

2017-2018 San Luis Obispo County Grand Jury

FINAL REPORT



San Luis Obispo County Grand Jury



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www.slo.courts.ca.gov/gi/jury-grandjury.htm





John Ellsworth
Weaver III

2017-2018 San Luis Obispo County Grand Jury

Back Row, L-R: Rich Ivie; Bill McQuilkin, Foreperson; Henry Ribbe; Terry Wingate; Raymond Foster; Gary Milne;
Dennis Weaver; James Fitzgerald; Jack Kretovcics
Front Row, L-R: Ginger Garrett, Presiding Judge; Anita Schwaber; Kathleen Penzes;
Bill Hayes, Foreperson Pro Tem; Catherine Shipp; Kathleen Mastako; Reggie Rini, Admin Asst.

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GRAND JURY APPROVAL


California Penal Code §933(a) states:

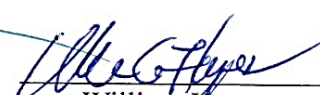
"Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year..."

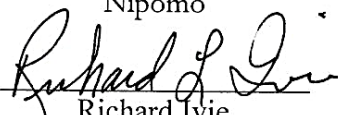
In conformance with the aforementioned Penal Code requirement, the 2017-2018 San Luis Obispo County Grand Jury approves and respectfully submits this report to the Honorable Judge Ginger Garrett, Presiding Judge, Superior Court of California, County of San Luis Obispo.


William McQuilkin, Jr.
Nipomo

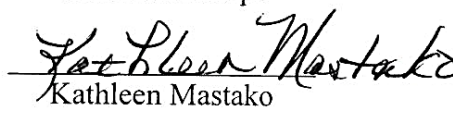

James Fitzgerald
Nipomo



Raymond Foster
Paso Robles

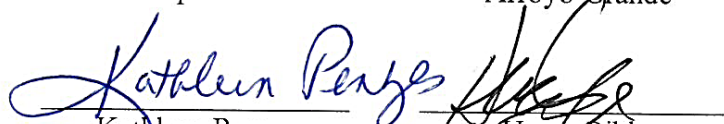

William Hayes
San Luis Obispo

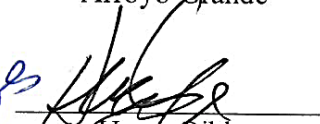

Richard Ivie
Templeton

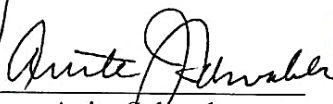

Jack Kretovics
Nipomo

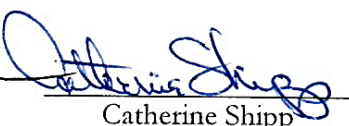

Kathleen Mastako
Arroyo Grande

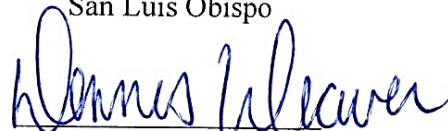

Gary Milne
Arroyo Grande

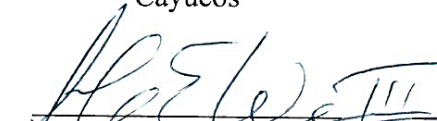

Kathleen Penzes
Arroyo Grande

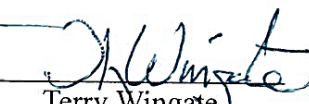

Henry Rible
San Luis Obispo


Anita Schwaber
Cayucos


Catherine Shipp
Atascadero


Dennis Weaver
Nipomo


John Weaver, III
San Luis Obispo


Terry Wingate
Grover Beach

FOREPERSON'S FORWARD

The 2017-2018 San Luis Obispo County Grand Jury had a very productive year with eight published reports and a high degree of collegiality. We were able to maintain a tight schedule around the completion and publication of these reports prior to the end of the grand jury year. A primary focus of this grand jury was producing reports of very high quality with concise recommendations supported by the facts and investigative findings.

In addition to our investigative tours of the California Men's Colony, San Luis Obispo County Jail and county and city holding cells mandated by the California Penal Code, we investigated the newly created County Coroner's facility and the County Psychiatric Health facility. We also toured the recently completed County Crisis Stabilization facility, as well as Atascadero State Hospital (ASH is not in our jurisdiction, but they welcomed a courtesy visit by the Grand Jury.)

The San Luis Obispo County Grand Jury acts as a civic watchdog over local government and provides citizen oversight throughout San Luis Obispo County, including the seven cities, special districts and County agencies. The Grand Jury has no specific enforcement authority, nor does it deal with criminal investigations. Its true impact comes from the seriousness of the subjects reported upon and attention paid to the reports by the media and greater community.

Much of the investigative and writing work of the grand jury is done through our committees. I would like to recognize our committee chairs who oversaw the process and contributed greatly to the final reports: Rich Ivie, Kathleen Penzes, Henry Rible and Anita Schwaber.

Bill Hayes, the Grand Jury Foreperson Pro Tem, was a great help to me and contributed with his weekly agendas and superb note-taking.

For me as Foreperson, this has been a very stimulating experience and a pleasure to serve with the other grand jurors. I have gained a deeper respect for the significant role of government in San Luis Obispo County.

Bill McQuilkin, Foreperson
2017-2018 San Luis Obispo County Grand Jury

AUTHORITIES FOR GRAND JURY INQUIRIES

The authority for our inquiries is sanctioned by one or more of the following sections of the California Penal Code:

§919(b): “The grand jury shall inquire into the condition and management of public prisons within the county.”

§925: “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county”.

§925(a): “The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit. The grand jury may investigate and report upon the needs of all joint powers agencies in the county, including the abolition or creation of agencies and the equipment for, or the method or system of performing the duties of, the several agencies. It shall cause a copy of any such report to be transmitted to the governing body of any affected agency. As used in this section, "joint powers agency" means an agency described in Section 6506 of the Government Code whose jurisdiction encompasses all or part of a county.”

§928: “Every grand jury may investigate and report upon the needs of all county officers in the county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices. Such investigation and report shall be conducted selectively each year. The grand jury shall cause a copy of such report to be transmitted to each member of the board of supervisors of the county.”

§933.5: “A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission.”

§933.6: “A grand jury may at any time examine the books and records of any nonprofit corporation established by or operated on behalf of a public entity the books and records of which it is authorized by law to examine, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such nonprofit corporation.”

AUTHORITIES FOR AGENCY RESPONSES

The following section of the California Penal Code is cited as the authority under which each agency must respond to the Superior Court:

§933.05 (a): For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

§933.05 (b): For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

§933.05 (c): However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand

jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

§933.05 (d): A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

§933.05 (e): During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

§933.05 (f): A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

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FINAL REPORTS

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GRAND JURY REPORTS: DOOMED TO REPEAT?

INTRODUCTION

We, the 2017-2018 San Luis Obispo County Grand Jury, review responses to recent reports and contemplate Edmund Burke’s observation, “Those who don’t know history are doomed to repeat it.” We wonder if Grand Juries who review Grand Jury history are doomed to write reports on certain issues year after year?

The mission of a Grand Jury in California, as defined in the State Penal Code, is to provide citizen oversight of governmental agencies within a county, such as cities, special districts or county agencies. Jury members identify issues they believe need attention, interview relevant parties and do extensive research. By the end of their term they issue reports and recommendations on their findings. The relevant agencies are required to respond to each recommendation noting their agreement or disagreement.

A continuity report, such as this one, enables an entering Grand Jury to look back to determine if those recommendations with which the agencies agreed have been implemented, or if those with which they disagreed have received any attention. The end goal is to ensure that the work of the Grand Jury is taken seriously by the addressed agencies, and that the public is provided an update on responses.

The following informational report provides a recap of the status of findings and recommendations made by the 2016-2017 San Luis Obispo County Grand Jury. (Ctrl + Click on an individual report title if you wish to go there immediately:)

[REPORT: HOW LONG WILL THE NEED GO UNFULFILLED? RESIDENTIAL DETOXIFICATION IN SAN LUIS OBISPO COUNTYpage 3](#)

[REPORT: IS IT FIVE MINUTES TO MIDNIGHT IN CAMBRIA? AN UPDATE ON THE RISK OF CATASTROPHIC FIREpage 11](#)

[REPORT: INCARCERATION IN SAN LUIS OBISPO COUNTY: INMATE HEALTH AND SAFETY AT THE COUNTY JAILpage 15](#)

[REPORT: JUVENILE HALL: SAFE, SECURE AND SUPPORTIVE BUT DOES IT HAVE SURPLUS SPACE?page 18](#)

[REPORT: AN INNOVATIVE APPROACH TO COST AND SCHEDULING CHALLENGES IN COUNTY CAPITAL PROJECTSpage 22](#)

[REPORT: INSPECTING CALIFORNIA MEN’S COLONY: A FOCUS ON HEALTH AND SAFETYpage 26](#)

[Response Summary for the Reports.....page 29](#)

ORIGIN

A continuity report is traditionally prepared by each year’s San Luis Obispo County Grand Jury (Grand Jury.)

AUTHORITY

California Penal Code sections 933 and 933.05 prescribe responses to findings and recommendations. The Grand Jury posts all its reports and each agency’s response(s) online each year at www.slo.courts.ca.gov/gi/jury-grandjury.htm.

METHOD

The 2017-2018 Grand Jury reviewed official responses from all agencies in preparing this report. Agencies were asked to respond if they agreed with a recommendation, partially agreed, disagreed, or will implement later. Their responses typically included additional comments or rationale. When additional details were required, such as current status on replies where intent to implement a recommendation was earlier provided, the Grand Jury formally requested an update of status by letter.

NARRATIVE

The 2016-2017 Grand Jury issued six investigative reports, five of which required follow up. This report contains detailed information regarding agency responses to the 2016-2017 findings and recommendations. In addition, the current Grand Jury reviewed recommendations and responses from the 2014-2015 and 2015-2016 reports to determine if any open issues remained.

The following reports are from the 2016-2017 Grand Jury:

REPORT: HOW LONG WILL THE NEED GO UNFULFILLED? RESIDENTIAL DETOXIFICATION IN SAN LUIS OBISPO COUNTY

This report examined the availability of detox services in San Luis Obispo County and the delivery of drug and alcohol treatment services at the County Jail for inmates with substance use disorders. The 2016-2017 Grand Jury recommended the County develop a residential detox facility to serve its Medi-Cal and other less financially able residents and identified several changes that if made within the jail would enhance delivery of inmate addiction treatment. They also recommended the County and the City of San Luis Obispo consider a law enforcement-led diversion program for certain substance-abusing arrestees. Ten findings and ten recommendations were made.

Finding 1 [*\(Return\)*](#)

“Available and affordable detox services are necessary for delivering comprehensive substance abuse treatment in San Luis Obispo County.”

The San Luis Obispo County Health Agency (Health Agency) agreed with the finding.

Finding 2 [*\(Return\)*](#)

“The opening of the Haven provides needed detox services for County residents who are privately insured or can afford the high costs.”

The Health Agency agreed with the finding.

Finding 3 [*\(Return\)*](#)

“There are no detox services available in the County for those with limited financial resources or insurance through Medi-Cal or Medicare.”

The Health Agency agreed with the finding.

Finding 4 [*\(Return\)*](#)

“The County Jail provides physical detox to newly admitted inmates but fails to provide the additional psychological and social treatments and supportive environment essential for the first phase of addiction treatment: detox-stabilization.”

The Health Agency agreed with the finding.

The San Luis Obispo County Sheriff’s Office (Sheriff) disagreed in part with Finding 4. They agreed that the County Jail provided physical detox to newly admitted inmates; however, they stated they did not have the expertise to provide any additional treatment; therefore, they were unable to address that portion of the finding. (We note this disagreement appears to affirm the stated finding with which they partially disagreed. We also note that under the County’s bifurcated structure for inmate well-being, the Sheriff has no apparent “say,” or responsibility for that portion of inmate well-being.)

Finding 5 [*\(Return\)*](#)

“There are some arrestees currently booked in the County Jail who would be more effectively served by a diversion program, like Law Enforcement Assisted Diversion, and/or receiving treatment in a residential substance-abuse facility.”

The Health Agency agreed with the finding.

Finding 6 [*\(Return\)*](#)

“There is a lack of integration in how medical and drug/alcohol services are provided at the County Jail.”

The Health Agency agreed with the finding. (The Health Agency appears to have agreed for the Agency's Drug and Alcohol Services, the Agency's Health Care Services Division, also, since they did not submit their own responses.)

Finding 7 **[\(Return\)](#)**

“The use of medication-assisted approaches for detox and addiction treatment at the County Jail is limited while other jurisdictions have been able to provide such treatments.”

The Health Agency agreed with half of Finding 7 but stated they did not have sufficient information about what other jurisdictions are doing relative to providing detox and addiction treatment. (We note the Health Agency claims ignorance on other jurisdictions' activities. We believe Grand Jury reports should provide questions that encourage agencies to adopt a culture of embracing education on selected subjects within their purview. We appreciate how extensive is the required knowledge for Health Agency's many responsibilities but remind Health Agency that this is one of their duties.)

Finding 8 **[\(Return\)](#)**

“Logistical and environmental challenges at the County Jail make delivery of drug and alcohol treatment services difficult and inefficient due to placement of inmates with substance use disorders.”

The Health Agency agreed with the finding.

The Sheriff also agreed with the finding and noted that the logistical challenges in the County Jail make it difficult to deliver treatment. The existing jail was not designed for long-term inmate treatment.

Finding 9 **[\(Return\)](#)**

“With the opening of the women's jail, there is unused space in the honor farm which presents an opportunity for alternative program development.”

The Sheriff agreed with the Finding and stated that they would make the space available for alternative programming. He also said two modular units adjacent to the jail are available and could be used for treatment.

Finding 10 [*\(Return\)*](#)

“The homeless shelter has no clear plan as to how it will provide its long-anticipated detox beds/service.”

While the Health Agency stated they had several staff members participating in the planning committee for the homeless shelter addressing the topic, they could not respond in any definitive way regarding the finding - they were not the entity building the new Homeless Services Center. (Since the Health Agency had representatives at the planning committee meetings reporting back, it seemed unusual that the Health Agency did not have an opinion on this finding. However, the Grand Jury is aware that since this response was given Community Action Partnership of San Luis Obispo County, Inc. (CAPSLO) will within the next two years develop and operate a residential detox center on the site of the new Homeless Services Center. Since CAPSLO does not have the capacity or expertise to operate the detox center, it is looking to the Health Agency, through its Behavioral Health Department, to operate the center or manage a contract with a qualified vendor. The Health Agency has received Board of Supervisors (BoS) support for this plan, although there is still a question of the finances.)

Recommendation 1 [*\(Return\)*](#)

“The County Health Agency’s Drug and Alcohol Services should resume its concentrated efforts to develop a residential detox service in the County to serve its Medi-Cal and less financially able citizens.”

The Health Agency stated the recommendation had been implemented and was expected to meet “network adequacy” in three years.

Recommendation 2 [\(Return\)](#)

“The Board of Supervisors should direct the Sheriff and the Health Agency to evaluate the feasibility of and approach to repurposing vacated buildings within the County Jail’s honor farm as a residential detox service. A final report on the feasibility and if indicated the specific steps required to convert this housing to a substance-abuse residential and/or treatment facility should be completed by June 2018.”

The BoS stated this recommendation will be implemented. The Health Agency and the Sheriff will work through the SLO County Community Corrections Partnership (CCP) to evaluate repurposing of the vacant buildings as a residential detox facility. The Health Agency and the Sheriff will present a report to the BoS for further consideration in June of 2018.

Recommendation 3 [\(Return\)](#)

“The County Health Agency’s Drug and Alcohol Services should expand its County Jail programs, including individual and group counseling, to cover inmates who go through withdrawal protocols regardless of AB 109 status.”

BoS and the Health Agency stated this recommendation requires further analysis. BoS anticipates the analysis will be complete in January of 2018 and will include a review of inmate addiction status, treatment needs, treatment space requirements, and cost.

(We note if the Health Agency completed its analysis, it had not reported to BoS yet, based on the Board of Supervisors’ Agendas and item documents for the month of January. There was a report presented on 12/5/2017 to the BoS regarding a “Stepping Up” initiative which covered only a portion of the recommendation.)

Recommendation 4 [\(Return\)](#)

“The County Jail should revise inmate classification and cell assignment to take into account the inmate’s substance abuse treatment needs and interest in such when determining cell placement.”

The Sheriff agreed and has tried to do this whenever possible; however, under the present jail conditions, based on configuration and classification of inmates, this can be very difficult to accomplish. With added programming space the placement of inmates may be possible with some exceptions.

Recommendation 5 [\(Return\)](#)

“The County Jail should house inmates interested and/or involved in drug and alcohol services in such a way as to create groups of addiction-treatment participants (e.g., units or pods) that allow for efficient delivery of treatment services; this includes separation from other inmates who interfere or disrupt treatment participation.”

The Sheriff believes this requires further analysis. In principle, the Sheriff agreed with this recommendation; however, he believes this would be difficult to accomplish. With added programming space it may be easier to do.

Recommendation 6 [\(Return\)](#)

“The County Health Agency and Sheriff should integrate the functions of the jail’s medical and drug and alcohol service providers by locating their offices in close proximity and requiring coordinated care for inmates with substance use disorders.”

The Health Agency and the Sheriff stated that while this recommendation has not yet been implemented, it will be when the new medical facility and jail programming space are completed.

Recommendation 7 [\(Return\)](#)

“The County Health Agency should pilot the usage of medication-assisted treatments, i.e., Buprenorphine and Naltrexone, with a select population of opioid and alcohol addicts at the County Jail.”

The Health Agency stated this recommendation requires further analysis. The Health Agency currently provides the continuation of medication-assisted treatment in jail for inmates who are on Methadone treatment when they are jailed. It also initiates Methadone treatment for pregnant

women when that protocol is indicated. The Health Agency is also studying the use of medication-assisted treatment in jails/prisons through the California Healthcare Foundation. The goal is to develop a pilot program with both sustainable costs for staff and medications in the jail. The Health Agency will collaborate with the Sheriff's Office staff to develop the operational processes. By January 2018 they will have evaluated the need for increased staffing and any additional resources needed.

(We note if the Health Agency and the Sheriff's office completed their analysis, they have not yet reported to BoS, based on the Board of Supervisors' Agendas and item documents for the month of January. There was a report presented on 12/5/2017 to the BoS regarding a "Stepping Up" initiative which may have taken the place of some of the recommended report, but based on the reporting of the meeting it did not appear to include all of the factors that were to be reviewed.)

Recommendation 8 [\(Return\)](#)

"The Board of Supervisors should evaluate the Law Enforcement Assisted Diversion program or a similar pre-booking substance abuse diversion for County implementation as a means of motivating and engaging young adult arrestees who are assessed to be primarily substance abusers and not criminally oriented. A written evaluation by the County Administrative Officer should be reviewed at a meeting of Board of Supervisors by June 2018."

The BoS stated they will implement this recommendation. They will have the SLO County Community Corrections Partnership (CCP) examine the Law Enforcement Assisted Diversion program, or a similar program to determine feasibility and the level of inter-agency support required to roll out the program for the County. CCP is to provide its report in June of 2018 to the BoS for further consideration.

Recommendation 9 [\(Return\)](#)

"The San Luis Obispo City Council should evaluate the Law Enforcement Assisted Diversion program or a similar pre-booking substance abuse diversion for City implementation as a means of motivating and engaging young adult arrestees who are assessed to be primarily substance

abusers and not criminally oriented. A written evaluation by the City Manager should be reviewed at a meeting of the San Luis Obispo City Council, by June 2018.”

SLO City has not responded. They have been contacted to provide a response.

Recommendation 10 (Return)

“The County Health Agency should direct its Drug and Alcohol Services to work with the board of the homeless shelter to develop a plan for operationalizing two detox beds in the yet-to-be-built Homeless Services Center, which could entail the DAS providing onsite outpatient detox services if other treatment options are not viable. This plan is to be developed prior to the opening of the center or by June 2018.”

The Health Agency stated this recommendation has already been implemented. Staff members are currently working with the Homeless Services Center. They stated the development and completion of the plan is dependent on the timeline set by CAPSLO.

[Return to Report List \(Ctrl + Click\)](#)

REPORT: IS IT FIVE MINUTES TO MIDNIGHT IN CAMBRIA? AN UPDATE ON THE RISK OF CATASTROPHIC FIRE

This report (one of a number of reports issued over the years on this subject) was conducted to provide an updated assessment of the risk of fire in Cambria, to ensure focus on the imminent danger, to make people aware of the advances Cambria Community Services District (CCSD) has made, and to identify areas that require additional attention. As we have watched the destruction of portions of Northern and Southern California from the fires and their aftermath, we are even more concerned for Cambria. Any fire could become devastating to its citizens and their property. Four findings and three recommendations were made.

Finding 1 (Return)

“Local agencies took the report issued by the 2014-2015 Grand Jury seriously and have made a positive impact by their responses to it.”

No response was necessary; however, Cambria responded that they agreed with the finding.

Finding 2 ([Return](#))

“Cambria Community Services District’s (CCSD) continued lack of a fire hydrant testing program represents an unnecessary risk.”

CCSD agreed with the finding. They acknowledged that fire hydrant testing was sporadic and that a formal program was never adopted because of 1) lack of personnel, 2) uncertainty as to whether the Fire Department or the Water Department was responsible for testing and maintaining the system, and 3) the drought, which heightened the perception that testing was wasteful and unnecessary.

Finding 3 ([Return](#))

“The CCSD is currently limited in its ability to force removal of dead trees from private property which adds unnecessarily to the fire risk.”

CCSD agrees with the finding, and believes this is a significant problem. CCSD currently has a Fire Hazard Fuel Reduction Program (FHFRP) which mandates the removal of trees (live or dead) that have fallen over the previous year.

Finding 4 ([Return](#))

“Additional actions are warranted to further limit the critical fire danger and prepare for improved response to a critical fire.”

CCSD agreed with the finding, and stated that they have made an effort to reduce fire danger by implementing the following programs:

1. Enhancing shaded fuel breaks
2. Enforcement and expansion of FHFRP
3. Cambria Fire Safe Focus Group receiving a Firewise Community Declaration
4. Community awareness and education
5. Addition of firefighting personnel

Recommendation 1 ([Return](#))

“CCSD should resume a regular plan for fire hydrant testing as soon as possible and no later than the end of calendar year 2017.”

CCSD agreed with the recommendation. CCSD Fire Department states they have adopted two new policies regarding fire hydrant maintenance and flow testing. They are testing an average of twelve hydrants a month. CCSD stated they had completed 51 hydrants (which represented fewer than 14 percent of their hydrants). CCSD states once they have tested all of the hydrants they will continue to flush and maintain all hydrants on a two-year basis.

(We commend Cambria on establishing a testing and maintenance schedule. We note that private hydrants in California are required to be inspected every year for maintenance and to assure they are working; at a minimum, fire hydrants should have flow testing done once every five years. Based on the CCSD numbers, it will take approximately 2.5 more years to complete the fire hydrant maintenance for the initial testing. We wonder if the maintenance schedule is adequate.)

Recommendation 2 ([Return](#))

“CCSD should amend their fire code to require the removal of dead trees from private property while exploring funding sources to help homeowners in need of financial assistance comply with that requirement.”

CCSD agreed with the finding, and states that while they have worked with the BoS to approve a resolution to bring the community’s fire protection standards into compliance with surrounding communities, they have not been able to address the fire code to require removal of dead trees, nor have they found funding sources to help homeowners who would need financial assistance to comply with such a code.

CCSD states it is their plan to work with their District Counsel to possibly develop a specific tree removal ordinance. However, CCSD notes that two of their Ad-Hoc Fire Committee members resigned. Until they are replaced, the committee is not meeting and cannot pursue the tree removal ordinance which in turn keeps the CCSD from pursuing it. (Because of the importance of amending

their fire code, we believe that CCSD, along with their fire department, should pursue discussions with their District Counsel to explore their options without waiting to get additional members to join the Ad-Hoc Fire Committee.)

Recommendation 3 ([Return](#))

“CCSD should request its staff to evaluate and recommend whether any of the following actions should be pursued and funded:

- Post evacuation route signs on primary evacuation routes.
- Identify key streets presenting fire truck access challenges and develop a no-parking strategy for those streets.
- Work with the Fire Safe Council to seek additional funding and permits to allow for removal of broom and other flammable brush along Highway 1 rights-of-way within the general area of Cambria.
- Develop a strategic fire plan for Cambria. Gain approval by the CCSD Board of Directors, and implement the plan by the end of 2017.
- Renew efforts to ensure the reverse 911 plan is fully understood by Cambria residents and that everyone who should be registered is registered.”

CCSD agreed with the recommendation and stated they have contacted the SLO Department of Public Works about evaluating additional evacuation signs on primary roadways. They are working to develop the best locations and signage. They have also discussed extending the siren warning system to Cambria with the SLO County Office of Emergency Services. They are also considering the development of an entirely separate emergency notification system for Cambria. No deadline was provided for this action. (We note that in our collective experience often if there is no deadline, actions are delayed or don’t get done at all.)

CCSD will reach out to SLO Department of Public Works to identify additional areas for limited or no parking. They will also consider updating existing streets to single-side parking to allow emergency vehicles to pass. (No deadline was provided for this action.)

CCSD has worked with the Fire Safe Council and has been awarded grants for chipping as well as a \$498,000 grant for hazardous fuel reduction. CCSD pursued the possibility of acquiring a Bio Mass Gasification Generator to produce energy while removing the diseased and dead trees from Cambria, and has now abandoned it.

The 2012 strategic fire plan, which was to be the guiding document for ten years, was never formally reviewed or adopted by the CCSD administration and Board of Directors. It is no longer valid. The Fire Department has been given direction to develop a new strategic plan. (No deadline was provided.)

The Cambria Fire Department has made an effort to connect to all forms of social media to further expand Reverse 911 notifications, including a Facebook page. All land lines are automatically registered with the SLO County Sheriff Department. Cell phones are not automatically registered. CCSD and the Fire Department have and continue to advertise the benefit of registering cell phones with Reverse 911 to get emergency information. The Fire Department is using Nixle as an additional form of notification. They are encouraging smartphone users to download the free app and register with local agencies. CCSD points out that they are not responsible if people choose not to register. (We commend CCSD and the Cambria Fire Department for their attempts to reach out to cell phone users in their district.)

[Return to Report List \(Ctrl + Click\)](#)

REPORT: INCARCERATION IN SAN LUIS OBISPO COUNTY: INMATE HEALTH AND SAFETY AT THE COUNTY JAIL

This report was undertaken as part of the annual inspection of public prisons, but developed into a limited look at the death of four inmates at the County Jail. The Grand Jury took a detailed look at issues related to changes in population and programs with a specific focus on safety and health, including suicide risk and overall medical care at the San Luis Obispo County Jail. The Grand Jury made five findings and one recommendation.

Finding 1 [\(Return\)](#)

“There is inadequate physical space to conduct programming for male inmates. This lack of space restricts the amount of programming offered, as well as inmate participation.”

The San Luis Obispo County Health Agency (Health Agency) agreed with the finding. They pointed out that in large part the situation would be improved by construction of the new medical facility.

The San Luis Obispo County Sheriff’s Office (Sheriff) disagreed in part with this finding. The Sheriff points out that it is a conflict with an inmate’s classification, more than lack of space, that limits programming in a group setting. The Sheriff points out that on the date of the response, July 11, 2017, there were 81 inmates classified as Administrative Segregation and 161 classified as Protective Custody. Those inmates are unable to interact with one another, nor with the general population inmates. This limits the programming available to them. The Sheriff agrees the majority of the jail was built without programming space which makes programming difficult for general population inmates.

Finding 2 [\(Return\)](#)

“There is no single official at the County Jail level that has true oversight and responsibility over all aspects of an inmate’s well-being.”

Health Agency agreed with the finding.

The Sheriff agreed with the finding. The Department pointed out they have no management or supervision over jail medical and Mental Health services, and there is no single person in charge of all aspects of inmate well-being. The Sheriff also pointed out the three different departments within the Health Agency report to the Director of Health Services and not the County Administrative Officer. (As a result of this finding, in 2018, the Sheriff and the BoS have implemented the position of Chief Medical Officer who reports to the Sheriff.)

Finding 3 [*\(Return\)*](#)

“Other counties sometimes contract correctional health care services to an outside provider giving the custodial side direct responsibility over all aspects of an inmate’s well-being.”

Health Agency agreed with the finding.

The Sheriff agreed with the finding. The Sheriff pointed out it is common for other Sheriff’s Offices to contract for medical and mental health services to companies specializing in proper care and oversight in a custodial setting. The Sheriff recommended exploring outsourcing several years ago and still remains interested in doing so.

Finding 4 [*\(Return\)*](#)

“Violations noted in the biennial BSCC (Board of State and Community Corrections) report, issued September 7, 2016, involve health and safety issues that are largely managed by the County Health Agency.”

Health Agency agreed with the finding.

The Sheriff agreed with the finding. The Department pointed out that many of the BSCC report observations are health issues, and it is unable to respond to those; however, the Sheriff did respond to two of the observations:

- Inmate sick call slips are handled by custody staff and are reviewed to ensure that a medical or mental health emergency does not exist. The County Counsel has agreed this process is legally permitted and necessary. The Sheriff is looking into alternatives to this process.
- Use of sobering cells provides a higher level of care to the inmate since there are more staff and a Registered Nurse available in the Intake and Release Center, which allows direct observation and multiple cameras to record all of the cells.

Finding 5 [\(Return\)](#)

“Recent deaths of inmates at the County Jail and violations noted in the most recent BSCC report have raised public concern over the adequacy of health and safety procedures and policies related to the current population.”

Health Agency agreed with the finding.

The Sheriff agreed with the finding.

Recommendation 1 [\(Return\)](#)

“The Sheriff and the County Health Agency should conduct a joint review of the adequacy and appropriateness of management structure, policies, and procedures related to inmate safety, physical and mental health (including suicide prevention), and should issue a public report by December 31, 2017.”

Health Agency and the Sheriff have partially implemented the joint review, and they planned to provide a report to the Board of Supervisors by the December date.

(We note the “Stepping Up” initiative and the hiring of the Chief Medical Officer for the County Jail are intended to address these issues.)

[Return to Report List \(Ctrl + Click\)](#)

**REPORT: JUVENILE HALL: SAFE, SECURE AND SUPPORTIVE
....BUT DOES IT HAVE SURPLUS SPACE?**

This report was undertaken to examine the utilization of the Juvenile Hall (Hall) after expansion was completed in 2016. The 2016-2017 Grand Jury found the space in the Hall was underutilized and suggested repurposing would more efficiently use the resource and lower operating costs charged to a specific program. The report also commended the Probation Department, the District Attorney’s office, the Juvenile Court, the Department of Social Services, the County Office of

Education, the Juvenile Justice Commission, and the Juvenile Delinquency Prevention Commission. The report had seven findings and four recommendations.

Finding 1 [\(Return\)](#)

“Juvenile Hall staff members demonstrate an impressive level of care and concern for the safety, security, well-being and rehabilitation of the youth under their care.”

No response was required for this finding.

Finding 2 [\(Return\)](#)

“With its new expansion, Juvenile Hall has more space than it is likely to need.”

The Probation Department partially disagreed with this finding. They stated on average about half of the beds are being used (25 out of 50.) The department pointed out that during peak times (nights when multiple juveniles have been booked,) 37 beds are used. (They did not specify if the 37 beds were all used for detention.) They also pointed out that the Hall was built for the next thirty years and the daily population of the Hall should increase as the County’s population increases. (The report, however, pointed to a dramatic slowing in the County’s juvenile population growth rate and noted that, according to the State of California Department of Finance County Population Projections, the County’s juvenile population, age 10 to 17 years, is expected to grow, on average, only one-quarter of one percent each year during the next 40 years. The Probation Department appears to have overlooked this statistic.)

(We also note that while the Probation Department may make a case for possible future occupancy, the Grand Jury’s concern was the current underutilization.)

The Board of Supervisors (BoS) also partially disagreed with this finding and adopted the Probation Department’s response.

Finding 3 [\(Return\)](#)

“It has been 10 years since the last Juvenile Hall needs analysis was prepared.”

The Probation Department agreed with this finding.

The BoS agreed with this finding.

Finding 4 [\(Return\)](#)

“The treatment program’s repurposing of 15 beds is not expected to impact the County budget, but this depends on expected group home cost-savings or cuts in other budget areas to make the program cost-neutral. If the treatment program does not pay for itself, it adds to the expense of running a larger Juvenile Hall instead of staffing and using its infrastructure more cost-effectively.”

The Probation Department agreed with the finding. However, they pointed out that over the past four years the County General Fund expenses for juvenile group home placements was approximately \$735,000. It is believed the cost of the treatment program will be \$660,000 per year. Additionally, it is believed treating the youthful offenders locally will lead to better outcomes.

The Board of Supervisors (BoS) also agreed with this finding and adopted the Probation Department’s response.

Finding 5 [\(Return\)](#)

“The treatment program is operating without a written operational manual.”

The Probation Department disagreed partially with this finding. They stated the documentation for the treatment program was not completely finished in April when the Grand Jury viewed the program; however, they point out that the program is operating in accordance with California Code of Regulations Title 15 and 24 as approved by the Board of State and Community Corrections. (We note that the Probation Department’s response did not state the program had a complete operations manual, even as of the date of their response.)

Finding 6 [\(Return\)](#)

“A dual-purpose facility creates a statistical reporting dilemma. Occupancy trends may be harder to discern depending on how data is reported. Data such as average daily population and average

length of stay are used by researchers and members of the public interested in understanding juvenile justice trends. If the numbers from both the treatment unit and the detention units are aggregated in developing this data, trends will become more difficult to discern. If the numbers are separated out, transparency will increase but reporting the data will become more complicated.”

The Probation Department agreed with this finding.

Finding 7 [\(Return\)](#)

“Even assuming the treatment program increases the Juvenile Hall’s usage and cost-effectiveness, the larger Hall may still cost too much for the overall use it is likely to get. Additional repurposing could reduce overall operating costs.”

The Probation Department disagreed with this finding. The Department restated their opinion, that Hall is not significantly underutilized and more space may be needed over the next 30 years. They stated that other than expenses for utilities and routine maintenance, no new costs have been added. They did not specify what those additional utility and maintenance costs were.

(We will let the public decide if there appears to be resistance to efficiently using County resources and possibly saving some money on overhead costs.)

The Board of Supervisors (BoS) also disagreed with this finding and adopted the Probation Department’s response.

Recommendation 1 [\(Return\)](#)

“The Board should commission a new needs analysis for completion no later than June 30, 2019, to help the County understand if 50 detention beds are too many and if the Juvenile Hall being too big adds unnecessarily to the County’s general fund expense.”

The BoS stated this recommendation would not be implemented because it is not warranted.

Recommendation 2 [\(Return\)](#)

“The Board should request a report on program costs versus group home savings as part of its annual budget hearings, starting with the budget hearings for fiscal year 2017-18. If expected savings are not achieved, the Board should decide if cuts in other areas of the County’s budget are needed to allow this important program to continue.”

The BoS stated this recommendation would not be implemented because it is not warranted. They did note that the County Administrative Office will monitor the cost of the treatment program.

Recommendation 3 [\(Return\)](#)

“Probation should separately report statistical data for Juvenile Hall’s treatment population versus its detention population for improved transparency.”

The Probation Department stated this recommendation will be implemented. They stated the separate reporting would begin on July 1, 2017. In response to a follow-up letter by the Grand Jury, they have confirmed the reporting began in July 2017.

Recommendation 4 [\(Return\)](#)

“If the results of the needs analysis in R1 (Recommendation 1) indicate a sustained underuse, the County should determine no later than June 30, 2020, whether the repurposing suggestions in this report or other alternative uses would benefit the community and improve Juvenile Hall’s cost effectiveness, would be feasible to implement, and would be consistent with the County’s lease agreement with the State.”

The BoS stated this recommendation would not be implemented because it is not warranted. The response noted occupancy and cost of operating the juvenile hall would be monitored by the Probation Department and the County Administrative Office (CAO.) The Board further noted if the occupancy drops “significantly” (undefined by the Board) over a sustained period (also undefined by the Board,) cost reductions would be considered.

(We will rely on the CAO to determine what a “significant” drop in occupancy and a “sustained period” are. We also note that the 2016-2017 Grand Jury had already found the juvenile hall to be underutilized.)

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REPORT: AN INNOVATIVE APPROACH TO COST AND SCHEDULING CHALLENGES IN COUNTY CAPITAL PROJECTS

This report was undertaken to determine if the public perception of County capital projects overrunning their budgets and finishing later than their scheduled completion dates was accurate. The report found that County capital projects are generally carefully planned, prioritized, budgeted, and overseen. The report also looked at the County’s pilot use of the Design-Build method. The report commended the County on its efforts to add the Design-Build approach for delivery of capital projects. The report had six findings and three recommendations.

Finding 1 [\(Return\)](#)

“The first public announcement of the cost and schedule of an approved project is an initial estimate, which is usually lower than the eventually approved budget for the project based on the building contract costs and similar factors.”

The County Department of Public Works (DPW) agreed with this finding. They noted initial estimates can increase over time due to scope refinement and construction cost escalation.

The Board of Supervisors adopted the response of the DPW.

Finding 2 [\(Return\)](#)

“Major factors contributing to the increase in final cost/completion over original estimates include the passage of time between initial estimates and the execution of project contracts, changes in the cost of funds, late-discovered need for changes of design, unavailability of necessary materials, unexpected construction/labor problems, and changes in relevant regulations.”

DPW partially disagreed with this finding. DPW noted that they have dealt with issues of contract changes and material availability/delays; they have not seen work stoppage or delays due to construction/labor problems.

Finding 3 [*\(Return\)*](#)

“The reporting of final project completion sometimes includes statements that give rise to speculation that projects are not well managed.”

The BoS partially disagreed with the finding. They noted that statements such as constructed “on time and within budget” are relative to a specific construction contract value and time. Projects involving state agencies frequently involved further time and approvals beyond just the construction contract, which could lead to unclear project completion. (The Board appears to be saying the average citizen has no misunderstanding of the terms. We note that while the BoS’ response is accurate in a technical sense, we believe most citizens are not conversant with construction terms, value, and time. We believe a little more effort in explaining items, so laypersons could understand them, would go a long way to helping our citizens understand what a good job the DPW is generally doing.)

Finding 4 [*\(Return\)*](#)

“California law imposes detailed process requirements on all counties awarding building contracts for capital projects, with the clear intent of eliminating the possibility that anyone could allege bias, nepotism, or preferential treatment in the awarding of any public contract.”

The DPW agreed with this finding. They stated additional contract regulations are created by the State Legislature annually, which require the staff to revise and review County contract documents to assure compliance.

Finding 5 [*\(Return\)*](#)

“As the state authorizes it and as the County proposes to use it, the Design-Build project delivery method has generally proven in practice to expedite project completion and enable more cost-effective contracting with less financial and other risk to the owner.”

DPW partially disagreed with this finding. They stated they cannot assure all risk will be removed from the County. (“All risk” was not used in the finding.) They noted site development conditions will require specific criteria to be developed by the County. Also, they noted, if the requirements are not well-defined by the County, costs could increase under Design-Build.

The Board of Supervisors adopted the response of the DPW.

Finding 6 [\(Return\)](#)

“While experts generally indicate the Design-Build method can be useful for all types and sizes of projects, under California law there is a limit: If County policy permits, the County may use Design-Build for any vertical project with a price tag that will exceed one million dollars.”

DPW agreed with this finding. However, they noted that not all projects may fit the process. In some cases the County may want to control the final design features of a project, so they may want to utilize a traditional Design-Bid-Build.

The Board of Supervisors adopted the response of the DPW.

Recommendation 1 [\(Return\)](#)

“Recognizing that many County residents and taxpayers are concerned about capital project development costs and delays, the County should keep the public abreast of the extent of its efforts to ensure financial rigor in the management/delivery of capital projects.”

DPW stated this recommendation has been partially implemented with the current quarterly budget reporting to the Board of Supervisors. They have suggested future elements of capital projects that change in scope, schedule, or budget may be highlighted in the quarterly reports. By the beginning of 2018, DPW will upgrade its capital projects webpage to include reporting on project scope, schedule, and/or budget changes.

The Board of Supervisors adopted the response of the DPW.

Recommendation 2 [*\(Return\)*](#)

“Rather than simply stating at the time of completion that a project came in ‘on-time and within budget,’ the County should provide more detailed information in a reader-friendly way, with a goal of diffusing the erroneous perception that project cost-overruns are being ‘slipped past the voters’.”

The recommendation has not yet been implemented, but will be incorporated in the redesigned webpage for capital projects, beginning in March 2018. Also, there will be enhanced reporting under the “Completed Projects” Appendix of the annual Five-Year Capital Improvement Plan, submitted to the Board of Supervisors each February. While the performance measure does not list all active projects, it will note which projects exceeded time and/or budget clearly to the public in the adopted budget.

The Board of Supervisors adopted the response of the DPW.

Recommendation 3 [*\(Return\)*](#)

“The County should give itself the option to use Design-Build for any project valued above one million dollars (as opposed to the current five million dollar threshold.)”

DPW will not implement this recommendation at this time. DPW stated they have received cautionary advice on Design-Build from their staff based on information from other counties. They want to evaluate their experience with Design-Build on the pilot projects - the Animal Shelter and the Co-Located Dispatch Center - before requesting the BoS adopt a long-term policy regarding Design-Build. Also, DPW would like to evaluate the level where Design-Build becomes cost-effective and “proper” to use. DPW expects to have sufficient experience by the 2019-2020 fiscal year to begin other Design-Build projects and possibly adopt guidance for action by the Board of Supervisors.

The Board of Supervisors adopted the response of the DPW.

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REPORT: INSPECTING CALIFORNIA MEN’S COLONY: A FOCUS ON HEALTH AND SAFETY

This report was based on the Grand Jury’s statutorily required annual inspections of all public prisons, including state prisons, county jails, juvenile halls, and holding cells utilized by police departments and courthouses. The report took a detailed look at issues related to changes in population and programs with a focus on safety and health at the State-run California Men’s Colony (CMC.) It also looked at occupational health and safety issues concerning the California Prison Industries Authority facilities located at CMC. There were four findings and no recommendations.

Finding 1 [\(Return\)](#)

“The suicide rate over the past two years at CMC appears higher than expected based on available system-wide data on suicides.”

While the State is not required by law to respond to findings and/or recommendations, they are encouraged to do so. The State chose not to respond.

Finding 2 [\(Return\)](#)

“Records of inmate worker 6-month hearing tests or other individual hearing tests were not easily accessible to the Grand Jury.”

While the State is not required by law to respond to findings and/or recommendations, they are encouraged to do so. The State chose not to respond.

Finding 3 [\(Return\)](#)

“Audiometric Testing data received indicated that three inmate workers experienced a significant hearing loss.”

While the State is not required by law to respond to findings and/or recommendations, they are encouraged to do so. The State chose not to respond.

Finding 4 ([Return](#))

“The Grand Jury noted that the wearing of hearing protection devices by inmate workers was inconsistent, and the procedures which required the wearing of hearing protection may not have been uniformly implemented.”

While the State is not required by law to respond to findings and/or recommendations, they are encouraged to do so. The State chose not to respond.

[Return to Report List \(Ctrl + Click\)](#)

CONCLUSIONS

Of the 10 findings made by the Grand Jury in the [Residential Detox](#) report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
F1	SLO County Health Agency’s Drug and Alcohol Services	Agreed by Health Agency
F2	SLO County Health Agency’s Drug and Alcohol Services	Agreed by Health Agency
F3	SLO County Health Agency’s Drug and Alcohol Services	Agreed by Health Agency
F4	SLO County Health Agency’s Drug and Alcohol Services	Agreed by Health Agency
F4	SLO County Sheriff’s Department	Agreed
F5	SLO County Health Agency’s Drug and Alcohol Services	Agreed by Health Agency
F5	SLO County Health Agency’s Health Care Services Division	Agreed by Health Agency
F6	SLO County Health Agency	Agreed
F6	SLO County Health Agency’s Health Care Services Division	Agreed by Health Agency
F6	SLO County Health Agency’s Drug and Alcohol Services	Agreed by Health Agency
F7	SLO County Health Agency’s Drug and Alcohol Services	Partially-agreed by Health Agency
F8	SLO County Health Agency’s Drug and Alcohol Services	Agreed
F8	SLO County Sheriff’s Department	Agreed
F9	SLO County Sheriff’s Department	Agreed
F10	SLO County Health Agency’s Drug and Alcohol Services	Disagreed

Of the 10 recommendations made by the Grand Jury in the [Residential Detox](#) report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
R1	SLO County Health Agency	Implemented
R2	SLO County Board of Supervisors	Will be implemented
R3	SLO County Health Agency	Requires further analysis

R4	SLO County Sheriff's Department	Agrees and implements when and where possible
R5	SLO County Sheriff's Department	Requires further analysis
R6	SLO County Health Agency	Will be implemented
R6	SLO County Sheriff's Department	Will be implemented
R7	SLO County Health Agency	Requires further analysis
R8	SLO County Board of Supervisors	Will be implemented
R9	San Luis Obispo City Council	No response
R10	SLO County Health Agency	Implemented

Of the five findings listed for the County Jail Inmate Health and Safety report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
F1	SLO County Sheriff's Department	Partially Disagreed
F1	SLO County Health Agency	Agreed
F2	SLO County Sheriff's Department	Agreed
F2	SLO County Health Agency	Agreed
F3	SLO County Sheriff's Department	Agreed
F3	SLO County Health Agency	Agreed
F4	SLO County Sheriff's Department	Agreed
F4	SLO County Health Agency	Agreed
F5	SLO County Sheriff's Department	Agreed
F5	SLO County Health Agency	Agreed

Of the one recommendation made in the County Jail Inmate Health and Safety report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
R1	SLO County Sheriff's Department	Partially implemented and will provide report to BoS
R1	SLO County Health Agency	Partially implemented and will provide report to BoS

Of the seven findings listed in the Juvenile Hall Surplus Space report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
F1	No Response Required	No Response Required
F2	SLO County Board of Supervisors	Partially disagreed
F2	SLO County Probation Department	Partially disagreed
F3	SLO County Board of Supervisors	Agreed
F3	SLO County Probation Department	Agreed
F4	SLO County Board of Supervisors	Agreed
F4	SLO County Probation Department	Agreed

F5	SLO County Probation Department	Partially disagreed
F6	SLO County Probation Department	Agreed
F7	SLO County Board of Supervisors	Disagreed
F7	SLO County Probation Department	Disagreed

We note stating that the treatment program is operating in accordance with Regulations is not the same as stating it has a written operations manual. We also note the response to finding 7 may not have adequately addressed whether the juvenile hall is currently underutilized and whether money could be saved by addressing that fact.

Of the four recommendations made in the Juvenile Hall Surplus Space report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
R1	SLO County Board of Supervisors	Will not be implemented
R2	SLO County Board of Supervisors	Will not be implemented
R3	SLO County Probation Department	Implemented
R4	SLO County Board of Supervisors	Will not be implemented

We sincerely hope that sometime in the near future the CAO will review whether Juvenile Hall space is underutilized and whether taxpayer money can be saved.

Of the six findings listed in the County Capital Projects report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
F1	SLO County Board of Supervisors	Agreed
F1	SLO County Department of Public Works	Agreed
F2	SLO County Department of Public Works	Partially disagreed
F3	SLO County Board of Supervisors	Partially disagreed
F4	SLO County Department of Public Works	Agreed
F5	SLO County Board of Supervisors	Partially disagreed
F5	SLO County Department of Public Works	Partially disagreed
F6	SLO County Board of Supervisors	Agreed
F6	SLO County Department of Public Works	Agreed

Of the three recommendations made in the County Capital Projects report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
R1	SLO County Board of Supervisors	Partially implemented
R1	SLO County Department of Public Works	Partially implemented

R2	SLO County Board of Supervisors	Will be implemented
R2	SLO County Department of Public Works	Will be implemented
R3	SLO County Board of Supervisors	Will not implement, but will re-evaluate at a later date
R3	SLO County Department of Public Works	Will not implement, but will re-evaluate at a later date

Of the four findings listed in the California Men’s Colony Inspection report (Encouraged to respond, but not required): (Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
F1	California Men’s Colony (California State prison)	No response
F2	California Men’s Colony (California State prison)	No response
F3	California Men’s Colony (California State prison)	No response
F4	California Men’s Colony (California State prison)	No response

Of the four findings listed in the Cambria Fire report (Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
F1	Cambria Community Services District	Agreed
F2	Cambria Community Services District	Agreed
F3	Cambria Community Services District	Agreed
F4	Cambria Community Services District	Agreed

Of the three recommendations in the Cambria Fire report

#	Respondent	Response
R1	Cambria Community Services District	Agreed and implemented
R2	Cambria Community Services District	Agreed and in process of implementing
R3	Cambria Community Services District	Agreed and in process of implementing

The Grand Jury was concerned that for the most part CCSD did not provide deadlines to meet their objectives. The 2017-2018 Grand Jury continues to have grave concerns for Cambria residents and visitors and how the town can reduce its fire risk.

On Monday, February 5, 2018, the Cambria Community Services District (CCSD) held an open meeting to discuss a proposal to replace an expiring Federal Grant which funds three full-time firefighters until March 2018. The proposal is to levy a \$50 assessment per parcel (or a possible \$85 per inhabited parcel assessment) within the CCSD area. This would generate approximately \$300,000 per year to fund firefighters. This measure would appear on the June 5, 2018 ballot for Cambria voters to decide. No final decision has been made as of the date of this report. We believe

the residents will want to keep their firefighters and make sure the hydrant inspection and maintenance program continues.

COMMENDATIONS

We commend the Cambria Community Services District on establishing a testing and maintenance schedule for their fire hydrants, but we encourage the pace of the testing be picked up to ensure all hydrants are working.

We also commend the County Department of Public Works for undertaking pilot programs for the use of the Design-Build approach to see if taxpayer money can be saved for County capital projects. We look forward to seeing the results of the pilot programs and what suggestions the Department makes to the Board of Supervisors.

Finally, we commend the County Health Agency for their work with Community Action Partnership of San Luis Obispo County in bringing the residential detox facility (to serve Medi-Cal and less financially able citizens in San Luis Obispo County) closer to reality. Health Agency is working to meet the deadline they provided to the Grand Jury for Recommendation 1 from the 2016-2017 Residential Detox report. The Grand Jury has written a number of prior reports identifying the need for a residential detox facility in SLO County. SLO County staff is concerned recent federal changes to the Affordable Care Act may cause a reduction in reimbursements thereby affecting service levels and possibly resulting in the closure of the detox facility. Should this happen, we trust the SLO County Board of Supervisors will find the necessary funds to make up any shortfall.

REQUIRED RESPONSES

This is an informational report. No responses are required.

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OUR COUNTY CAN DO BETTER: THE CRISIS INSIDE THE WALLS OF THE PSYCHIATRIC HEALTH FACILITY

This report on the Psychiatric Health Facility (PHF) reveals that San Luis Obispo County's mentally ill residents are treated for serious mental health crises in an antiquated and unsafe facility.

SUMMARY

The San Luis Obispo County Grand Jury has the authority and responsibility to inspect County facilities and report on any issues. There have been numerous discussions at recent Board of Supervisors meetings concerning the treatment of mentally ill inmates at the jail. During these discussions, little has been said concerning the PHF and how inmates impact the PHF's other patients. The 2017-2018 Grand Jury believed it imperative to inspect the County PHF in light of the increase in the number of inmate patients and the limitation on the total number of patient beds available. Members of the Grand Jury toured the facility, inspected the physical plant (including areas for therapy and recreation), and reviewed Behavioral Health's current processes and procedures.

The following areas and processes were the primary concentration:

- staffing levels
- safety of staff, patients, and inmates
- treatment of the inmates
- impact of the inmates on other patients and their treatments
- security of the facility

The PHF serves jail inmates who are judged to be a danger to themselves or others due to mental illness or accused of misdemeanor crimes and judged to be incompetent to stand trial. When an inmate requires outside medical treatment, a correctional deputy or a local security person is assigned to that inmate. This is not the case with inmates requiring treatment for mental illness. These inspections and reviews have resulted in several recommendations. The most significant of

OUR COUNTY CAN DO BETTER: THE CRISIS INSIDE THE WALLS OF THE PSYCHIATRIC HEALTH FACILITY

these recommendations are to generate a plan to replace the PHF with a modern facility, expand the existing PHF to allow more effective treatment in the meantime, and take action to reduce the housing of inmates at the facility by building a similar facility at the county jail.

PURPOSE

The primary purpose of this report is to provide an independent perspective of the PHF facility and recommend alternatives for future treatment facilities in our County. It began as an inspection report to assess the impact of inmates on the facility but changed as the inspection revealed a more serious issue: the size and condition of the facility.

ORIGIN

This report was originated at the request of Grand Jury members, based upon citizen complaints and recent events concerning the treatment of Behavioral Health patients within our County.

AUTHORITY

The issuance of this report is authorized under the investigative powers of the Grand Jury pursuant to California Penal Code §§ 919, 922 and 925.

METHOD/PROCEDURE

The Grand Jury performed an inspection at the PHF, and interviewed several officials during the visit. A follow-up visit was also performed to verify that the immediate safety concerns had been corrected. Representatives of the PHF provided written answers to questions prompted by the inspections. The Grand Jury also interviewed individuals associated with PHF management and performed internet searches related to similar facilities within the state and state regulations concerning mental health treatments. In conjunction with other duties, the Grand Jury toured the Atascadero State Hospital and the mental health hospital facility at the California Men's Colony.

BACKGROUND

The focus of this report was the physical condition of the PHF facility, its capability to house inmates, and fitness to perform the function of treating mentally ill patients who are currently in crisis, including restoring patients to competency and stability. The report does not examine the medications, therapies or actual treatment of mental illness, but is limited to the appropriateness of the facility and procedures to enable safe and effective treatment of patients and options to provide the needed services to County residents. This report is organized by first recapping the observations of the facility and document inspections as well as discussions with staff, then a formulation of findings and recommendations.

NARRATIVE

PHF INSPECTION

This was the first inspection of the PHF by the San Luis Obispo County Grand Jury in recent years. The PHF is a hospital facility but continues to house inmates who have been deemed unfit to stand trial due to mental illness (Penal Code 1370) and inmates who have been deemed a danger to themselves or others based upon mental illness (Welfare & Institutions Code 5150). The PHF is operated by County Health Agency's Behavioral Health, therefore in the purview of the Grand Jury and is relevant to inspections of both the County Jail and the Juvenile Detention Facility. The PHF staff also provided the Grand Jury with the written policies and procedures for use in our evaluations.

The inspection was performed on the facility in the old County hospital complex, which has been closed as a hospital for approximately 15 years. It is adjacent to one of the County behavioral health outpatient clinics. Six representatives from the Grand Jury inspected the facility and two returned for the follow-up inspection. The Grand Jury members who visited the facility were utterly dismayed that a County facility in this poor condition could be used to treat patients.

OBSERVATIONS

Facility

The PHF facility is licensed by the California Department of Health Care Services (DHCS), who regularly inspect the facility for cleanliness and patient services. The overall facility is old and is not well maintained. The facility houses walk-in patients, W&IC 5150 patients or inmates, and PC 1370 inmates. The inmate patients are generally treated the same as all other patients, except that anyone charged with being a sexual predator is always escorted. Any juvenile residents are housed in an administration area, separated from adult patients. Inmate patients are not accompanied by security personnel, as they would be in a medical treatment facility. The policy has recently changed to not permit juvenile patients if inmates are currently housed. This causes many juvenile patients to be treated out of the County. This can conflict with treatment involving family therapy or counseling.

The facility appeared crowded and does not contain dedicated spaces for therapy, physical exercise, or other treatments. The PHF houses up to 16 full time patients and has up to 10 staff members. The 16-bed limit on the PHF is from a Medicaid rule for psychiatric facilities not attached to a hospital. There is no area with sufficient room for normal physical activity as part of therapy or treatment, nor is there an area with dedicated treatment or therapy rooms. The medical examination room doubles as an administrative office, due to the extreme lack of space. There is one conference room and a common area, both of which are also used for therapy.

At the time of the inspection, supplies were stacked high enough to impede the pattern of the fire sprinklers, and cleaning supplies were stored near one of the emergency exits. The minor health and safety issues were addressed with the staff and were found to be corrected in the subsequent inspection. There is very limited natural lighting within the facility, and the standard office type lighting contributes to the dingy appearance. The damaged ceiling tiles accentuate this appearance. Video cameras operate within the facility; however, there is only one video monitor in operation and it is at the staff desk. The surveillance system has low resolution and appears to be quite old.

The PHF has six emergency exits that are automatically unlocked if the alarm is activated. An evacuation of the facility during the second or third shifts presents a risk to the surrounding

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community if inmate patients are present. Procedures are in place to sweep the facility from one end to the other, keeping the patients (and inmates) with staff members. During this process or after exiting the facility, the inmates would have a nearly unfettered path for escape. With a ratio of up to four patients to each staff member and without the ability to apply mechanical restraints (such as shackles or handcuffs), there is little to prevent an inmate or group of inmates from deciding to leave. During this time of heightened stress on all patients, the staff is put in an untenable situation: one type of an emergency can cause a second type of emergency.

Staff

The number and distribution of staff is in accordance with the County practices and procedures and meets the state's minimum criteria. While the staff appears to be dedicated to the welfare of the patients, this level of staffing can leave as few as three or four mental health professionals on duty for the overnight shifts. There are no Sheriff's Deputies or Correctional Officers on staff at the facility at any time. The staff is trained in the ProACT de-escalation techniques, which includes 16 hours of training. In the event of a medical emergency with an inmate-patient, the inmate will be accompanied by a member of the PHF staff or local law enforcement, if available.

County Policies and Procedures

The County policies follow state regulations and allow staff levels as low as three for the third shift (midnights) and four for second shift (evenings). Day shift staff must have at least seven. In the event of an emergency, all six exits are unlocked and staff directs patients to the nearest safe exit. Safety of patients is the main priority; no provisions are made for control or segregation of inmates with respect to other patients. During the second or third shifts, there is not enough staff to monitor the unlocked exits while an emergency evacuation is taking place. Evacuation drills are held monthly to train the staff in dealing with patients in an evacuation scenario.

The Behavioral Health staff at the jail now begins treatment prior to transporting inmates to the PHF; immediate communication with the PHF is established concerning inmate care, providing continuity of care for the inmate.

CONCLUSIONS

The Grand Jury observations of the PHF show an antiquated facility that does not meet the crisis needs of the County's mentally ill population. While the staff at the facility is dedicated, there can be insufficient staff present at times to ensure safety and provide optimal treatment.

FINDINGS

- F1. The PHF is staffed with dedicated professionals whose attitude toward their patients is in keeping with the goal of recovery.
- F2. The PHF facility is woefully inadequate for a psychiatric hospital.
- F3. There is not enough room for the programs and therapies required towards a goal of recovery; a separate and dedicated area is lacking for both treatment rooms and physical exercise.
- F4. The facility lacks adequate natural lighting and is excessively dreary when compared to a modern psychiatric hospital.
- F5. In the event of an emergency requiring evacuation during the night or evening, the required staffing is insufficient for the safety of the patients, staff, and community. In an area-wide emergency, law enforcement may not be able to respond.
- F6. Inmates in the patient population impact other patients and may require full time supervision within the facility.
- F7. The outdoor area is inadequate for the number of patients served and doesn't provide space for exercise.
- F8. If an inmate patient commits a violent act toward staff or another patient, there is no peace officer present to intervene. The staff member or patient may report the act in the same way a private citizen would by calling the San Luis Obispo City Police.

RECOMMENDATIONS

- R1. Even though the PHF second and third shifts meet minimum State standards, staffing levels should be increased for staff, patient, and community safety reasons.

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- R2. The San Luis Obispo County Jail should have its own dedicated psychiatric hospital facility, serving only inmates. This would limit the number of inmates admitted as patients in the PHF. When inmates are admitted to the new PHF, a correctional deputy should be assigned.
- R3. The County should find or build a new psychiatric hospital facility, with sufficient room for patient treatment and recovery. Funding could come from reserves sources (County and/or MHSA) or pursuing a state grant.

Recognizing that R2 and R3 may take a considerable amount of time to be implemented, the following short-term recommendations are made to address some of the more immediate problems:

- R4. The current lighting should be replaced with natural spectrum lights (preferably LEDs). The facility interior should be painted and the ceiling tiles replaced/repainted to provide an improved therapeutic environment.
- R5. Upgrade video surveillance capabilities.
- R6. The facility should annex additional area from the adjacent County facilities, adding the treatment and therapy environments to improve effectiveness and safety.

COMMENDATIONS

The staff and management of the PHF are commended for their dedication to doing the best possible job with such limited and antiquated resources.

REQUIRED RESPONSES

The following people are required to respond to the findings and recommendations within the timeframe shown and in accordance with the California Penal Code section 933.05.

The Health Agency is required to respond to F2, F3, F4, F5, F6, F7, R1, R2, R3, R4, R5, R6.

The Board of Supervisors is required to respond to R2, R3.

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The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by July 10, 2018. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Ginger E. Garrett Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

A LOOK AT COUNTY BEHAVIORAL HEALTH SERVICES: THE TIME FOR IMPROVEMENTS IS NOW

This report investigates the scope and effectiveness of Behavioral Health within the San Luis Obispo County Health Agency.

SUMMARY

The 2017-2018 San Luis Obispo County Grand Jury investigated the services provided through Behavioral Health by interviewing a wide spectrum of employees, private mental health professionals, and representatives from local non-profit agencies with behavioral health ties. Through these interviews, document reviews, and facility inspections, the Grand Jury understands that the County provides programs and services to Medi-Cal beneficiaries among the population of over 5000 residents with severe mental illness. The County also provides drug and alcohol services to residents, many of whom are in court mandated treatment. Although the quality of these services is very good, the availability is not always sufficient to meet best practice standards. The 2014-2015 Grand Jury¹ found that wait times for County outpatient mental health services were lengthy and that inpatient services for mental health were often at capacity, therefore unavailable. While these problems have long been recognized, the solutions have not been adequately addressed by our County.

There are multiple examples of best practices employed by the County, such as the full-service partnership (FSP) program, where layered services are provided to those with extreme need; and the three-tiered approach to crisis services including the Mental Health Evaluation Team (MHET), the newly opened Crisis Stabilization Unit (CSU), and the inpatient Psychiatric Health Facility (PHF). This three-tiered crisis support provides first response to a behavioral health emergency or crisis and immediate treatment (if necessary) from the MHET (staffed by health professionals rather than law enforcement), followed by treatment at the CSU (if necessary), and if inpatient treatment is required, admission to the PHF. The challenge to be overcome is that the response

¹ The 2014-2015 Final Report: We Are Waiting: Access to County Provided Mental Health Services

time from the MHET is often hours instead of minutes. This makes law enforcement the only option for intervention in mental health crises. An increase in the number of MHETs available for this initial response will enable the rest of the system to perform more effectively. The FSP faces a similar challenge in that it is available to only a few clients, and the waiting list can be months long. Considering that the clients are severely mentally ill and in urgent need of support, waiting for months cannot be considered an optimal solution. Providing additional MHETs and quicker access to the FSP for people in need of these services are two of the areas where expansion is warranted. It is the 2017-2018 Grand Jury's recommendation that the County augment funding to provide County residents with enhanced facilities, services, and an increase in professional staffing levels.

PURPOSE

The mission statement of Behavioral Health provides the direction that the County is taking in the treatment of residents with mental illness or substance abuse issues.

Mission Statement

San Luis Obispo County Behavioral Health works in collaboration with the community to provide services necessary to improve and maintain the health and safety of individuals and families affected by mental illness and/or substance abuse. Services are designed to assist in the recovery process to achieve the highest quality of life by providing culturally competent, strength based and client and family centered strategies utilizing best practices.

This report is the culmination of the investigation into how well the county services are following this mission and how effective they are at meeting their stated goal.

ORIGIN

This investigation was internally generated by the 2017-2018 San Luis Obispo County Grand Jury.

AUTHORITY

The issuance of this report is authorized under the investigative powers of grand juries pursuant to California Penal Code § 925 which asks grand juries to investigate and report on the operations of all county departments or functions.

METHOD

The method used for this investigation was to:

- Review documents from the Board of Supervisors meetings
- Review documents concerning the Mental Health Services Act, including state audit data
- Review previous County audits concerning the Health Agency
- Review Behavioral Health websites for San Luis Obispo and other counties
- Review County policies and procedures connected with Behavioral Health
- Review state regulations concerning behavioral health services
- Interview Behavioral Health management and staff personnel
- Interview private practice clinicians in the behavioral health community
- Interview representatives of local nonprofits associated with behavioral health treatments and issues
- Interview current and former County contractors and consultants
- Interview community members with family experience in dealing with the behavioral health system.

In an effort to understand the mental health inpatient treatment the members of the Grand Jury visited the Psychiatric Health Facility (PHF), the California Men's Colony (CMC) mental health facility, and Atascadero State Hospital (ASH). The Grand Jury did not visit or inspect the Crisis Stabilization Unit (CSU) because it was not open until April 1, 2018. In addition, the Grand Jury performed a review of practices and systemic problems within other counties. The physical PHF

facility was reviewed in a 2017-2018 Grand Jury companion report², and findings regarding that facility are not repeated here.

BACKGROUND

The Behavioral Health department in San Luis Obispo County is mandated by the State to provide mental health services for Medi-Cal recipients with severe mental illnesses. They also provide drug and alcohol services to our County. While the majority of those served by the County are Medi-Cal recipients, the County also provides services to inmates at the San Luis Obispo County Jail. There are very limited private facilities and service providers in the County. There are no private psychiatric facilities associated with any of the four hospitals within the County, and there are no private dedicated psychiatric hospitals. The County facilities are tasked with providing the only mental health inpatient facility in the area. The 2014-2015 Grand Jury reported that the wait times for outpatient services in the County were too long and that the inpatient services at the PHF were often unavailable due to overcrowding.

Behavioral Health provides outpatient facilities and services for individuals with both mental health and substance abuse problems. Staff in these facilities serve thousands of patients each month, providing services not available through other providers. Behavioral Health also provides comprehensive services for clients who have extreme difficulty living with severe disabilities from mental illness and are struggling to adjust to the community. These services include addiction, medical and mental health treatments, housing and life skill support with a goal of rejoining society. Without these services the risk is higher that the clients will enter the judicial system where their conditions could worsen to the point of being cared for by the state hospitals, prison system, or through County conservatorship. Conservatorship is where the court declares the client gravely disabled and unable to care for him or herself, and the County assumes the responsibility for their well-being. This falls within the purview of the Public Guardian's office.

As the national mental health crisis continues, the public is still affected by the closure of the state mental hospitals, which occurred decades ago. The population once served in these institutions is

² 2017-2018 San Luis Obispo County Grand Jury Report: *Our County Can Do Better: The Crisis Inside the Walls of the Psychiatric Health Facility*

now often found in judicial custody, on the streets, or being cared for by family members. They make up part of the over 5000 San Luis Obispo County residents functionally impaired from severe mental illness and desperately need the services only the County can provide.

NARRATIVE

Through the process of this investigation, the Grand Jury observed both strengths and weaknesses of our County's approach to treating the mentally ill and those with substance abuse problems. Most of the money currently available for this effort comes from Medi-Cal or the Mental Health Services Act. These are state and federal funds. Currently only 17% of the budget is directly from the County General Fund.

Observations and Facts

San Luis Obispo County is mandated by the state to serve all Medi-Cal recipients who are severely mentally ill and meet medical necessity for treatment. The only inpatient mental health units within the county are the Psychiatric Health Facility (PHF) and the Crisis Stabilization Unit (CSU), both managed by Behavioral Health. All Medi-Cal recipients meeting the criteria of Welfare and Institutions Code 5150 (W&IC 5150) are taken to the PHF if space is available. The facility is limited to 16 patient beds. This facility is in the old County hospital and has not been expanded or modernized in over 25 years. The County has grown by over 25% in that timeframe. Over the past six years, the PHF has had 26 psychiatrists cycle through its resident psychiatrist position. This is part of a nation-wide problem of hiring and retaining mental health clinicians.

The biggest change in the PHF in recent years is the increase in the number of inmates treated in the facility. They have had up to 9 of the 16 beds occupied by inmates within the past year. When inmates are present, it is difficult to accommodate juvenile patients, and they often stop admitting juveniles to avoid this problem. This requires the juvenile clients to be transferred out of county for treatment, causing a significant challenge for families to participate in therapy or other counseling treatments. The PHF cannot admit patients who have a blood alcohol content of over 0.2 BAC or are using unknown drugs. Individuals are often taken to local emergency rooms for

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clearance prior to being taken to the PHF or CSU. The PHF staffing levels for the second and third shifts can be as low as three or four behavioral health staff. The Crisis Stabilization Unit has recently opened near the PHF. It is believed that this contractor-staffed unit will relieve some of the pressure on the PHF by handling short term crisis situations. Additional pressures have been added by the inability to send longer-term patients to the Ventura County facility that was a casualty of the Thomas Fire (2017).

Many of the County behavioral health clients are referred to services while in a crisis situation. Well under half of the communities' law enforcement officers have completed the 40-hour crisis intervention course. (Many have completed the shorter, less intensive courses.) Crisis situations are often handled by law enforcement but are better suited to the Mental Health Evaluation Teams (MHET). The MHET includes behavioral health professionals rather than uniformed peace officers and is often less intimidating to a person in a behavioral health crisis. Currently there are only two MHETs for the entire County, causing hours of delays and forcing many in crisis to rely on law enforcement or local hospital emergency rooms.

The second potential step in the treatment of a person in a crisis is the CSU, where patients may stay for up to 23 hours and are evaluated while given time to stabilize. Patients are often given food and a chance to rest in a quiet, safe environment. If inpatient treatment is needed, the individual can be transferred to the PHF, often on a W&IC 5150 order (danger to self or others due to mental illness). They are treated in the PHF until they no longer need inpatient treatment. When the crisis has abated, the next step for many is to use the voluntary outpatient services provided by Behavioral Health. Currently fewer than half of the severely mentally ill in the County participate in outpatient treatment. Outpatient services are provided in three clinics, one in the City of San Luis Obispo, one in Arroyo Grande, and one in Atascadero. These clinics provide psychiatrists, therapists, and medication management. Currently new clients may have to wait for up to 14 days for an assessment and up to 40 days for initial treatment. New state mandates require that these wait times be reduced to 10 days each. Staffing for the three sites is detailed below:

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Clinic Location	Medication Managers	Therapists	Supervisor	Clients
North County	4	4	1	650
SLO City	4 (+ 1 for Out of County Clients)	3 (1 vacancy)	1	650
South County	3	3.5	1	450

County Mental Health Staffing/Client Summary

On average, each medication manager and therapist serves approximately 150 outpatient clients, all of whom have severe mental illness. There are currently part-time system navigators provided through a State MSHA grant. These provide much needed insight into the mental health treatment and support systems. A few clients, with severe disability caused by mental illness, are allowed to volunteer for the Full-Service Partnership (FSP), which provides care for medical, mental illness, and substance abuse along with support for housing and life skills training. The FSP also provides a case manager to help guide the client through a path toward recovery. The program meets the best practice measure of daily contact from peer counselling or behavioral health clinicians. Fewer than 40 clients are served in this program of intensive therapy. The wait for entry into this program can be months. The psychiatrist for this program is provided through a local non-profit. This avoids the revolving door psychiatrist positions supported by the temporary labor (*locum tenens* doctors) used for many of the County psychiatrist positions. The reason for the use of *locum tenens* psychiatrists is that there is a nationwide shortage that affects both county and state facilities. The state hospitals have 60% of their positions filled through temporary services. (ASH frequently loses psychiatrists to CMC, which pays higher salaries.) The County also uses a nonprofit contractor to administer both a supportive housing program and community housing for the mentally ill clients. Unfortunately, there is also a long waiting list for these programs. The County has three wellness centers that provide much needed socialization skills for all clients.

The Behavioral Health organization appears to be compartmentalized with limited cross training between addiction and mental illness branches. There is also a quality assessment team that provides client assessment and quality measures for County programs. There is little knowledge of these results within the ranks of Behavioral Health. The evaluation team relies on a State-

mandated survey that is lengthy and cumbersome to complete for someone with an impaired attention span or limited cognitive abilities. The MHSA funds many of the successful programs at Behavioral Health. The County has unexpended MHSA funds (committed, but awaiting State approval) and prudent reserves that can be used for special projects at the discretion of the community MHSA Advisory Committee, with State approval.

Finally, in spite of recent efforts, the stigma associated with mental illness is still evident. Stigma is born of ignorance and fear, which causes harm to the very people Behavioral Health is attempting to help. Perceiving and referring to our fellow citizens by their humanity, not by their impairment, would accomplish a great deal toward their acceptance. Education and support would help clear away existing stigma. Stigma appeared to be the major objection to the construction of the Templeton Psychiatric Hospital, which will require another three or four years for completion after funding is secured.

CONCLUSIONS

While the majority of services provided meet the goals of the mission statement, it has come to the attention of prior and current San Luis Obispo County Grand Juries that, at times, County Behavioral Health services provided to clients in crisis fall short of best practices due to lack of funding for sufficient staff and facilities. New services like the Crisis Stabilization Unit and the proposed drug and alcohol services inpatient facility are a big step in the right direction, but more is needed. There are currently three outpatient clinics, three wellness centers, and a single 16-bed PHF to service our entire County's over 5000 severely mentally ill residents.

Behavioral Health is doing an admirable job with the resources it has available but requires more funding. Currently the state and federal governments provide approximately \$58M for the behavioral services within our County. The benefit of augmenting the approximately \$12M current County contribution with additional resources will be felt almost immediately within our community. Long-term programs, such as the *Stepping Up Initiative* (the County-adopted, national initiative to help keep people with behavioral health problems out of our judicial system), will have a chance to be more successful by providing more complete treatments aimed at keeping clients out of crisis situations and out of jail.

The County has the treatment structure required to address these behavioral health problems but is not currently equipped to handle the volume of clients living in the County. This Grand Jury report considers these problems from a perspective of what can and should be done now and the impact it will have in support of some of our County's most vulnerable citizens. The companion report on the PHF also concludes that the operations at the PHF are being carried out by a dedicated and capable staff, but the facility itself is antiquated and lacks adequate therapy and treatment spaces.

While the facts and observations document the basis of numerous continuing problems, these issues are complex, partially because this community has been underserved for so long. Not all of the issues surrounding our treatment of those with mental illness and/or substance abuse can be solved quickly or inexpensively, but now is the time to increase our effort to work toward a long term solution. The position with primary responsibility to garner this support is in the process of change; a strong advocate is needed. This need was reflected in the qualifications requested and responsibilities documented in the search to fill this position.

Most of the findings reflect recommendations that are needed but will require additional County funding. Many of these should have been addressed long ago, but budget priorities have caused this segment of the population to be neglected and ignored. Ignoring these problems has been a major contributor to the number of our mentally ill population being involved in the criminal justice system and to the San Luis Obispo County Jail becoming the area's second largest mental health institution after ASH.

FINDINGS

- F1. The current number of Mental Health Evaluation Teams is inadequate to serve the County with reasonable response times and effective intervention.
- F2. The "best practice" for patients in crisis is daily contact from peer counselors and mental health professionals.

- F3. There is a wide disparity in compensation between the State of California psychiatrists, *locum tenens* psychiatrists, and San Luis Obispo County psychiatrists.
- F4. The current organizational structure of the County Health Agency and, specifically, Behavioral Health appears convoluted based upon the maze of funding streams and regulatory requirements.
- F5. The consumer satisfaction/perception survey imposed by the State is not relevant to assessing service needs.
- F6. Expansion of supportive and community housing programs would reduce the number of crisis situations.
- F7. The new CSU is expected to take pressure off of the PHF.
- F8. Current efforts to reduce stigma are not having the magnitude of impact within our community.
- F9. Expansion of the system navigator and case manager roles will result in improved comprehensive care.
- F10. A limited number of law enforcement personnel have taken the full 40-hour Crisis Intervention Training (CIT), which is more effective than a shorter course in de-escalating crisis situations involving the mentally ill.
- F11. The full-service partnership programs are very effective and use the current “best practices” for treatment.
- F12. The closure of Vista Del Mar in Ventura County, due to the Thomas Fire, has had a negative impact due to the lack of nearby facilities to treat crisis patients who need longer term care.

RECOMMENDATIONS

- R1. Increase financial support to Behavioral Health from the County General Fund to accomplish the following within the next fiscal year. (Note: Some of this expense is reimbursable by Medi-Cal.):
 - a. Reduce the wait time to enter the Full-Service Partnership program from months to weeks.

- b. Add clinicians and case managers to the mental health clinics thereby reducing wait time below the 10-day requirement and reducing the time between maintenance appointments.
 - c. Add full time system navigators to all mental health clinics and encourage Cen-Cal (the local Medi-Cal affiliate) to add them at medical clinics.
 - d. Add two additional Mental Health Evaluation Teams, one in North County and one in South County.
- R2. Increase funding and support for the community and supportive housing programs.
- R3. Improve efforts to reduce stigma through County sponsored educational programs and public service announcements.
- R4. Combine drug and alcohol treatment with mental health treatment, having all clinicians cross-trained to manage dual-diagnosis patients.
- R5. Reorganize the agency to concentrate on the complete behavioral health treatment process.
- R6. Use innovation and incentives, such as County backed bonds or tax breaks to support the building of private psychiatric and substance abuse facilities within the County.
- R7. Adopt more aggressive and innovative recruitment strategies for key positions such as Psychiatrists, Nurses, and Nurse Practitioners.

COMMENDATIONS

1. The Grand Jury commends Behavioral Health and its community partners for:
 - a. Operating the Full Service Partnership program, where layered services support patients with severe mental illness
 - b. Eliminating wait lists for most services
 - c. Adding a Crisis Stabilization Unit
2. The Grand Jury commends the County for acknowledging the desperate need for a residential detox center and their continued support for the center.

REQUIRED RESPONSES

The County Health Agency is required to respond to: F1, F3, F4, F5, F6, F8, F9, F10, F12, R1, R2, R3, R4, R5, R6, R7

The Board of Supervisors is required to respond to: F1, F3, R1, R2, R5, R6, R7

“The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by July 11, 2018. Please provide a paper copy and an electronic version of all responses to the Grand Jury.” Informational reports shall state that “No Responses are required.”

Presiding Judge	Grand Jury
Presiding Judge Ginger E Garrett Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

INSPECTION REPORT FOR SAN LUIS OBISPO COUNTY DETENTION FACILITIES

In this report, the 2017-2018 San Luis Obispo County Grand Jury documents the results of our inspections of the County's primary detention facilities and the Coroner's facility.

SUMMARY

As required by state penal code, the Grand Jury annually inspects all public prisons, including state prisons, county jails, juvenile halls, and holding cells for police departments and courthouses. In this year's inspection, the Grand Jury visited all detention facilities within the County: California Men's Colony (CMC), San Luis Obispo County Jail, San Luis Obispo County Juvenile Hall, San Luis Obispo County Courthouse holding cells, San Luis Obispo City holding cells, Paso Robles City holding cells, Pismo Beach City holding cells, and Grover Beach City holding cells. For each inspection, members of the Grand Jury toured the facility and inspected both the physical plant and the processes and procedures.

The following areas and processes were the primary concentration: housing, food, transportation, assessment of the medical and mental health status of the inmate, and medical/behavioral health treatment. The San Luis Obispo County Coroner's Office was also inspected this year as part of the Grand Jury's overall responsibility for monitoring County government. The Coroner's office recently went through a staffing change converting from a part-time contractor to a full-time forensic pathologist. This report focuses on the jail, holding cells, the juvenile hall, and the Coroner's office. The CMC inspection and procedural reviews have resulted in a separate report. The Grand Jury also investigated and documented jail programming in a separate report.

The Grand Jury makes multiple recommendations in this report. The most significant of these recommendations are as follows:

- reiterating the need for the addition of a behavioral health hospital unit at the jail and staffing of that unit with appropriate mental health professionals

- performing a study to determine how the excess space at juvenile hall can be repurposed to create a psychiatric hospital for juveniles and transitional-aged youth (18-25)
- formulating a long-term plan for jail facility improvements
- adding a closed-circuit TV system between the courthouse and the jail to reduce the cost and risk associated in transporting prisoners between the two facilities for hearings
- increasing the staffing level at the jail for both correctional deputies and behavioral health professionals

INTRODUCTION/PURPOSE

The primary purpose of these annual inspections is to identify potential safety problems for County employees, inmates, County contractors and volunteers at these facilities. There is also a concerted effort to identify potential future problems, so they can be addressed prior to becoming an emergency. The Grand Jury took a broad perspective and a long-term look at the needs of our County's detention and support facilities. While media focus has been on the jail due to recent deaths, other facilities need to be addressed so future needs of the County are met in a timely fashion. This report is organized by recapping the facility inspections, a brief description of the process, and results for each facility. This is followed by findings and recommendations.

AUTHORITY

The issuance of this report is authorized under the investigative powers of the Grand Jury pursuant to California Penal Code §§ 919, 922 and 925.

METHOD/PROCEDURE

This report documents the observations, findings, and recommendations subsequent to the Grand Jury inspections at the following sites:

- County Jail, including
 - Main Jail
 - West Jail facility

- Men's Honor Farm
- Women's Jail (Kansas facility)
- Juvenile Hall
- Holding cells³ operated by the police departments in the cities of:
 - San Luis Obispo
 - Pismo Beach
 - Paso Robles
 - Grover Beach
- San Luis Obispo County Courthouse holding facility
- San Luis Obispo County Coroner's facility

The data for this report was gathered by inspecting all the above facilities, interviewing various officials during and subsequent to those visits, and reviewing policies, procedures and statistics from facility records.

During the site inspections, the inspection guidelines found in this report's Appendix were used to gather much of the information. In addition, representatives of the County Jail provided written follow-up to questions prompted by the survey or the inspections. The Grand Jury interviewed individuals associated with custody, programming, and medical care at the County Jail and Juvenile Hall. While we have no jurisdiction over this facility, the Grand Jury also toured the Atascadero State Hospital (ASH). ASH transports approximately 200 patients monthly to and from the San Luis Obispo County Courthouse holding facility.

Finally, the Grand Jury reviewed the following documents:

- Inspection reports completed this year by the Board of State and Community Corrections
- The applicable written policies and procedures
- ASH procedures for restoration of felons found incompetent to stand trial
- Job descriptions for correctional deputies and other employees
- Local media coverage of all of the facilities during this time period

³ Note: the cities of Arroyo Grande, Atascadero and Morro Bay do not operate holding cells.

BACKGROUND/HISTORY

The 2016-2017 San Luis Obispo County Grand Jury investigated the health care services at the County jail and the management structure of those providing the services. During the course of the past year, the County has spent a considerable amount of effort in trying to rectify problems associated with health care at the jail. Other problems within the jail and other detention facilities must be addressed also. The large population of mentally ill inmates is a major issue that has been acknowledged at the local, state, and national levels. While initiatives, such as *Stepping Up*, are being supported to reduce the problem, the secondary impacts of this problem (e.g., overcrowding at the County Psychiatric Health Facility (PHF), long waits for state hospital beds, increased need to medicate inmates) have a negative effect on other County services and need to be addressed with more timely solutions. Additional impacts, such as the influx of state psychiatric hospital patients being served by our County Court system, also need to be addressed. None of these problems are unique to our County or new to law enforcement. The County needs to tackle these problems now before judicial intervention occurs.

NARRATIVE

Holding cell Inspections

Holding cells for the cities of Grover Beach, Pismo Beach, Paso Robles, and San Luis Obispo, along with the County holding facility at the Courthouse were inspected by several members of the Grand Jury. These members met with the responsible officers and performed a physical inspection of the facilities for health and safety issues. If an issue was found that was corrected or a work order was submitted to correct it prior to the conclusion of the inspection, it was not reported. Each of the city holding cells was found to be in compliance; however, as pointed out in last year's report, these facilities generally do not handle a high volume of inmates. The only holding cells that had significant findings or any recommendations were the County Courthouse holding cells.

San Luis Obispo County Jail Facility Inspection

The Grand Jury inspected four major components of the San Luis Obispo County Jail: the Main Jail (including the medical and behavioral health facility), the West Jail, the Kansas facility, and the Men's Honor Farm. The new medical facility was under construction and was not inspected.

San Luis Obispo County Coroner's Facility Inspection

The Coroner's Facility is operated under the jurisdiction of the Sheriff. Due to the recent change in the office and the hiring of a full-time forensic pathologist, the Grand Jury elected to inspect the Coroner's facility. This inspection used the same basic format as the jail: jurors toured the facility, met with the staff, and reviewed the policies and procedures. This included a meeting with the newly appointed forensic pathologist.

OBSERVATIONS

County Courthouse Holding Cell

Inmates are held at the Courthouse Facility on a temporary basis. They are held there during the day of their scheduled court appearance and are transported back to the Main Jail facility each day. The inmates enter the holding facilities through the secure entrance (sally port) from the outside parking area. Cameras are located throughout the facility and are monitored from the deputy's work station. We noticed, however, there were no cameras in the stairwells leading to the courtrooms or in the parking area outside the sally port.

The facility has nine holding cells and six segregation cells. The segregation cells are used for prisoners requiring isolation, either because of potential behavior problems or mental illness. ASH transports inmates to this facility for court appearances and they must be separated from the jail inmates. This puts a strain on the use of the segregation cells. The facility was designed to house up to 77 prisoners safely. An average of 50 inmates a day are transported to the holding cells from the County jail with an average of 10 additional inmates daily arriving from ASH. The number of inmates at the facility exceeds 77 on many occasions. This requires extra staff for safety purposes. The maximum number of inmates the facility has held recently was 126.

The inmates wear restraints which often scar the facility walls requiring frequent maintenance. The facility has no employee restrooms within the holding area, thus a correctional deputy requires extra time to exit the facility and transit through the courthouse public waiting area to use a public restroom. In general, the facility has insufficient room to conduct its intended tasks, based upon its layout. The Court also has no closed-circuit TV available to allow remote hearings. In contrast, there is a closed-circuit TV system between ASH and the Los Angeles County court system which reduces transportation costs and overall risks.

County Juvenile Hall

The Juvenile Hall, including its new building and the Coastal Valley Academy (CVA), can house up to 65 detainees. Fifteen of these beds are in a part of the facility that is primarily used for storage or training, thus only 50 beds are available. The CVA uses one wing of the older facility to provide an intensive rehabilitation program in a family type environment, with the ability to house up to 15 detainees. There were nine juveniles at the CVA when inspected. The main detention facility had 22 detainees. Youths convicted of very serious violent crimes are sent to the state facility near Stockton.

The Juvenile Hall is staffed with medical personnel from 7:00 A.M. to 10:30 P.M. daily. If a detainee requires outside medical treatment, a nurse accompanies the detainee, if possible, to ensure continuity of care. Behavioral Health staff is on site from 8:00 A.M. to 9:00 P.M. weekdays and 9:00 A.M. to 7:00 P.M. on weekends. No safety cells are available for suicidal detainees. The drug and alcohol therapist can see patients at weekly appointments. A community partner under contract, The Family Care Network, provides the CVA programming. The Juvenile Services Officers (JSO) have a relatively high turnover rate, but the interactions observed indicate that the staff has a good rapport with the detainees.

The CVA, in particular, had a family type atmosphere including the dining area and the outside recreational area. The outside recreational area in the new facility was unavailable to the detainees at the time of the inspection due to an unsafe choice of fencing materials by the building contractor. This is expected to be repaired soon.

County Jail

The San Luis Obispo County Jail has four main sections: The Main Jail, the West Jail, the Men's Honor Farm, and the Kansas Jail (Women's Jail). The first thing that is noticed upon arriving at the jail is that there are very few parking spaces for visitors. Currently, visitors must apply (for visitation) online, and when they enter the facility there is no metal detector or search performed. The Main Jail is about 50 years old and is designed for short term detention. The Main Jail has numerous roof leaks and, in spite of constant efforts, is not well maintained.

The current medical and behavioral health facilities are located within the Main Jail. The medical facility has same-day appointments for most inmate issues; however, the behavioral health therapists and psychiatrists have an appointment wait list of up to five days. Emergency situations are handled in a more-timely manner.

The West Jail is a newer facility and appears to be better maintained. It contains a single classroom for programming and education with another room that can be used for classes. The Kansas Jail is the newest facility and is well laid out for its intended purpose. It is also well maintained and contains classrooms for programming.

The Honor Farm is a WWII-era facility but is well maintained and subject to much less abuse from the inmates than the Main Jail. The Honor Farm also contains several outbuildings, which are used for vocational training and classrooms that also support programming. The Honor Farm houses inmates who, through demonstrated behavior, are low risk and have earned the additional freedoms and responsibilities that living in the barrack-style housing entails.

There are currently over 30 classes, services, and activities offered to inmates at the jail. The overall recidivism rate for the County jail is approximately 30%.

Jail realignment (AB109) has removed all limits on how long an inmate can be sentenced in the County jail. The longest sentence of any current inmate is 12 years. The average length of sentence is over 450 days with 20 to 25% of inmates serving sentences of one year or more. Approximately one-half of the inmates in the County jail have not been sentenced and are awaiting trial.

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At the time of our inspection, the jail was operating with nine unfilled correctional deputy positions with the staff required to work overtime to fill this gap. Completion of the correctional officer academy requires 220 hours of training. All correctional deputies must complete a minimum of 24 hours additional training each year. The jail staff training is transitioning from the current 14-hour crisis intervention training to a 40-hour course. This is designed to aid in dealing with the large population of inmates suffering from some form of mental illness. Last year four assaults on correctional deputies by inmates occurred. Recent years have seen this number vary between 2 and 14.

The Sheriff's department is building a new medical facility with three additional classrooms for inmate programming. The new medical facility will be 8000 square feet and will provide medical, dental, and routine mental health treatment. No psychiatric hospital facilities are currently available within the jail. Medical staff is currently present at the jail facility 24 hours a day. Behavioral Health staff is present 19 hours a day, and they currently see approximately 600 inmates per month.

At any one time, there are between 200 and 300 inmates receiving maintenance medications for psychological disorders. The costs for both medical and mental health services are borne by the County. The County is required by the state to house all inmates declared incompetent to stand trial (Penal Code 1370) in the jail until a bed in a state or county facility is available. This wait for a bed can take months for inmates charged with a felony. (PC 1370 inmates charged with a misdemeanor are treated at the County PHF.) The number of PC 1370 beds available at ASH is going to be reduced by 10% this year as the hospital is remodeling to be able to absorb more difficult patients. In 2017, the jail bed competency treatment facility in San Bernardino was used for most of the felony PC 1370 patients. The San Bernardino facility is now at capacity and will be able to take fewer patients in the future; thus, wait times for PC 1370 felons at the jail will rise above the current average of two-to-three months.

The jail transports approximately one inmate a day to local hospitals and approximately 1000 inmates a month to the County courthouse. The jail has no closed-circuit TV capability to allow inmates to participate in hearings remotely. Other inmate transportation requires an additional 500

transports monthly, which can include transportation to the County Psychiatric Health Facility (PHF), and other county or state facilities.

County Coroner Facility

The County Coroner facility was clean and well maintained. All health and safety inspections were up to date. The staff includes both sworn deputies and civilians and includes a full-time Forensic Pathologist. This position was recently transitioned from a part-time contract position to a full-time employee. The staff was knowledgeable of the health and safety requirements as well as the legal requirements of the office. The Coroner's office must rule on all deaths within the County, approximately 2000 annually, and perform approximately 250 autopsies per year.

The process for recording an autopsy is cumbersome and requires extra time from the pathologist and assisting deputy to record. Medical transcription duties following the autopsies fall to the administrative assistant.

The Coroner's office is in a leased building with no back-up generator or other auxiliary power source available on site in the event of a long-term power outage. The current procedure is to bring a generator from the Kansas Avenue Corporation Yard in the event of an emergency.

CONCLUSIONS

The inspections have identified several problem areas that could be corrected in multiple ways. In addition, there is a lack of long-term planning for the jail facilities.

FINDINGS

County Courthouse Holding Cells

- F1. The use of a closed-circuit video system would cut the transportation cost to the County and State (ASH) while relieving overcrowding within the facility.
- F2. The facility does not provide enough segregated cells to deal with the number of ASH inmates requiring court appearances and the changing jail population.

- F3. The lack of internal restroom facilities for the employees can cause an unnecessary temporary shortage of staff.
- F4. The facility often exceeds the 77-inmate capacity and should be expanded if another way to reduce the number of inmates is not implemented.

County Juvenile Hall

- F5. The CVA provides an effective alternative to normal incarceration.
- F6. The greater focus on programming and education leads to a less contentious and more stable relationship between officers and detainees.
- F7. The turnover in JSO positions leads to younger officers and may improve rapport with the detainees.
- F8. The staffing is based upon the 65-detainee capacity, not the average daily population which is approximately 30. Therefore, the facility does not have the staff shortage problems that plague other facilities.
- F9. The facility has significant excess capacity.

San Luis Obispo County Jail

- F10. The entire jail complex appears to have been built piecemeal with no master plan.
- F11. The parking for jail visitors is inadequate.
- F12. Scheduling visitation appointments is difficult for people without access to a computer or without computer skills.
- F13. The lack of a metal detector or other screening at the lobby presents an unnecessary risk to visitors.
- F14. The lack of a closed-circuit TV system between the jail and the courthouse results in trips to the courthouse for hearings where the direct presence of the inmate is not mandatory.
- F15. The jail has a strong need for a psychiatric hospital facility on-site for both felon and misdemeanor PC 1370 inmates as well as inmate WIC 5150 cases.
- F16. The addition of behavioral health staff would reduce the wait time for non-crisis service and could provide 24-hour capabilities.
- F17. Addition of correctional deputies, beyond filling the nine current vacancies, would decrease the impact of transporting prisoners within the jail for medical, behavioral

health, or programming reasons as well as reduce the burden of mandatory overtime now placed on all of the correctional staff.

County Coroner's Facility

- F18. The lack of on-site back-up electrical power presents an unnecessary risk.
- F19. The use of an administrative assistant as a medical transcriptionist places an uncompensated burden on the employee.
- F20. The lack of a foot control for the audio recording system causes unnecessary delays during autopsies.

RECOMMENDATIONS

County Courthouse Holding Cells

- R1. The Sheriff should petition the court for the addition of a closed-circuit AV system between the courthouse and the jail (potentially ASH can tie into the system) to reduce transportation cost and resolve overcrowding at the holding facility.

If the court approves the use of a closed-circuit AV system between the jail and the court, for hearings, additions or modifications in R2 are no longer recommended.

- R2. The facility needs an expansion to house the current inmate traffic. The expansion should add segregation cells (for ASH patients or mental health jail inmates), employee restrooms, and a regular holding cell. This would improve the safety of both inmates and staff. In light of the increase in mental health jail inmates coming to the courthouse, this expansion is needed immediately.
- R3. In addition to either of the first two alternatives, the Grand Jury also recommends that cameras be added in the stairwells leading to the courtrooms and to the fenced area outside the sally port.

County Juvenile Hall

- R4. The Grand Jury recommends the Board of Supervisors commission a study to investigate repurposing the juvenile hall wing currently being used as a recreational/storage/training area as a juvenile and transitional aged youth PHF with separate exterior access. This

could be a better use of the facility and fill an urgent County need. For better outside access, the study should consider using the current CVA space and moving the CVA to the unused area.

County Jail

- R5. The Sheriff should formulate a long-term plan to deal with the problems associated with the condition and layout of the main jail. This plan should include the replacement of the current main jail facility.
- R6. The jail administration should improve the visitor process including adding more parking, the ability to register for visits over the phone or on-site, and screening of visitors as they enter the facility.
- R7. The Sheriff should construct a psychiatric hospital (jail bed competency treatment facility) on the jail campus or elsewhere within the County.
- R8. The Sheriff should increase the staffing for the jail mental health workers to reduce the wait time for appointments from five days to one day or less.
- R9. The Sheriff should increase the staff in excess of the nine positions currently unfilled.

County Coroner's Facility

- R10. The County should procure and install a back-up generator (fixed or portable) on site to provide back-up power in case of an outage.

COMMENDATIONS

- 1. The management and staff of Juvenile Hall should be commended for their forward-looking approach to rehabilitating the County's troubled youth.

REQUIRED RESPONSES

The San Luis Obispo County Sheriff is required to respond to: F1, F2, F3, F4, F10, F11, F12, F13, F14, F15, F16, F17, F18, F19, F20, R1, R2, R3, R5, R6, R7, R8, R9, R10.

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The San Luis Obispo County Board of Supervisors is required to respond to: F10, F17, R4, R5, R7, R9.

The San Luis Obispo County Chief Probation Officer is required to respond to: F9, R4.

The Superior Court of San Luis Obispo County is invited to respond to F1, F2, F3, F4, R1, R2, R3

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by July 15, 2018. Please provide a paper copy and an electronic version of all responses to the Grand Jury

Presiding Judge	Grand Jury
Presiding Judge Ginger E. Garrett Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

APPENDIX

INSPECTION GUIDELINES

The following is a summary of the key data sought by the Grand Jury prior to or during each inspection.

- 1) Population
 - a) Current census
 - b) Average daily census
 - c) Capacity
 - d) Average time a person is held
 - e) Are people ever held without charges
 - f) Significant changes in inmate population
- 2) Disciplinary actions taken against staff for inmate-related issues
- 3) Escapes
 - a) Details
 - b) Remedial actions
- 4) Use of force incidents
- 5) Health services
 - a) How delivered
 - b) Common medical problems
 - c) Public health concerns
- 6) Injuries
 - a) Injuries to inmates due to aggression/agitation
 - b) Accidental injuries to inmates requiring medical attention great than first aid
 - c) Injuries to staff by inmates due to assault or managing inmate aggression/agitation
- 7) Suicide
 - a) Suicide attempts/deaths
 - b) Serious self-injury incidents require medical attention beyond first aid
- 8) Drugs
 - a) Drug overdoses
 - b) Drug deaths by overdose

9) Deaths

- a) Other deaths

10) Training (title, hours, and instructor credentials for each type)

- a) Managing inmate violence
- b) Handling mental health behaviors
- c) Responding to drug/alcohol related problems

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SAFEGUARDING THE PUBLIC'S HEALTH

The protection of the health and safety of residents and visitors is the first priority and responsibility of government. This report examines the policies and procedures of the Environmental Health Division of the San Luis Obispo County Health Agency in regard to their handling of complaints.

INTRODUCTION

The Environmental Health Division (EHD) is a part of the San Luis Obispo County Department of Public Health (DPH). Likewise, DPH is housed within the San Luis Obispo County Health Agency. EHD's mission statement reads, "Our mission is to protect the health of the community by preventing the transmission of disease and exposure to harmful levels of environmental contaminants through continuous education, innovative state of the art surveillance, and creative mitigation of environmental health hazards."¹

EHD's authority to regulate is derived from the California Health and Safety Code (HSC) and extends to a diverse group of activities such as restaurant and food service inspections (increasingly important as the number of meals sourced at locations other than in the home continues to rise)², inspection of some above-ground and underground petroleum product storage, beach water quality testing, inspection of sanitary conditions at body art establishments, and testing and inspections of public swimming pools, spas and hot tubs. However, under the HSC, in-room hot tubs are not subject to inspection by EHD. Small water purveyors - those serving from five to two hundred customers - are subject to inspection. EHD has a staff of Registered Environmental Health Specialists (REHS) who perform inspections and testing on both a scheduled and unannounced basis. Customer complaints are an important source of information for EHD as their staff cannot be in all places at once, and unhealthy conditions can literally appear overnight. Two

¹ <http://www.slocounty.ca.gov/Departments/Health-Agency/Public-Health/eh.aspx>

² <https://www.ers.usda.gov/data-products/food-expenditures.aspx>

examples of the importance of customer complaints are the recent temporary closures of a food market in Cayucos and a restaurant in Templeton due to infestation.

The DPH maintains a website that offers information on the full range of EHD activities, including access to results of restaurant inspections and the division's permit and inspection fee structure. The DPH website also offers disease frequency statistics for the County. EHD places a strong emphasis on educating permit holders what the applicable environmental health regulations are and how to maintain compliance with them.

ORIGIN

The origin of this report was a complaint received by the 2017-2018 San Luis Obispo County Grand Jury from a customer of a local business.

AUTHORITY

The authority for this report and the investigation that preceded it is contained within Penal Code Section §925.

METHOD

The Grand Jury conducted interviews with appropriate County staff and reviewed documentation provided by the complainant, EHD, and the California DPH.

NARRATIVE

The complainant in this case was an out-of-county California resident who stayed overnight in a local hotel and used the in-room hot tub. Upon returning home, the complainant felt ill and became more so as the days passed. The complainant sought diagnosis and treatment at a local hospital emergency room and was admitted as a patient within that hospital. Several days passed before a

definitive medical diagnosis was made; the complainant had contracted *Legionnaires' disease*, and it would require a week of intensive treatment before the complainant was released from the hospital. The hospital, in compliance with California DPH regulations, contacted the health department of the complainant's residence county.

The complainant stated to their home county's health department the only out-of-the-ordinary activity they had engaged in before the diagnosis of *Legionnaires' disease* was the use of the hot tub in San Luis Obispo County. Hot tubs have been a known potential source of *Legionella* bacteria, and it was reasonable at that time to assume the disease was acquired at the hotel in this County. The complainant's county health department then contacted San Luis Obispo County EHD with the information that a case of *Legionnaires' disease* had been diagnosed in that county, with the possible source of the disease located in this County.

An EHD inspector (REHS) was dispatched to the hotel. The inspector found a number of the hot tubs in the facility had been replaced, including the one utilized by the complainant, without the required inspection on completion and proper permits from the San Luis Obispo County Department of Planning and Building (DPB). The hot tub in question was classified as an in-room type and as such not subject under State law to periodic inspection by EHD. At the time, a number of in-room hot tubs had not been replaced. The hotel also offers public hot tubs/spas which are subject to EHD inspection. The hotel was not following the manufacturer's instructions for operation and maintenance of the new hot tubs, but rather the instructions for the earlier installations. In addition, the hotel operator was not following California DPH guidelines for in-room "fill and drain" hot tubs, something the operator previously agreed to do. No sampling or testing of the hot tub was performed. The hotel was asked to discontinue use of the newer in-room hot tubs, until they could be brought into compliance with the State guidelines.

The complainant questioned the judgment of EHD in not performing sampling and testing; complainant believed the REHS had not complied with California DPH guidelines for that set of circumstances.

EHD reasoning in this case was as follows:

- Considerable time (days) had passed between the onset of *Legionnaires' disease* and receipt of the complaint, rendering sampling and testing likely inconclusive related to this case.
- There have been no other reported cases of *Legionnaires' disease* attributed to the location's hot tubs either before or since the complainant's stay in the hotel.
- It is established DPH protocol that a single (possible) case does not constitute an outbreak of a disease.
- There was no water in the hot tub at the time of the inspection. Fill and Drain hot tubs are periodically drained similar to a bathtub.
- EHD consulted with the County's Public Health Laboratory and Epidemiologist to determine whether sampling and testing should be conducted.
- The clinical test employed by the complainant's health care provider did not include a culture that a sample result could be compared to in a human case.

The complainant again disagreed with EHD and sent a letter to California DPH describing what they believed to have been improper and inadequate actions by EHD. California DPH then notified the County DPH they had received the complainant's letter. Seeking verification that their actions were proper, DPH requested the agency's opinion as to whether they had followed the California DPH regulations related to sampling and testing for *Legionella* bacterium in this case. California DPH responded to the complainant that EHD had complied fully and indeed had gone beyond due diligence in seeking resolution of the complaint. EHD worked collaboratively with DPB and the hotel management to bring the hot tubs into compliance with State guidelines.

There was a confirmed case of *Legionnaires' disease* within the County in 2017. That case was in a different area of the County. Samples were taken, then sent to an out-of-county laboratory equipped to test for *Legionella*. The suspected source was confirmed to have the *Legionella* bacterium present; remediation was undertaken, and the case was duly reported to California DPH.

Testing for the presence of *Legionella* requires sophisticated laboratory equipment and a staff trained in specific protocols to conduct the testing. Some *Legionella* testing-capable labs have earned the Centers for Disease Control (CDC) designation, Environmental Legionella Isolation

Techniques Evaluation (ELITE) Program. One of the two outside laboratories used by the County has this designation.

LEGIONELLA

Legionella is a type of bacterium found naturally in freshwater environments, such as lakes and streams. It can become a health concern when it grows and spreads in human-made water systems like:

- Showers and faucets
- Cooling towers (air-conditioning units for large buildings)
- Hot tubs that aren't drained after each use
- Decorative fountains and water features
- Hot water tanks and heaters
- Large plumbing systems
- Mist machines (in supermarkets, entertainment venues, etc.)

After *Legionella* grows and multiplies in a building water system, that contaminated water then has to spread in droplets small enough for people to inhale. People can contract *Legionnaires' disease* when they breathe in small droplets of water in the air that contain the bacteria.

Less commonly, people can contract *Legionnaires' disease* by aspiration of drinking water. This occurs when water goes into the trachea (windpipe) and lungs instead of the digestive tract. People at increased risk of aspiration include those with swallowing difficulties. In general, people do not spread *Legionnaires' disease* and Pontiac fever (a less severe form of *Legionellosis*) to other people. However, this may be possible in rare cases.^{3 4}

Legionnaires' disease is a severe form of pneumonia with the potential to kill. All verified cases of *Legionnaires' disease* in California must be reported to California DPH.

³ <https://www.cdc.gov/legionella/about/causes-transmission.html>

⁴ *Legionella* is named for the outbreak of *Legionellosis* at a Philadelphia, Pennsylvania convention of the American Legion in 1976.

Recent outbreaks of *Legionnaires' disease* include one instance at Disneyland and elsewhere in Orange County in 2017, and another in Illinois in 2018. The source of the bacteria was found in air-conditioning system cooling towers. These outbreaks produced fatalities as do approximately ten percent of cases of *Legionnaires' disease*. That number rises to twenty-five percent when the patient is in a health care setting.

There were approximately six thousand cases of *Legionnaires' disease* diagnosed and reported in the United States in 2016, representing a slow, steady increase in occurrences over the past fifteen years. CDC believes the rise in *Legionnaires' disease* numbers is at least partially due to more accurate diagnosis. CDC also believes as many as six thousand additional cases of *Legionnaires' disease* are undiagnosed or misdiagnosed each year.⁵

OTHER DISEASES OF HEIGHTENED CURRENT CONCERN AT DPH

Hepatitis A

Hepatitis A is a vaccine-preventable, communicable disease of the liver caused by the Hepatitis A virus. It is usually transmitted person-to-person through a fecal-oral route or consumption of contaminated food or water. Hepatitis A is a self-limited disease that does not result in chronic infection. Most adults with Hepatitis A have symptoms, including fatigue, low appetite, stomach pain, nausea, and jaundice, that usually resolve within two months of infection; most children less than six years of age with the disease do not display symptoms. Antibodies produced in response to Hepatitis A infection last for life and protect against re-infection. The best way to prevent Hepatitis A infection is to get vaccinated.⁶

Vaccination against Hepatitis A is common among young people and has proven effective in preventing outbreaks of the disease in that demographic. Vaccination is less common among older individuals, leaving that group more vulnerable.

There is an ongoing outbreak of Hepatitis A in several California counties, most notably San Diego County. The outbreak has been prevalent in areas of habitation by the homeless and is known to

⁵ <http://www.humanillnesses.com/Infectious-Diseases-He-My/Legionnaire-s-Disease.html>

⁶ <https://www.cdc.gov/hepatitis/hav/index.htm>

be caused by poor sanitary conditions. The affected counties have undertaken a large-scale program of vaccination of homeless persons and are working to improve conditions by providing better access to toilets and hand-washing stations. The County DPH has a plan to address a potential outbreak.

Zika Virus

Zika is primarily spread by the bite of an infected *Aedes* species mosquito (*Ae. aegypti* and *Ae. albopictus*). Unlike many other mosquito types, these mosquitoes bite during both day and night. Zika can be passed from a pregnant woman to her fetus. Infection during pregnancy can cause significant birth defects. There is no vaccine or medicine for Zika.⁷

Zika-carrying mosquitoes have been found in all of the counties of southern California and in the Central Valley as far north as Merced. Although no Zika-carrying mosquitoes have been found in San Luis Obispo County, it is bordered by two counties (Kings and Kern) where they are present. The public health community expects Zika-carrying mosquitoes to eventually extend their range to San Luis Obispo County. The County DPH currently has a limited education program to inform the public of mosquito abatement techniques that should be used by residents.

San Luis Obispo County does not currently operate a mosquito abatement (Vector Control) program. It does, however, contract with abatement districts in Santa Barbara and Monterey counties for a mosquito surveillance program using specialized traps. Technicians identify the numbers and types of mosquitoes each time a trap is visited.

The EHD, upon receiving direction from the County Board of Supervisors (BoS), presented a proposal at the March 20, 2018 BoS meeting detailing the anticipated cost to the County to operate its own mosquito abatement program. The BoS deferred action until the next budget cycle.

⁷ <https://www.cdc.gov/zika/about/index.html>

CONCLUSIONS

DPH has the responsibility and authority to regulate sources of pollution and infection which put the public health at risk. EHD conducts inspections, testing, public education programs, and collaborative mitigations to accomplish its mission. The San Luis Obispo County Public Health Department maintains a website which provides disease statistics for the County, restaurant inspection results, mosquito populations, and related information. Based on our investigation, the Grand Jury found the actions of the County Public Health Department exceeded the existing guidelines, and no evidence was found to support the complaint.

FINDINGS

- F1. EHD acted properly with respect to the complaint regarding the case of *Legionnaires' disease* thought to have originated at a hotel in San Luis Obispo County.
- F2. San Luis Obispo County's Public Health testing laboratory does not have the capability to test for *Legionella* and must send samples to an out-of-county laboratory.
- F3. There has been an outbreak of Hepatitis A in several California counties. Hepatitis A can cause death in some cases, especially those with compromised immune systems.
- F4. Mosquitoes carrying Zika virus are in adjacent counties and will soon be in this County.
- F5. There is currently no mosquito abatement (Vector Control) program in San Luis Obispo County. The BoS occasionally reviews that situation but has not authorized funding for an abatement program.
- F6. The 2017-2018 Grand Jury reviewed the San Luis Obispo County Public Health Department's website early in the course of its investigation and found the most recent health statistics available were from 2012. However, the website has since been updated

to reflect data from 2016. The Grand Jury also found other county health departments update their websites quarterly.

RECOMMENDATIONS

- R1. The San Luis Obispo County Department of Public Health should require that customers at commercial hot tub and spa establishments be informed there is a risk of *Legionnaires' disease* inherent in that environment.
- R2. The San Luis Obispo County Department of Public Health should use only ELITE Program Laboratories to test for the presence of *Legionella* when there is a known case of disease potentially associated with the samples.
- R3. The San Luis Obispo County Department of Public Health should conduct a vaccination and sanitation outreach program among the homeless population to prevent an outbreak of Hepatitis A in the County. Funding to support the program should be allocated by the San Luis Obispo County Board of Supervisors.
- R4. The cost of starting and operating a comprehensive mosquito abatement program (Vector Control) is known. Funding commensurate with that cost should be set aside each year by the San Luis Obispo County Board of Supervisors and County Administration, so that when it becomes necessary, the money will be immediately available.
- R5. The San Luis Obispo County Department of Public Health has a program to educate the public about mosquitoes, how to avoid acting as their host, and how to minimize the risk of becoming infected with the diseases they carry. Before mosquitoes carrying the Zika Virus arrive in this County, additional funding should be allocated by the San Luis Obispo County Board of Supervisors to support expansion of EHD's public education efforts.
- R6. The San Luis Obispo County Department of Public Health website's statistics should be updated at least quarterly.

COMMENDATIONS

The Grand Jury commends the County of San Luis Obispo Public Health staff for their cooperation, professionalism and thorough responses to our inquiry of this issue.

REQUIRED RESPONSES

The San Luis Obispo County Department of Public Health is required to respond to findings and recommendations: F2, F3, F4, F5, F6, R1, R2, R3, R4, R5, and R6.

The San Luis Obispo County Board of Supervisors is required to respond to R3 and R4.

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by July 17, 2018. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Ginger E. Garrett Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

MOVING THE DIAL AT THE COUNTY JAIL

This report examines the progress the San Luis Obispo County Jail has made in providing programs aimed at reducing an inmate's risk of returning to incarceration. It also suggests how progress could be improved.

PREAMBLE

The reader may wonder why this and other reports issued by the 2017–2018 San Luis Obispo County Grand Jury do not discuss recent deaths at the County Jail. Mr. Andrew Holland died at the Jail January 22, 2017, and Mr. Kevin McLaughlin died at the Jail April 13, 2017. Both deaths occurred before the 2017–2018 Grand Jury's term began. Mr. Russell Hammer died at the Jail November 27, 2017, after the 2017–2018 Grand Jury's term started.

Any in-custody death is a matter of grave concern and deserves thorough examination through a wide and unbiased lens. Jails and prisons have a duty to provide for the health, welfare, safety, and security of those who are incarcerated there. While proceedings of the Grand Jury are always confidential, it would be incorrect to conclude the Grand Jury did not inquire into the deaths of these men simply because it chose not to issue a report.

While the Grand Jury is mandated by law to inquire into the conditions and management of public jails, it is not mandated to issue a report on any or every aspect of its inquiry, nor is it required to duplicate investigations being done by other entities when it believes those entities are sufficiently competent, equipped, determined, and organized to do so.

The Grand Jury is mindful that organizations with greater resources—for example, the Santa Cruz County Sheriff's Office and the San Luis Obispo County District Attorney's Office (in the case of Mr. McLaughlin), law firms representing family members (in the case of Mr. Holland and Mr. Hammer), and the FBI—have taken on comprehensive investigations into these deaths. What these investigations have revealed to-date has been the subject of broad and detailed media coverage.

The Grand Jury looks to see where shining a light and issuing a public report on County government operations would be of value. The Grand Jury determined issuing its own report while these investigations are ongoing would not be of value.

SUMMARY

California’s Board of State and Community Corrections (BSCC) completed its biennial inspection of the San Luis Obispo County Jail in August 2017. In reporting its inspection results to the San Luis Obispo County Sheriff, the BSCC noted the challenges inherent in transitioning “from the warehousing of inmates to establishing evidence-based programs with the goal of reducing recidivism.” The 2017–2018 San Luis Obispo County Grand Jury decided to investigate the progress the San Luis Obispo County Jail (Jail) has made in achieving this transition and the problems which still stand in the way.

While from a program standpoint the Jail is a busy place, with many services, classes, and activities, little has been done to determine whether these services, classes, and activities—referred to here as programs—reduce an inmate’s risk of reoffending. Further, many inmates with the highest risk of reoffending have little or no access to programs due to safety and security concerns which limit their participation.

To move the dial further from warehousing to rehabilitation, Jail administration should invest more in programs known to work, and in programs which address higher-risk, harder-to-serve inmates. Providing inmate access to programs poses difficulties for correctional staff. These difficulties need to be weighed when deciding which programs to provide; programs shown to reduce an inmate’s risk of reoffending should be given the greatest priority. Jail administration should also intensify efforts to find solutions to the classification and housing issues which still stand in the way of moving the Jail from a warehouse to rehabilitation environment.

INTRODUCTION

In a December 2017 letter to the San Luis Obispo County Sheriff following its inspection of the Jail, the BSCC wrote:

“We were pleased to learn of several programs in place to address the needs of inmates and better prepare them for community re-entry. In addition to the standard jail programs (AA/NA, Parenting Skills, Religious Counseling, and GED/High School Diploma), Thinking for a Change and Alternatives to Violence, evidence-based programs¹¹ that use intervention to change behavior, are also being provided.

“Custody officers are actively participating as instructors and facilitators. Securing the buy-in and support from custody staff is one of the most difficult challenges for administrators as they make the transition from the warehousing of inmates to establishing evidence-based programs with the goal of reducing recidivism. We look forward as your management team continues to expand this practice.”

Inspired by the BSCC’s comment about the need to move away from simply warehousing inmates, the 2017–2018 San Luis Obispo County Grand Jury (Grand Jury) decided to investigate the current status of this shift.

The Grand Jury focused its investigation on programs handled by the Jail’s programs unit. It did not examine treatment services overseen by the Jail’s chief medical officer. During the Grand Jury’s term, treatment of mental illness and substance abuse has been the subject of intense review by the San Luis Obispo County Sheriff (Sheriff), Health Agency, Administrative Office, and Board of Supervisors. Two reports by the 2016–2017 San Luis Obispo County Grand Jury addressed the lack of treatment.¹² San Luis Obispo County officials acknowledged these reports as contributing to the changes recently made to try to better serve those with mental health and substance use challenges both in and out of custody. Re-entry services designed to help inmates transition back to the community also fell outside the scope of this report.

¹¹ To be described as “evidence-based” an instructional program or collection of practices should have been tested and shown to have a record of success.

¹² *Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail*, http://slocourts.net/downloads/grand_jury/reports/2016/2017_County_Jail_Report.pdf; *How Long Will the Need Go Unfulfilled: Residential Detoxification in San Luis Obispo County*, http://slocourts.net/downloads/grand_jury/reports/2016/2017_Detox_Report.pdf

AUTHORITY

California Penal Code § 919(b) requires the Grand Jury to “inquire into the condition and management of the public prisons” within San Luis Obispo County.

METHOD OF INVESTIGATION

The Grand Jury obtained its information by:

- interviewing San Luis Obispo County Community Corrections Partnership executive committee members
- interviewing Jail management, correctional staff, and personnel with program responsibility
- interviewing program providers
- inspecting the Jail, the San Luis Obispo County Juvenile Hall, and the California Men’s Colony (CMC)
- reviewing BSCC inspection results
- reviewing applicable Sheriff’s Office Custody Manual policies and the Sheriff’s Correctional Deputy job description
- reviewing San Luis Obispo County budget reports
- reviewing relevant San Luis Obispo County Board of Supervisors (BoS) meeting materials including San Luis Obispo County Community Corrections Partnership executive committee reports on implementation of San Luis Obispo County’s Public Safety Realignment Act (AB 109) plan
- reviewing San Luis Obispo County Community Corrections Partnership meeting agendas and minutes
- reviewing past San Luis Obispo County Grand Jury reports regarding the Jail
- analyzing reports generated from the Jail’s programs database and other information provided by Jail administration
- researching issues and trends related to in-custody programs and their impact on an inmate’s risk of reoffending

BACKGROUND

In April 2011, AB 109 became California law. The law transferred responsibility from the State to the counties for offenders convicted of lower-level felonies, defined as non-serious, non-violent, and non-sexual. These offenders are referred to as realigned offenders.

AB 109 gives counties annual funding to house, treat, and supervise realigned offenders. It also requires counties to have a realigned offender housing, treatment, and supervision plan.

The San Luis Obispo County Community Corrections Partnership (CCP) executive committee¹³ submitted its initial plan to the BoS in 2011. The BoS has received plan updates on approximately an annual basis ever since.

This report summarizes progress and problems noted in the updates, and provides additional information based on the Grand Jury's interviews, research, and observations.

NARRATIVE

JAIL OVERVIEW

Capacity/Headcount

The Jail's rated capacity is 639.¹⁴ On a day in early 2018, the inmate headcount was 520. There were 81 women and 439 men. See Table I in this report's Appendix. The Grand Jury knows the numbers fluctuate. When the BSCC visited in 2017, the headcount was 627.

Program Rooms within the Jail

There is one dedicated program room for inmates in what correctional staff refers to as the "west jail" (built in 1993). Correctional deputies have no line of sight into this room. In addition, the room is ununlockable and therefore not secure. There is a video camera in the room, but the number of monitors on which the video feed can be viewed is limited. For these reasons, only low-risk

¹³ The CCP was established by California Senate Bill 678. AB 109 authorized creation of a CCP executive committee to address housing, treatment, and supervision needs for the offender population realigned as a result of AB 109.

¹⁴ "Rated capacity" means the maximum inmate headcount at which a jail can operate safely, as determined by the BSCC.

inmates can attend programs in this room. The small law library in what correctional staff refers to as the “main jail” (built in 1971) is also used for programming, as are exercise yards.

There are two dedicated program rooms in what correctional staff refers to as the “Kansas jail” (built in 2017). One room is for female inmates only; the other room can be used by either male or female inmates. In addition, there are two small interview rooms inside the female dormitories in the Kansas jail which can be used for one-on-one services or small group work.

Classification and Housing

Classification deputies evaluate inmates based on a list of criteria. Their decisions dictate housing, privileges, and access to programs. Besides classification level, housing is based on age, sex, legal status (e.g., pre-trial or sentenced), special problems or needs, and behavior.¹⁵ Contrary to this policy, however, all housing units contain a mix of pre-trial (unsentenced) and sentenced inmates.

Administrative Segregation

Since AB 109, the Jail has seen an increase in inmates placed in administrative segregation. In early 2018, 59 inmates (11 percent of headcount) were in this classification, most unsentenced. See Table 2 in the Appendix. Administrative segregation inmates generally do not qualify for programming due to the reason(s) they were assigned to this classification.¹⁶

Protective Custody

The Jail has also seen an increase in protective custody¹⁷ inmates since AB 109. In early 2018, 132 inmates (25 percent of headcount) were in this classification. See Table 3 in the Appendix. The Grand Jury was told protective custody inmates pose a programming problem for correctional staff. These inmates require extra security and more deputies to address their safety, staff safety, and facility security since physical separation from other inmates is required. Programming offered

¹⁵ Sheriff’s Office Custody Manual Policy 516.

¹⁶ Administrative segregation means the physical separation of an inmate who is prone to escape or assault staff or other inmates, or one who is mentally deficient, in need of medical isolation or infirmary status. Source: Sheriff’s Office Custody Manual Policy 510.

¹⁷ Protective custody refers to a level of custody either requested or required for an inmate’s protection from others. Source: Sheriff’s Office Custody Manual Policy 510.

in a space outside a protective custody inmate's housing unit cannot include inmates in other classifications.

General Population

In early 2018, 258 inmates (50 percent of headcount) were classified as general population inmates. See Table 4 in the Appendix. The Grand Jury was told programming is challenging for these inmates as more are pending sentencing than are sentenced. Having unsentenced inmates involved in services “creates a constantly shifting group dynamic that can be therapeutically counterproductive.”¹⁸

Men's Honor Farm

Fifty inmates (11 percent of male headcount) were housed at the men's honor farm in early 2018. See Table 5 in the Appendix. Most of the programming space is located where the honor farm men live. However, because they typically work during the day, program access—aside from on-the-job training—is limited to what can be offered during evenings or weekends. (The Grand Jury learned Jail management is gradually moving more unsentenced men into honor farm housing. Unsentenced men will be able to relieve some sentenced men from Jail work detail, giving those relieved time off to attend weekday programming.)

Women's Honor Farm

Fourteen women (17 percent of female headcount) had honor farm status in early 2018. See Table 5 in the Appendix. Honor farm women have more visitation privileges, but little else. Vocational opportunities are limited to sewing and animal care. Unlike honor farm men, who are housed in barracks with access to outside space on the Jail grounds, honor farm women are housed inside the Kansas jail.

This wasn't the case until the Kansas jail was built. For staffing reasons, after the Kansas jail opened the female barracks were emptied. (The Grand Jury was told only six honor farm women were in residence at the time.) The honor farm women now live behind bars in essentially the same space as their non-honor farm counterparts. More is expected from them (e.g., work detail) but

¹⁸ 2015 Status Report on Implementation of the 2011 Public Safety Realignment Plan, November 17, 2015, page 9.

little incentive is provided. Sentenced women who work in order to be able to leave their cells during the day miss out on programming which could be of benefit. However, the Grand Jury learned Jail administration recognizes this disparity and is working to provide honor farm women more opportunities.

COUNTY JAIL PROGRAMMING – A PROGRESS AND PROBLEM TIMELINE

To see what programming progress the Jail has made since AB 109, and what problems still persist, the Grand Jury studied public reports, including CCP Public Safety Realignment Plan (PSRP) reports, San Luis Obispo County budget reports, and past San Luis Obispo County Grand Jury reports. It also studied data Jail management provided and interviewed members of the CCP executive committee, Jail personnel, and program providers.

2011–2012

During its inspection of the Jail, the 2011–2012 San Luis Obispo County Grand Jury noted the programs then in effect. The programs were generally standard programs like high school equivalency credential preparation and testing, adult education in reading and writing, instruction in English as a second language, alcoholics and narcotics anonymous, and ministry services. Two exceptions were the Alternatives to Violence Project (AVP) workshop¹⁹ and a food safety certificate course, both available to honor farm men.

The 2011 PSRP report and its 2012 update commented on the need to augment Jail programs now that realigned offenders were serving time there.

2012–2013

The 2012–2013 San Luis Obispo County Grand Jury reported AB 109 funding was used to hire a program manager. Programs were added, including:

- two cognitive behavioral therapy (CBT) classes—Planning for Change and Thinking for a Change, an evidence-based program

¹⁹ An AVP workshop generally lasts 20 hours over a three-day period and requires a certain number of participants in order to run.

- reproductive health education and counseling
- a Department of Social Services (DSS) parenting program (the Grand Jury learned many of the parents DSS works with cycle in and out of jail)
- creative writing, drama, poetry, and yoga

The 2013 PSRP update took the form of a slide presentation to the BoS rather than a written report. During the presentation, the Sheriff described plans to focus Jail programs on education and employment, partnerships in the works with Allan Hancock and Cuesta colleges, and a reach-out to CMC to find out more about their programs. The Jail created a programs unit (JPU)—staffed with the program manager plus a correctional sergeant, probation officer, and drug and alcohol specialist—to develop and coordinate expanded inmate programs.

2013–2014

The 2014 PSRP update identified reducing recidivism as a strategic focus area. New strategies to rehabilitate offenders and reduce recidivism were cited as critical needs.

A new goal for programming was named. Programs would be offered based on a sentenced inmate's risk and needs. The JPU would function as the initial point of contact for realigned inmates, offer an assessment of their risk and needs, and identify programs targeted to reduce their likelihood of reoffending. (Inmates, however, would not be assigned to programs; requests for programming would be up to the inmate to initiate.)

The PSRP update noted providing programs was a complex undertaking and, depending on the type of charge, criminal history, housing location, length of stay, and other considerations, an inmate's ability to participate in programs had been a challenge. However, the Jail had made changes to program delivery to reduce these barriers to program access. One change was bringing additional programs into housing units. Shifting programs to specific units was credited with higher and more consistent program participation.

Programs were added, including:

- workshops on employment for inmates with disabilities

- supported employment workshops for inmates with mental illness
- training on nonviolent communication
- workshops on music practice and theory
- sewing and crocheting classes taught by correctional staff
- help for inmates wanting to remove anti-social or gang-related tattoos

However, the PSRP update estimated only 21 percent of released realigned offenders had received programming during their custody. Reasons included resource capacity, inmate interest in participating, and inmate housing assignments. Citing the increase in assaults, violence, and gang politics within the Jail due to AB 109's shifting of more criminally sophisticated offenders to local custody, the report noted these issues often drove housing decisions and hampered inmate access to programs.

2014–2015

The 2015 PSRP update listed new programs, including a welding apprenticeship program for honor farm inmates. See Table 6 in the Appendix. The JPU continued to focus on completing risk and needs assessments on sentenced inmates. Inmates identified as high- or medium-risk to reoffend (but with an eligible housing classification) were given a plan showing programs targeting their risk factors. The JPU also began collecting program attendance data, with the goal of measuring and reporting on program completion rates, intermediate outcomes (e.g., earning a high school equivalency credential), long-term outcomes (e.g., recidivism reduction), and cost-effectiveness.

The update noted the Jail saw a significant increase in inmates placed in administrative segregation and protective custody, where program access is unavailable or limited, despite an overall headcount reduction as a result of Proposition 47.²⁰ In addition:

- expanding Jail programs and services to reach inmates in higher security housing areas was still an unmet need

²⁰ Proposition 47, passed by California voters in 2014, recategorized some nonviolent felonies as misdemeanors, reducing the number of offenders receiving jail sentences.

- having both sentenced and unsentenced inmates in housing areas where programs were offered created “a constantly shifting group dynamic” seen as “therapeutically counterproductive”
- programs offered in housing units required those not participating to be locked in their cells, leading to resentment and tension in the unit
- services which could be delivered on an individual basis were preferred, but to do so would be “extremely costly and time consuming.” (The update did not quantify the cost and time required to provide individual services. The Grand Jury understands no estimate as to cost and time has yet been done.)

The 2014–2015 San Luis Obispo County Grand Jury reported that “with present staffing and insufficient classroom space, the Jail is not able to support more education and rehabilitation programs at this time.” Overcrowding, largely as a result of AB 109, had “dramatically reduced the opportunity for meaningful rehabilitation programming.”

2015–2016

There was no 2016 PSRP update, and the 2015–2016 San Luis Obispo County Grand Jury did not issue a report on the Jail. However, the Sheriff’s budget noted new inmate vocational programs had been established, including animal care, sewing, and sign-making. His budget included \$65,000 in AB 109 funds to purchase embroidery and engraving equipment for an inmate graphic arts program. These vocational opportunities were for honor farm inmates, a small percentage of the overall inmate population.

2016–2017

The 2017 PSRP report provided more of a six-year review than an update, although some data reflected activity during calendar year 2016 and other data covered part of fiscal year 2016–2017. The San Luis Obispo County 2016–2017 budget contained some information. The 2016–2017 San Luis Obispo County Grand Jury inspected the Jail and noted several issues.

New employment, vocational, recovery, and leisure/recreational programs were added. See Table 7 in the Appendix. A second program manager was hired, supported by \$155,288 in annual AB

109 funding, to provide construction training to honor farm inmates. The Kansas jail added two dedicated program rooms, affording inmates more programming access.

The PSRP report noted, however, effective evaluation of programs and services was still lacking. An integrated database was needed; more investment in information technology would be required. Reaching all inmates with the highest needs was still a challenge due to classification and housing issues which limited these services.

The 2016–2017 San Luis Obispo County Grand Jury reported there was inadequate physical space to conduct programming for male inmates, restricting both the amount of programming offered and inmate participation. Many programs were being taught in the communal area of a housing unit which, it was observed, lacked proper facilities and posed an elevated risk for providers. Various reports received from program staff and providers stated some correctional staff resisted facilitating programming.

2017–2018

The San Luis Obispo County 2017–2018 budget noted additional program rooms for inmates would become available once new construction at the Jail was finished. The Grand Jury’s investigation revealed:

- There are now approximately 30 programs at the Jail for which data is captured in the JPU database. See Table 8 in the Appendix. Some programs are offered throughout the year. Other programs, like computer coding and sociology, are offered off and on. Some programs offered in prior years went by the wayside, and some new programs were added.
- Current programs include several which are evidence-based, e.g., Grief and Loss, Helping Women Recover and, as mentioned earlier, AVP and Thinking for a Change.
- While the number of programs has increased, many have limited (e.g., honor farm only) access.
- Correctional staff members view access to programs as a privilege, like commissary access or visitations. Inmates being disciplined have their program access suspended, even those targeting criminal thinking like Thinking for a Change, which requires completion of all 24 modules for the chance of success in reducing an inmate’s risk of reoffending.

- A change to an inmate's housing unit assignment, even for reasons unrelated to discipline or behavior, cancels the inmate's participation in a program series being delivered in the unit from which the inmate was moved.
- No programming is available to inmates in west jail units 100 and 600, and is very limited for inmates in west jail unit 200 and in the main jail decks and dormitory. See Table 1 in the Appendix. In early 2018, there were about 230 men in these units, over half the male population.
- Some program decisions are made based not on the best use of available funds or any clear link between the program and an inmate's risk of reoffending, but rather on what a well-intentioned provider with a mission wants to do inside the Jail.
- Programs run by paid providers are not put out to bid. (The Grand Jury understands a contract to deliver a particular program does not technically need to be put out to bid if the contract's dollar value is under the amount for which competitive bidding is required.)
- Providers now give an overview of their programs during group training for new correctional deputies to help gain buy-in and support for facilitating program access. (But only one hour is allotted, so each provider's briefing lasts just five minutes.)
- The JPU had planned to provide a four-hour class on Jail programs this year to all correctional deputies as part of their 24 hours of required annual training, but the plans were not approved by Jail administration due to higher training priorities.
- The correctional sergeant assigned to the JPU gives each new correctional deputy an orientation to Jail programs and what is expected from the deputy in terms of facilitating program access.
- The job description for all levels of Sheriff's Correctional Deputy includes encouraging inmate participation in rehabilitative programs as a typical duty, but deputies are not evaluated on how well they do this as part of their regular performance reviews.
- Construction scheduled for completion in June 2018 will add more program rooms for inmates. Classrooms will be secure and lockable, unlike the current dedicated classroom in the west jail.
- Classification and housing issues which have continually hampered inmate program participation will not be solved by adding more classrooms. Nor will inmate transport issues be solved, which is what drove most programs into housing units. Movement of

inmates takes time, pulls correctional staff from other duties, creates safety and security risks, and requires inmate searches both entering and exiting the classrooms.

- On a day in early 2018, 226 inmates (43 percent of the population) were offered access to one or more programs: 100 percent of the women, 96 percent of the men on the honor farm, 30 percent of the men in the main jail, and 22 percent of the men in the west jail.
- That same day, 294 inmates (57 percent of the population) had no program access.
- Of the 226 inmates offered program access that day, only 34 actually participated.

COMMON THREADS, RECURRING THEMES, ADDITIONAL OBSERVATIONS

Program Access

- Housing decisions hamper inmate access to programs.
- Expanding programs and services to reach inmates in higher security housing persists as an unmet need. Delivering services on an individual basis is judged too costly, even though the CCP is sitting on about three million dollars in AB 109 reserves.²¹
- Programming emphasizes job training, which is mainly available to the relatively small population of honor farm men. The AB 109 funds used to hire a program manager at the honor farm have supported construction training for only a few men.²²
- There are no programs specifically targeted to young adult (age 18–25) inmates who could benefit from interventions to change behavior while their brains are still developing.

Unsentenced Inmates/Uncertain Length of Stay

- When unsentenced inmates—whose length of stay is uncertain—participate in programs with sentenced inmates, as happens with programs delivered inside housing units, the effect can be therapeutically counterproductive due to the “constantly shifting group dynamic.”
- Programs like Non-Violent Communication, AVP, and Thinking for a Change, which use intervention to change behavior, are designed for a cohort to move through and complete the program together to have the best chance of success. Unsentenced participants

²¹ Source: CCP presentation to the BoS July 25, 2017.

²² In late 2017, according to the Sheriff’s Office, the construction program had two graduates and nine enrolled.

jeopardize program success since they may not remain in the Jail's custody long enough to allow the whole cohort to finish.

Conducive Programming Space/Jail Layout

- Inadequate physical space to conduct programming and the overall layout of the Jail have restricted the amount of programming offered, as well as inmate participation.
- A significant change mentioned was bringing programs into the communal areas of housing units. Shifting programs into housing areas was credited with higher and more consistent program participation. However, these areas lack proper facilities and create tension in the units, elevating risk.

Staffing Requirements

- The Grand Jury knows facilitating inmate access to programs takes staff to do the job: clearing program providers for entry; ensuring program materials do not pose a safety or security risk; escorting inmates to and from classes held outside housing units; searching inmates entering and exiting areas outside housing units to be sure no contraband or unsafe objects are brought in or out...the list goes on.
- One correctional deputy can escort no more than five inmates at a time; otherwise two or more deputies are required.
- Staffing the Jail to at least minimum standards to ensure there are sufficient personnel available to respond to safety or security issues which might arise at any time means facilitating inmate access to programming necessarily takes a back seat. The Grand Jury has learned correctional deputies are required to work overtime in order to meet minimum standards.

You Can Lead a Horse to Water...

- Lack of inmate interest in participating is cited as a reason for disappointing outcomes.
- On a recent day in early 2018, 226 inmates were offered access to one or more programs. Only 34 chose to participate.

- Some classes need a certain threshold of inmates willing to participate in order to run and/or receive funding. The Grand Jury learned it can sometimes be difficult to reach these thresholds.
- Attrition plagues long-term programs (e.g., Thinking for a Change, a 24-module program) which need completion of all sessions to have the best chance of success.
- Unlike at CMC, no shortened sentence incentives are provided to encourage inmate interest.
- Inmate internships served outside the Jail at local businesses haven't always worked as hoped. Some inmates violated rules while out or brought contraband back in.

Environment/Culture

- Various reports from Jail administration and providers state resistance from some correctional staff when it comes to facilitating programming.
- Mandatory overtime—due to the number of staff retiring, a high rate of turnover among new recruits, and the time it takes to hire and train replacements—is taking a toll on staff morale.

Determining What Works

- Establishing cause and effect between programs and reduction in offender re-offense is hampered by lack of data needed to measure and report on program performance.
- The CCP executive committee acknowledges program availability and capacity need review to ensure the top risk factors affecting criminal behavior are being addressed.

Program Focus

- The CCP executive committee has recognized the development of new strategies focused on rehabilitating offenders and reducing recidivism is a critical need.²³ AB 109 funding provides the means to identify and invest in these strategies.

²³ From October 1, 2016 to October 1, 2017, the number of offenders booked into the Jail was 7,351. Thirty-one percent were repeat offenders, with between 2 and 20 different bookings each. The top 10 repeat offenders averaged about 16 bookings each. Source: Sheriff's Office.

- Recognition of the need to provide additional inmate programs, counseling, and education focused on reducing recidivism has been noted in the Sheriff’s budget each fiscal year since at least 2011–2012.
- The realigned population, on whom much of the programming was focused, has dropped. As of July 2017, it was 17 percent of the Jail population, down from 29 percent in July 2014.

CONCLUSIONS

The State threw down a gauntlet when it transferred responsibility for rehabilitating lower-level felons from State prisons to county jails. And when Proposition 47 bled county jails of lower-risk offenders, county jails lost their easier-to-manage, easier-to-program inmates.

Rome wasn’t built in a day, but the Jail has had seven years to deal with this challenge. AB 109 provided the Jail with a funding stream to build programs known to work which can be offered across classification and housing unit boundaries. The Jail should use this funding stream, the program rooms which opened last year, and the program rooms opening this year to really “move the dial” from a warehouse environment to a programming environment focused on reducing recidivism.

FINDINGS

- F1. Classification and housing issues which limit program access have been listed as challenges since AB 109 was passed.
- F2. Moving programming into housing units hasn’t worked very well. The mix of unsentenced and sentenced inmates within each housing unit, even though contrary to policy, is acknowledged as a reason.
- F3. Hampered by lack of data, attempts to measure program effectiveness have so far come up short. The Sheriff’s Office, San Luis Obispo County Probation Department, and San Luis Obispo County Health Agency have been working for years on an integrated database project, but the project is still unfinished.

- F4. AB 109 funding bought some embroidery and engraving equipment and pays for two program managers, but does not appear to have been used for Jail programs. (The Grand Jury couldn't be certain about this because the funding sources used, and the amounts providers are paid, lack transparency.)
- F5. For programs that various funding sources do pay for, there is no competitive bidding.
- F6. \$155,288 in annual AB 109 funding is being used to pay for a program manager position which oversees construction training for only a few honor farm inmate participants. (The Grand Jury understands the incumbent recently resigned; San Luis Obispo County's current "hiring chill" may impact hiring a replacement.)
- F7. While the job description for all levels of Sheriff's Correctional Deputy includes encouraging inmate participation in rehabilitative programs as a typical duty, the performance of this duty is not assessed in a correctional deputy's performance evaluations.
- F8. Programs specifically targeting young adult (age 18–25) inmates have not been a focus.

RECOMMENDATIONS

- R1. Jail administration should intensify efforts to make the investment and access the funding to provide behavior change programming across classification and housing boundaries, e.g., one-on-one services (or "virtual participation" using distance learning technology) where needed. The three million dollars in AB 109 reserves currently available is an obvious source. The Sheriff should develop a plan during fiscal year 2018-2019 to address this recommendation and request funds for this purpose from the Community Corrections Partnership as part of his budget for fiscal year 2019-2020.
- R2. Jail administration should re-examine how to offer programs inside housing units which can be more effective, e.g., sentenced-only housing units, as some who spoke with the Grand Jury have suggested. Sheriff's Office Custody Manual Policy 516 should be

updated to reflect legal status (pre-trial vs. sentenced) is not used as a criterion for housing assignments if these two inmate statuses continue to be mixed.

- R3. The Community Corrections Partnership should set an aggressive deadline (e.g., December 31, 2018) for completing the integrated database project described in its Public Safety Realignment Plan reports, so program effectiveness can finally be measured.
- R4. Jail administration should provide more programs with a proven track record, using available AB 109, inmate welfare, and grant funding where programs cost money. During fiscal year 2018-2019, the Sheriff should provide additional evidenced-based programming and re-evaluate programs with no clear link to reducing recidivism.
- R5. Programs funded by the Sheriff's Office should be awarded based on competitive bids. This should begin immediately.
- R6. The construction program manager position at the honor farm, funded by AB 109, should be leveraged to provide vocational education opportunities to a broader group of male and female inmates than is currently the case (if or when a replacement is hired to fill the position).
- R7. Correctional deputies should have a measure regarding encouraging inmate program participation as a component of their regular performance reviews.
- R8. Rehabilitative programming should be developed and delivered which specifically targets young adult inmates, by replicating or adapting, for example, the evidence-based programs and interventions employed by the San Luis Obispo County Probation Department at the nearby San Luis Obispo County Juvenile Hall. Planning should occur during fiscal year 2018-2019, and programming specifically targeting this population should be put in place by July 1, 2019.

COMMENDATIONS

The Grand Jury commends Jail Administration, Jail Programs Staff, and Jail Correctional Staff for trying to provide inmate access to programming in the face of significant safety, staffing, transport, and program space challenges. Correctional deputies who are actively involved with inmate programs are particularly commended.

REQUIRED RESPONSES

The San Luis Obispo County Sheriff is required to respond to Findings 1–8 and Recommendations 1–2 and 4–8.

As Chair of the San Luis Obispo County Community Corrections Partnership executive committee, the San Luis Obispo County Chief Probation Officer is required to respond to Recommendations 1 and 3.

The San Luis Obispo County Board of Supervisors is invited to respond to the suggested use of AB 109 reserves noted in Recommendation 1.

The responses must be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by July 22, 2018, 2018. Please provide a paper copy and an electronic version of all responses to the 2017–2018 San Luis Obispo County Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Ginger E. Garrett Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

INSPECTION REPORT FOR CALIFORNIA MEN’S COLONY

This report summarizes the observations and findings of the 2017-2018 San Luis Obispo County Grand Jury, based upon a two-day inspection of the California Men’s Colony (CMC), an examination of policies and procedures, and answers to questions submitted to the staff at CMC.

INTRODUCTION/PURPOSE

As required by state penal code, the Grand Jury annually inspects all public prisons, including state prisons. The Grand Jury visited The State of California Men’s Colony (CMC) over a two-day period. One day was spent at the East facility, with concentration on the California Prison Industry Authority (CALPIA) factories and the new medical Correctional Treatment Center (CTC). The second day included the inspection of the West facility with a concentration on the programming areas. For each inspection, members of the Grand Jury toured the facility and inspected both the physical plant and the processes and procedures. The following areas and processes were the primary concentration: housing, feeding, transporting, assessing the medical and mental health status of the inmates, medical treatment, and behavioral health treatment. CMC management also answered a set of written questions, primarily about policies and the CALPIA factories.

ORIGIN

This report is the result of the required annual inspection of CMC.

AUTHORITY

California Penal Code § 919(b) mandates “The grand jury shall inquire into the condition and management of the public prisons within the county.”

METHOD/PROCEDURE

The Grand Jury performed a physical inspection at the prison by touring and interviewing various officials during the visits. During the site inspections, the survey instrument found in Appendix A was used to gather information.

The Grand Jury reviewed the following documents:

- Inspection reports completed by the California Board of State and Community Corrections
- Local media coverage of the CMC unrest during this time period
- CMC policies and procedures
- CMC answers to written questions submitted to CMC by the Grand Jury

HISTORY

The Grand Jury inspects CMC each year and normally includes the inspection report as part of its final report. Previous reports had noted the noise levels at the CALPIA factories were sufficient to cause hearing loss.

NARRATIVE

The focus of this year's CMC inspection was on the CALPIA factories using inmate labor, the prison programming to prevent recidivism of inmates, and the medical and mental health treatment of inmates.

OBSERVATIONS FROM CMC INSPECTIONS

CMC East

The CMC East facility is a Level III medium security prison located in San Luis Obispo County. It contains the CTC located near the front entrance of CMC East facility. The CTC provides both medical and mental health treatment for inmates from CMC and other State prisons. It was built in 2016 and is a modern, well maintained facility. The mental health capacity is 50 beds distributed as 25 beds on the A and B sides. The facility is full and there is a statewide waiting list for admission. Inmates requiring administrative segregation are not treated at this facility because of

safety concerns. The Grand Jury did not visit the Administrative Segregation Medical Facility. Telephones are available within CTC for inmates to talk to persons outside the prison. All CTC employees receive a 20-hour course in crisis resolution.

Staff on duty includes five psychiatric technicians during the day plus a registered nurse and several licensed therapists/counselors and aides. The psychiatrist makes rounds once each day and is on-call 24 hours a day, 7 days a week. The counselors see each inmate daily in individual sessions and as part of a 90-minute group session. The inmates also have 90 minutes of yard time each day. There are no cameras with views into the CTC cells, but monitoring by the staff is increased if the inmate is deemed suicidal. A color-coded magnetic placard is placed on the outside of the cells indicating if extra monitoring is required.

The CTC has a separate kitchen with a dietitian, two cooks and two inmate helpers. Normal maintenance at the CTC is provided through CALPIA-trained and monitored inmates. CTC has not experienced an illegal drug problem, but has noted inmates swallowing nails, razor blades or other dangerous items in attempts to injure themselves. There were no suicides in 2017, but several attempts were made. The CTC has a secure pharmacy room where drugs are stored and dispensed as needed. The Grand Jury observed that the room security procedures were strictly followed.

There are four crisis rooms in CTC. These rooms have beds and little else. They are secure rooms where inmates experiencing a behavioral health crisis can be placed, providing a quiet, safe environment for the inmate. There are also isolation rooms available if the inmate has an infectious disease. The isolation rooms have a pressure system to prevent contaminated air from being mixed with outside air prior to it being treated. There is also a locked medical facility at Twin Cities Hospital (in Templeton) for inmates who require long-term medical care or surgery. The prison provides transportation to this facility as well as to other medical facilities. There are normally several hundred transports per month.

Incidents of violence toward CTC staff occur a few times each year. Inmates who tend toward violence to themselves or others are placed in protective smocks which envelope the inmate in padding thereby reducing the chance that they can become violent. These smocks wrap entirely

around the inmate, pinning their arms within the smock. These devices are used for added safety especially during transport within the facility.

The CMC facility was not originally designed to house high level inmates, such as the level III and IV prisoners that it currently serves. The cells and the buildings within CMC East are clearly very old and, in most cases, rundown. As a result of overcrowding lawsuits, most of the cells have places for two beds with only one occupied. After the implementation of AB 109, the prison inmate population has been reduced from approximately 8000 to about 4100.

There are two guard towers within CMC East that are manned 24 hours a day. Guards outside the towers are generally not armed. Guns are available in lockers near the entrance of each building and can be accessed if the safety of the correctional officers (CO's) requires armed intervention. Normally, CO's carry a defensive device, such as pressurized pepper spray, in a holster on their belts.

Many rehabilitative programs are available to inmates, but many inmates do not use them. These programs include college classes from Cuesta College, GED completion and CALPIA employment. There is also a library in the CMC East facility. It accepts donations of paperback books, meeting specified criteria. There are several prefab facilities under construction within the prison. Each of these will have room for up to 32 beds. The chapel in the "B" quadrant is currently under construction which includes the replacement of its roof. A previous Grand Jury report noted significant mold in this facility, presumably caused by roof and window leaks. This chapel is used for all religious services with each denomination having a scheduled service time.

There are smaller CTCs in each quadrant of buildings. These handle minor injuries and routine check-ups. Major medical issues often require transport to Twin Cities or--in emergencies-- to Sierra Vista. All transported inmates are accompanied by a CO. Emergencies are transported via commercial ambulance. Inmates can also be sent to Atascadero State Hospital, when required.

There are several CALPIA facilities within CMC East. The shoe factory and the printing mill were inspected by this Grand Jury. Both facilities were running at minimum capacity because of the

lockdown condition caused by the riot that had occurred a few weeks prior to the inspection. There were only 25 of the normal 79 workers in the shoe factory. Most of the loudest machines were not operating, so the noise level was not what previous inspections had noted. The CALPIA staff were unable to answer many of the questions asked by the Grand Jury. Most of these questions were subsequently answered in response to our written questions.

The local superintendent told the Grand Jury that there is a plan to install sound suppression panels near the loudest machines to reduce the overall noise level within the factory. The implementation of this plan is contingent upon granting of the funding request. Hearing test are performed on workers annually to determine if hearing loss is present. The buildings which house the CALPIA factories are old and as such do not comply with current fire and safety standards.

The final area inspected in CMC East was the food preparation areas in the kitchen. The kitchen services the East facility, with the exception of the CTC. Food is prepared by the inmates and supervisors and transported to dining areas, to be served within three hours of preparation.

When asked why the proportion of black inmates was so high, the CMC staff noted that the disproportional number of black inmates at CMC is because black inmates are not housed in central valley prison facilities, due to susceptibility to Valley Fever.

CMC West

The CMC West facility is a level I and II prison, housing inmates requiring less security than the CMC East facility. The level I area is strictly for low custody inmates. Inmates from this area are used for a variety of maintenance activities throughout CMC and are permitted in areas where Level II, and III inmates are not. The fire support facility, called Camp Cuesta, is in the level I area. Qualified inmates from this area provide fire-fighting and support nearly every day. A point system is used by CMC to determine the classification of inmates. CMC houses primarily Level I, II, and III inmates. Occasionally a limited number of Level IV inmates are housed in CMC East. This is normally temporary and includes inmates being transferred. Each quarter all inmates are evaluated by CMC staff to determine if they are assigned to the proper area, based upon points

accumulated. Points are given to inmates for rules infractions or improper behavior. Some crimes carry a minimum number of points that can prevent an inmate from ever achieving a Level I rating.

The Grand Jury toured the area where inmates train service dogs to support veterans with PTSD. These are Level II inmates, and the dogs live in the barracks with their assigned handlers. These dogs are trained as service dogs with the support of CO's who have experience with this type of training. The inmates expressed great satisfaction with this programming. The staff works in association with outside agencies and veterinary clinics to provide animals and staff training as well as placing animals.

The Grand Jury next inspected the West Facility Medical and Mental Health Clinic. This facility is old and run down and appears to be a World War II vintage building. This is in sharp contrast to the CTC facility in CMC East. It must be noted, however, that the CTC facility is for inmates with much more serious medical and mental health issues. The healthcare staff stated that (unlike the CTC facility) there has been a growing problem with fentanyl and other opioid abuse over the past several years, at this facility and throughout the country.

Overall the CMC West facility is clean and well maintained considering it consists mostly of older, WWII vintage buildings. There are, however, a few new buildings and several currently under construction. The older buildings, including dormitories, do present a significant fire hazard. The staff and the inmates are aware of this hazard and take appropriate precautions. Inmates at the CMC West facility have significantly more freedom to move around within their assigned areas than their counterparts at CMC East. The Grand Jury inspected one of the dormitories. It was orderly but crowded. It houses 50 or more inmates in a long open area. They have bunk beds and metal lockers for each inmate. This environment is distinct from CMC East cells and provides more freedom, but significantly less privacy.

The Grand Jury also inspected the classroom and therapy area and viewed inmates in various group counseling programs. The programs primarily address behavioral health issues such as substance abuse and anger management. There were also a variety of education-based programs being offered. The primary goal of all of these programs is to prepare inmates to return to society.

The Grand Jury spoke with inmates concerning these programs. One inmate completed a 17-month counseling program and is now a certified mentor for other inmates. His mentoring is primarily for substance abuse and anger management. He presented himself very well during the interview and spoke about his desire to continue his education and pursue a related career should he be paroled sometime in the future. Of the 30 inmates recently in the program, 29 passed the entire program successfully.

The inmates also have the ability to look for potential halfway houses and employment opportunities in the areas where they will be released. They are not, however, permitted to browse the internet or send emails. The staff noted that only the Governor can grant parole. Parole boards make recommendations to him. Qualified potential parolees have their cases reviewed by various senior staff members from the prison system and a Board of Commissioners also makes recommendations to the Governor.

The CMC West facility kitchen and dining area was also inspected. It is much cleaner and better maintained than the corresponding facility at CMC East, even though the building is vintage WWII construction and over 70 years old. A new kitchen is currently under construction; following its completion, the current building will be replaced.

CONCLUSIONS

While the East and West facilities are under common management, their inmates and environments are quite distinct. The East facility is a higher security prison, where inmates are locked in cells and generally controlled most of the day. Their programming options are significant, but the vocational training in the CALPIA factories seems to be the most common endeavor. The West facility houses inmates requiring less security and provides them with freedoms commensurate with their status. They more actively participate in programming aimed at benefiting them after their release back into society. They seem to be working toward parole or release rather than just passing time. This parallels the distinctions at our County jail, between the main jail and the honor farm.

FINDINGS

- F1. The CALPIA factories in the East facility areas have significant deficiencies in fire and safety standards due to their age and the codes at the time they were built.
- F2. The dog training in the West facility is enthusiastically supported by both staff and inmates.
- F3. There is adequate incentive for prisoners to participate in programming classes and sessions.
- F4. There is sufficient time for the programs to be effective prior to prisoner eligibility for release.

RECOMMENDATIONS

The Grand Jury has no recommendations for CMC as a result of this investigation.

REQUIRED RESPONSES

No responses are required.

IS THERE A HEALTH RISK FROM THE DUNES? “THE ANSWER, MY FRIEND, IS BLOWING IN THE WIND”

This report²⁴ investigates the public health risk to residents of, and visitors to, the Nipomo Mesa and nearby areas caused by high levels of particulate air pollution.

SUMMARY

The 2017-2018 San Luis Obispo County Grand Jury sought to understand the controversial issue of particulate air quality on the Nipomo Mesa from the perspective and interests of the residents on the Nipomo Mesa and nearby communities, as well as those of the thousands of visitors who highly value the unique recreational venue that is the Oceano Dunes State Vehicular Recreation Area (ODSVRA), located in San Luis Obispo County²⁵. The Grand Jury also reviewed the regulatory actions taken by the San Luis Obispo County Air Pollution Control District, (also known as “APCD” or “District”), and the position of the California Department of Parks and Recreation (State Parks) and their responses to District regulatory actions.

The Grand Jury learned that airborne dust or respirable particulate air pollution (PM_{2.5} and PM₁₀) ranging from “moderate” to “hazardous” levels²⁶ is often recorded at ambient air monitoring stations on the Nipomo Mesa and nearby areas. These levels exceed State and Federal air quality standards²⁷ and constitute a health risk to the thousands of residents who live in these areas. Measurement studies and numerical modeling have shown the predominate source of this particulate air pollution originates from vehicular riding activity on the foredunes (a part of a system of sand dunes on the side nearest to the ocean) of the La Grande Tract²⁸ of the ODSVRA.

²⁴ The title of this report was inspired by the words from a song written by Bob Dylan

²⁵ See Attachment 1 - OCEANO DUNES STATE VEHICULAR RECREATION AREA (ODSVRA)

²⁶ <https://airnow.gov/index.cfm?action=aqibasics.aqi>

²⁷ See Attachment 2 - State and Federal Ambient Air Quality Standards

²⁸ See Attachment 3 for the approximate location of the La Grande in the ODSVRA

IS THERE A HEALTH RISK FROM THE DUNES? “THE ANSWER, MY FRIEND, IS BLOWING IN THE WIND”

After ten years of an often adversarial relationship between the APCD and State Parks regarding the source of the particulate air pollution, and how best to mitigate it, the relationship between the APCD and State Parks may have recently changed for the better. This change has resulted in a jointly-approved (APCD and State Parks) remediation plan proposed by State Parks and accepted by the APCD Hearing Board. This plan has the potential to reduce particulate air pollution, and its associated health risk to residents of the Nipomo Mesa and nearby communities within a five-year time-frame.

This report includes recommendations for the APCD, the Lucia Mar Unified School District (LMUSD), the San Luis Obispo County Board of Supervisors (BoS), and the APCD Hearing Board.

Should the State Parks plan fail to meet its goal of eliminating most of the exceedances of PM_{2.5} and PM₁₀ air quality standards within the five-year time-frame proposed, the 2017-2018 Grand Jury recommends the BoS and the APCD Hearing Board act decisively in the public interest and drastically restrict vehicular riding activity on the La Grande Tract and facilitate relocating the camping and riding areas to the southern end of the ODSVRA, near Oso Flaco Lake.

PURPOSE

The purpose of this report is to illuminate the history of the health risk to the public on the Nipomo Mesa and nearby communities and identify the most effective mitigation plan to reduce or eliminate it within the shortest time-frame possible.

ORIGIN

The Grand Jury initiated this report of its own volition.

AUTHORITY

The issuance of this report is authorized under the investigative powers of the Grand Jury pursuant to California Penal Code §925.

METHOD

The Grand Jury used the following sources and methods to develop this report:

- Inspected ODSVRA riding and recreational areas
- Reviewed APCD Phase 1, APCD Phase 2, and South County Monitoring Study Reports
- Reviewed APCD-recorded PM_{2.5} and PM₁₀ data
- Reviewed California Air Resources Board (CARB) reports, studies, and recorded PM_{2.5} and PM₁₀ data
- Reviewed Desert Research Institute (DRI) reports and studies
- Reviewed San Luis Obispo County APCD Hearing Board website documents
- Reviewed BoS documents regarding a proposed sale of the La Grande Tract
- Reviewed United States Environmental Protection Agency (US EPA) epidemiological literature on health effects of PM_{2.5} and PM₁₀
- Reviewed National Institutes of Health (NIH) and Centers for Disease Control (CDC) epidemiological literature on health effects of PM_{2.5} and PM₁₀
- Interviewed APCD Hearing Board members and their legal counsel, APCD Board members, members of the Board of Supervisors, local citizen activists’ groups, APCD staff, San Luis Obispo County Health Director, Medical Professional Groups on Nipomo Mesa, LMUSD Administration
- Reviewed California Coastal Commission website and documents
- Reviewed State Parks’ Coastal Development Permit (CDP)

HISTORY

Off-highway riding is an extremely important recreational activity to the over one and one half million people who each year use the unique resource called the Oceano Dunes State Vehicular Riding Area (ODSVRA). Although State Parks established the Oceano Dunes SVRA in 1982, the dunes have been a favorite camping and recreation site for families for over 100 years. Vehicle riding on the beach dates back to at least 1906. Today, the Oceano Dunes SVRA is the only place in California where people can legally drive and camp on the beach.²⁹ Camping and off-highway riding enthusiasts who use this special resource strongly believe their rights to use it for off-highway riding should be protected.

For more than 20 years, the APCD has conducted ambient air monitoring programs, which have recorded high levels of respirable particulate matter called PM_{2.5} and PM₁₀ at monitoring stations on the Nipomo Mesa and nearby areas. Multiple air measurement studies have determined with a high degree of certainty that the major source of the emissions of the PM_{2.5} and PM₁₀ air pollution originates from one specific coastal source: the open sand sheets of the La Grande Tract in the ODSVRA.³⁰

Over the roughly 10-year period, from when the District first began to understand the air pollution problem, and until the present, State Parks has been reticent to acknowledge the air quality problem has been primarily the result of vehicular riding activity on the foredunes of the La Grande Tract. As the District adopted increasingly stringent regulatory actions, these actions have failed to cause the operator of the ODSVRA, State Parks, to implement adequate steps to remediate the health risk to residents of the Nipomo Mesa and nearby areas. The District maintained that State Parks frequently delayed or did not perform required compliance activities. Until recently, it appeared that the delays by State Parks to effectively mitigate the particulate air pollution, would result in the health risk to the local population continuing unabated for many years into the future.

²⁹“*State Parks’ Answer to Petition for Abatement Order*” Nov 13, 2017

<http://www.slcleanair.org/images/cms/upload/files/State%20Parks%27%20Answer%2011-8-17.pdf>

³⁰“*Representativeness of the Oso Control Site Monitor Karl Tupper, Air Quality Specialist, SLO APCD*”.

<http://www.slcleanair.org/images/cms/upload/files/APCD%20Exhibit%2018%20-%20Representativeness%20of%20Oso%20Control%20Site%20Monitor.pdf>

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Over the same time-period, stakeholders, such as Friends of Oceano Dunes (Friends) initiated lawsuits of their own or joined with State Parks in several lawsuits against the District. These lawsuits were attempts to counter the regulatory actions of the APCD that were designed to reduce emissions of PM_{2.5} and PM₁₀ from the La Grande Tract of the ODSVRA. Friends is a non-profit California group representing the interests of approximately 28,000 off-highway riding enthusiasts who use the ODSVRA and other riding venues. Using the significant financial resources available to them, they promote off-highway riding and recreation. Some members of Friends live locally. Many of the Friends and their families are ardent users of the ODSVRA and have been for generations.

The efforts of the APCD to mitigate the particulate air pollution problem through enforcement actions have caused Friends to react in opposition to the District, as many of their actions have had the potential to restrict or eliminate the historically available riding areas of the ODSVRA. Given the history of lawsuits by Friends, and its goal to promote unlimited recreational use of the La Grande Tract, it would appear the legal efforts of Friends might continue far into the future.

Opposing stakeholders have been equally vocal and have initiated lawsuits of their own. Foremost among these are the local activists groups called the Concerned Citizens for Clean Air (CCCA) and the legal entity called the Mesa Community Alliance (MCA). CCCA is composed of local citizens whose stated goal is to protect the health of people on the Nipomo Mesa. MCA initiated lawsuits against State Parks, Friends, and the APCD.

In late 2017, after years of regulatory actions and contentious legal wrangling, the final regulatory authority over the particulate air quality problem came under the jurisdiction of the quasi-judicial body known as the APCD Hearing Board. Most recently, and most significantly, the APCD Hearing Board accepted a new and improved mitigation plan³¹ submitted by State Parks.

The reason for the new working relationship can be attributable, in part, to the latest change in leadership at State Parks. This agency has had five changes in Directors since 2007. The new

³¹ See Attachment 4 - Map of Proposed Remediation Areas

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Director of State Parks and the new Deputy Director of the Off-Highway Motor Vehicular Recreation (OHMVR) division have begun implementing long-term changes and reorganization of the ODSVRA called the Public Works Plan (PWP), which may take years to complete. It now appears State Parks is willing to work cooperatively with the District to implement effective changes and avoid the legal actions that have constrained progress toward remediating the air quality problem in the past.

The most significant change in the relationship between State Parks and the APCD occurred after the former Air Pollution Control Officer (APCO) retired in November 2017. The new APCO immediately began to change the previous adversarial relationship between State Parks and APCD into a relationship that emphasized negotiation rather than only regulation. The most recent jointly-approved plan, to a large degree, is the result of the new cooperation between State Parks and APCD. It offers the promise that the long-standing air quality problems may finally be remediated within a realistic time-frame.

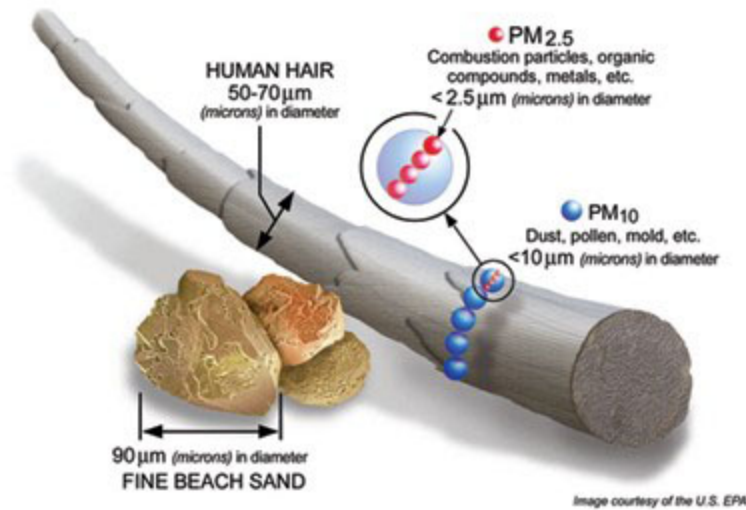
NARRATIVE

PARTICULATE MATTER

Particle air pollution, also called particulate matter or PM, is a mixture of solids and liquid droplets floating in the air. Some particles are released directly from a specific source, while others form in complicated chemical reactions in the atmosphere. Particle pollution can also originate from any disturbed crustal soil such as that found in off-highway riding areas of the La Grande Tract in the ODSVRA.

Particles come in a wide range of sizes. Particles less than or equal to 10 micrometers in diameter are so small that they can get into the lungs and bloodstream, causing serious health problems. Ten micrometers is less than the width of a single human hair.

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- Coarse dust particles (PM) are 2.5 to 10 micrometers in diameter. Sources include crushing or grinding operations, including off-highway vehicular riding activity.
- Fine particles (PM_{2.5}) are 2.5 micrometers in diameter or smaller and can only be seen with an electron microscope. Fine particles are produced from all types of combustion, including motor vehicles, power plants, residential wood burning, forest fires, and agricultural burning. They can also result from off-highway vehicular riding activity.

PUBLIC HEALTH RISK

A large number of peer-reviewed epidemiological studies^{32, 33} conducted by researchers in the US and other countries, combined with exposure assessments³⁴, confirm that exposure to high levels of PM_{2.5-10} air pollution impacts the health of everyone, particularly the very young, pregnant women, the elderly, and residents with moderate to serious health issues. These studies have shown that even short-term exposure to “Hazardous” particulate levels (as designated by US EPA) of PM_{2.5} and PM₁₀ can negatively affect ordinary, healthy people³⁵. The overarching fact is that when particulate matter is recorded at levels that exceed State and Federal air quality standards (which

³² <https://jamanetwork.com/journals/jama/article-abstract/2667069>

³³ “Outdoor Particulate Matter Exposure & Lung Cancer” <https://ehp.niehs.nih.gov/1408092/>

³⁴ “Integrated Review Plan for National Ambient Air Quality Standards for Particulate Matter”. EPA-Dec 2016

³⁵ <https://www3.epa.gov/region1/airquality/pm-human-health.html>

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it often does), the health of the local population on the Nipomo Mesa and nearby communities is at risk.

EXCEEDANCE OF AIR QUALITY STANDARDS

Measurement data has shown that the levels of PM_{2.5} and PM₁₀ recorded on the Nipomo Mesa and nearby communities are often high. The APCD has reported that there were 605 individual exceedances of the State PM₁₀ air quality standard recorded between 2012 and 2017^{36, 37}. On a number of occasions, the short-term levels, or hourly concentrations of PM₁₀ were recorded in the USEPA designated “Hazardous” range. Concentrations in this range constitutes a serious health risk to many residents on the Nipomo Mesa, including ordinarily healthy citizens. The District APCO has stated that the extraordinarily high particulate levels recorded on the Nipomo Mesa, on some occasions, produce some of the worst air quality conditions in the United States. Air measurement studies conducted by the APCD and the State Parks contractor, DRI, as well as numerical modeling performed by the CARB, have confirmed that the emissions of PM_{2.5} and PM₁₀ are a direct result of Off-Highway Vehicle (OHV) riding activity on the open sand sheets located on the foredunes of the La Grande Tract.

AIR QUALITY STUDIES

APCD Air Measurement Studies

The APCD conducted particulate monitoring on the Nipomo Mesa, which revealed that particulate concentrations on the Nipomo Mesa were significantly higher than other areas of the County. Based on that understanding, the APCD conducted a year-long Phase 1 monitoring field study from April 2004 through March 2005. In 2007, it published a report that documented the fact that there was a serious particulate air quality problem on the Nipomo Mesa and that exceedances of air quality standards represented a health risk to residents. The District’s analysis of this study did not yield a definitive conclusion as to the emission source of the particulate matter.

³⁶“Petition for Abatement Order”, APCD, Sep 2017

<http://www.slcleanair.org/images/cms/upload/files/Hearing%20Board%20Petition-Final.pdf>

³⁷See Attachment 5

In a follow-on study, the District, in conjunction with CARB, State Parks, DRI, and others conducted a second comprehensive study between January 2008 and March 2009 called the Phase 2 study. A report of the results of this study was published in 2010. A key focus of the study was to determine the role of off-highway vehicle activity on the SVRA. The primary conclusion of the Phase 2 study was that off-highway riding activity on the ODSVRA is a major contributing factor to the high particulate concentrations recorded on the Nipomo Mesa. The APCD conducted an additional air quality measurement study called the South County Study. That study also concluded the predominant source of high particulate levels on the Nipomo Mesa was due to vehicular riding activity on the La Grande Tract of the ODSVRA.

DRI Air Quality Studies

Desert Research Institute (DRI) is a highly-respected environmental research institute. It is an autonomous division of the University of Nevada. State Parks contracts with DRI and has utilized their expertise to conduct a wide range of air quality studies on the ODSVRA. These have included both air measurement studies and particle emission research activities in the La Grande Tract. DRI performed studies to characterize the crustal top-soil of the dunes and the effect called “saltation”³⁸, and the impacts that occur when off-highway riding activity is performed on the open sand sheets of the La Grande Tract. DRI studies have consistently confirmed that riding on the open sand sheets in the foredunes is responsible for the largest portion of PM_{2.5} and PM₁₀ particulates entrained into the air and recorded downwind at monitoring stations on the Nipomo Mesa.

DRI studies have also shown that vegetation is the most effective method of dust control; they have found that it is 90% - 99% effective at reducing sand flux and is also the least costly control method over time, providing permanent rather than seasonal emission reductions. State Parks has previously proposed to plant most of the new vegetation outside the riding areas, which is contrary to the data from the comprehensive scientific field studies performed by DRI at the ODSVRA.

³⁸California Geological Survey, Memorandum to Mat Fuzie from Will Harris, (California, 2017), 1.
http://www.slcleanair.org/images/cms/upload/files/67%20FINAL_CGS%20Acreage%20Analysis_WJH_WRS.pdf

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This has clearly shown the riding areas to be far more emissive than the non-riding areas of the La Grande Tract of the ODSVRA.

CARB Modeling

The California Air Resources Board (CARB) has developed sophisticated numerical air quality dispersion models that predict with good correlation to actual conditions where known or suspected emission sources would impact downwind population areas. These models are being used to identify the optimum remediation strategies to implement in the ODSVRA, including where to revegetate and how much area to revegetate. It is also being used by State Parks to determine whether other remediation strategies they are testing can be effective.

REGULATORY PROCESS

Over the past ten years, the former Air Pollution Control Officer (APCO) implemented a variety of enforcement actions, such as the adoption of APCD Rule 1001, APCD Rule 402, filing a Notice of Violation (NOV) to State Parks for violation of Rule 1001, and filed a Nuisance Abatement Petition (Case No. 17-01) to the APCD Hearing Board for State Parks under the statutes of the State of California Health and Safety Code section 41700³⁹. The former APCO has said that State Parks had not been a willing participant in implementing effective solutions that would reduce the health risk to the residents of the Nipomo Mesa and nearby areas. State Parks has consistently maintained that while there is some contribution from off-highway riding activity, they believed it was not possible to quantify the exact amount attributable to the natural background component of dust or sand, or to the even larger amount that is caused by off-highway riding activity. Studies by the APCD, CARB, and by State Park’s own contractor, Desert Research Institute (DRI) have provided convincing evidence that off-highway riding activity is by far the most significant contributor to PM_{2.5} and PM₁₀ standards violations recorded at monitoring stations on the Nipomo Mesa and nearby communities.

³⁹ <http://www.slcleanair.org/images/cms/upload/files/APCD%20Draft%20Abatement%20Order%282%29.pdf>

PUBLIC NOTIFICATIONS

The APCD issues warnings to the public when high levels of pollutants are recorded at monitoring stations in the County. The APCD records ambient air quality data from 11 monitoring stations within the County. The data is stored in the Air Quality Management Information System (AQMIS) data base system and is available to the public online.

Alerting Individual Residents

Current air quality conditions, along with air quality forecasts for San Luis Obispo County, the Nipomo Mesa and nearby communities, are made available to the public via the APCD website⁴⁰. These are referred to as AirAware Alerts and Better Breather Alerts. In addition, forecasted Air Quality Index (AQI)⁴¹ is also available to the public via email. The public can sign up to receive daily air quality forecasts via email by visiting the APCD website⁴² and clicking on the EPA envirolink link.

AirAware Alerts generated by the APCD can include notifications about Particulate Matter (PM_{2.5} and PM₁₀), or other pollutants the APCD monitors at the locations throughout the County. These alerts can include a rolling, six-day forecast generated by the APCD staff meteorologist, or the current air quality conditions.

The public can elect to automatically receive AirAware Alerts on their electronic mobile devices. Using this knowledge, persons with allergies or cardiopulmonary disease, or other health problems associated with particulate air pollution, can choose to stay indoors or change their daily routine whenever adverse air quality conditions occur.

Some residents on the Nipomo Mesa have such heightened concern about the high levels of particulates in the ambient air near their homes that they operate their own particulate monitoring instruments. Other residents on the Nipomo Mesa have been reported to have taped up their windows and doors to prevent unwanted particulates from leaking into their homes during

⁴⁰ <http://www.slcleanair.org/air-quality-alerts.php>

⁴¹ See Attachment 6 - Air quality index (AQI) chart

⁴² <http://www.slcleanair.org/air-quality/forecasting.php>

particulate episode conditions. The APCD alerting system has proven to be an effective tool for many of the residents on the Nipomo Mesa and nearby communities who are concerned about breathing polluted air during high particulate episode conditions.

Public Complaints About Air Quality

The APCD receives numerous complaints about poor particulate air quality from local residents. The District logs these complaints and performs a follow-up with each complainant. The District maintains detailed statistics about all complaints they receive. Complaints are received from people who are impacted by a variety of air pollution sources, such as agriculture burning and abnormal conditions at industrial plants that cause emission releases. Between May 2012 and October 2017, the District received 133 complaints from residents on the Nipomo Mesa and nearby areas about poor air quality and the effects it was having on them.

Alerting Doctors’ Offices and Medical Clinics

The APCD and the County Health Department jointly created pamphlets about air pollution in the County. The County Health Department distributes these pamphlets to local doctors’ offices and medical clinics. The County Health Department cooperates with the APCD in making public notifications and distributing literature.

Alerting Schools

The Lucia Mar Unified School District (LMUSD) includes schools on the Nipomo Mesa and nearby communities. School children are among the most sensitive groups of the population and can be adversely affected by particulate air pollution. Whenever PM_{2.5} and PM₁₀ are recorded at elevated levels, the health of children in these schools is at risk.

The school district noted that it does not routinely receive automatic Alert Warnings from the APCD. LMUSD acknowledged they had reached out to the APCD during the recent Thomas Fire to obtain guidance about particulates caused by the fire. LMUSD monitored the APCD website during that time to determine if the high levels of particulates in the air caused by the fire were affecting their students.

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The Grand Jury found the APCD did not have a consistent program to alert schools or other vulnerable residents regarding the alert warnings such as AirAware Alerts, Better Breather Alerts, and other notifications. There was no follow-up to determine whether those who signed up for the notifications actually received them.

COUNTY BOARD OF SUPERVISORS

The Board of Supervisors (BoS) has a moral and ethical responsibility to protect the health of the residents of San Luis Obispo County.

Ownership of the La Grande Tract

In 1944, the County of San Luis Obispo acquired ownership of most of the lots in the 584 acre La Grande Tract through foreclosures of lots that were in tax default. In 1982, the BoS leased the La Grande Tract to State Parks for no fee. When that lease expired in 2008, State Parks continued to operate off-highway recreational activities on the La Grande Tract without a written lease, compensation, or memorandum of understanding.

The Ability to Eliminate the Health Risk

The BoS has the authority to substantially eliminate the health risk to the residents on the Nipomo Mesa and in nearby areas by the act of terminating all vehicular recreational activity on the La Grande Tract of the ODSVRA. Remarkably, this can be done at the will of the Board of Supervisors and a stroke of their pens.

APCD HEARING BOARD

The APCD Hearing Board is a five-member quasi-judicial body whose purpose is to decide on matters of conflict between the APCD and industry, and to act at the time of an air pollution emergency resulting from an upset or breakdown. The Hearing Board is an independent body, appointed at-large by the County APCD Board. The Hearing Board issues variances from APCD rules and regulations from Health and Safety Code Section 41701, issues abatement orders requiring a source to cease and desist from a particular act unless specified conditions are met, and resolves permit disputes.

Nuisance Abatement Order

Following the issuance of the Notice of Violation to State Parks issued by the APCD in 2017 under District Rules 1001 and 402, and the subsequent issuance of the Nuisance Abatement Petition by the District, the resolution of the air quality problem came under the purview of the APCD Hearing Board. Under the statutes of State law governing the abatement of public nuisances, the APCD Hearing Board has the authority to decide how and when the particulate air quality problem on the Nipomo Mesa shall be remediated.

Acceptance of State Parks Remediation Plan

On April 30, 2018, the APCD Hearing Board accepted a Stipulated Order of Abatement, submitted by State Parks and the APCD, that included the establishment of a Particulate Matter Reduction Plan (PMRP). This plan proposes to remediate the particulate air pollution problem by reducing the emission of particulates by 50% and the attainment of state and federal air quality standards within four years after the plan is approved.

Authority to Modify or Impose Further Conditions

The Hearing Board retains the authority to modify or change any of the requirements agreed to by APCD and State Parks at any time. The Hearing Board may alter, change, or impose further remediation actions on the currently accepted plan at any time in the future. This could include closing off the entire La Grande Tract to vehicular riding, should they choose to do so.

STATE PARKS’ MISSION

State Parks is an important State of California department that provides recreational resources for the citizens of California, and to visitors from across the United States and around the world. State Parks has worked diligently to fulfill the goals described in their Mission Statement⁴³:

“Our Mission: To provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.”

⁴³ <https://www.parks.ca.gov/>

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To the citizens and visitors who have experienced the wonder of these resources in California, it is apparent that State Parks has faithfully carried out their mission statement to provide recreation for everyone who uses the exceptional recreational venue known as the ODSVRA.

Unintended Health Risk

However, in pursuit of its quest for excellence in offering recreational opportunities, State Parks had in the past overlooked one important word in their mission statement: the “health” of the people of California. Their mission statement implies that the “health” component applies to all citizens of California, including those people who live downwind of the ODSVRA on the Nipomo Mesa and nearby communities. State Parks has resisted acknowledging this fact.

A MUCH-NEEDED CHANGE

Recent events indicate the historical adversarial relationship between the APCD and State Parks has significantly changed for the better. Beginning in December 2017, the new District APCO started to implement a better working relationship with the State Parks Deputy Director. The new relationship has resulted in these two parties being able to negotiate a much-improved remediation plan. State Parks and the APCD jointly submitted a plan to the APCD Hearing Board on April 30, 2018. This plan was incorporated into a legal document called a Stipulated Order of Abatement. Even with its delayed implementation and built-in uncertainties, this detailed plan offers the possibility of achieving real, tangible, remediation results that may eliminate most of the health risk to residents of the Nipomo Mesa and nearby communities within the next five years.

STIPULATED ORDER OF ABATEMENT

A Stipulated Order of Abatement for Case No. 17-01 was submitted by State Parks and the APCD to the APCD Hearing Board, and was signed and accepted on April 30, 2018⁴⁴. It requires that State Parks develop and submit a Particulate Matter Reduction Plan (PMRP) to the District APCO for approval by March 2019. The plan includes detailed procedures and methods State Parks shall

⁴⁴Stipulated Order of Abatement for Case No. 17-01 April 30, 2018

<http://www.slcleanair.org/images/cms/upload/files/%5BProposed%5D%20Stipulated%20Order%20of%20Abatement%282%29.pdf>

employ to mitigate the particulate air pollution problem that is caused by vehicular riding activities on the La Grande Tract of the ODSVRA.

Particulate Matter Reduction Plan (PMRP)

The following are the key points of the PMRP from the Stipulated Order of Abatement:

- The term of the PMRP shall be four (4) years from the date of approval by the APCO. (The date of approval is expected to occur in March 2019.)
- The PMRP shall be designed to achieve state and federal air quality standards.
- The PMRP shall establish an initial target of reducing the maximum 24-hour PM₁₀ baseline emissions by fifty percent (50%), based on air quality modeling carried out by CARB or other modeling groups, and reviewed by a Scientific Advisory Group (SAG).
- The SAG shall be established and its members appointed no later than July 1, 2018. SAG shall review the progress of the PMRP, using CARB modeling, subject to permitting agency approval (APCD). The PMRP shall include feasibility and effectiveness analyses of alternative mitigation measures. SAG shall meet in person at least once annually, and may meet more often telephonically or by other networked conferencing means as needed, to review the progress of the plan, issue reports, and make recommendations. State Parks, with assistance of SAG, shall develop an Annual Report and Work Plan that includes proposals, assessments of progress, assessments of budgetary issues, and implementation schedule.
- State Parks shall use its best efforts to increase the current rate of native plant seed production, plant yield, and dune planting.
- A draft PMRP demonstrating attainment of state and federal ambient PM₁₀ air quality standards shall be submitted to the APCO and SAG by State Parks no later than February 1, 2019 for APCO’s approval.
- If APCO’s approval of the PMRP precedes completion of State Parks’ Public Works Plan (PWP) public review process, State Parks shall integrate elements of the PMRP, with APCO approval, into the PWP.
- The PMRP shall include the provision that a failure to meet any increments of progress or deadlines associated with the PMRP mitigation plan shall constitute a violation of the Stipulated Order of Abatement.

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- State Parks shall develop, and/or revise annual Work Plans in collaboration with the SAG, implement near-term and future mitigation efforts within ODSVRA.
- The California Coastal Commission shall review and approve proposed annual Work Plans before any mitigation may commence each year.
- Draft Reports shall be submitted by State Parks to the APCO and SAG by August 1 of each year from 2019 through 2022.
- In October of each year from 2019 through 2022, the Hearing Board may convene a meeting to receive an informational update.
- The Hearing Board shall retain jurisdiction until December 1, 2023, at which time the Order of Abatement shall expire. State Parks or the APCO may apply to modify the terms and conditions of the Stipulated Order of Abatement, including this deadline.

How Will the Plan Achieve the Required Emission Reductions?

According to the PMRP, State Parks shall implement the following initial mitigation steps to achieve the target of 50% reductions in emissions and attainment of state and federal air quality standards by 2022:

- State Parks shall begin work to fence specified riding areas of the foredune areas with a perimeter fence and an internal fence array shown in Attachment 5, no later than June 1, 2018, and finish no later than September 15, 2018.
 - The fenced areas shall conform as closely as possible to diagrammed plots shown in Attachment 5 while considering public safety constraints.
 - Riding, driving, and camping within those areas shall be prohibited.
- All fencing shall remain in place and be maintained as internal fenced arrays until being replaced by vegetation, or the APCO approves alternate mitigation measures.
 - State Parks shall prioritize the fenced areas as shown in Attachment 5 for vegetation to increase the dust mitigation effectiveness in years after 2018.
 - By June 30, 2019, State Parks shall install APCO approved “sand-track-out control devices” at Grand and Pier Avenue entrances (sic) to the ODSVRA.
- In addition to the above initial mitigation steps, the Annual Work Plan, as developed and approved each year by State Parks, APCO, and SAG shall specify how State Parks shall

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implement each year’s mitigation efforts through the year 2022 to achieve the targeted reduction in emissions and attainment of State and Federal PM₁₀ air quality standards.

What Will Happen if the Plan Fails?

The health risk to the residents on the Nipomo Mesa and nearby areas may continue indefinitely if the Particulate Matter Reduction Plan (PMRP) were to fail.

How Will This Impact Off-Highway Riding Enthusiasts?

The total riding area now available in the 584 acre La Grande Tract may be reduced by about 100 acres when the wind fencing is installed. However, State Parks has begun to implement a Public Works Plan (PWP), which has been under development for some time. PWP is a long-term plan to reorganize and enhance user experience in the ODSVRA. Among other anticipated changes, there will be a relocation and expansion of riding and camping areas further to the south, near Oso Flaco Lake. State Parks has publicly committed to maintaining the current high level and quality of recreational experience in the ODSVRA. PWP implementation activities may be concurrent with the remediation activities of the PMRP. An important question: will the PWP ultimately satisfy riding enthusiasts’ desire to replace every acre taken away by remediation with an acre for recreation somewhere else in the ODSVRA? The State Parks’ PWP and time will provide the answer to that question.

CONCLUSIONS

The Stipulated Order of Abatement offers the possibility that substantial remediation efforts may finally be implemented. Several individuals, including members of the Hearing Board and the former APCO, have identified deficiencies in the abatement order and question whether it will ultimately work. In the event that the Particulate Matter Reduction Plan (PMRP) fails to achieve the required attainment of the State and Federal PM₁₀ air quality standards within the four-year period specified, this would represent an unacceptable health risk to the public. If this were to occur, future BoS and APCD Hearing Boards may act decisively to protect public health, and take actions under the authorities they possess, and drastically restrict riding activity on the La Grande Tract as quickly as possible.

FINDINGS

- F1: The District does not have an effective system to follow-up with the public, schools, medical clinics, hospitals, or those who sign up to receive AirAware Alerts and Better Breather Alerts.
- F2: The LMUSD does not use the APCD AirAware Alerts system or routinely use the CARB AQMIS system.
- F3: CARB computer modeling performed in 2017 confirmed that emissions of PM_{2.5} and PM₁₀ predominately originate from riding areas in La Grande Tract of the ODSVRA.
- F4: State Parks Deputy Director and the District APCO have worked together cooperatively to create a mitigation plan that was accepted by the APCD Hearing Board.
- F5: When PM₁₀ concentrations were recorded in the hazardous range, the Nipomo Mesa experienced some of the worst air quality conditions in the United States.
- F6: A collective total of 605 individual exceedances of the State PM₁₀ air quality standard were recorded on 363 days between 2012 and 2017 at three monitoring stations on the Nipomo Mesa.
- F7: San Luis Obispo County is the owner of most of the land in the La Grande Tract, and the Board of Supervisors has the authority to terminate vehicular riding activity on the La Grande Tract.
- F8: The APCD Hearing Board has the authority to require vehicular riding activity on the La Grande Tract be terminated.
- F9: There is a health risk to the residents on the Nipomo Mesa and nearby communities caused by high levels of PM_{2.5} and PM₁₀ particulate matter in the ambient air.

RECOMMENDATIONS

- R1: The 2017-2018 Grand Jury recommends the San Luis Obispo County APCD prior to September 30, 2018 should:
- a. Contact senior centers, hospitals and clinics, child-care facilities, and local residents who may be unaware of the District air quality alert notification and alert forecast program and encourage them to sign up to receive AirAware Alerts.
 - b. Perform follow-ups with residents and groups who previously signed up for District alert notification programs and confirm whether these residents and groups are receiving alerts and forecasts.
 - c. Coordinate directly with the Lucia Mar Unified School District (LMUSD) and other schools on the Nipomo Mesa and nearby communities to facilitate sending them AirAware Alerts and warnings.
- R2: The 2017-2018 Grand Jury recommends the LMUSD should prior to the start of the next school year:
- a. Enroll in the APCD AirAware Alert notification program so that it can obtain current air quality alert conditions or alert forecasts.
 - b. Use the APCD’s online Air Quality Management Information System (AQMIS) to obtain first-hand knowledge of the days when high particulate levels are forecast.
- R3: The 2017-2018 Grand Jury recommends to the Board of Supervisors that if the Particulate Matter Reduction Plan (PMRP) fails to achieve its required goal of eliminating exceedances of state and federal PM₁₀ air quality standards within the four-year time-frame specified in the PMRP, the Board of Supervisors should within 30 days perform the following:
- a. Rescind State Parks current month-to-month, informal agreement under which State Parks has operated and managed off-highway vehicular activities on the La Grande Tract, and under Board of Supervisors authority, do the following:
 - Give written notice to State Parks that all off-highway vehicular activity on the La Grande Tract shall cease after a period of no longer than six months.

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- Support State Parks’ planned transition of off-highway vehicular activity on the La Grande Tract to State owned areas in the southern portion of the ODSVRA located near Oso Flaco Lake within six months.
- b. Choose one of the following two options:
- Negotiate a lease with State Parks and include in the lease agreement the stipulation the La Grande Tract shall only be used for non-vehicular camping or conventional recreational activity and that it not be used for any type of vehicular-recreational activity.
 - Sell the La Grande Tract to State Parks and include in the sales agreement the stipulation that the La Grande Tract shall only be used for non-vehicular camping or conventional recreational activity, and it not be used for any type of vehicular-recreational activity.

R4: The 2017-2018 Grand Jury recommends to the APCD Hearing Board if the Particulate Matter Reduction Plan (PMRP) fails to achieve its required goal of eliminating exceedances of State and Federal PM₁₀ air quality standards within the specified four-year time-frame of the PMRP, the Hearing Board immediately restrict vehicular riding activity on the La Grande Tract.

COMMENDATIONS

The 2017-2018 San Luis Obispo County Grand Jury commends three individuals who have been intimately involved in every aspect of the particulate air quality problem over the past several years. Each of these individuals has played a critically important role in activities that have resulted in the Particulate Matter Reduction Plan (PMRP) described in this report. These persons are the Deputy Director of State Parks, and the previous and current Air Pollution Control Officers.

REQUIRED RESPONSES

San Luis Obispo County Board of Supervisors: F6, F7, F9, R3

San Luis Obispo County APCD Hearing Board: F8, R4

San Luis Obispo County APCD: F1, F4, F5, R1

Lucia Mar Unified School District: F2, R2a, R2b

“The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by August 13, 2018. Please provide a paper copy and an electronic version of all responses to the Grand Jury.” Informational reports shall state that “No Responses are required.”

Presiding Judge	Grand Jury
Presiding Judge Ginger E. Garrett Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

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ATTACHMENT 1

OCEANO DUNES STATE VEHICULAR RECREATION AREA (ODSVRA)

Oceano Dunes State Vehicular Recreation Area (ODSVRA)⁴⁵

The following photograph illustrates the location of the ODSVRA in San Luis Obispo County.



⁴⁵ APCD South County Monitoring Study Map, 2010

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ATTACHMENT 2

STATE AND FEDERAL AMBIENT AIR QUALITY STANDARDS⁴⁶

Particulate Matter, PM_{2.5} and PM₁₀, in Micrograms Per Cubic Meter

Applicable Standard	PM _{2.5} Annual Average	PM _{2.5} 24-Hr Average	PM ₁₀ Annual Average	PM ₁₀ 24-Hr Average
Federal Standard	12 µg/m ³	35 µg/m ³	None	150 µg/m ³
California Standard	12 µg/m ³	None	20 µg/m ³	50 µg/m ³

Ambient air quality standards represent the minimum acceptable threshold level, above which the ambient air quality is considered harmful to the public. The US EPA initially established air quality standards for the entire United States under the requirements of the 1970 Clean Air Act. After the establishment of these standards, the State of California petitioned the US EPA to allow California to establish their own air quality standards. Depending upon the specific pollutant and the averaging period, California’s air quality standards can be more stringent than Federal standards.

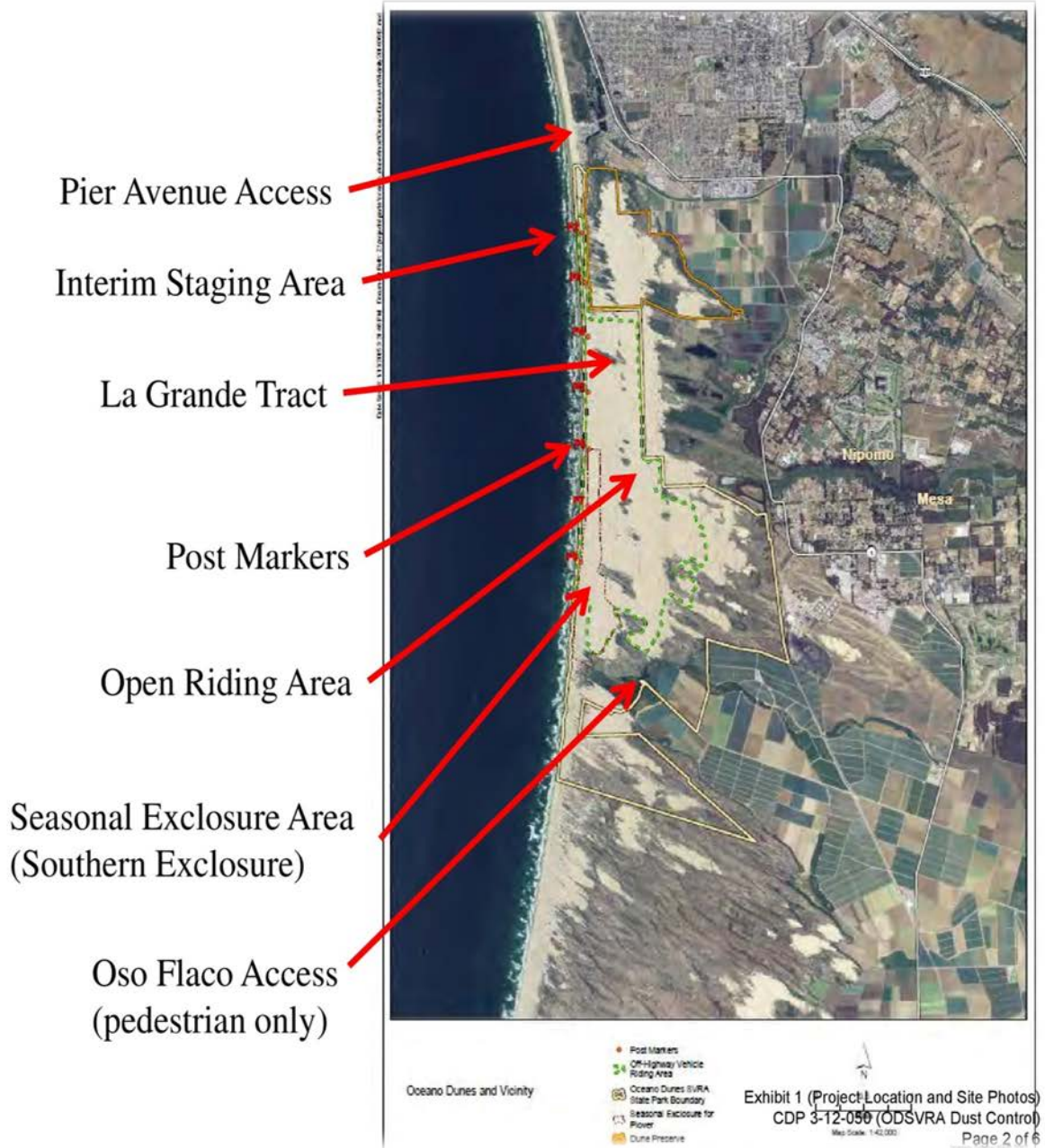
⁴⁶ US EPA and CARB <https://www.arb.ca.gov/research/aaqs/common-pollutants/pm/pm.htm>

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ATTACHMENT 3

LOCATION OF LA GRANDE TRACT IN

Oceano Dunes State Vehicular Recreation Area (ODSVRA)⁴⁷



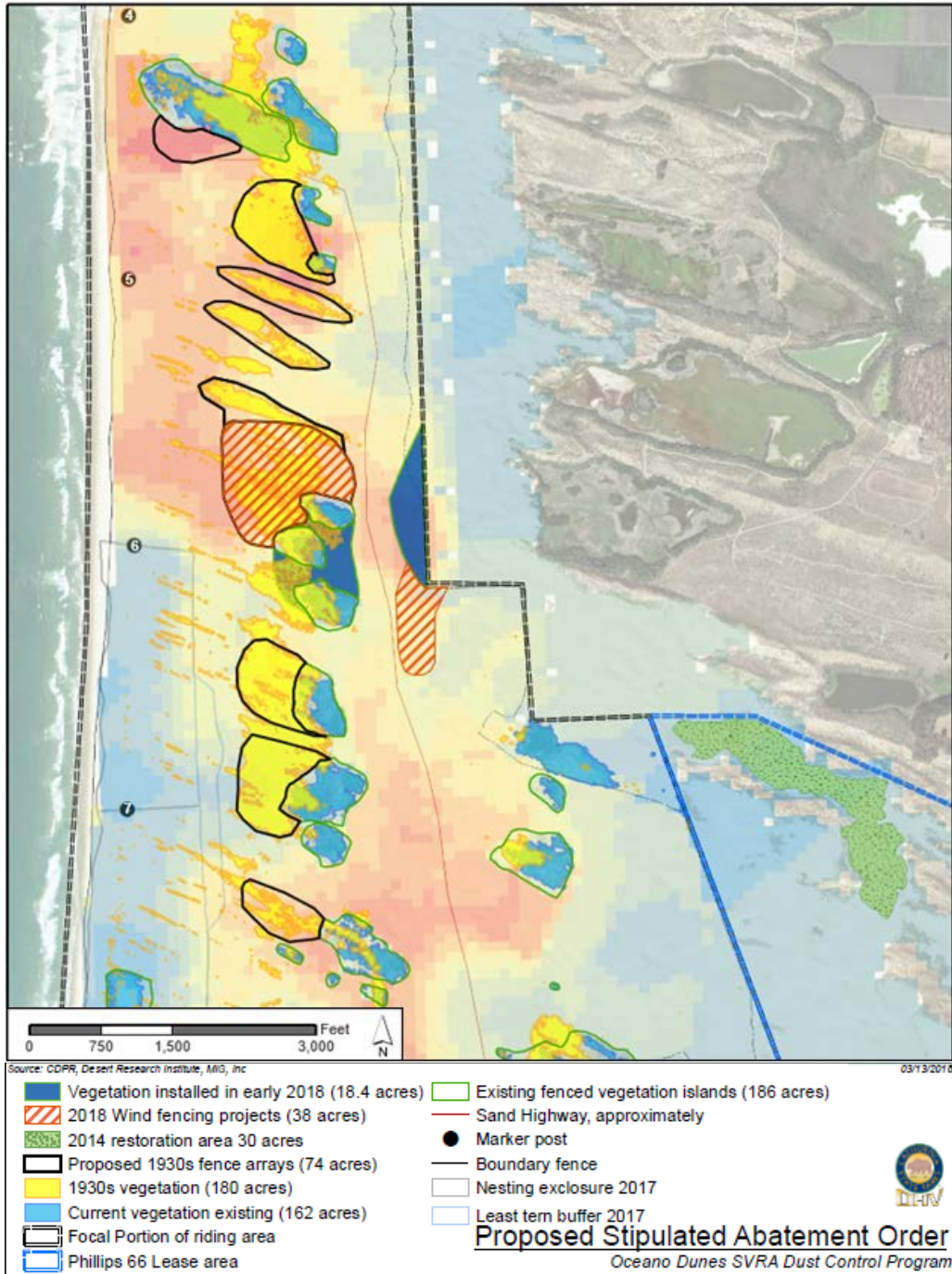
⁴⁷California Coastal Commission, CDP 3-12-050 (ODSVRA DUST CONTROL), (2017), 3.
<https://documents.coastal.ca.gov/reports/2017/9/Th23b/Th23b-9-2017-exhibits.pdf>

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ATTACHMENT 4

MAP OF PROPOSED REMEDIATION AREAS⁴⁸

Oceano Dune State Vehicular Recreation Area (ODSVRA)



⁴⁸ Proposed Stipulated Order of Abatement

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ATTACHMENT 5

NUMBER OF EXCEEDANCES⁴⁹

State and Federal PM₁₀ Air Quality Standards

May 1, 2012 through Mar 31, 2017

CDF Monitoring Station at 2391 Willow Rd., Arroyo Grande, CA		
Year	State PM₁₀ Standard 24 Hr Exceedances	Federal PM₁₀ Standard 24 Hr Exceedances
2012	44	3
2013	93	2
2014	79	2
2015	62	0
2016	71	0
2017	11	0
Totals	356	7

Mesa 2 Monitoring Station at 1300 Guadalupe Rd., Nipomo, CA		
Year	State PM₁₀ Standard 24 Hr Exceedances	Federal PM₁₀ Standard 24 Hr Exceedances
2012	20	0
2013	55	0
2014	39	0
2015	30	0
2016	43	0
2017	3	0
Totals	190	0

NRP Monitoring Station at Nipomo Regional Park, Nipomo, CA		
Year	State PM₁₀ Standard 24 Hr Exceedances	Federal PM₁₀ Standard 24 Hr Exceedances
2012	9	0
2013	20	0
2014	9	0
2015	8	0
2016	13	0
2017	0	0
Totals	59	0
Totals	605	7

⁴⁹ <http://www.slocleanair.org/images/cms/upload/files/APCD%20Exhibit%208%20-%20PM%20Std%20Violations%202012-2017.pdf>

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ATTACHMENT 6

AIR QUALITY INDEX (AQI) CHART⁵⁰

The following chart illustrates the US EPA Air Quality Index (AQI). Each color represents a level of public health concern:

Air Quality Index Levels of Health Concern	Numerical Value	Meaning
Good	0 to 50	Air quality is considered satisfactory, and air pollution poses little or no risk.
Moderate	51 to 100	Air quality is acceptable; however, for some pollutants there may be a moderate health concern for a very small number of people who are unusually sensitive to air pollution.
Unhealthy for Sensitive Groups	101 to 150	Members of sensitive groups may experience health effects. The general public is not likely to be affected.
Unhealthy	151 to 200	Everyone may begin to experience health effects; members of sensitive groups may experience more serious health effects.
Very Unhealthy	201 to 300	Health alert: everyone may experience more serious health effects.
Hazardous	301 to 500	Health warnings of emergency conditions. The entire population is more likely to be affected.

⁵⁰ US EPA, <https://airnow.gov/index.cfm?action=aqibasics.aqi>