasing access to mental health services is a priority for Contra Costa County BHS.

F13. The FCC reported 99.2% of Contra Costa County residents have access to internet broadband for greater use of tele-mental health services.

F14. BHS has not followed the directives of the California Telehealth Advancement Act of 2011 to develop telehealth services to better meet the needs of underserved populations in the community.

F15. The Congressional Consolidated Appropriations Act of 2021 expands Medicare services to allow tele-mental health services to be integrated with in-person sessions, and to be received by beneficiaries in their home without geographic limitations.

F16. BHS lacks an adequate electronic data system to evaluate the efficacy of outpatient mental health services provided.

F17. BHS does not collect clinical data from network providers, which limits accountability for the outpatient mental health services provided to county residents.

RECOMMENDATIONS

By June 30, 2022, it is recommended that Contra Costa Behavioral Health Services:

- R1. Develop a hybrid plan to integrate tele-mental health services with in-person services in their clinics.
- R2. Coordinate with network provider groups to integrate tele-mental health services with in-person services.
- R3. Develop a training program for BHS clinicians, network providers, and support staff to facilitate the use of tele-mental health.
- R4. Develop a training program for clients to facilitate and provide support for the use of tele-mental health.
- R5. Collect outcome data from BHS providers and programs to provide feedback to improve mental health services delivered to the community.
- R6. Collect outcome data from network providers to provide feedback to improve mental health services delivered to the community.
- R7. Increase the use of the MyChart health care information system to make clinical information accessible to clients and providers.
- R8. Modernize the electronic data collection capabilities of the quality management program to provide meaningful information about mental health services.
- R9. Develop appropriate clinical metrics to evaluate outcomes that improve the effectiveness of mental health services provided.
- R10. Seek grants and MHSA funding to upgrade the technological resources of the quality management program.

By June 30, 2022, it is recommended that Contra Costa Board of Supervisors:

- R11. Allocate funds for BHS to upgrade its quality management program.

REQUIRED RESPONSES

| | Findings | Recommendations |
|---|-----------------|------------------------|
| Contra Costa Behavioral Health Services | F1 through F17 | R1 through R10 |
| Contra Costa Board of Supervisors | F16 | R11 |

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 2020-2021 CONTRA COSTA COUNTY CIVIL GRAND JURY

725 Court Street
Martinez, California 94553

Report 2103

West County Wastewater District

Recommendations for the WCWD Board

APPROVED BY THE GRAND JURY

Date

11/22/2021



SAMIL BERET
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date

11/22/2021



JILL C. FANNIN
JUDGE OF THE SUPERIOR COURT

Contact: Samil Beret
Foreperson
(925) 608-2621

Contra Costa County Grand Jury Report 2103

West County Wastewater District

Recommendations for the WCWD Board

TO: WCWD Board of Directors

SUMMARY

The West County Wastewater District (WCWD) provides an essential public health service to its customers by collecting, treating, and disposing of wastewater. Management of the WCWD is overseen by an elected five-member Board of Directors (the Board) who delegate operational details and some spending decisions to a General Manager. The directors are elected from five geographical areas within the district.

Turmoil in Board operations has existed since at least 2017 when the Board censured one of its directors. This director was reelected to the Board in 2020 despite the censure vote and was censured again in December of 2020 and August of 2021. Discord during Board meetings and internal Board communication underlines the tension and factionalism among the members.

This investigation focused on general WCWD Board processes and governance. The investigation was initiated by a formal complaint. The complaint did not involve allegations of financial impropriety or general mismanagement. However, the Grand Jury noted several areas in which governance could be improved by implementing specific written procedures and clarifications. The Grand Jury recommends that the Board consider several changes to alleviate concerns about procedural confusion and financial transparency.

METHODOLOGY

The Grand Jury used the following investigative methods:

- Viewed videos posted online of WCWD board meetings and the associated meeting minutes.
- Conducted interviews with persons knowledgeable about WCWD governance and operations.
- Consulted available online databases, news articles, and web sites related to WCWD Board responsibilities, policies, and performance.

BACKGROUND

The West County Wastewater District serves approximately 34,000 residences and 2,450 commercial and industrial businesses in West Contra Costa County. The WCWD serves all or part of the cities of Richmond, San Pablo, and Pinole, including contiguous unincorporated areas of the county. The service area is outlined in Figure 1.

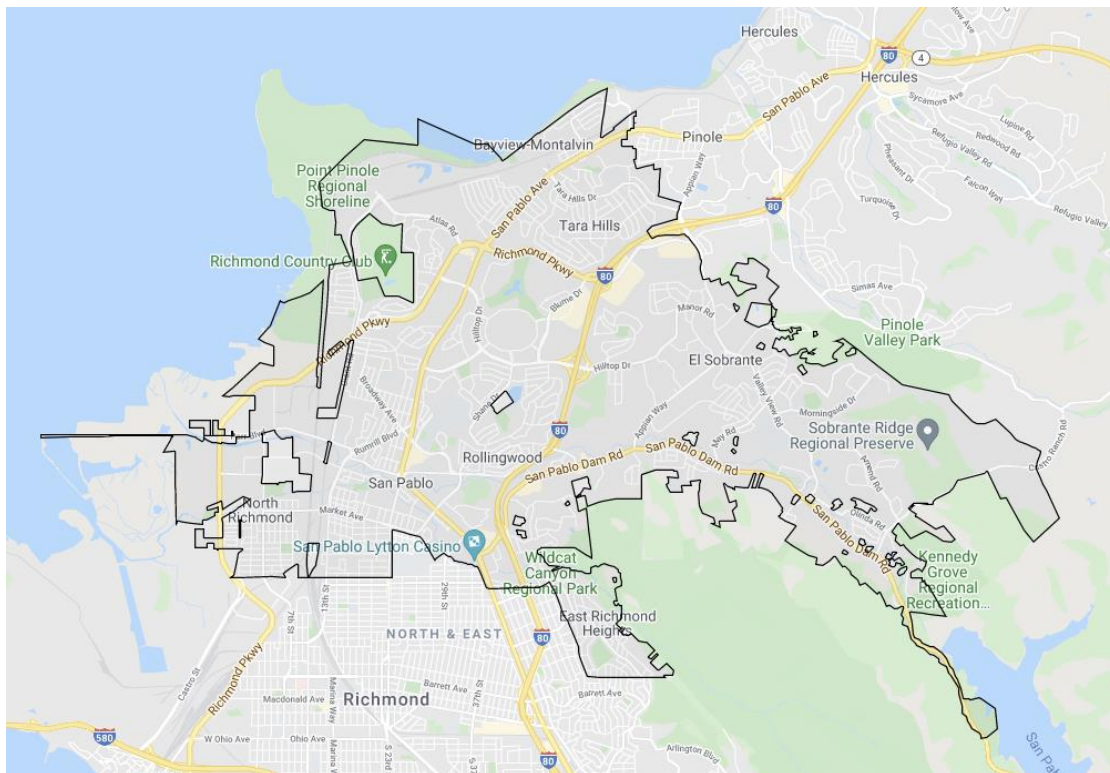


Figure 1 The WCWD service area is highlighted.

As noted, an elected five-member Board, headed by a president, is responsible for the overall management and governance of the WCWD, providing oversight of financial and large-scale operational decisions. Operational management of the WCWD is delegated

to a General Manager, who has freedom to hire employees and solicit contracts for infrastructure maintenance and improvement. The General Manager works closely with the District Counsel to ensure that policies approved by the Board are followed in carrying out WCWD operations. The Board has also delegated to the General Manager the discretion to spend up to \$50,000 per vendor per fiscal year of WCWD funds without Board approval.

The Board members are restricted by written Policies and Procedures,¹ which prohibit direct communications between Board members and WCWD employees other than the General Manager. Proper ethical behavior is specifically addressed in the Board's Ethical Policy guidelines.² Section 9 of the Board's Ethical Policy statement, on Compliance and Enforcement, stipulates that those suspected of violations of the Policy must be reported to the General Manager or Board Attorney. The General Manager or Board Attorney must then determine the severity of the violations. If the alleged violations are not minor in nature, then the Board and its designees conduct proceedings, and use personnel as necessary, to investigate the issues. After the completion of this investigation phase, the Board of Directors must place the matter on a public agenda for possible action and imposition of appropriate discipline.

Disciplinary measures include a public reprimand ("censure"), removal from committee assignments, reduction in compensation, referral of the violation to the District Attorney or Grand Jury, a resignation request, and other discipline as the Board deems appropriate.

The Board has experienced internal turmoil since at least 2017 when one director was admonished by the Board for statements made to an employee in violation of the district's policy against harassment. Training and a formal apology from the director resulted. However, another similar charge to one of the directors followed in 2020 with the Board President citing "unprofessional and confrontational or combative" communications with district staff and the General Manager.³ That investigation was conducted by an independent attorney investigator. As a result of this investigation, the Board voted to censure the director (Resolution No. 2020-53). The Board initiated another investigation this year. At a special Board meeting on August 26, 2021, the Board voted to impose disciplinary action on two directors, including the previously censured director.

¹<https://www.wcwd.org/wp-content/uploads/2021/02/2021.02.12-District-Counsel-CLEAN-Board-Policies-and-Procedures.pdf>

²https://www.wcwd.org/wp-content/uploads/2021/02/Board_Ethics_Policy_2021.pdf.pdf

³ Attachment A: Supporting Documents – WCWD Special Board Meeting 11-30-2020f (Director Censure).

The issue of reimbursement for legal fees incurred by a censured director surfaced after the 2020 censure vote. The Board had no written policy on compensation or reimbursement for directors to obtain legal advice or representation, either for directors who are the subjects of an investigation or in general. For the 2020 investigation, the Board approved a stipend of \$1000 to both directors under investigation to obtain legal advice. For the more recent 2021 investigation, no stipend was approved. At this time, the Board still does not have a written policy on when it will compensate or reimburse directors for legal advice or representation. Based on the above, the Grand Jury voted to investigate further to determine whether irregularities in Board governance and procedures existed.

DISCUSSION

The Complaint – Issues Raised

A complaint submitted to the Grand Jury alleged violations of Board Ethical Policy and personal bias. These allegations were vaguely stated and difficult to substantiate. However, during this phase of the Grand Jury’s investigation, some aspects of the Board’s internal process were found to be potentially problematic.

The Grand Jury did not pursue the question of the conduct of the Board members that led to their censure as there was no request to do so. The Grand Jury considered these issues to have been resolved internally by the censure votes. However, the Grand Jury voted to investigate whether irregularities or significant omissions in Board operations and procedures existed.

The current WCWD Board is divided. A majority of the Board members support the General Manager and take a hands-off approach to WCWD governance and operations. Other Board members have significant disagreements with the General Manager and would take a more hands-on approach to WCWD governance and operations.

This split has led to a serious breakdown of civility between the majority and the minority, as manifested at the October 6 and 20, 2021 Board meetings⁴ and internal Board communication.⁵ The Grand Jury learned that the minority Board members feel completely frozen out of any role in representing the voters who elected them to the Board. The governing structure has been described as a “three-legged stool;” the legs

⁴ October 6, 2021, WCWD Board Meeting starting at 36 minutes; October 20, 2021, WCWD Board Meeting, starting at 1:28:40.

⁵ Statement from the WCWD General Manager entered into the September 15, 2021, Board Meeting Minutes.

are the Board majority, the General Manager, and the District Counsel. There is no leg for the Board minority.

WCWD Board meetings can be contentious. The Board meeting held on May 5, 2021, exemplifies the tension among the Board members with one director claiming that other members are corrupt.⁶ One of the specific items mentioned in the complaint to the Grand Jury is that free expression of differing views is curtailed. Further, the ability of the Board members to clarify spending procedures has deteriorated. Because the directors are prohibited by WCWD rules from talking to any employee directly, they cannot ask the Financial Manager for any budget or fiscal information; all information must come through the General Manager. Also, the General Manager establishes the agenda items for the board meetings. According to the WCWD rules, a director needs the approval of either the General Manager or the Board majority to place a matter on the agenda.⁷

Regarding the General Manager's \$50,000 discretionary funds, the directors review a check register. Some Board members complain that there is insufficient accountability for the discretionary expenditures. The check register does not flag which checks were drawn on the discretionary funds.

During the 2021 censure process, some directors had to hire and pay their own attorneys to defend themselves. The Board does not have a clear policy on reimbursement of directors for legal advice or representation.

The Investigation

During its investigation, the Grand Jury found no evidence of serious irregularities in the operations and procedures of the WCWD. Instead, the Grand Jury found that the probable basis for the instigating complaint lies in the political and personality divisiveness among the Board members. The Board members who are in the minority feel that they have no power to effect WCWD governance and operations. While this frustration is perhaps understandable, it is mostly the function of the political reality of the Board.

However, the Grand Jury is concerned that if there were mismanagement, with the current Board composition, there might be a serious lack of public transparency. For example, district management might not be held sufficiently accountable for financial or personnel decisions.

⁶ May 5, 2021, WCWD Board Meeting starting at 37 minutes.

⁷ See Board of Directors Policies and Procedures, sec. 5.4, Process for Putting Items on a Future Meeting Agenda

The Grand Jury also sees two areas where rule revisions or additions would improve transparency. First, it would improve financial transparency if the expenditures made by the General Manager under the \$50,000 discretionary authority were clearly identified. The directors themselves should have an easy way to identify the discretionary expenditures.

Second, there are several scenarios in which a director might need legal advice or representation. In addition to being the subject of an internal investigation, a director could be sued individually by an employee or outside party for some act or omission related to WCWD business.⁸ There should be a clear written policy on when a director is entitled to be compensated or indemnified from WCWD funds for personal legal expenses including attorney fees, consistent with applicable law.

FINDINGS

- F1. Board members are prohibited by WCWD Policies and Procedures from communicating directly with district staff other than the General Manager.
- F2. Therefore, a director cannot obtain non-publicly available information from district staff about district operations without the General Manager's consent.
- F3. The General Manager determines the agenda for district board meetings in consultation with the Board president.
- F4. Alternatively, a Board member may place an item on the meeting agenda, but only with a Board majority vote.
- F5. The Board has given the General Manager the discretion to spend up to \$50,000 (per vendor per fiscal year) of WCWD funds for district maintenance and operations without Board approval.
- F6. Board members can review the check register for the WCWD's general fund, but the General Manager's discretionary expenditures are not segregated or identified on the check register.

⁸The Government Code addresses when claims against employees brought by third parties are paid by the governmental entity. See, e.g., Gov. Code, §§ 995, 995.2 and 995.4 et seq.

- F7. In the Board’s 2020 investigation of two directors, the Board allocated a \$1000 stipend to each to obtain legal advice. In the Board’s most recent investigation of the same directors, no stipends were paid.
- F8. The WCWD has no written policy on when or under what circumstances it will pay for a director’s legal expenses.

RECOMMENDATIONS

The Grand Jury recommends that by July 2022:

- R1. The Board adopt procedures by which any Board member can obtain information about WCWD operations without the agreement of the General Manager.
- R2. The Board adopt procedures by which any Board member can place an item on the meeting agenda without the General Manager’s approval or a Board majority vote.
- R3. The Board adopt a written policy on reimbursement of a director’s legal fees for both internal investigations and claims brought against a director by an outside third party.
- R4. The Board adopt a procedure that requires the General Manager to identify expenditures made under the authority to make per-vendor payments of less than \$50,000 per fiscal year.

REQUIRED RESPONSES

| | Findings | Recommendations |
|-------------------------|-----------------|------------------------|
| WCWD Board of Directors | F1-F8 | R1-R4 |
| | | |
| | | |
| | | |

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

A REPORT BY

THE 2020-2021 CONTRA COSTA COUNTY CIVIL GRAND JURY

725 Court Street
Martinez, California 94553

Report 2104

Cyber Attack Preparedness In Contra Costa County

APPROVED BY THE GRAND JURY

Date 11-22-2021



SAMIL BERET
GRAND JURY FOREPERSON

APPROVED FOR FILING

Date 11/22/2021



JILL C. FANNIN
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 2104

Cyber Attack Preparedness in Contra Costa County

**TO: Contra Costa County Board of Supervisors
Contra Costa County Department of Information Technology**

SUMMARY

In the fall of 2019, hackers from the Balkans breached the Contra Costa County Library's (CCCL) Information Technology systems. The hackers obtained an administrative login, gained access to the network, took control, installed, and encrypted malicious software. In January 2020, the hackers demanded a ransom. This attack might have been prevented if the Library had cyber security software. Fortunately, the County's Department of IT (DoIT) was able to restore the Library's administrative systems within three days. However, the public system was inaccessible for two weeks at 29 locations, including library computers and all e-library features such as e-book delivery.

Contra Costa County uses IT as a foundation for data gathering, sharing, and storage throughout all county offices for essential services, including communication for law enforcement, healthcare, and infrastructure such as public works. Building and maintaining a robust IT environment require substantial capital outlays as well as annual expenditures.

The budget for DoIT in 2021 was \$18.6 million, while the overall County budget is \$4.06 billion. IT expenditures of individual County departments (e.g., Health Services, Sheriff's Office, and the Library) are not reflected in DoIT's budget since IT services are decentralized in various County departments. Further, those IT budgets for individual County departments are not separated from their overall budgets and therefore not transparent.

IT is subject to rapid evolution. New technologies are introduced weekly. Expensive hardware and software can quickly become obsolete or open to cyber-attack because older equipment might not support the necessary security upgrades.

Cyber-attacks are a threat to private and public institutions globally. According to cyber security experts, threats arise from disgruntled employees, foreign hackers or computer enthusiasts exhibiting their hacking abilities. Recent nation-wide breaches by external sources, including at SolarWinds, Colonial Pipeline, and Scripps, highlight the urgency to step up protection against attacks.

The Contra Costa County Library (CCCL), Contra Costa County Fire Protection District (Con Fire), and Contra Costa County Health Services Departments (Health Services) have experienced cyber-attacks. The Grand Jury investigated the general County IT landscape to determine vulnerabilities and plans to protect exposed systems and software.

The Grand Jury found that the overall County IT infrastructure is decentralized. Progress to eliminate redundancies (e.g., email systems, data storage) has been made since the 2017-2018 Grand Jury Report (1805). According to industry experts, decentralized organizations are less able to prevent cyber security breaches because they often lack key IT professionals, systems and/or coordination to deter cyber-attacks. The Grand Jury recommends that the County consider selective consolidation of IT services and resources into DoIT that will increase readiness to prevent and recover from cyber-attacks.

METHODOLOGY

The Grand Jury used the following investigative methods:

- Requests for information from County departments.
- Interviews with County IT department employees, County officials, and industry experts.
- Internet research of public, private, and government agency best practices.
- Review of news articles, including those exposing cyber-attacks, threats, and their outcomes.
- Review of prior Grand Jury Report 1805.
- Review of cyber security best practices based on National Institute of Security Technology, US Department of Homeland Security and California Office of Emergency Services.

BACKGROUND

In Contra Costa County, the IT infrastructure spans twenty-four County departments. The organization is headed by DoIT, the central IT group which coordinates the

individual departmental IT groups. DoIT is responsible for the central county computing complex, a county Wide Area Network, and numerous local area networks. Storage and backup procedures in this environment make data available on multiple devices via network servers or digital backups. DoIT is also responsible for the overall level of computing, printing, and telecommunications standards in the County. DoIT also provides business and technical consulting services to departments and managers throughout the County on a reimbursable basis.

In May 2018, the Grand Jury produced report 1805 on “Effectiveness of IT Operations in County Government.” Some of the Grand Jury recommendations were implemented while others were not. For example, the County’s IT Strategy and Disaster Recovery Plans have been updated. Recommendations not followed were due to the DoIT’s Chief Information Officer (CIO) not having the authority to mandate them due to the decentralized IT structure of the County. Specific examples include centralized procurement and installation of standard hardware and software on a County-wide basis.

The budget for DoIT in 2021 was \$18.6 million, while the overall County budget is \$4.06 billion. IT expenditures of individual County departments (e.g., Health Services, Sheriff’s Office, and the Library) are not reflected in DoIT’s budget. The Grand Jury reviewed the Comprehensive Annual Financial Report of the County and could not identify the IT budgets for individual county departments. It is difficult to determine precisely how much money the County is spending on IT and whether there are potential redundancies. This was a problem the previous Grand Jury Report 1805 identified.

Supplementing DoIT’s services, some large departments (e.g., Health Services Department, Sheriff’s Office) retain control over their own IT strategy, procurement, and routine IT services provided for their departments. These departments have their own data and network operations and dedicated IT staff. They have specialized requirements such as Health Insurance Portability and Accountability Act (HIPAA) compliance and the Sheriff’s Office’s use of Federal and State databases. Other smaller departments have small IT teams for local and/or specialized support, but generally rely on DoIT for procurement, equipment updates, and system maintenance. Based on the Grand Jury’s interviews, there is a lack of uniformity in systems and software, such as email systems and data storage.

Cyber-attacks pose a threat to governmental operations in Contra Costa County and nationwide. According to Check Point Software’s Mid-Year Security Report, there were 93% more ransomware attacks in the first half of 2021 than in the same period last year. In addition, the attacks were marked by the rise of what is known as “Triple Extortion” ransomware. Not only is data encrypted, stolen, and moved, but if there is no response to the original threat for payment or the threat of a data leak, attackers may then launch a Denial-of-Service attack which locks up the targeted entity’s system services to force it to the negotiation table. Cyber-attacks are increasing in their number and cost. IBM estimated that data breaches now cost companies \$4.24 million per incident on average, with costs rising 10% compared to 2020.

As the COVID-19 crisis spread globally, so did cyber attacks. The increase in virtual activities such as remote work and online shopping have made enterprise networks and popular websites a breeding ground for cybercrime. According to an advisory from the U.S. Department of Homeland Security Cyber Security and Infrastructure Agency (CISA) and the U.K.'s National Cyber Security Centre (NCSC), cybercriminals are targeting individuals, businesses, and organizations of all sizes with these attacks, including phishing attempts and trying to exploit security lapses in remote meetings. (<https://www.gartner.com/en/human-resources/research/talentneuron/labor-market-trends/cybersecurity-labor-shortage-and-covid-19>).

The 2019 Contra Costa County Library (CCCL) attack and subsequent disruption of e-Library Services heightened concern about county-wide cyber security. It demonstrated how a lack of cyber security experts in individual departments, and departmental cyber security oversight by DoIT, impact end users. Based on the Grand Jury's interviews, staff shortages intensify this problem. Small IT teams do not always have cyber security experts and are impacted if they have an open position or someone on leave. In this case, after the attack, DoIT took over the IT operations for the CCCL. DoIT provided resources including access to an external specialized team contracted to restore access to all systems. The estimated total costs were between \$4 million and \$6 million to upgrade firewalls, equipment and software updates or upgrades to bring the CCCL systems to industry standards. An insurance claim was filed for \$1.2 million for recovery costs. The CCCL has applied for a State Library Association Technology Grant to upgrade its systems. If awarded, it will provide an additional \$3 Million to bring the systems into compliance with current updated County standards.

The routine software update may be one of the most familiar and least understood parts of our digital lives... Last spring, a Texas-based company called SolarWinds made one such software update available to its customers. It was supposed to provide the regular fare — bug fixes, performance enhancements — to the company's network management system... Hackers believed to be directed by the Russian intelligence service, the SVR, used that routine software update... as a vehicle for a massive cyberattack against America. (<https://www.npr.org/2021/04/16/985439655/a-worst-nightmare-cyberattack-the-untold-story-of-the-solarwinds-hack>).

Due to the SolarWinds Attack, software companies worldwide scrambled to update their software platforms to secure their systems. The Con Fire email servers were so obsolete that the Microsoft security patch to fix this vulnerability could not be applied in April 2021. When Con Fire's staff recognized the threat, they asked DoIT to assist. DoIT staff went on-site to perform hardware upgrades and expensive off-hours software updates. The total cost is still being assessed. While there was not a breach, Con Fire was vulnerable to one.

In 2018, the use of a flash drive by a contractor for the Contra Costa Health Services Department resulted in a data breach of patient medical information. This could have been prevented if adequate protocols were in place regarding the use of flash drives. (<https://www.hipaajournal.com/contra-costa-health-plan-breach/>)

DISCUSSION

The Grand Jury focused on three general areas that put the County at risk for a cyber-attack: 1) Staffing shortages, 2) Training frequency, and 3) Decentralization.

Staffing Shortages

A shortage of trained IT employees, and the strain of ever-increasing workloads affect quality of service and cyber-attack readiness. For example, implementation of body cameras for uniformed police officers requires additional training and maintenance for IT staff in addition to data storage. During interviews with various county departments, all interviewees noted being understaffed with open IT positions. In February 2021, Contra Costa County Health Services had 13 unfilled IT positions. As of November 2021, the County has several IT openings with a salary range between \$74,000 to \$140,000. The County is having difficulty hiring experienced staff to implement state-of-the-art IT tools because qualified cyber security personnel are in high demand nationwide. Based on Grand Jury interviews, the County cannot match private industry's compensation packages. While there may be better job security and long-term benefits working for a government agency, the competitive salaries and enticements like stock options, profit sharing and in-office perks pose competition to the County.

IT executives see the talent shortage as the most significant adoption barrier to 64% of emerging technologies, compared with just 4% in 2020, according to a new survey from Gartner, Inc. A lack of talent availability was cited far more often than other barriers this year, such as implementation cost (29%) or security risk (7%).

Talent availability is cited as a leading factor inhibiting adoption among all six technology domains included in the survey – compute(r) infrastructure and platform services, network, security, digital workplace, IT automation and storage and database. IT executives cited talent availability as the main adoption risk factor for most IT automation technologies (75%) and nearly half of digital workplace technologies (41%). (<https://www.gartner.com/en/newsroom/press-releases/2021-09-13-gartner-survey-reveals-talent-shortages-as-biggest-barrier-to-emerging-technologies-adoption>)

Even though there is limited IT talent available, the County could be more competitive with its compensation packages to attract more of these scarce resources. During interviews, it was evident that work-life balance is a significant issue for all IT

departments. IT staff shortages lead to increasing employee burnout and turnover. If the County were able to fill gaps in IT staff, the workload would be more manageable, creating a better work-life balance. Some private enterprises have developed skilled labor pools of IT specialists to cover temporary shortages in multiple departments. A pool concept reduces the need to increase staffing across many departments and is an efficient way to address chronic staff shortages. Also, a talent pool concept can be used as a training platform for new hires.

Training Frequency

The county currently has a three-part IT Security training program. The following is from DoIT's website:

1. "Information Security – This program covers prudent business practices that will establish and implement "the need to know" rule base. It dictates how county-controlled assets, both physical and logical "computer," are maintained with integrity, security, and monitoring.
2. Security Awareness - This grass roots program will ensure all County employees thoroughly understand and acknowledge that protection of County-controlled assets is critical to the survival and well-being of the County, as well as themselves.
3. Business Resumption (*BRP*) - This program ensures business continues after any significant business interruption. BRP is the overall umbrella that covers disaster recovery, emergency preparedness plans used by individual department and Individual employee's personal recovery capability."

Industry experts point out that unsuspecting employees often initiate cyber-attacks by opening emails with attachments containing malicious software or employees plugging in hardware such as flash drives or memory sticks to capture or corrupt network data. Based on Grand Jury interviews, industry experts recommend restricting the use of any personal devices at work and work devices at home especially flash or thumb drives. Based on our interviews, County employees and officials are still using personal devices connected to county computers.

DoIT is working to make this above training mandatory. With the increase in threats, DoIT will be requesting annual training. Currently, county-wide training is neither annual nor mandatory.

Decentralization

Based on interviews, the Grand Jury identified the decentralized structure of IT within the County as a potential source of vulnerability to cyber threats. Interviews revealed that there are at least three reasons for this vulnerability.

First, small departmental IT staffs do not have the time to perform necessary hardware and software updates on a regular basis. This undermines the security of data and systems in these departments and the entire County.

Second, the email systems used by County departments have their own domain names. "Because of spam, it is becoming increasingly difficult to reliably forward mail across different domains, and some recommend avoiding it if at all possible." (John Levine (2008-10-15). "Users Don't Like Forwarded Spam." CircleID Retrieved 2008-11-07.)

Third, DoIT has procured state-of-the-art software programs to monitor network and email domains across the County. DoIT has also built cloud and server protections that are expandable for individual department needs. However, DoIT does not have the authority to mandate use of these capabilities county-wide. Based on our interviews, there are some departments that are either unwilling to utilize these products and services, or unable due to obsolete equipment or lack of available staff. Currently, the County does not have consistent methods or policies for ensuring that all County computer systems are protected from a cyber-attack.

FINDINGS

- F1. County IT Departments are chronically understaffed.
- F2. Obsolete equipment poses a vulnerability threat to County IT security.
- F3. Some County IT departments do not have time to conduct software and hardware updates, and vulnerability scans which are critical for cyber security because of understaffing.
- F4. Some County departments with small IT staffs do not have specialized cyber security personnel.
- F5. Cyber security training is performed on an inconsistent basis in some County departments.
- F6. County employees and contractors use personal storage devices (e.g., flash drives) on County computers.
- F7. The use of personal devices makes County computers vulnerable to denial of service, data breaches or other cyber-attacks.
- F8. IT expenditures and budgets in County departments are not transparently reported so it is difficult to identify redundant and duplicative IT expenditures.
- F9. Decentralized IT structures increase vulnerability to cyber-attacks.

F10. The County's IT structure is decentralized.

F11. Based on interviews, Contra Costa County is at a disadvantage to hire IT staff with cyber security expertise due to increased compensation and perks offered by some private enterprises.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. The Board of Supervisors direct the County Chief Information Officer by December 2022 to create a talent pool within DoIT that includes cyber security experts to relieve chronic staffing shortages in all IT departments.
- R2. The Board of Supervisors direct the County Administrator by June 2022 to require all IT departments to forbid use of personal devices on and with County computers (e.g., personal thumb drives).
- R3. The Board of Supervisors direct the County Administrator by June 2022 to require the installation of software on all County computers that can scan for threats and viruses on any device attached to them.
- R4. The Board of Supervisors direct the County Administrator by June 2022 to authorize DoIT to require system vulnerability testing on all County computer systems.
- R5. The Board of Supervisors direct the County Administrator by June 2022 to require all county employees to complete annual cyber security awareness training.
- R6. The Board of Supervisors direct the County Administrator by June 2022 to have DoIT ensure mandatory updates are performed on all systems for all software applications.
- R7. The Board of Supervisors direct the County Administrator by December 2022 to have all County departments identify and replace obsolete IT hardware.
- R8. The Board of Supervisors direct the County Administrator by June 2022 to require County departments to identify their planned IT spending in their overall budgets for transparency.

REQUIRED RESPONSES

| | Findings | Recommendations |
|--|-----------------|------------------------|
| Contra Costa County Board of Supervisors | F1 to F11 | R1 to R8. |
| Department of Information Technology is invited to respond | F1 to F11 | R1 to R8. |

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 2020-2021 CONTRA COSTA COUNTY CIVIL GRAND JURY

725 Court Street
Martinez, California 94553

Report 2105

Improving Animal Services in Contra Costa County

APPROVED BY THE GRAND JURY

Date 11/30/2021



SAMIL BERET
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date 11/30/21



JILL C. FANNIN
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 2105
Improving Animal Services in Contra Costa County

**TO: Contra Costa County Board of Supervisors
City Council of Antioch**

SUMMARY

Currently, Contra Costa County (County) Animal Services are centralized in one facility located at the northern edge of this large County, which creates logistical barriers to providing efficient service. The County can improve animal services by sharing resources and geographically distributing animal services.

Public and private animal shelters are experiencing pressure from the explosive growth in the homeless animal and abandoned pet populations. Community outreach and education are high priorities for both Contra Costa and Antioch Animal Services, the two public animal shelters within the County.

Wildlife retrieval provided by the County Animal Services is one of its most valuable services, especially in those areas of the County that border large open spaces. Recent funding restrictions have severely undermined the ability of Animal Services to retrieve live, wounded, or dead animals.

The Grand Jury recommends that Contra Costa Animal Services (CCAS) engage a consulting firm for guidance on the possible redistribution of animal services that could be achieved by a gradual process of cost-sharing and shelter co-ordination. A comparable consolidation currently underway between Monterey County and the City of Salinas Animal Shelters provides a possible model for the integration of Contra Costa and Antioch Animal Shelter services (CCAS and AAS). An example of countywide cooperative agreement already exists. The County Sheriff's Office has a model for distributed services throughout the County. The Grand Jury recommends that CCAS consider specific, tailored regional service agreements between the cities and the County for animal services rather than a common countywide contract.

The Grand Jury further recommends that both public animal shelters enhance their emphasis on community outreach to confront homeless animal overpopulation. The full array of services available can be communicated to the public including the existing inexpensive spay and neuter and vaccination programs. Increased staffing is necessary to implement expanded educational programs.

The Grand Jury recommends that CCAS selectively enhance community outreach to the contracted cities. Responses from the contracted cities stated that their residents are unaware of the broad range of field services provided by CCAS. The Grand Jury also recommends that CCAS increase public awareness of the importance of proper pet medical attention such as vaccination and spay and neuter procedures.

METHODOLOGY

The Grand Jury used the following investigative methods:

- Reviewed compliance with the two previous Grand Jury investigations of the Antioch Animal Shelter (GJ Reports 1205 and 1708).
- Received twenty-three Requests for Information.
- Conducted nine personal interviews.
- Visited AAS.
- Conducted an online search of available databases, news articles, and web sites of regional and national rescue organizations and shelters.
- Contacted personnel managing animal shelters in other jurisdictions.

BACKGROUND

Two facilities provide public animal services in Contra Costa County: the Contra Costa Animal Shelter (CCAS) located in Martinez and the Antioch Animal Shelter (AAS) managed by the Antioch Police Department. These facilities provide a broad range of services such as licensing, wildlife retrieval, live and dead animal pickup, and spay and neuter clinics. The facilities offer community education and outreach programs, which emphasize responsible pet care.

The County shelter is on the northern edge of the County removed from the main population centers. This imbalance results in logistical difficulties for residents and CCAS personnel. For example, traffic congestion sometimes delays response times for live animal retrieval and noisy animal complaints.

The City of Antioch voted in 1978 to establish its own shelter. In recent years, public concern about pet overpopulation at the Antioch Animal Shelter led to a 2017 Grand Jury investigation (Report 1708) that outlined deficiencies in shelter management, operations, and the physical facility. The current Grand Jury investigated the Shelter's compliance with those previous recommendations and concluded that improvements in the management, facility, and operating procedures have successfully addressed the earlier concerns. Notably, a private rescue facility assisted the City of Antioch in the implementation of the recommended changes.

However, the current Grand Jury noted that one difficulty, cited in the earlier Grand Jury report, remains. Based on Grand Jury interviews, the proximity of Antioch to the underserved eastern areas of the County leads to persistent problems with animal abandonment at the Antioch Shelter from residents outside the City of Antioch. Although there is an informal working relationship between CCAS and AAS personnel on this issue, a more formal agreement between AAS and CCAS would facilitate abandoned pet retrieval at both shelters.

As noted above, information collected by the Grand Jury identified the importance of wildlife retrieval by both animal services, especially in those parts of the County that border open space. Indeed, this function is often cited by cities with CCAS contracts as the most significant role of County animal services since it is a general service and not necessarily linked to pet ownership.

CCAS receives funding from the County's General Fund and has the responsibility to provide animal services in the unincorporated communities in the County. CCAS also provides services to eighteen incorporated cities and towns through individual contracts. These contracts stipulate that the funding increase permitted to CCAS be based upon the Consumer Price Index percentage and the individual municipality's population growth. If this total funding is insufficient, then service restrictions might result and were indeed realized in September 2020. These countywide service changes were

- the number of officers allocated to Field Services decreased from sixteen to ten
- CCAS's Field Services reduced its operating hours
- On-call coverage was eliminated
- Deceased wild animal retrieval on private property was stopped
- All live wildlife calls were referred to the California Department of Fish and Wildlife.

Animal shelters currently face conflicting demands. Public opinion increasingly opposes euthanasia, but abandoned pets lead to animal shelter overpopulation. Overpopulation is the primary reason cited for euthanasia at shelters nationwide.¹ According to the American Humane Society's position statement,² all cats and dogs adopted from public or private animal care should be spayed or neutered to reduce euthanasia rates most effectively. Furthermore, the statement emphasizes that public awareness and cooperation with this approach is crucial. Information gathered by the Grand Jury corroborated these statements for both public animal shelters.

The cost of spaying and neutering pets can be a contributing factor to pet abandonment. AAS charges a flat fee of \$90 for feline spay and neuter and \$150 for canine spay and neuter operations. CCAS fees range between \$50 and \$74 for felines and \$121 to \$172 for canines. Although these fees compare favorably to private veterinarian fees, they still present a financial obstacle for many pet owners. No quantitative survey data on the possible efficacy of subsidized spay and neuter clinics within the County exists. Data from subsidized pilot programs in several other states (Massachusetts, New Hampshire, and Texas) correlate with increased spay and neuter rates and declines in shelter populations.

DISCUSSION

Service Distribution

Geographic separation presents obstacles to efficient CCAS service. As the schematic map in Figure 1 highlights, the two public animal shelters are in the northern portion of the County. The County Board of Supervisors approved the closure of the Pinole facility, which was never designed for long-term animal housing, in September 2020.

¹ A. Kleinfeldt, "Overview of Animal Euthanasia", <https://www.animallaw.info/article/overview-animal-euthanasia>.

² <https://www.americanhumane.org/position-statement/animal-population-control>.

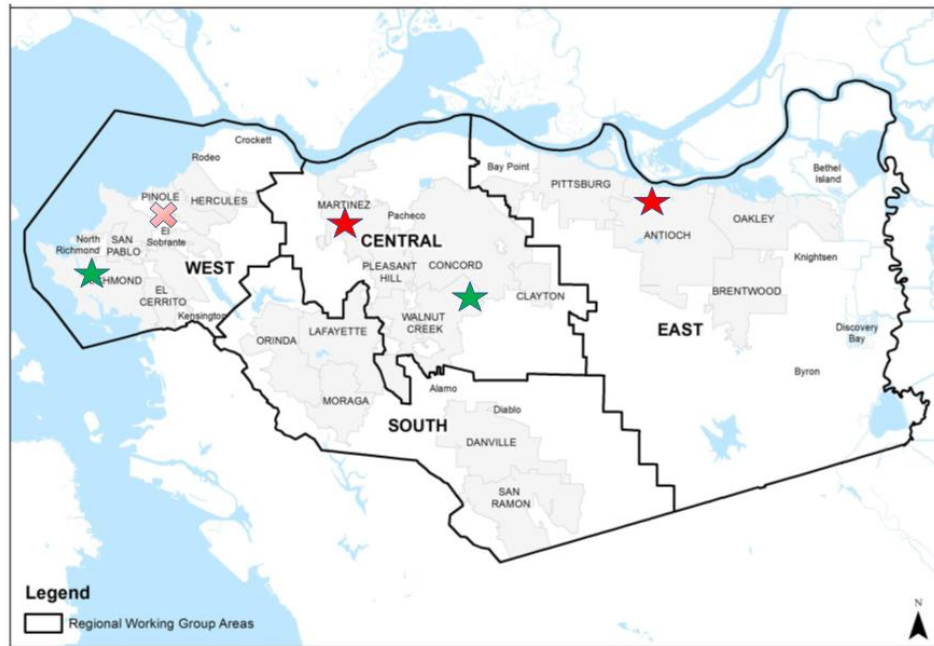


Figure 1 The two public animal shelters (★) and two private shelters (★) in Contra Costa County. The Pinole facility (✗) has recently closed.

A single large facility, CCAS, is located far from the eastern and southern portions of the County increasing the commute time for resident’s access to public services. The recent closure of the Pinole facility reduces ready access to CCAS in-person services for the western part of the County. By comparison, Alameda County has seven public shelters serving an area nearly comparable (739 square miles) to Contra Costa County (716 square miles). These public shelters are listed in Table 1.

Table 1

Bay Area government shelters in Contra Costa and Alameda Counties. The Pinole facility closed in September 2020.

| Public Shelter Name | City | Owner pet surrenders? |
|-------------------------------------|-----------------|-----------------------|
| Contra Costa County | | |
| Antioch Animal Shelter | Antioch | Y |
| Contra Costa County Animal Services | Martinez | Y |
| Contra Costa County Animal Services | Pinole (closed) | NA |
| Alameda County | | |
| Alameda Animal Shelter | Alameda | Y |
| Berkeley City Animal Shelter | Berkeley | Y |
| East County Animal Shelter | Dublin | Y |
| Fairmont Animal Shelter | San Leandro | Y |
| Hayward Animal Control | Hayward | Y |
| Oakland Animal Shelter | Oakland | Y |
| Tri-City Animal Shelter | Fremont | Y |

Table 2

Bay Area nonprofit animal shelters in Contra Costa and Alameda and Alameda Counties.

| Organization Name | City | Owner pet surrenders? |
|-----------------------------|----------------|-----------------------|
| Contra Costa County | | |
| Animal Rescue Foundation | Walnut Creek | N |
| Milo Foundation | Point Richmond | Call |
| Contra Costa Humane Society | Pleasant Hill | N |
| Contra Costa SPCA | Concord | Call |
| Alameda County | | |
| Berkeley Humane Society | Berkeley | Y |
| East Bay SPCA - Tri-Valley | Dublin | Y |
| Oakland East Bay SPCA | Oakland | Y |
| Ohlone Humane Society | Fremont | N |

The nonprofit animal shelters in both counties are listed in Table 2. Although Alameda County's population of 1.67 million is approximately 45% larger than Contra Costa's, the per capita access to public animal services in Alameda County is more evenly distributed than in Contra Costa County.

Both Tables include a column indicating whether the shelter accepts owner-surrendered pets -- that is, pets whose owners are relinquishing ownership of an animal to the shelter. The centrally located Animal Rescue Foundation (ARF) nonprofit, animal shelter in Contra Costa County, does not accept owner-surrendered animals. In the western part of the County, the Milo Foundation nonprofit animal shelter will accept and hold selected owner-surrendered pets. The Point Richmond Adoption Center, operated by the Milo Foundation, has existing physical resources for animal sheltering including a small 5,000 square foot physical space in Point Richmond. The Milo Foundation also manages a large, 283-acre, animal sanctuary in Mendocino County.

Resource Sharing

There is an existing instance of a decentralized countywide resource. The County Sheriff's Office maintains a Patrol Division that operates from five station houses throughout the County to patrol unincorporated areas and a Special Operations Division which leverages County assets to support several incorporated municipalities (Danville, Lafayette, and Orinda). Each station house has its own Lieutenant with a variable number of deputies and staff support. The incorporated municipalities contract with the Sheriff's Office but retain local control over police operation. This contractual arrangement leads to standardized training and the sharing of staff resources.

The decentralized structure of the County Sheriff's services suggests that a similar redistribution of CCAS services might be possible and result in more efficient service. Such an approach need not require construction of additional facilities. Animal service personnel could be stationed at suitable existing County and city buildings to improve response times. The cities in the County have different needs so the additional flexibility in requested animal services might be beneficial and cost-effective. CCAS currently has an identical contract agreement with each of the municipalities. This contract structure might be modified to maintain universal basic services to all contracted cities but offer enhanced services for those cities with differing needs ranging from noise complaints to roaming feral pigs. Increased communication between CCAS management and the individual city managers is necessary to explore these possibilities.

In the special case of the City of Antioch, information gathered by the Grand Jury also suggests that resource sharing between CCAS and AAS could be beneficial. Establishing a partnership between AAS and CCAS for a low-cost spay and neuter clinic was cited as an example. This service would help control the pet and community cat population in the eastern part of the County. More extensive cooperation between the two public shelters, such as operating both shelters as one program, was

recommended but would require agreement from the management of both shelters to fund a comprehensive feasibility study.

A similar precedent for merging county and city animal services is the ongoing consolidation of animal services between the City of Salinas and Monterey County who contracted an independent consulting firm, Management Partners, in 2015, to provide options for the consolidation of services. The resulting comprehensive report outlined four options, one of which recommended the formation of a Joint Powers Agreement (JPA) between the County of Monterey and the City of Salinas. The selection of the JPA option facilitated the gradual merging of the two shelters in April 2020. Similarly, CCAS could engage a consulting firm to assist in determining how to proceed.

In Contra Costa County, the Antioch Animal Shelter has a proportionally larger animal intake than CCAS. See Table 3.

Table 3

Total live animal intake population by AAS and CCAS per year.

| Year | AAS | CCAS |
|-------------|------------|-------------|
| 2018 | 2,786 | 8,454 |
| 2019 | 2,577 | 8,673 |
| 2020 | 1,366 | 5,015 |

Although CCAS handles about three times the total number of animals as AAS, the Antioch shelter has a disproportionately large live animal intake given its much smaller resident population.

This additional animal intake burden on AAS is reflected in the higher cost per capita, \$15.44, for animal services for the residents of Antioch. As noted in Table 4, the overall per capita cost, \$12.02, for CCAS services is comparable to other selected public animal shelters, but the individual fee rate for those cities that contract with CCAS is \$6.54, less than half of the City of Antioch rate. The lower CCAS rate for the contracted cities is possible due to distributed base funding through the County's General Fund and User Fee Revenue. Interviews conducted by the Grand Jury suggested that CCAS and AAS could share personnel and facility space to provide more access to low-cost rabies vaccination and spay and neutering services for East County residents.

Table 4
Per capita cost for selected public animal shelters.

| Public Shelter | FY 20/21 Per Capita Rate |
|---------------------------------|--------------------------|
| Solano County | \$11.11 |
| Sacramento County | \$13.10 |
| City of Oakland | \$12.09 |
| City of Antioch | \$15.44 |
| | |
| Contra Costa County (total) | \$12.02 |
| Contra Costa County (Cities) | \$6.54 |

Partnership with nonprofit animal rescue organizations might also be an effective means of distributing resources. As noted in Table 2, there are two nonprofit shelters in Contra Costa County, ARF in Walnut Creek and the Milo Foundation in Point Richmond. ARF was historically instrumental in providing oversight in the reorganization of AAS and, according to information supplied to the Grand Jury, it has maintained a favorable working relationship with both AAS and CCAS. Further coordination and expansion of mutual animal services can be beneficial.

Another nonprofit animal shelter located in Dublin is operated by East Bay SPCA (Table 2). Although this facility is within Alameda County, its stated mission is to provide services to both Alameda and Contra Costa Counties. Its proximity to the southern and eastern parts of Contra Costa County suggests that CCAS management could promote an enhanced working relationship between CCAS and East Bay SPCA. Similarly, CCAS management should consider resource sharing with the Milo Foundation, which maintains a 5,000 square foot facility in Point Richmond.

Funding

A possible new funding source available to CCAS is Measure X. County voters approved this measure in November 2020, increasing the sales tax in Contra Costa County by 0.5% for twenty years, which will generate an estimated \$81 million per year for essential services. Allocation of these funds is overseen by an Advisory Board, which creates a detailed priority list of the top ten service gaps and submits a recommended list to the Board of Supervisors.

Current cost increases are placing a greater burden on some of the contracted cities given CCAS's per capita cost structure. Effective July 1, 2022, the CCAS service fee will increase from \$6.79 to \$9.11 per capita. Measure X funding could supply funding to

offset this rate increase. Additional CCAS funding might also restore sick and wildlife animal retrieval and support distributed low-cost veterinarian services.

Community Outreach

Based on information gathered from Requests for Information and interviews, both AAS and CCAS struggle with community outreach and education. Outreach programs are essential to address the underlying cause of stress on animal services due to the increasing homeless pet population. Personnel at both facilities are aware of this deficiency but are hampered by lack of adequate staffing. Beyond staffing concerns, low-cost options for pet medical treatment would lead to a decrease in abandoned pets for those owners unable to afford proper pet care. Community awareness of the importance of spaying and neutering pets is also a key component of outreach programs.

Information collated from a Grand Jury survey indicated that most cities were “satisfied” (40%) or “somewhat satisfied” (40%) with existing CCAS services. However, there were common complaints from the cities responding as “unsatisfied” (20%). For example, existing CCAS services to some of the contracted cities are not adequately communicated to residents. Therefore, increased communication with the community would be beneficial especially concerning wildlife management and the availability of veterinary services.

The CCAS response to reports of dangerous, deceased, or distressed animals is considered by some of the contracted cities to be inadequate despite the recent (January 7, 2020) fee increase to the city contracts approved by the Board of Supervisors. Many municipality respondents noted that deceased and diseased animal retrieval is of special importance throughout the County due to public health and traffic safety concerns.

Volunteers

Based on interviews and site visits, assistance from volunteers is essential to animal care at CCAS and AAS due to the limited funding received by each facility. At CCAS, volunteers receive formal and practical training from experienced volunteers and staff. Although AAS has created a Volunteer Coordinator / Community Outreach position, it is unfilled due to lack of funding. In many instances, volunteers are not assigned specific tasks and are left to establish their own work schedules. A redistribution of animal shelter services throughout the County would also increase the pool of potential volunteers in the County. The need to travel to Martinez could be an impediment to volunteering at the CCAS for people residing in the eastern, western, or southern parts of the county.

FINDINGS

- F1. There is a need for improved animal services throughout the County.
- F2. CCAS facilities are concentrated in the northern part of the County.
- F3. AAS volunteers are often not assigned specific tasks and lack direction.
- F4. AAS does not have funding for a Volunteer Coordinator / Community Outreach staff position.
- F5. In some of the contracted municipalities, residents are not aware of CCAS-provided services, especially wildlife retrieval.
- F6. Funding reductions to the CCAS budget have hindered live wildlife retrieval and rescue.
- F7. A satisfaction survey of the 18 CCAS-contracted cities revealed 40% satisfied, 40% somewhat satisfied, and 20% unsatisfied with the quality of overall CCAS services supplied.
- F8. All CCAS contracts with municipalities provide identical services at the same cost per capita.
- F9. Additional vaccination and spay and neuter clinics would reduce the number of homeless and surrendered animals in the shelters.
- F10. There are private animal shelter facilities, The Milo Foundation and ARF, in the western and central parts of the County, respectively.
- F11. A private animal shelter in Alameda County, East Bay SPCA, is located near the southern part of Contra Costa County.
- F12. Measure X funding has not been allocated for CCAS operations.

RECOMMENDATIONS

The Grand Jury recommends that the following be implemented by June 2022:

- R1. The Antioch City Council allocate funding to fill the staff position of Volunteer Coordinator / Community Outreach at AAS.
- R2. AAS improve volunteer training.
- R3. The County Board of Supervisors allocate additional funding to provide outreach to educate residents about available CCAS services.

- R4. CCAS explore embedding Animal Control Officers at selected police stations to expand services, such as wildlife retrieval, throughout the county.
- R5. CCAS engage a consulting firm to obtain guidance on the possible redistribution of animal services within the County.
- R6. CCAS pursue a Memorandum of Understanding with ARF to coordinate resource sharing.
- R7. CCAS pursue a Memorandum of Understanding with the Milo Foundation to coordinate resource sharing.
- R8. CCAS pursue a Memorandum of Understanding with East Bay SPCA to coordinate resource sharing.
- R9. CCAS management and City Managers pursue customization of the Animal Services contracts to include basic service plus extended services for an additional fee.
- R10. AAS and CCAS explore sharing of resources for low-cost animal care clinics in the eastern part of the County.
- R11. The County Board of Supervisors request that CCAS apply for Measure X funding to lower the projected increased financial cost to CCAS-contracted cities and to support additional low-cost spay and neuter services.

REQUIRED RESPONSES

| | Findings | Recommendations |
|--|-----------------|------------------------|
| City Council of Antioch | F1, F3, F4, F9 | R1, R2, and R10 |
| Contra Costa County Board of Supervisors | F1, F5-F12 | R3-R11 |
| | | |

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 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 2020-2021 CONTRA COSTA COUNTY CIVIL GRAND JURY

725 Court Street
Martinez, California 94553

Report 2106

911 Mental Health Crisis Response:

A New Way "To Protect and To Serve"

APPROVED BY THE GRAND JURY

Date 11/30/2021



SAMIL BERET
GRAND JURY FOREPERSON

APPROVED FOR FILING

Date 11/30/21



JILL FANNIN
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 2106

911 Mental Health Crisis Response
A new way “to Protect and to Serve”

To: Contra Costa County Board of Supervisors
Antioch City Council
Contra Costa County Department of Health Services

SUMMARY

On June 2, 2019, Miles Hall, a 23-year-old man diagnosed with a mental illness, was shot and killed by Walnut Creek Police officers during a mental health crisis in which his family called 911 for help managing a serious episode. The family stated, “We had no option but to turn to the police to get Miles help when he was in crisis.” (<http://justiceformileshall.org>)

The decision by 911 dispatchers to dispatch an armed law enforcement officer to the scene of a non-criminal, mental health related call is an important issue. There is a belief at one end of the spectrum that only sworn police officers have the training and experience to properly handle such calls, even though they may not be responding to an actual crime. At the other end of the spectrum is the belief the police should never respond to such calls because they may exacerbate the situation. While their training is extensive, it is not heavily weighted towards de-escalation or mental health crisis management, and uniformed officers may be a trigger to the person in crisis. Those in the middle believe that some hybrid system would be appropriate. There is little consensus as to what any system should look like.

Although there are several agencies in Contra Costa County (County) that are attempting to address this issue, their efforts have not been coordinated and sufficient resources have not been allocated. The County has not effectively communicated the availability of resources to the community – programs are difficult to identify and access. The County Department of Health Services (DHS) is working on a program to greatly expand its mental health crisis response teams; however, this expansion is still in the planning stage with implementation and funding unresolved.

The 2020-2021 Civil Grand Jury is recommending a pilot program that would have non-police mental health specialists respond in a timelier manner to the scene of mental

health crisis calls. The Grand Jury is recommending that DHS partner with a city to develop a pilot program within one year from the date of this report.

METHODOLOGY

The Grand Jury reviewed the following documents, records, and materials for this investigation:

- Internet research on mental health responders' programs in San Francisco, Oakland, New York City, Eugene, Oregon and Olympia, Washington
- 911 dispatcher data from the Contra Costa County Sheriff's Department and city police departments throughout Contra Costa County
- Data from DHS and the Mobile Crisis Response Team (MCRT) within DHS regarding both its existing program and planned expansion
- Newspaper articles, both from the Bay Area and nationwide, regarding existing and proposed programs to address the issue of 911 mental health responses
- Articles and published professional reports on community response models
- California Assembly Bill 988, establishing mental health crisis hotlines
- National Suicide Hotline Designation Act of 2020 (S-2661)
- California Police Officer Standards and Training (POST) on de-escalation, and crisis intervention.

The Grand Jury conducted the following interviews after its initial internet research:

- A director of the Portland, Oregon, Street Response program (PSR)
- A director of the Denver, Colorado, Support Team Assisted Response (STAR) program
- 911 dispatchers in Contra Costa County
- City officials within Contra Costa County
- Individuals in the Contra Costa County DHS and its MCRT

BACKGROUND

In the past few years, Contra Costa County has experienced many instances where police officers have responded to situations for which their training had not prepared them. Many of those instances resulted in escalations that led to injuries and sometimes death at the hands of a law enforcement officer, which is tragic not only for the victims, but their families, the officers involved, and the community. In addition to the Miles Hall

incident, there have been other recent Contra Costa County incidents with tragic outcomes:

- 2018: Laudemere Arboleda, a 33-year-old man with mental health issues, was contacted by Danville Police officers for loitering. According to news reports, when he attempted to drive away, he was shot and killed at the scene. That Danville city police officer has since been charged with voluntary manslaughter for his death. The family has stated to reporters that Mr. Arboleda suffered from mental health problems.
- 2020: Angelo Quinto died during a struggle with Antioch police officers as he was having a mental health crisis in a bedroom of his home. A wrongful death lawsuit is pending.
- 2021: The same Danville police officer who has been charged with manslaughter for the death of Mr. Arboleda was also involved in an incident in which Tyrell Wilson, who suffered mental health problems from a previous traumatic brain injury, was shot and killed. He was reportedly throwing rocks off an overpass.

These and other tragic events have resulted in public protests, lawsuits, and public discussion on how to reform police procedures throughout the County. None have yet resulted in a program that would change the system in a meaningful and lasting way.

The only responders currently available 24/7 in Contra Costa County are Police, Sheriff, and Fire Department staff – regardless of the nature of the emergency.

In 2015, the Washington Post began an ongoing nationwide tally of all police officer-involved shooting deaths. Resources included police reports, news accounts, and social media. The tally indicated that at least 25% of people who are shot and killed by police officers suffered from acute mental illness at the time of their death. People with untreated mental illness were 16 times more likely to be fatally shot during an encounter with police than the general population. As of 2020, the continuing Washington Post study found that the deaths remained at approximately 25%.

(<https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>)

An online article in the Monitor On Psychology (Vol. 52, No. 5, print page 30, July/August 2021), states that in the U.S., “It’s estimated that at least 20% of police calls for service involve a mental health or substance use crisis, and ... that demand is growing.”

Three Concerns

- **Police Response:** Many of the non-criminal mental health 911 calls are made by people who do not necessarily want a uniformed police officer to respond but feel that they have no alternative. Some of their concerns are fear of arrest because of outstanding warrants, immigration status, lack of trust in law enforcement, or past experiences with law enforcement. (See The Community Responder Model by the Center for American Progress, October 2020.)
- **Training / De-escalation:** Officers who have completed de-escalation courses should be involved in the training of other officers and dispatchers to identify mental health crises present in a 911 call. Training police officers in mental health de-escalation techniques, while important, does not replace the need for mental health professionals.
- **Staff resources:** Police Department officials interviewed said that their limited resources would be better spent responding to actual crime in progress 911 calls than non-criminal mental health related calls.

With these concerns in mind, the Grand Jury began an investigation to find alternatives to a police response to mental health crises in Contra Costa County. Programs that have demonstrated success in similar communities around the country were examined in depth to take the program features that were well received in other communities and apply them to a pilot program in this County. When that pilot program is successful, it can be expanded to the entire County.

DISCUSSION

In 2019, the city managers in the County asked the County Health Services Department for help to improve the current MCRT program. MCRT was created to provide same day intervention for adults who are experiencing mental health crises. The Team includes licensed mental health clinicians, community support workers, and a family nurse-practitioner. The MCRT goal is to prevent acute psychiatric crises resulting in involuntary hospitalizations. The Team tries to de-escalate crises and connect clients to mental health resources. MCRTs are accessed by calling 1-833-443-2672 for adults and 1-877-441-1089 for Seneca, a program for children 17 and younger which was created in 1985.

MCRT is *not* an emergency service. Service coverage is Monday through Friday 7 a.m. - 11:30 p.m. Five teams are based out of Martinez and cover the entire County. Difficulty in accessing services, long response times and limited services hours have limited the community use of this service. The County Health Department recognizes this problem and with city managers acting as a catalyst has embarked on an aggressive and thorough expansion of the current program.

The expansion plans include 32 teams, 24/7 coverage and three regional locations to decrease response times. The response target is 30 minutes rather than "same day". MCRT will become available as an emergency service.

The plan stipulates routing of calls from multiple sources including 911 through a hub (Miles Hall Community Crisis Hub). Trained dispatchers at the hub will triage (prioritize) and direct specialized teams to the perceived level of risk. Level I, low intensity calls, will be routed to a team consisting of a peer support worker and an Emergency Medical Technician (EMT). Level II calls will be routed to a team with a professional clinician, a peer support worker and possibly an EMT. For a Level III, the highest intensity call, a law enforcement officer will be included in the team.

The MCRT service will be greatly expanded to include alternate destinations such as peer-operated temporary housing/care locations, crisis intervention services and sobering centers. Current 24/7 destination options for mental health crisis victims are the County Hospital Psychiatric Emergency Service, County Jail or remaining in place.

DHS has included mental health crisis victims and their families, community representatives (caregivers), law enforcement and city managers in the expansion planning process. It has reviewed existing program models in other cities including one from the United Kingdom. Plans include extensive use of communication and GPS technology. Funding and city-county cost sharing issues and a pilot rollout are still being explored.

During interviews, DHS indicated that it is receptive to the idea of a pilot program prior to a countywide implementation of their proposed expansion but has planned their expansion to be an "opt-in" for each city as some are planning their own crisis response measures. DHS has also expressed that it has found the city of Antioch, among others, to be an acceptable city should a pilot program be established.

The Grand Jury focused on identifying factors that would give a pilot project the tools needed for success and longevity that could then be expanded to a countywide program. The model programs examined share certain qualities that allowed a transition from successful pilot projects to permanent programs.

Model Programs

The Grand Jury investigated the four existing programs outlined below that have had a significant degree of success.

Eugene, Oregon – Crisis Assistance Helping Out On The Streets (CAHOOTS):

The CAHOOTS program was started in 1989. It is one of the oldest and most successful programs of its kind in the country. The program's response teams consist of a medic (nurse, paramedic or EMT) and a crisis worker who has substantial training and experience in the mental health field, as well as peer responders with similar life

experiences to those in crisis. The team responds to non-criminal calls such as mental health crises, expressed suicide ideation, and disturbances of the peace in which it is believed that de-escalation techniques would be possible. They also handle non-emergency medical situations.

The program website cites a 2016 study in the American Journal of Preventative Medicine that found between 20% and 50% of fatal encounters with police agencies involved an individual with a mental illness. CAHOOTS records in 2019 show that out of a total of approximately 24,000 calls, police backup was requested only 150 times. In 2017, CAHOOTS teams answered 17% of the Eugene Police Department's entire call volume.

The calls come through the city's 911 call center and the dispatchers are trained to triage calls and refer the appropriate ones to CAHOOTS response teams. Upon arrival, the team assesses the situation to confirm whether an actual police response is needed. If it is, the CAHOOTS team immediately calls the police and stays on the scene to advise the responding police officer of their assessment.

Portland, Oregon – Portland Street Response (PSR):

The program began as a pilot program in 2019 and was modeled after the CAHOOTS program. It was intentionally begun as a program in a limited geographical section of the city that, because of its success, has expanded and will continue to expand significantly in the next few years. PSR started with a community outreach program to both educate the citizens about the program and identify their concerns. The community quickly embraced the program.

PSR teams respond to calls through the 911 dispatch center and a separate non-emergency phone line. PSR responds instead of a police officer to various types of mental health related calls: substance abuse / drunk in public, disturbing the peace and/or loitering, welfare checks and suicidal risk. PSR does not respond to crimes, instances where people are identified as being armed with a weapon, or situations that threaten the lives of others.

PSR's response time is approximately 20 minutes, and they typically stay at the scene for at least an hour. PSR currently handles upwards of 80,000 calls per year and plans an expansion next year to ten mobile units. The expansion would include additional teams of medics and peer support specialists with specialized training in de-escalation and behavioral health. These teams will be dispatched on calls 24/7. In its two years of existence, PSR has significantly increased the ability of the police department to focus on criminally related 911 calls.

Denver, CO – Support Team Assisted Response (STAR):

This program began its operational phase in June 2016 as a pilot program in downtown Denver. It started as a program in which police officers and mental health professionals responded jointly to a request for assistance. The program has since evolved so that only the STAR team responds without police participation. As with the Portland PSR program, a significant community outreach effort describing services provided occurred

before the outset of the program. The outreach was directed not only at the citizens but also to non-governmental organizations, mental health professionals and civic leaders.

Calls originate through the 911 dispatch center, which in turn calls STAR responders. During the past year 30% of calls to police resulted in law enforcement calling the STAR responders to handle the situations, freeing the police to respond to criminally related calls. The program is run by a private non-profit organization through contracts with the city and county.

STAR personnel respond to calls regarding suicide/crisis intervention, welfare checks, and minor public disturbances not involving weapons or danger of bodily harm to others. During the first year of operation, STAR responded to 1,400 calls and the responders developed a good working relationship with law enforcement. The responders can call for a police officer if a situation escalates or they arrive to a scene different than that which was described to STAR in the initial call.

The program is transitioning from the city's Safety (Police) Department to its Public Health Department. STAR personnel determined that not being associated with the Police Department allowed more trust to be built with the communities served. Staff in this program work 3, 13-hour shifts per week, with a 4-hour period to be used for paperwork associated with documenting encounters and medical billing.

Olympia, Washington - Crisis Response Unit (CRU):

CRU started in April 2019 with a staff of six responders operating seven days a week, 7 a.m. to 8:40 p.m. Monday through Thursday, and 10 a.m. to 8:40 p.m. Friday through Sunday. After two years, the CRU has developed into a valuable option for crisis assistance. Responding unit members can provide a variety of services, including grief counseling, housing crisis assistance, substance abuse support, transportation to services, and referrals and connections to resources. CRU never restrains individuals against their will or takes them into custody.

Time, training, and trust have overcome initial police resistance to civilian access of their 911 communication system. Much of the day-to-day activity by CRU members is spent in the community including visiting homeless encampments, building relationships, and increasing the likelihood that they will be called when needed. Callers have increasingly requested CRU because it has become established and trusted in the community. In the second quarter of 2020 Olympia Police Department reported more than 500 contacts between CRU and community members - 175 of which were initiated by CRU members during their community outreach efforts. Police were only on scene for 86 of the total number of contacts.

Successful Program Aspects

The Grand Jury's review of CAHOOTS, PSR, STAR, and CRU found these common aspects:

1. All involved parties, including community leaders, actively work together from the outset to implement a working program.
2. Each program started as a pilot program and then expanded to include more people and a larger geographical area.
3. All participating agencies have an equal place at the table with a designated liaison person. These people meet regularly to discuss concerns regarding the day-to-day operation of the pilot program and adjustments that need to be made to ensure the ongoing acceptance by the community.
4. In all programs, the participants spoke unanimously about the importance of communication and trust. The trust needs to be a link between agencies and, critically, between law enforcement and mental health responders who are on the front lines of the effort. The people interviewed emphasized that communication and trust did not come overnight. It had to be developed and nurtured over time and after many joint responses by police and mental health responders to 911 calls.
5. Flexibility and adaptability have contributed to their longevity.
6. They all developed an effective public awareness campaign to educate the community about the services and benefits of a non-police mental health response program.

Pilot Program Development and Implementation

As with the programs studied, Contra Costa County is remarkably diverse, containing 19 cities and towns as well as unincorporated areas that vary greatly in their demographic composition and civic challenges. The need for a mental health professional response to non-criminal 911 calls is a countywide issue.

There are several components shared by the existing programs that are vital to include in a County pilot program. The CAHOOTS program has been in operation and constantly adapting to changing circumstances for over 30 years. The other programs were originally modeled after it and changed to fit the different demographics and needs of the various communities. Some of the most important distinguishing features are:

- A large and very visible effort should be made to educate the public about the program and exactly what will happen when citizens call either 911 or a special mental health response number regarding a non-crime related crisis.
- The number of responders and mobile units must be sufficient to provide reasonable response times given the size of the geographical area that they will be covering and the number of citizens they are serving. Long response times (over the 30 minutes proposed by DHS) will not inspire trust by the callers or community at large, and people may lose confidence that someone will quickly respond to their emergency.

- Initially, the mental health responders are dispatched to work on-scene in conjunction with law enforcement. As stated above, people emphasized that a relationship between civilian and law enforcement responders takes time to develop and comes to fruition only when trust develops. Law enforcement must trust that the mental health responders will accurately assess and deal with an emergency call without their assistance. Once that happens, the program can evolve into one in which only civilian mental health professionals are dispatched to an appropriate scene and these responders can rely on law enforcement when deemed necessary.
- There should be training of law enforcement and professional mental health responders in the rules and protocols of the program and other resources available. The training must ensure that all participants know their individual roles and how those roles fit into the program. The current DHS expansion plan addresses this important feature.
- A communication system must be put into place so that 911 calls can be dispatched seamlessly to either law enforcement or an alternative crisis response team, which is also addressed by the DHS expansion plan.

The current MCRT program's days and hours of operation are limited, and calls go to voicemail during published hours of operation because of understaffing and underfunding. Teams are in Martinez, resulting in long response times of 60-80 minutes due to traffic and congestion. County 911 dispatchers are often unable to determine if a responder is available for any given call, even if they believe that the call may be appropriate for an MCRT response. The planned expansion of the program addresses these concerns but lacks necessary resources to implement them, especially countywide. DHS is attempting to implement an expanded version of its current MCRT program throughout the County with far fewer resources than the other successful programs required. A major advantage of using a pilot program is that it would be easier to demonstrate success on a small scale and thereby justify additional funding for expansion.

DHS stated that, given funding and staffing goals, implementation of a countywide expansion may take at least a year. The programs that the Grand Jury researched were consistent in stating the importance of initiating a pilot program in a community that is manageable for viable mobile response, in both land area and population density. Success in those areas enabled the programs to then be expanded to include more neighborhoods or districts and more effectively address the needs of the communities they serve.

DHS also stated that its efforts to educate the community about the programs currently available have not been effective and need improvement. As shown in the programs mentioned, a pilot project in a single city would give the County the opportunity to determine best practices to communicate program features and benefits through various public awareness campaigns.

Funding

The four programs researched successfully navigated funding challenges which are two-fold: startup and continuing operations. The goal in each case was to demonstrate program effectiveness to justify further funding for continued operations and expansion. The County already has a budget for its MCRT program which could be augmented by additional sources of funding such as those outlined below that are used by other programs.

The CAHOOTS Program was initially funded through the Eugene Police Department budget in 1989 as a single shift operation. It has grown considerably over the years and now offers 24/7 service with overlapping two-van coverage and is funded through a contract with the city and operated by a non-profit organization. Their current annual budget is about \$2.1 million. In a May 2021 press release, a cost analysis reported savings to the city of \$2.2 million in officer wages alone, with additional savings resulting from reduced ambulance and emergency room utilization. Police and CAHOOTS leaders have estimated overall savings to the city to be \$8.5 million annually.

Another source of long-term funding currently being addressed is the Eugene community safety payroll tax which became effective in January 2021.

As a direct result of this program's effectiveness, in March 2021, Oregon's U.S. Senator Ron Wyden introduced the "CAHOOTS Act" S.4441 to offer federal assistance to communities wanting to start their own behavioral health alternative programs. The Act would offer Medicaid reimbursement for up to 95% of operating costs in addition to grants for setup and planning costs. This is not yet signed into law but its progress through the U.S. Congress should be continually reviewed as a potential source of funding for a program in Contra Costa County.

Denver's STAR Program was started from a 0.25% sales tax increase with an outstanding 70% voter approval. The mental health portion of the tax increase contributed the \$200,000 cost of the pilot program. For fiscal year 2021-2022, Denver has allocated \$1.4 million in the city's budget to continue the STAR program. The funding would be used to purchase four additional vans and fund six new two-person teams, as well as to hire a full-time supervisor. The program is funded in part through the city sales tax and Medicaid reimbursements.

Portland's PSR program is operated through the Portland Fire and Rescue Department, staffed with city employees, and funded through the city budget. The \$500,000 startup cost for the program was funded by the City for a Spring 2020 launch but was delayed until February 2021 due to Covid concerns. On June 17, 2021, the Portland City Council approved a budget including \$4.8 million (estimated annual operating cost) for PSR.

Olympia's CRU has relied on a combination of local tax revenue and grant funding to support its crisis response initiatives. In November 2017, voters passed a public safety levy that included funds for an enhanced crisis response, with a focus on improving conditions in the downtown area. The levy allocated \$110,100 for startup and \$497,000

in annual costs, for the Olympia Police Department to contract with a behavioral health partner. This partnership would staff CRU as an alternative to police response led by civilian behavioral health specialists.

Nationally, S.2661 - National Suicide Hotline Designation Act of 2020, a bipartisan bill to make “988” the national number to call for people in crisis, was signed into law in October 2020, providing an alternative to 911. The federal law gives each state the ability to raise money to fund the call centers, as well as related mental health crisis services, by attaching new fees to phone lines.

California’s AB-118 enacted the Community Response Initiative to Strengthen Emergency Systems Act, or the C.R.I.S.E.S. Act. This bill was signed into legislation on October 8, 2021, and includes a minimum C.R.I.S.E.S. grant award of \$250,000 per year to create and strengthen community-based alternatives to law enforcement. The intent is to lessen the reliance on law enforcement agencies as first responders to crisis situations unrelated to a fire department or emergency medical service response.

California AB-988, authored by Assemblywoman Rebecca Bauer-Kahan (D-Orinda), would implement the National Suicide Hotline Designation Act of 2020 by July 16, 2022. This bill, if enacted, would implement the Federal Communication Commission’s rules designating “988” as the three-digit number for the National Suicide Prevention Hotline. Consequently, all persons in California would have access to the “988” suicide prevention and behavioral health crisis hotline and care 24 hours a day, seven days a week.

The bill would amend California Government Code Section 3123.7(e)(2)(B), to make monies received from the new State Mental Health And Crisis Services Special Fund available for, among other things, “the operation of mobile crisis support teams.”

Measure X funds may also be available to enable DHS expansion. County voters approved Measure X in November 2020, increasing the sales tax in Contra Costa County by 0.5% for twenty years, generating an estimated \$81 million per year for essential services including emergency response. Allocation of these funds is overseen by an Advisory Board, which creates a detailed priority list of the top ten service gaps and submits a recommended list to the Board of Supervisors.

A related countywide financial issue is the cost of lawsuit settlements and/or insurance premium increases due to losses related to the following police responses to mental health crises:

- Miles Hall, 2020: \$4,000,000 (ABC7News.com)
- Rakeem Rucks, 2020: \$475,000 (LegalReader.com)
- Umberto Martinez, 2020: \$7,300,000 (KTVU.com)

A successful MCRT expansion will help minimize these costs to county taxpayers.

Why Antioch?

One advantage of a pilot program is that the infrastructure of the project is already present within the MCRT division of the County DHS and has been factored into its budget.

In its search for a particular pilot community representative of the County, the Grand Jury found many reasons to select Antioch as a suitable city.

Demographics: The City of Antioch's population estimate is currently 111,000, which is just over 10% of the entire County's population (1,050,000), with substantial socio-economic diversity.

Population Density: Response times are crucial for an individual suffering a mental health crisis. Contra Costa County has a land area of 804 square miles and the City of Antioch has a land area of 28 square miles. With over 10% of the County's population residing in less than 3.5% of the land area, the City of Antioch is well suited for a pilot program.

Homeless Population: Multiple studies have established that homeless populations have significantly higher incidences of mental health illness and substance abuse than the general population. (See Social Science and Medicine, Vol. 268, January 2021) Law Enforcement and City officials interviewed agree that homeless encampments require a higher level of services than the rest of the community. Although specific population counts of the homeless are difficult to estimate, January 2019 estimates for the County were 2,295 homeless (combined sheltered and unsheltered), representing a 43% increase in two years. (See the Contra Costa Health, Housing & Homeless 2021 Point In Time Report.) Antioch's homeless population was counted as the second highest in the county in that report and has been described by both city administration and police sources as "considerable."

FINDINGS

- F1. Professional crisis team response to mental health calls can de-escalate a crisis and reduce deaths.
- F2. Law enforcement response to mental health calls reduce resources needed for serious crimes.
- F3. Successful pilot programs in other states have earned voter funding support for program expansion.
- F4. Community trust in mental health crisis response teams can only be developed over time.
- F5. Educating the community about mental health crisis response teams is essential for their acceptance and use.
- F6. DHS efforts to educate the community about MCRT services have been ineffective and need improvement.
- F7. Funding is required for all the phases of program development: start-up, pilot, and continuing operations.
- F8. California funding grants, including AB-118, are available for pilot program creation and continuing operations.
- F9. The current MCRT program does not provide standardized responses within the County due to limited hours of service and a single dispatch location.
- F10. The City of Antioch is a suitable community to serve as a pilot city for the MCRT expansion program.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. By June 30, 2022, the Board of Supervisors approve funding for the expansion of the existing DHS/MCRT program to include a pilot project.
- R2. By June 30, 2022, the Board of Supervisors direct DHS to cooperate with the City of Antioch to develop a pilot project.
- R3. By September 30, 2022, the Antioch City Council collaborate with DHS to establish a pilot project.
- R4. By October 30, 2022, the City of Antioch apply for grants, including AB-118, to fund its participation in the pilot program.
- R5. By June 30, 2022, the Board of Supervisors direct DHS to establish a joint team including representation from community partners for administration of the pilot

project.

- R6. By September 30, 2022, DHS and the City of Antioch begin a comprehensive program to inform and educate the community members about the project and the specific resources that will be available at the outset of the pilot project.
- R7. By December 31, 2022, the Antioch Police Department and its 911 dispatchers augment their training to include the new MCRT alternative response options available.
- R8. By September 30, 2022, DHS apply for all available state, county, and private grants (e.g., AB-118), as well as money available through Measure X, as a source of funding.
- R9. By December 31, 2021, DHS implement ongoing monitoring of the proposed CAHOOTS Act (S.4441) as an additional source of funding.
- R10. By September 30, 2022, if Antioch is not willing to be a pilot program city, DHS identify and approach an alternate city and work with it on the recommendations related to Antioch.

REQUEST FOR RESPONSES

| Agency | Findings | Recommendations |
|--|----------------|------------------------|
| Contra Costa County Board of Supervisors | F1 through F10 | R1, R2, R5 through R10 |
| Antioch City Council | F8, F10 | R3, R4, R6, R7 |
| Department of Health Services is invited to respond. | F1 through F10 | R1, R2, R5 through 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 should be mailed to:

Civil Grand Jury-Foreperson
725 Court Street
PO Box 431
Martinez, CA 94553-0091

