

2023-2024

CONSOLIDATED FINAL REPORT with Responses

SANTA CRUZ COUNTY CIVIL GRAND JURY



Hwy 1 on the Slow Coast

THE REPORTS

Santa Cruz County Local Roads

We Can Do Better with Our Jails!

County Behavioral Health Services – A State of Mind

Honoring Commitments to the Public

Best Interest of a Child – Report on Child Protective Services

Victims of the CZU Wildfire – Four Years Later

Housing For Whom?

New Recruiting Ideas for the Personnel Department

City of Santa Cruz: Preventing Rape and Domestic Violence



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SANTA CRUZ COUNTY
Civil Grand Jury

701 Ocean Street, Room 318-I
Santa Cruz, CA 95060
(831) 454-2099
grandjury@scgrandjury.org

February 20, 2025

To the Citizens of Santa Cruz County:

Pursuant to the California Penal Code and on behalf of the 2023-2024 Santa Cruz County Civil Grand Jury, I submit the responses of the agencies and elected officials to the *2023-2024 Consolidated Final Report*. That report was published on June 30, 2024 and included Required Responses on nine different reports encompassing many local agencies.

Required Response Summary

A summary of the total responses is below, representing thousands of hours of research by the Grand Jury members. Each report contains findings and recommendations that are directed to local agencies for required responses. The local agencies are required to respond in writing to the finding and recommendation within a prescribed time period.

The local agencies with required responses included:

- County of Santa Cruz Board of Supervisors
- County of Santa Cruz Superintendent of Schools
- County of Santa Cruz Sheriff-Coroner
- Santa Cruz City Council
- Santa Cruz Local Agency Formation Commission

Findings from the Nine Reports

Each report contains findings that summarize the results of an investigation. The Grand Jury asks the local agency if they **Agree**, **Partially Disagree**, or **Disagree** with the finding as part of the required response.

Total Findings Reported by the Grand Jury Requiring a Response:	89
• Findings Agreed Upon by the Required Responding Agencies:	8
• Findings Partially Disagreed Upon by the Required Responding Agencies:	26
• Findings Disagreed Upon by the Required Responding Agencies:	55

Recommendation from the Nine Reports

Each report contains recommendations for improving government operations and accountability. The Grand Jury asks the local agency if they have **Implemented, Will Implement in the Future, Perform Further Analysis on the Recommendation, or Will Not Implement the Recommendation.**

Total Recommendations Reported by the Grand Jury Requiring a Response:	67
• Recommendations Implemented by the Required Responding Agencies:	24
• Recommendations Not Implemented But Will Be in the Future by the Required Responding Agencies:	8
• Recommendations Requiring Further Analysis by the Required Responding Agencies:	5
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Commendations

When the Grand Jury identifies an agency or organization that has done a great job in improving operations or supporting the community, a commendation is written.

There were eight commendations issued to various local agencies.

Acknowledgements

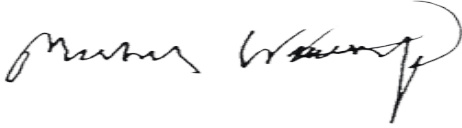
The Grand Jury wishes to thank all of the local agencies for their thoughtful consideration and responses to the Grand Jury recommendations. During the Grand Jury term, the jurors met many employees of local agencies who are dedicated to improving government operations for the betterment of the people of Santa Cruz. The thoughtful responses that have been submitted reflect the diligence and dedication of the employees and elected officials of local agencies.

As the foreperson of the 2024-2025 Grand Jury, I have a lot of respect and admiration for the 2023-2024 Grand Jurors. They undoubtedly spent many hours over the course of the term working on some very important issues to Santa Cruz. These hours include significant time from administrative staff, trainers and advisors (all of whom are former members of the Grand Jury). The Grand Jury does not tabulate the number of hours worked during the term, but it is not uncommon for a juror to devote 16-20 hours each week to the reports and business of the Grand Jury.

In addition, many local citizens and various community members have met with the Grand Jury and provided valuable input into the reports.

All of the Grand Jury reports are carefully reviewed by County Counsel and the Presiding Judge. We appreciate the thoughtful review by Ann Jackson in the County Counsel office, and the support of Honorable Katherine Hansen of the Superior Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Weatherford". The signature is fluid and cursive, with a large loop at the end.

Mike Weatherford, Foreperson
2024-2025 Santa Cruz County Civil Grand Jury





SANTA CRUZ COUNTY
Civil Grand Jury

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June 27, 2024

Honorable Katherine Hansen, Grand Jury Supervising Judge
Superior Court of California, County of Santa Cruz
701 Ocean St.
Santa Cruz, CA 95060

Dear Judge Hansen,

On behalf of the 2023-24 Santa Cruz County Civil Grand Jury, it is with great pride that I present our Consolidated Final Report to the residents of Santa Cruz County. For this term, the Grand Jury chose nine topics for its investigative reports, including reports on behavioral health services, jail conditions, affordable housing shortages, and rural road conditions. The Grand Jury delved thoroughly into each one in order to provide informed and balanced guidance. Legal provisions were followed throughout the term as detailed in Government Code sections 23000 through 23027, 24054, and 26525 and Welfare & Institutions Code 17006.

The Grand Jury's mission is to "shine a light" on local government agencies and to update our community on areas needing improvement, as well as recognizing jobs well done. Our hope is that the recommendations included in each report, if adopted, will generate progress on pressing issues facing our County. While each report stands alone, in concert they reflect the difficulties our County faces - with limited funding - to address the underlying issues of housing, poverty and mental health amongst our residents. From agency staffing, to child protection, to behavioral health, these root causes pose a consistent challenge.

Nineteen ordinary citizens from all walks of life came together to produce this Consolidated Final Report. Jurors have fulfilled their duties with distinction and have served their community selflessly and with great professionalism. Through the research of the inner workings of local government, we, the Jury, have come away with a greater understanding of, and appreciation for, our local government and the employees who keep it running.

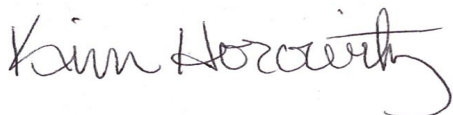
The Grand Jury could not have carried out its duties without the support of our admins, John Rible, David Heinz, Eric Decker, and Suzanne Mann. These volunteers are former jurors who provide training and technical support to streamline our editing and publishing process. In addition, we have been aided throughout our term by our County Counsel, Ann Jackson, and Supervising Judge, Katherine Hansen. Both have provided legal advice during our investigations and reviewed our reports. We thank them for their assistance.

It has been my distinct privilege and honor to act as this term's foreperson. It has been a humbling experience with challenges along the way and obstacles to overcome. At the same time, the experience has been immensely rewarding. I come away with a deeper appreciation for the important role that our Grand Jury system plays in our community. The Santa Cruz County Civil Grand Jury service is an example of our California democracy at its best.

The variety of report topics in this Consolidated Final Report merit the interest of all residents. Transparency and efficiency serve all of us. My hope is that readers study the Grand Jury recommendations contained in each report and then pay attention when responses from County and City agencies are reported. Do agencies agree to work towards meeting these recommendations? If the answer is yes, the hope is that residents monitor progress towards fulfillment of those government commitments. If no, that should also be noted, and questioned as to why.

This Grand Jury term has come to an end. It is now in the hands of the community to see the process through, and in this way, carry on the Grand Jury's mission.

Sincerely,

A handwritten signature in black ink that reads "Kim Horowitz". The signature is written in a cursive, flowing style.

Kimberly Horowitz, Foreperson
2023–2024 Santa Cruz County Civil Grand Jury





2023-2024

SANTA CRUZ COUNTY CIVIL GRAND JURY

Back Row: Kevin Dempsey, Dan Brodsky, Steve Pleich, Alta Northcutt, Steve Shupe, Al Morgan, Dick Lovelace, Sethuraman Suresh, and Jim Goodrich

Front Row: Stephen Bosworth, Karen McBride, Lalitha Parameswaran, Gillian Greensite, Kim Horowitz, Marina Archer, Lorie Goudie, Judy Keenan, and Richard Hencke

Foreperson Kim Horowitz

Foreperson Pro Tempore Kevin Dempsey

Treasurer Steve Shupe

Secretary Alta Northcutt

*Photo Credits: Cover picture by Shmuel Thaler / Santa Cruz Sentinel,
Picture of Jurors is a personal photo.*



SANTA CRUZ COUNTY
Civil Grand Jury

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Santa Cruz County Local Roads

A smooth path through paradise or a hell of a road?

Summary

During our investigation the Grand Jury has found that roads in the unincorporated area of Santa Cruz County are in deplorable condition. Currently more than 63% of the local roads are in poor to failed condition. This has prompted almost daily complaints to the County Board of Supervisors and the County agencies responsible for road maintenance.

Chronic underfunding of roads and culverts has led to a deficit approaching one billion dollars. For decades, the County's strategy has been to forgo spending money on the roads that are in the worst condition and concentrate on pavement preservation on roads that are already in fair to good condition. Many unincorporated roads haven't been resurfaced for decades.

Funding of County road maintenance is a complicated subject involving local, state and federal agencies. Most of the funds are targeted and the County has little discretion on how they are spent.

One possible source of additional funding for unincorporated roads could come from Special District 9D (1-3). Overseen by the Local Agency Formation Commission (LAFCO), it contains a road assessment fee that hasn't been increased in 36 years.

Given the chronic underfunding of rural road maintenance, our local roads are becoming increasingly unsafe for daily travel and emergency access.

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Figure 1. Laurel Road Pavement Condition Index (PCI) 10 in 2019 report.^[1]

Background

Ask just about anyone living in Santa Cruz County (County) what they see as the five most significant problems facing the County and they will very likely cite poor road conditions as one of these. (See examples in Figure 1 above and Figure 2 below).

Approximately one half of the County's population live in the unincorporated areas, with much of that population living on rural and mountainous roads.^[2] Many of these roads are not a high priority in the County's view due to their limited use and have been ignored and neglected for years. This has resulted in anger and frustration on the part of the people affected. They wonder why their road has not been resurfaced for decades. The Santa Cruz County Department of Public Works (DPW) and the Santa Cruz County Board of Supervisors (BoS) receive complaints about poor road conditions on a daily basis.

As borne out by metrics, our local roads have continued to get worse over the last several decades.^[3] Poor maintenance, climate change, our geographical location, and the unique coastal mountain geology and topography have created havoc with our roads. They take a real beating.



Figure 2. Mountain Charlie Road - PCI 16/100.^[8]

To make matters worse, our County, for reasons that will be discussed, is in poor financial straits to the point where deferred maintenance of our road network is into the hundreds of millions of dollars and climbing. The County has lacked the financial resources to fix and maintain our roads using the general budget allocation.^[4] As a consequence, the County relies on additional funding from outside sources. These include funds from Special District 9D 1-3 (1983), Measure D (2016), California Senate Bill 1 (SB1) (2017) and the most recent Measure K sales tax increase (2024). All these sources of funding help, but still leaves the County with a large funding shortfall. Most of this funding is allocated through formulas and the County has little discretion with how it can be spent.

As a consequence of this financial conundrum, the DPW has found it necessary to prioritize how its insufficient funds are spent on the road network. It is apparent that the general strategy is to spend the money on roads that can benefit from less expensive pavement preservation over ones that are poor or failed. The roads currently being maintained tend to be of high-use and require less money as they are already in fair to good condition. The reasoning is that the cost of pavement preservation is a fraction of the cost for repairing or reconstructing a road in poorer shape.^[5] This is not a formal policy on the part of the County and many residents are not aware of this unstated strategy. The BoS have input within their district on what roads get worked on with Measure D funds.^[6] However, the current maintenance strategy is one of the three described in the Pavement Management Program Update (PMP). As a consequence, most rural local roads will have little to no maintenance in the current 5-year plan.^[3]

The road network is the lifeblood of our County. The 586 miles of County roads are used every day by our citizens in one way or another.^[7] Every day, people travel on our roads to get to and from work and school. The U.S. Postal Service, sanitation, PG&E and other businesses use our roads to deliver products and services to us. Emergency services such as fire, police and ambulance services use our roads to keep us safe.

Scope and Methodology

The Grand Jury sought to establish the current and projected status of the road network in the unincorporated areas of Santa Cruz County. The Grand Jury also wanted to examine the role of the DPW, within the Santa Cruz County Community Development and Infrastructure Department (CDI), the maintenance and repair of the road network and the effectiveness of the programs and procedures. In addition, the Grand Jury wanted to study the budgeting and funding mechanisms relating to the maintenance and repair of the County roadways.

Our investigation included the following:

- Investigation of the DPW's maintenance programs for County roads
- Review of the DPW's budget and funding for maintenance and whether there is a shortfall
- Determine how often roads are surveyed and how condition is tracked
- Determine whether the current maintenance program is catching up on deferred maintenance or if the DPW is falling further behind
- Determine whether emergency access is used as a criterion for road maintenance priority

The Grand Jury examined various State, Federal and County agency documents and websites, as well as several news media articles. Interviews with CDI staff, members of the BoS, and a staff member of the Santa Cruz County Regional Transportation Commission (RTC) were conducted. The Grand Jury also attended town hall meetings, toured road sites and tested the complaint system.

Investigation

Maintenance of Roads

For more than 35 years, the County has used Pavement Management Program Software (PMPS) called StreetSaver. The software program is designed to provide objective information so managers could make decisions regarding maintenance of the road system.^[9]

In addition, every 5 years or so, the County has had a consulting company perform an independent audit of the condition of the roads resulting in a Pavement Management Update. This audit report was last released in November of 2019. Among other things, this report documents the condition of the County roads. The PCI utilizes a 100 point scale. The scale is broken down into five broad categories as shown in Figure 3 below.^[10]

I	Good/Very Good		100
II/III	Fair (non-load)	Fair (load-related)	65
IV	Poor		45
V	Very Poor/Failed		25
			0
Condition Category	Pavement Condition		PCI

Figure 3: Pavement Condition Categories by PCI.^[10]

The road classification system goes from major arterials, minor arterials, major collectors, minor collectors to local roads. Funding sources can limit the type of roads where the funds are used.^[11]

New roads have an average life expectancy of about 15-20 years without maintenance.^[12] Primary wear happens with traffic as well as weather (sun and rain). Tree roots also cause road damage. Culverts are used to drain water away, which sometimes clog or fail. Cracks can develop in the road surface from these factors. Cracks allow water intrusion into the roadbed which contribute to pothole formation and road deterioration. Periodic sealing of these cracks, fixing potholes and clearing culverts keeps the road in good shape and can extend its life by a decade or more. More than 63% of the local roads are in poor to failed condition as noted in the 2019 PMP.^[13]

The PMP prepared by Nichols Civil Engineering (NCE) for the County in 2019 recommended that arterials be inspected every two years and that residential roads be inspected every four to five years.^[14] The Grand Jury has not been able to assess if these inspections have taken place.

The DPW monitors road conditions mainly through observations made by road crews when carrying out assignments as well as feedback from the public.^[15] The public can inform the County of road problems such as potholes via the “My Santa Cruz County” mobile app for phones (both Apple and Android), the “My Santa Cruz County” website <https://cconnect.santacruzcounty.us/> or by phone at (831) 454-2160.^[16]

Several members of the Grand Jury tested the mobile app with fairly good results once the app was loaded. Some struggled with initially loading the app when in rural areas as it seemed very sensitive to weak internet connections. Repairs were performed in as little as a week for the potholes reported during our testing of the system.

The long-term failure of the County to adequately maintain the local classified County roads has led to the current condition and failed roads. Large potholes with drivers swerving to miss them can cause accidents. Many of these rural County roads also do not meet more recent safety standards developed by the Central Fire District of Santa Cruz County for proper emergency services support in case of a wildfire. Roads shall be 20’ wide exclusive of shoulders and have an overhead clearance of 15’.^[17] Safety is one criteria or mandate the RTC uses in making decisions on which projects to fund.^{[18][19]}

Similar to a car, regular maintenance is critical for the long life of a road. Maintenance costs dramatically increase the longer a road is left to deteriorate. A failed road can take more than eight times the amount of money to rehabilitate compared to one receiving regular maintenance.^[5] The estimated 2019 reconstruction costs for a road was more than \$1 million a mile and that has gone up substantially in the last few years. This does not take into account the wear and tear a poorly maintained road causes to vehicles, the safety of drivers and pedestrians trying to avoid potholes and the delay in supplying timely emergency services in the time of need.^[20]

Maintenance is different from failure repairs but can be related. It is well known that the Santa Cruz County mountain geology contributes to road closures due to slides, fallen trees and water washout of roads in heavy rains. In addition to normal maintenance the County must repair failures from storms and natural disasters.^[21]

Backlog of Deferred Maintenance

Multiple disasters in recent years have caused widespread damage to Santa Cruz County roads. However, the biggest threat to our roads could be deferred maintenance (aka “unfunded backlog”). Deferred maintenance is maintenance that is needed but can’t be done because of a lack of funds. The current backlog is estimated to be around \$401 million. That figure is projected to climb to \$479 million by 2028.^{[22][23]}

Santa Cruz County's average Pavement Condition Index is less than 48 (as of 2019) which is 17 points below the statewide average. With the current funding level, it is projected to be 38 in 2024, and it is further projected to drop to 33 by 2028.^[3]

The state of the culvert system is another factor in evaluating the condition of the road network. Damaged or clogged culverts are a big reason why roads get washed out. When a road washes out, it takes the roadbed with it, costing 10 times more to fix.^[24] There are approximately 6,000 culverts countywide and many are damaged or failed.^[25]

Currently, the deferred maintenance of the culvert system is estimated to be around \$400 million.^{[26] [27]} That brings the deferred maintenance total to approximately \$801 million for the culverts and roads.

The more that is done sooner to maintain our roads, the less we will have to pay later.

Pavement Preservation

Pavement preservation was identified by the U.S. Department of Transportation as an important task for the government to facilitate in 1988.^[28] The roadways we use are important to our everyday lives. In a county like Santa Cruz, we have many different transportation systems, with roads playing an important role in society, allowing our citizens to move about with private cars, buses, bikes and even walking. All must be able to coexist for a well-functioning community.

County roads have been needed to allow movement of the population for more than 100 years and that need will continue into the foreseeable future. Paved roads have a finite life. Performing lower cost pavement preservation can more than double a road's useful life. Similar to tires or brakes on a car, roads wear and need maintenance to preserve their ability to serve the population. Without preservation, roads deteriorate to a point where they need to be replaced or rebuilt at a higher cost.^[29]

Historically, the County has used a combination of slurry seals, rubberized chip seals, and single chip seals as well as micro-surfacing for preservation treatments.^[30] Preservation is good but it is not the whole story. Pavement preservation is no longer effective once a road has deteriorated to a PCI of less than 25. At that point the road needs to be reconstructed.^[31]

With the current practice of the County primarily performing preservation work, local roads are mostly being ignored except for an occasional pothole repair or emergency repair because of a catastrophic failure. The County fails to use a balanced approach performing road maintenance as long as the County has limited resources preventing it from doing all that is wanted or needed.

Funding of Road Maintenance

The 2019 PMP suggested that the maintenance program was being funded yearly in the amount of \$8 million dollars.^[32]

Funding comes from multiple sources, the main ones are:

- County General Fund
- Measure D
- Special District 9D (1-3)

- SB1
- Measure K

In addition, there are several other sources of funding:

- Fuel Taxes
- Road use payments from companies with County contracts, like Greenwaste
- Vehicle registration fees
- New construction project assessments

The funding balance changes annually, with the 9D funding being the only reliable source. Major projects can also be funded through grants and programs from the State and Federal governments.

If approved, declared disaster emergency repairs may be reimbursed from the following sources: Federal Emergency Management Agency (FEMA) funds 75% and State funds 12.5%, with the County paying the remaining 12.5% for road repair.^[33] However, there is a catch. Even if the County follows the requirements of FEMA, funds can be reduced or delayed even after repairs have been completed. It can take as much as three to five years to get reimbursed from FEMA. Normally the County will secure the funds to perform repairs quickly when possible and then have to wait for reimbursements from FEMA and the State. This sometimes means that the County needs to take out loans that have to be repaid with interest. Currently the County is waiting for reimbursements of more than \$144 million.^[34]

Some funding sources from California are distributed through the RTC.^[35] The County must apply for project funding and compete with the local cities for these limited resources. The RTC has specific criteria that must be met that may preclude the money from being used where the County needs it most, mainly on poor, very poor and failed local roads (as shown in Figure 4).

Condition Category	PCI Range	Arterials (%)	Collectors (%)	Locals (%)	Entire Network Area(%)
Good (I)/Very Good	65-100	5.6	15.5	9.9	31.0
Fair (II/III)	45-64	3.6	10.6	8.3	22.5
Poor (IV)	25-44	1.0	7.1	13.8	21.9
Very Poor/Failed (V)	<25	0.5	5.8	18.3	24.6
Total		10.7	39.0	50.3	100

Figure 4. Pavement Network Breakdown by Functional Classification.^[13]

Proposition 13

No discussion of funding would be complete without some discussion of California Proposition 13 (Prop 13) as it has had a large impact on County funding. In 1978, Prop 13 fixed the property tax rate in California at 1% of the assessed value.^[36] 13.5% of the

tax collected is sent to the County of Santa Cruz to provide mandated services to its residents.^[37] The Santa Cruz County government receives one of the smallest percentages of all the counties within the state. The funding percentage is based on the proportionment prior to the passage of the proposition. State Assembly Bill 8 set the proportionment after Prop 13 passed.^[38]

General Fund

Primary, direct funding comes from the County General Fund. The Grand Jury was unable to find enough detail in the County budget reports to break out how much specific funding was going to routine maintenance, which is separate from general road repairs and improvements. Even with all of the funding sources, County roads are being underfunded by more than 60% every year.^[3] New projects like the Rail Trail, Highway 1 expansion and the “Complete Streets” project on Soquel Avenue have diverted funds that could have been used for basic road maintenance.

Measure D

In November of 2016 Measure D, a ½ cent sales tax increase, was approved by the voters raising approximately \$17 million annually. 30% goes to Neighborhood/Local Road Projects. The expenditure plan distributes the funds to 5 categories of projects as seen in Figure 5.

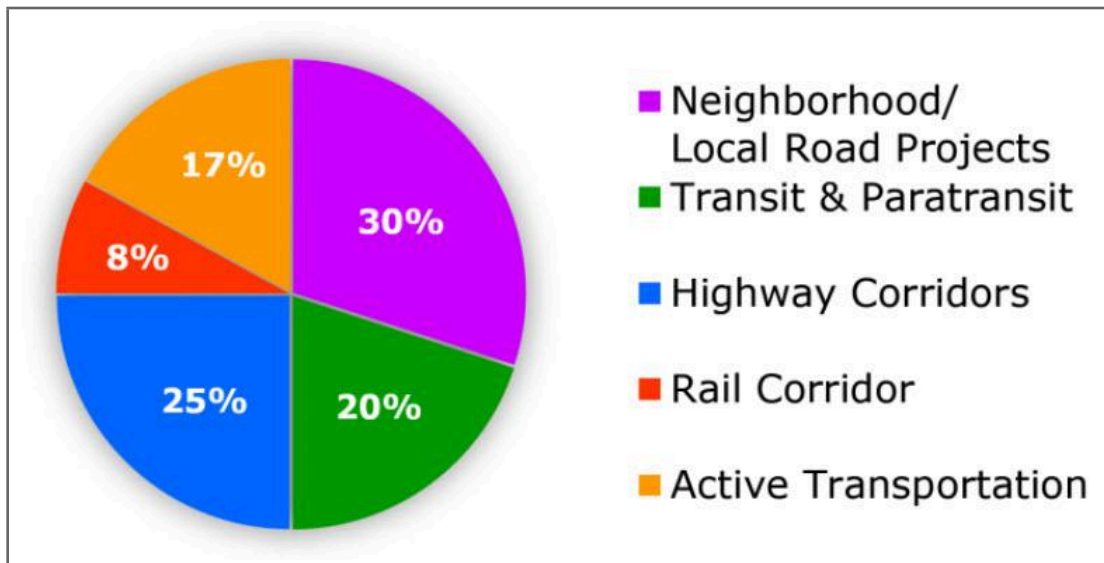


Figure 5. Allocation of Measure D Revenues.^[39]

The RTC administers the expenditure of all Measure D revenues and supplies reports on completed projects and a 5-year funding plan.^[40]

The June 2023 Measure D updated 5-year Funding Plan shows that the Santa Cruz County District 1 Supervisor has chosen not to provide Measure D funds to the District 1 road resurfacing program. The other Districts have road work listed for in the Measure D Funding Plan.^[41]

Special District 9D (1-3)

Road repairs in the unincorporated areas of the County are also partly funded by County Service Area (CSA) Special Districts 9D (Zones 1-3). (Figure 6 below) The current flat assessments are \$56.40 on improved properties and \$28.20 on unimproved properties in the unincorporated areas of the County. CSA 9D funds account for over 25% of current funding for County road maintenance.^{[42] [43]}

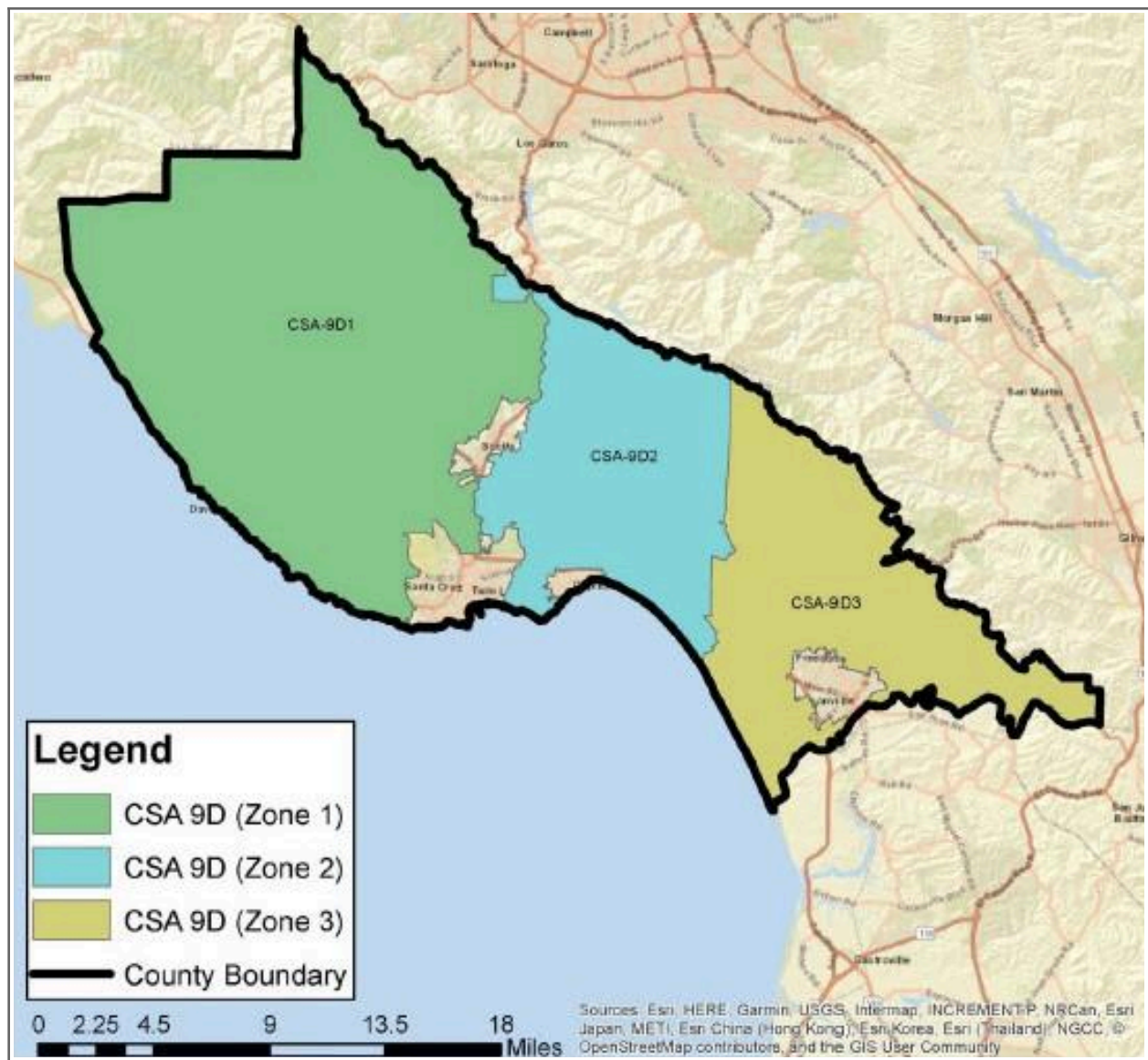


Figure 6. 9D Special Districts Zones^[42]

CSA 9D is a Special District governed by Santa Cruz County Government Code Section 25210. Most special districts are formed by local residents with approval from LAFCO. Special District 9D was created by Resolution 366-83 in June of 1983 and Resolution #42-89 by the County BoS in December of 1988.^{[44] [45] [46]}

Proposition 218, passed in November of 1996, added additional restrictions to the operations of Special Districts. All Special Districts developed prior to 1996 were grandfathered in, including 9D, and presumed to be valid. These additional restrictions limit how CSA 9D can be modified as any changes will need to adhere to the new regulations.^[47]

LAFCO is required to perform a periodic review of Service Districts. The last review of CSA 9D is dated August 5, 2020. The report states that “the Board of Supervisors determined that the sub-zones’ service charges would vary based on the extent of benefit derived from such service provided to parcels within the sub-zones.”^[48]

LAFCO found the County has not varied the amount of the service charge since inception. The three zones that comprise 9D generate approximately \$2.7 million annually.^{[48] [49]} Failure of the County to form the Special District with the inclusion of a range of assessment rates or a built-in inflationary adjustment, which was allowed at the time, has caused this important funding source to become inadequate over time. Average inflation over this time has been 3.45% a year. If the annual inflation had been part of the formula, a rate approximately 3.76 times the current amount would now be charged.^{[42] [50]}

LAFCO’s report is supposed to detail revenue and expenses for the Special District with sufficient detail for the public to understand how their taxes are being used. The Grand Jury found that there was not sufficient detail in the publicly available LAFCO or County budget reports to determine how the funding was being used. The LAFCO report showed 100% of the funding coming from the property assessment taxes and 100% of the expenditure being used for “services and repairs,” but without any detail on what those services and repairs were.^[51] The published budget from the County was also lacking this detail. Residents currently are not able to determine how their CSA 9D taxes were being used except in a general way. They could not determine what roads were repaired or resurfaced in their zone or what repairs were performed. There is no way to determine that the funds were used correctly in the zone, where the funding took place, and to confirm the funds were not commingled with general DPW funding. Commingling of funds is not allowed.

SB1

California SB1, also known as the Road Maintenance and Rehabilitation Act (SB1), was passed in 2017 in order to reward local communities for creating new revenue sources to fund their own transportation needs. Santa Cruz County qualified for SB1 matching funds by passing Measure D in 2016.^[52]

The State designated the Santa Cruz County Regional Transportation Commission to select projects that meet the requirements set forth by the California Transportation Commission (CTC). These requirements include safety (cars, pedestrians, bicyclists), maintenance of transportation assets (roads, bridges and culverts), transportation efficiency and the reduction of the carbon footprint.^{[52] [53]}

Currently, SB1 funds are being used as matching funds to State and Federal relief efforts responding to the devastating storms of 2017 and 2023. Due to the extensive

damage from these events, it is unlikely that the County will be able to use SB1 funds for resurfacing of local roads for the foreseeable future.^{[54] [55] [56]}

The Federal Infrastructure Investment and Jobs Act of 2021 and the State's Road Repair and Accountability Act of 2017 (SB1) will provide \$16 million for Santa Cruz County for some much needed improvements. None of these funds will be used to fund repair of poor or failed roads. The funding will be applied to two highway projects in the County.^[57]

Measure K Sales Tax Increase

Measure K passed in March 2024 within Santa Cruz County, increasing the sales tax rate ½ percent in the unincorporated areas. This tax is estimated to bring in \$10 million in extra revenue to the County General Fund after the first year. The tax will continue indefinitely unless changed by another measure. \$1 million or 10% of the Measure K funding is earmarked for road maintenance and County infrastructure projects for the first year, per the Measure K voting materials. These funds go into the General Fund and are not guaranteed to be used for road maintenance. Even if the full \$1 million annual funds were used for local roads, it could only pay for about one mile of paving of a very poor or failed road.^{[58] [59]}

Other Funding Sources

Another source of revenue for local streets and roads comes from the State Transportation Improvement Program (STIP). This program is primarily funded by fuel taxes collected by the State and redistributed through STIP back to local agencies. The RTC is in charge of deciding where these funds are spent in the County following guidelines set down by the California Transportation Commission.^[60]

The fuel tax revenue received from the State is based on the number of road miles and the number of registered vehicles in the County. Unfortunately, this source of funds has become unreliable. This tax has less purchasing power due to inflation, fuel efficiency, and the increased use of electric and hybrid vehicles.^[61]

An additional funding source is the Vehicle Licensing Fees (VLF) collected by the Department of Motor Vehicles (DMV): 37.5% of these fees are returned to the County to use for road maintenance.^[62]

Conclusion

Local roads in unincorporated Santa Cruz County are severely underfunded and as a result are in deplorable shape. The Grand Jury feels the best opportunity to increase substantial funding is to address the deficiency in Special District 9D. The NCE's report predicts that under the current spending level, our roads will deteriorate even further. The County cannot afford this increasing liability. Additional funding sources (e.g., Measure D and K) are helpful but wholly inadequate to address the current and projected deferred road and culvert maintenance. This leaves unincorporated County residents at a higher risk of delayed emergency response and strandings.

Findings

- F1.** Underfunding the road and culvert maintenance work on the 586 miles of County roads in unincorporated Santa Cruz County for more than four decades has created a backlog of deferred maintenance currently exceeding $\frac{3}{4}$ of a billion dollars which creates a hazard for residents.
- F2.** Due to the large shortfall in funding, Santa Cruz County Department of Public Works adheres to the accepted practice promoted by the Federal Highway Administration and RTC of prioritizing pavement preservation over pavement restoration. Much of the public lacks awareness of this practice in the absence of a formally documented policy which impacts voter choices.
- F3.** The County road maintenance strategy differs by Supervisorial District leading to inconsistent road repair expectations among districts. This lack of a coordinated strategy leaves residents frustrated and with a sense of unfair treatment.
- F4.** Storms of 2017 and 2023 caused significant road failures. Contributing factors were inadequate culvert, drainage ditch, and road surface maintenance which led to culvert failures and full road washouts leaving residents stranded or incurring significant delay.
- F5.** The County of Santa Cruz has failed to ask unincorporated County voters to increase the funding of the Special District 9D (1-3) road assessment fee since its inception in 1988, which has resulted in a drastic loss of revenue for maintaining County roads.
- F6.** The County of Santa Cruz has failed to perform resurfacing maintenance on many of the smaller unincorporated local roads, resulting in higher failure rates and at least a 10 times increased maintenance cost when and if those roads are resurfaced.
- F7.** Santa Cruz County's neglect of unincorporated local roads for many decades has led to an average Pavement Condition Index of less than 48 (as of 2019) which is 17 points below the statewide average. With the current funding level, it is projected to be 38 in 2024, and it is further projected to drop to 33 by 2028 which will leave the County in a position to experience higher catastrophic road failures.
- F8.** The County prioritizes preventive maintenance of roads in fair to good condition over road repair and reconstruction due to limited discretionary funds. As a result, many residents in local road areas will have to contend with very poor/failed roads into the foreseeable future.
- F9.** The most recent LAFCO and County reports fail to provide detailed accounting of how 9D funds are being spent. The result is that taxpayers lack the information to ensure that generated funds are being used appropriately.
- F10.** Minor progress has been made in seeking and securing additional funding sources. The additional funding is far short of what is needed to maintain and repair the road network.

- F11.** Measure K funds go directly into the General Fund and road maintenance funding expenditures are only recommended. This may allow the funding to go to other needs.

Recommendations

- R1.** The Grand Jury recommends that the DPW complete a public report by December 31, 2024 which shows the prioritization of culvert and drainage ditch maintenance in order to help prevent road washouts that are more costly to repair. (F1, F5)
- R2.** The Grand Jury recommends that the Board of Supervisors increase annual funding to the DPW to improve at least one local road segment with a PCI of less than 40 as listed in the Pavement Management report, in each Supervisorial district starting December 31, 2024. (F1, F2, F7, F8, F9)
- R3.** The Grand Jury recommends that the DPW supply information to LAFCO detailing expenditures in each of the three zones of CSA 9D for the years 2020-2023 by October 31, 2024. (F6, F10)
- R4.** The Grand Jury recommends that LAFCO issue a new County Service Area 9 Service and Sphere of Influence Review incorporating detailed data of expenditures for each 9D zone by March 15, 2025. (F6, F10)
- R5.** The Grand Jury recommends that the County Board of Supervisors should begin the process necessary to increase the funding in CSA 9D to an amount in line with what is needed to reduce the backlog of very poor and failed road repairs by December 31, 2024. (F6)
- R6.** The Grand Jury recommends that the County Board of Supervisors take steps necessary to add a consumer price index increase to CSA 9D, as allowed by law, by December 31, 2024. (F6)
- R7.** The Grand Jury recommends that the County Board of Supervisors continue to prioritize a minimum of 10% of Measure K funds to repair roads in the County with a PCI of 25 or less by December 31, 2024. (F10, F11)
- R8.** The Grand Jury recommends that the DPW formalize its policy of abandoning pavement restoration on very poor and failed Local roads into a publicly available document in order to inform affected property owners and prospective buyers by December 31, 2024. (F2, F3, F4, F7, F9)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F11	R1–R3, R5–R8	90 Days September 3, 2024
LAFCO	F6, F10	R4	90 Days September 3, 2024

Invited Response

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Director, Community Development and Infrastructure, Public Works Dept.	F1-F6, F10	R1, R3, R8	90 Days September 3, 2024

Definitions

- **BoS:** Board of Supervisors, Santa Cruz County
- **CDI:** Santa Cruz County Community Development and infrastructure Department, includes the Department of Public Works
- **CSA:** County Service Area (Special District) formed by citizens or County to provide services paid by tax assessment on properties within the area covered
- **CTC:** California Transportation Commission
- **DPW:** Department of Public Works, County of Santa Cruz
- **FEMA:** Federal Emergency Management Agency
- **LAFCO:** Local Agency Formation Commission of Santa Cruz County
- **Measure D:** 2016 Measure to fund Transportation with ½ cent sales tax measure for 30 years
- **Measure K:** 2024 Measure to increase sales tax by ½ percent in unincorporated areas of Santa Cruz County
- **NCE:** Nichols Civil Engineering
- **PCI:** Pavement Condition Index
- **PMP:** Pavement Management Program Update (NCE Nov. 2019 Final Report)^[7]
- **PMPS:** Pavement Management Program software (also known as “Streetsaver”)
- **Prop 13:** Proposition 13- “People's Initiative to Limit Property Taxation”, 1978
- **Proposition 218:** 1996 “Right to Vote on Taxes Act”- Governing Act for Special districts
- **SB1:** California Senate Bill #1- “Road Repair and Accountability Act of 2017”

- **RTC:** Santa Cruz County Regional Transportation Commission
- **Special District:** Formed with approval by LAFCO to fund specific work
- **STIP:** State Transportation Improvement Program
- **Streetsaver:** Pavement Management Program Software used by the County

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Site Visits

Rural Santa Cruz County roads in all districts.



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Response to 2023-2024 Grand Jury Report "Santa Cruz County Local Roads - A Smooth Path Through Paradise or a Hell of a Road"

Caitlin Smith <Caitlin.Smith@santacruzcountyca.gov>

Tue, Sep 3, 2024 at 2:23 PM

Good Afternoon,

Please see attached for the required response from the Santa Cruz County Board of Supervisors to the 2023-2024 Grand Jury Report titled "Santa Cruz County Local Roads - A Smooth Path Through Paradise or a Hell of a Road" which was approved by the Board of Supervisors on August 27, 2024.

Best,

Caitlin C. Smith

County Supervisors' Analyst

Santa Cruz County Board of Supervisors

701 Ocean Street, Room 500

Santa Cruz, CA 95060

831-454-2200 main

831-454-3516 direct

caitlin.smith@santacruzcountyca.gov

To email all five members of the Board of Supervisors at once,

please use: boardofsupervisors@santacruzcountyca.gov

2 attachments

 **Cover Letter Local Roads response.pdf**
199K

 **Santa Cruz County Local Roads GJ Report Board of Supervisors Response.pdf**
524K

August 30, 2024

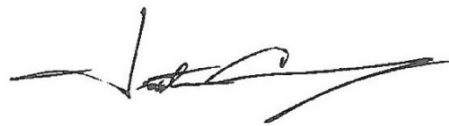
The Honorable Katherine Hansen
Santa Cruz Courthouse
701 Ocean Street
Santa Cruz, CA 95060

RE: Response to the 2023-2024 Grand Jury Report “Santa Cruz County Local Roads – A smooth path through paradise or a hell of a road?”

Dear Judge Hansen,

The purpose of this letter is to formally transmit the Santa Cruz County Board of Supervisors’ response to the 2023-2024 Grand Jury Report “Santa Cruz County Local Roads – A smooth path through paradise or a hell of a road?”

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Cummings', with a long horizontal flourish extending to the right.

JUSTIN CUMMINGS, Chair
Santa Cruz County Board of Supervisors

JC:cs
Attachments

CC: Clerk of the Board
Santa Cruz County Grand Jury



**The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the
Santa Cruz County Board of Supervisors**

to Respond by September 3, 2024

**to the Findings and Recommendations listed below
which were assigned to them in the report titled**

Santa Cruz County Local Roads

A smooth path through paradise or a hell of a road?

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown
in our minutes dated August 27, 2024.

4. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

- F1.** Underfunding the road and culvert maintenance work on the 586 miles of County roads in unincorporated Santa Cruz County for more than four decades has created a backlog of deferred maintenance currently exceeding $\frac{3}{4}$ of a billion dollars which creates a hazard for residents.

AGREE
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The County has many demands on its limited resources. The County of Santa Cruz is systematically underfunded compared to county peers and statewide county averages. These funds are allocated to the County based on systems outside of the County's control, such as nearly five decades of property tax regulations and recent State decisions to send online sales tax from local purchases to where warehouses are located. These circumstances restrict the County's ability to provide services including road and culvert maintenance.

Santa Cruz County has particularly difficult geography making it challenging to maintain local roads. The County was recently named the 15th most vulnerable county in the Country to landslides by the Federal Emergency Management Agency (FEMA). The County also faces vulnerabilities due to sea-level rise, as seen in damages from recent federal disasters where high tides and storm surge caused millions of dollars of damage to county infrastructure.

Many local roads were originally not built for long-term public use, such as roads used for the logging industry. These roads, many built along waterways that make them more vulnerable, were under engineered and are susceptible to continued damage that further stresses the County's resources.

- F2.** Due to the large shortfall in funding, Santa Cruz County Department of Public Works adheres to the accepted practice promoted by the Federal Highway Administration and RTC of prioritizing pavement preservation over pavement restoration. Much of the public lacks awareness of this practice in the absence of a formally documented policy which impacts voter choices.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The County Department of Public Works uses industry-wide pavement management practices that results in the most efficient use of scarce resources. Information regarding pavement work is available on the County website (see [Transportation & Roads \(santacruzcountyca.gov\)](https://www.santacruzcountyca.gov/Transportation%20&%20Roads), [Completed County Resurfacing Projects 2018-2023](#) and [Current Paving Projects](#)). The Board of Supervisors is also regularly informed of pavement practices including annual proposals on how to spend Measure D funding. The most recent Measure D Plan was approved June 25th, 2024 ([Measure D 5-Year Plan for Fiscal Year 2024-25](#)). Additional information can be found within the Community Development and Infrastructure department budget (see [Community Development and Infrastructure 2024-25 Proposed Budget](#)).

F3. The County road maintenance strategy differs by Supervisorial District leading to inconsistent road repair expectations among districts. This lack of a coordinated strategy leaves residents frustrated and with a sense of unfair treatment.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

General road maintenance consisting of vegetation management, surface patching, ditch cleaning and drainage maintenance is prescribed independent of political boundaries.

County-wide pavement management funding is programed based on the percentage of road miles within each district. Some districts include cities with roads that fall outside of the County’s responsibility. The pavement maintenance strategy follows industry-wide best management practices consistently.

- F4.** Storms of 2017 and 2023 caused significant road failures. Contributing factors were inadequate culvert, drainage ditch, and road surface maintenance which led to culvert failures and full road washouts leaving residents stranded or incurring significant delay.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

While it is agreed that the condition of county transportation infrastructure was a contributing factor to the damage caused by the storms of 2017 and 2023, this report has failed to adequately attribute factors such as age and the increasing pressure of climate change-driven disasters on the County's transportation network. Since 2017, Santa Cruz County has experienced seven federally declared disasters that have caused hundreds of millions in damages to County infrastructure. This magnitude and frequency of disasters is unmatched in the County's history. The 2017 and 2023 storm seasons each produced nearly seven times as much damage (measured by both estimated costs and number of sites) of an average storm season. This scale of impact is anticipated to continue, compromising the County's ability to maintain its infrastructure.

Asserting a causal connection between the County's road maintenance program and the catastrophic failure of entire hillsides or overwhelmed culverts during unprecedented storms is baseless and wholly irresponsible. The failure of the Bates Creek culvert under Main Street in Soquel, for example, was not a maintenance issue but the result of a storm cell that stalled upriver of the culvert, sending a surge of water and debris that was without precedent through a system that was never designed for it in the first place.

F5. The County of Santa Cruz has failed to ask unincorporated County voters to increase the funding of the Special District 9D (1-3) road assessment fee since its inception in 1998, which has resulted in a drastic loss of revenue for maintaining County roads.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

The County has explored the possibility of asking voters for a Special District CSA 9D several times in the past and is currently making a more serious inquiry into to voters' appetite for a proposed increase.

- F6.** The County of Santa Cruz has failed to perform resurfacing maintenance on many of the smaller unincorporated local roads, resulting in higher failure rates and at least a 10 times increased maintenance cost when and if those roads are resurfaced.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The County utilizes an industry-wide best management practice that results in the most cost-effective method of maintaining the County road network within existing resources. As illustrated in this [Completed County Resurfacing Projects report](#) on the Department of Community Development and Infrastructure website, 85.5 miles of roads, many smaller local roads, were resurfaced between 2018 and 2023.

The County resurfaced nearly one-sixth of its road network between 2018 and 2023. While there is more work to be done, the assertion that it has failed to perform this work on unincorporated local roads is entirely without merit.

- F7.** Santa Cruz County's neglect of unincorporated local roads for many decades has led to an average Pavement Condition Index of less than 48 (as of 2019) which is 17 points below the statewide average. With the current funding level, it is projected to be 38 in 2024, and it is further projected to drop to 33 by 2028 which will leave the County in a position to experience higher catastrophic road failures.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The County has not neglected unincorporated local roads, as evidenced by \$350 million spent on roads in the last seven fiscal years. This figure represents \$580,000 per road mile, and is greater than the Sheriff's Office's entire operating budget for three years, would fund County Parks 20 times over, and is five times larger than the Measure S library bond.

However, Santa Cruz County has unique challenges to improving our Pavement Condition Index, including:

- Difficult geography with unstable land in the mountains and low-lying roads on the coast and south that are vulnerable to coastal flooding.
- Roads in use that were originally not built for long-term public use, such as roads originally built by the logging industry. These roads were under-engineered and are vulnerable to damage.
- Many roads were built adjacent to waterways, and are more susceptible to increased pressures from extreme weather and coastal flooding.
- Systematic underfunding due to reasons beyond the County's control including property tax and sales tax allocation regulations.
- Already scarce funding being allocated to support priority emergency repair projects, including those that restore access to residential neighborhoods or the ability of public safety personnel to respond to critical life/safety incidents.

F8. The County prioritizes preventive maintenance of roads in fair to good condition over road repair and reconstruction due to limited discretionary funds. As a result, many residents in local road areas will have to contend with very poor/failed roads into the foreseeable future.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

Santa Cruz County Community Development & Infrastructure uses a pavement management industry-wide best management practice that results in the most efficient use of scarce resources to address road treatment.

As stated above, the County made significant progress on local road maintenance including road resurfacing thanks to new sources of funding such as Measure D, and is studying whether residents would support additional road funding through CSA 9D.

- F9.** The most recent LAFCO and County reports fail to provide detailed accounting of how 9D funds are being spent. The result is that taxpayers lack the information to ensure that generated funds are being used appropriately.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The accounting information regarding the use of CSA 9D funds are appropriate and in compliance with Government Accounting Standards Board (GASB). However, more programmatic information could be provided such as specific services and areas funds are being utilized for.

F10. Minor progress has been made in seeking and securing additional funding sources. The additional funding is far short of what is needed to maintain and repair the road network.

- AGREE**
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

Measure D (local half-cent sales tax) and Senate Bill (SB) 1 (State funding from vehicle registration fees/fuel taxes) are relatively new, having passed in 2016 and 2017, respectively. Measure K half-cent sales tax approved by voters on March 5, 2024, will provide a new source of funding for roads projects. As part of placing the measure on the ballot, the Board adopted a resolution supporting budget priorities for Measure K that includes \$1 million for road repair and critical infrastructure. Public Works staff also continuously secure substantial grant funding to dedicate to County transportation projects. Recent examples of this are \$16.5 million in state funding for the Soquel Drive Buffered Bike Lane & Congestion mitigation project and \$14.2 million for several projects from the Santa Cruz County Regional Transportation Commission in the most recent consolidated grant program. We do not consider these substantial investments to be 'minor,' although we acknowledge existing revenues are not sufficient to maintain our road network at the highest levels.

F11. Measure K funds go directly into the General Fund and road maintenance funding expenditures are only recommended. This may allow the funding to go to other needs.

- AGREE**
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

As part of placing the measure on the ballot, the Board adopted a resolution supporting budget priorities for Measure K that includes \$1 million for road repair and critical infrastructure. The Board could choose to revisit these priorities and adjust budget allocations depending on needs and interests.

Recommendations

R1. The Grand Jury recommends that the DPW complete a public report by December 31, 2024 which shows the prioritization of culvert and drainage ditch maintenance in order to help prevent road washouts that are more costly to repair. (F1, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

A detailed field study is underway of the over 6,000 culverts within the County’s maintained road system that will assess and help refine the County’s needs in this area. Information is being compiled for this study and it will likely be complete and presented to the Board by June 30, 2025.

R2. The Grand Jury recommends that the Board of Supervisors increase annual funding to the DPW to improve at least one local road segment with a PCI of less than 40 as listed in the Pavement Management report, in each Supervisorial district starting December 31, 2024. (F1, F2, F7, F8, F9)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

This recommendation does not meet the industry-wide best management practice for pavement management.

The Board has allocated \$1 million from the recently passed Measure K to dedicate to roads. Additionally, the Department of Community Development and Infrastructure is in the initial development of proposing an increase to the county-wide special benefit assessment dedicated to roads (CSA 9D).

R3. The Grand Jury recommends that the DPW supply information to LAFCO detailing expenditures in each of the three zones of CSA 9D for the years 2020-2023 by October 31, 2024. (F6, F10)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

This information resides in the Public Works cost accounting management system and will be transmitted to LAFCO per the recommendation.

- R5.** The Grand Jury recommends that the County Board of Supervisors should begin the process necessary to increase the funding in CSA 9D to an amount in line with what is needed to reduce the backlog of very poor and failed road repairs by December 31, 2024. (F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Initial steps in this process, including planning and information consultations, have already begun. However, implementation will depend on residents subject to any assessment increase.

R6. The Grand Jury recommends that the County Board of Supervisors take steps necessary to add a consumer price index increase to CSA 9D, as allowed by law, by December 31, 2024. (F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

This will be considered in the process described in recommendation 5. This effort will begin in Fiscal Year 2024-25.

R7. The Grand Jury recommends that the County Board of Supervisors continue to prioritize a minimum of 10% of Measure K funds to repair roads in the County with a PCI of 25 or less by December 31, 2024. (F10, F11)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Board evaluates and sets County priorities through the annual budget process. This process allocates the County's scarce resources across many competing demands such as addressing homelessness, providing affordable housing, maintaining public safety and the many mandated services the County must provide.

The Board has programmed \$1 million of Measure K in Fiscal Year 2024-25 for road repairs. Any further investment will be recommended by Public Works to follow best management practices.

R8. The Grand Jury recommends that the DPW formalize its policy of abandoning pavement restoration on very poor and failed Local roads into a publicly available document in order to inform affected property owners and prospective buyers by December 31, 2024. (F2, F3, F4, F7, F9)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Abandoning pavement restoration on very poor and failed local roads is not and never was a policy of Public Works. A better funded pavement management program could result in more frequent road treatments throughout the unincorporated County.



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Grand Jury Road Report re LAFCO Response

Joe Serrano <Joe.Serrano@santacruzcountyca.gov>

Thu, Aug 8, 2024 at 9:30 AM

To: "Katherine.Hansen@santacruzcourt.org" <Katherine.Hansen@santacruzcourt.org>,
"grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Cc: Francisco Estrada <Francisco.Estrada@santacruzcountyca.gov>

Good Morning Honorable Katherine Hansen,

As requested, LAFCO has reviewed and provide comments to the latest Grand Jury Report titled "*Santa Cruz County Local Roads: A smooth path through paradise or a hell of a road?*" Attached you will find our response letter, which was approved by LAFCO during yesterday's Commission meeting. The following link also directs you to the August 7th staff report for your records: https://santacruzlafco.org/wp-content/uploads/2024/07/6c.0-Grand-Jury-Response-Staff-Report_Hyperlinked.pdf

Let me know if you have any additional questions.

Thank you.

-Joe

Joe A. Serrano

Executive Officer

Local Agency Formation Commission of Santa Cruz County

701 Ocean Street, Room 318-D, Santa Cruz, CA 95060

Email: joe@santacruzlafco.org

Phone: (831) 454-2055



 8-8-24 LAFCO Response Letter (Adopted Version).pdf
224K

August 8, 2024

The Honorable Judge Katherine Hansen
 Santa Cruz Courthouse
 701 Ocean Street
 Santa Cruz, CA 95060

Subject: LAFCO Response to the Grand Jury’s “Our Water Account Is Overdrawn – Beyond Conservation: Achieving Drought Resilience” Report

Dear Honorable Judge Hansen:

Thank you for this opportunity to comment on the Grand Jury’s report titled “*Santa Cruz County Local Roads: A smooth path through paradise or a hell of a road.*” This report reviewed the current road conditions in unincorporated Santa Cruz County and requested that the Local Agency Formation Commission (“LAFCO”) provide comments. LAFCO’s statutory authority is derived from the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 56000, et seq.).

Among LAFCO’s purposes are: Discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances (Government Code Section 56301). The Cortese-Knox-Hertzberg Act identifies factors that must be considered, and determinations that must be made, as part of LAFCO’s review of boundary changes and service reviews. These provisions of law are the legislative basis for LAFCO’s locally adopted Policies and Procedures Relating to Spheres of Influence and Changes of Organization. These policies establish guidelines for the Commission and staff to follow. The adopted policies are available on LAFCO’s website: <https://santacruzlafco.org/about/policies-procedures/>.

In order to fulfill the request to provide comments on the Grand Jury’s report, LAFCO’s comments will be based on the direction found in the Cortese-Knox-Hertzberg Act and the Commission’s adopted policies.

1. Finding (F6): The County of Santa Cruz has failed to perform resurfacing maintenance on many of the smaller unincorporated local roads, resulting in higher failure rates and at least a 10 times increased maintenance cost when and if those roads are resurfaced.

DISAGREE: It is LAFCO’s understanding that the County relies on Measure D funds to repair and maintain publicly accessible roads throughout Santa Cruz County. Based on LAFCO’s research, the County has completed over 200 road projects (totaling over 44 miles), which were funded or partially funded by Measure D during the last six years (2018-2023)¹. Below is a breakdown of the completed road projects found on the County’s website:

County Road Projects (2018 – 2023)

Year	Road Projects	Length (miles)
2018	28	6.56
2019	33	5.59
2020	30	6.26
2021	37	6.44
2022	36	8.31
2023	44	10.88
Total	208	44.04

¹ <https://cdi.santacruzcountyca.gov/Portals/35/CDI/PublicWorks/Transportation/Completed%20Resurfacing%20Projects%20%282018-2023%29.pdf>

2. **Finding (F10): Minor progress has been made in seeking and securing additional funding sources. The additional funding is far short of what is needed to maintain and repair the road network.**

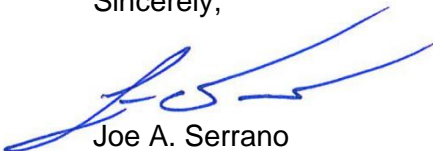
PARTIALLY AGREE: It is LAFCO's understanding that the County has been proactive in exploring funding opportunities. However, there is a lack of transparency on how these efforts are initiated, what funding sources are available, and why certain revenues are granted or denied. It would be beneficial for the County to provide this information on their website to increase public awareness.

3. **Recommendation (R4): The Grand Jury recommends that LAFCO issue a new County Service Area 9 Service and Sphere of Influence Review incorporating detailed data of expenditures for each 9D zone by March 15, 2025. (F6, F10).**

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE: State law requires LAFCO to conduct service and sphere reviews at least every five years for each city and special district in Santa Cruz County, including CSA 9. The last statutorily required analysis of CSA 9 was completed in August 2020. While the next service and sphere review for CSA 9 is tentatively scheduled for August 2025, LAFCO will move the date to March 2025 to comply with the Grand Jury's request. LAFCO's regular meetings are typically held on the first Wednesday of each month. Therefore, LAFCO's evaluation of CSA 9 and its zones (including 9D) will be considered by the Commission on March 5, 2025. The adopted version of the report will be sent to the Grand Jury before the March 25th deadline.

I want to thank you once again for the opportunity to comment on the Grand Jury's recent road report. LAFCO also develops reports that monitors the efficient and effective delivery of municipal services by local agencies in Santa Cruz County. These reports are available on LAFCO's website: <https://santacruzlafco.org/reviews/>. I encourage the Grand Jury to review our reports and continue collaborating with LAFCO on these important issues. Feel free to contact me if you have any questions. I can be reached by email (joe@santacruzlafco.org) or by phone (831-454-2055).

Sincerely,



Joe A. Serrano
Executive Officer



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Invited response to Grand Jury report is due on 9/3/24

Matt Machado <Matt.Machado@santacruzcountyca.gov>
To: Santa Cruz Grand Jury <grandjury@scgrandjury.org>

Wed, Aug 28, 2024 at 5:27 PM

Thank you. My comments were included in the required County response.



Matt Machado, PE, LS

Deputy County Administrative Officer

Director of Community Development
& Infrastructure

831.454.2368

[701 Ocean Street, Room 410](#)

[Santa Cruz, CA 95060](#)



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SANTA CRUZ COUNTY
Civil Grand Jury

701 Ocean Street, Room 318-I
Santa Cruz, CA 95060
(831) 454-2099
grandjury@scgrandjury.org

We Can Do Better with Our Jails!

Better Healthcare and Reentry Support

Summary

Santa Cruz County is a compassionate community. Residents expect that while justice is being served, all inmates, especially the mentally ill, will be treated humanely and with respect while being held in our jails. The same compassion was expressed by Jail staff on our tours and in our interviews.

In this year's report, the Santa Cruz County Civil Grand Jury challenges the Sheriff's Department to improve the treatment and safety of jail inmates living with mental illness and to develop innovative and effective post release reentry programs. The Grand Jury believes we can do better with some operational changes:

Improve Medical and Mental Health Care in the Jail

- Conduct Health Service Audits of medical records for quality of care improvements.
- Improve Discharge planning for better continuity of care.
- Update training for medical and correctional staff on the proper use of Safety Cells for mentally ill patients/inmates, to meet State requirements and to comply with the Sheriff's policy and procedures manual.
- Instruct Medical and Jail staff on when it is appropriate to transfer suicidal inmates to a Mental Health Facility either in or, if necessary, outside the county.

Inmate Rehabilitation and Reentry

- Reopen the closed units and move all qualified inmates to the Rountree Rehabilitation and Reentry to prepare them for return to the community with new job skills development, education, work release and transitional programs.
- Do not block Grand Jury inmate interviews and allow the Grand Jury to observe classes and programs.

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Background

The California Penal Code 919(b) specifies that the Grand Jury shall inquire into the conditions and management of the public prisons, jails, and juvenile detention facilities within the County.^[1]

Santa Cruz County residents are concerned with the proper treatment of incarcerated persons. Our community's values align with better conditions for the inmates and jail staff. Residents are also concerned about the use of "Safety Cells," particularly as it relates to inmates with mental illness. The Grand Jury was told that historically the Corrections Bureau believes that *Reentry Begins at Booking*.^[2] The Grand Jury embraces this statement and would hope these are not only nice words, but actual practice. The phrase lends itself to the Rountree facility name: Rountree Reentry and Rehabilitation facility. The Grand Jury investigated just what programs and classes were offered to inmates.

We have a mental health crisis in this country and in our county. The statistics show that in the Santa Cruz Jails 30%-40% of those incarcerated suffer from mental health disorders and are likely on, or need, psychotropic medication. That makes our jails, in effect, the largest mental healthcare facility in the county.^[3]

Why this topic matters for County residents

Do you know someone in your family or perhaps someone connected to you who has been incarcerated in the Santa Cruz County Jail? If not, you may not understand what a life-changing experience it would be to have all your freedoms taken away.

Medical and Mental Health Care in the Jail

- Residents expect the mentally ill resident to be cared for in health facilities, not housed in jail.
- Inmates serving sentences or being held for pre-trial should not be mistreated with improper use of Safety Cells.

Inmate Rehabilitation and Reentry

- Residents agree with the Jail's philosophy "Reentry Begins at Booking."
- Residents expect that inmates are prepared for re-entry.
- Residents are interested in knowing more about the Jail's Rehabilitation and Reentry classes, programs, services, and activities which prepare inmates for reentry.

Scope and Methodology

The Grand Jury limited the scope of this investigation to informing the public on two areas. One was the current conditions in the jail for all inmates, but particularly for those suffering with mental illness. Secondly, we investigated what programs and activities are in place to prepare inmates for their eventual release.

Along with touring all the correctional facilities, the Grand Jury:

1. Conducted eight (8) interviews with concerned citizens, jail supervisors and staff, and legal and academic experts on correctional facilities.
2. Reviewed numerous reports that have looked at jail operations for compliance of requirements noted in the state regulations governing prisons and jails (Title 15) (See [Appendix E](#) for Key Title 15 Policies In this Report) and the Sheriff's policies and procedures governing Santa Cruz County Jails.
3. Compared those minimum requirements with current Jail operations.
4. Identified gaps in current inmates' medical care and services for the mentally ill.

Investigation

The Grand Jury members learned from the tour that the staff is deeply dissatisfied with the physical conditions at the Main Jail. The Grand Jurors agreed the conditions are not good for the mental health of both inmates and staff. Even if you are in good mental health, just being in the jail building is disturbing and stressful. It is definitely traumatizing if you already are suffering from mental illness. As empathetic members of the community, the Grand Jury tried to imagine what it must be like for a person to go through the judicial process while in Jail. The Grand Jury is also hopeful that if inmates participate in the programs and activities offered by the Jail, reentry into the community can be made easier.

Imagine yourself an inmate in our local County Jail awaiting trial and you are presumed innocent. Imagine that in addition to your legal problems, you are struggling with mental health issues. Now imagine that you are placed in isolation in a "safety cell" with minimal psychiatric care and virtually no supervision to make sure you are actually safe and receiving treatment.

And imagine suffering from a mental health condition, and because of a crisis, you end up in jail. You are in a totally unknown environment. No one explains anything to you that you can understand. You are put in a small white cell where everything is made out of concrete. You have no physical ability to receive mail or have photos that remind you of friends or family. And if your condition worsens, you may not be transferred to an appropriately higher level of care. Instead you may be pepper sprayed, tased, tied to a chair, and finally dragged to a safety cell with no water or toilet where you may languish up to 48 hours. That may happen multiple times.

Also imagine, if you can, that you have finally navigated the labyrinthine and often bewildering criminal justice system and jail systems and having paid your debt to society, are eligible for release. Yet you stand at the doorway to freedom with no skills, no preparation and no practical plan to break the cycle of reoffending and recidivism.

As mandated, jurors toured the correctional facilities in Santa Cruz County. The Santa Cruz County Sheriff's Office runs four corrections facilities in the county; the Santa Cruz County Main Jail, Blaine Street Women's Facility, Rountree Medium Security Facility and the Rehabilitation and Reentry Facility.^{[4] [5]}

While the Grand Jury toured the Juvenile Facility in Felton, the Grand Jury is not reporting on the Juvenile Facility in this report. However, we found the programs for youth are exceptional. The program, operated by the Santa Cruz Probation Department, has achieved a 41% decrease in admissions since 2013.^[6]

Classification Determines Housing Facility

Once booked there is a classification procedure which determines release or housing. Those determined 'not to be released' are given a housing assignment in one of the four facilities; the Main Jail, Blain Street Women's Jail or one of the Rountree two facilities. This begins incarceration. The experience is described below with some notable facts the Grand Jury uncovered in this investigation.

The Main Jail



Figure 1: Santa Cruz County Main Jail. Photo courtesy of Ashley Keehn.^[7]

Every adult who is arrested anywhere in the county is taken for booking to the Main Jail located at 259 Water Street in Santa Cruz. Once booked, a decision is made using a classification system to determine if a person should be released or housed.

The Sheriff's office provides alternatives to being housed in the Jail.^[8] The jail operates a Custody Alternative Program, an alternative to being housed while awaiting trial. This

program diverts people away from incarceration. In January of 2024 there were 51 people on work release, 37 males and 14 females.^{[9] [10]} Of all the people arrested and booked, about 20% do not qualify for pretrial release and therefore must be housed in the Main Jail.^[11]

A state of uncertainty while awaiting trial

The jails have a total capacity of 511 inmates. In 2022 there were on average 352 incarcerated men and women in the three correctional facilities, which is 73% of capacity. This does not include Blain Street Women's jail, because it was not open until May 2023.^[12]

According to the 2023 Santa Cruz Criminal Justice Court Report during one month in 2022, the average daily population was 327 incarcerated persons, but only 64 were sentenced and 263 were in pretrial (not sentenced) awaiting either sentence or release. The number of incarcerated people determined to be incompetent to stand trial were 33 in 2020, 64 in 2021 and 68 in 2022.^[13]

Most of us know you are deemed "innocent until proven guilty", but you are in jail, so you are treated the same as an inmate serving time. You have all your freedoms taken away and you are completely reliant on the correctional staff for your food, shelter, security, medical and mental health needs. You may imagine that this can be a very traumatic experience. See Figure 2 below.



Figure 2: Main Jail cell. Photo courtesy of Ashley Keehn^[14]

Pretrial release times can be quite lengthy depending on many variables. Some inmates have been in pretrial status for years. As part of the booking process, a variety of tools are used to classify and segregate inmates by their gang affiliation, mental health situation, gender issues, and whether they are a potential risk to themselves or others. Your classification is reviewed monthly to make any necessary changes. A month would be a long time to wait if there was a mistake made with your classification, especially for the mentally ill.

The Rountree Medium Security and Rehabilitation Facility



Figure 3: Rehabilitation and Reentry – Rountree facility. Photo courtesy of Ashley Keehn^[15]

Located at 90 Rountree Lane in Watsonville, the facility consists of two sections. It has a minimum security and a medium security component. It houses men only. The medium security component itself consists of two units, one of which has been closed for refurbishment for a few years. Last year's 2023 Grand Jury Jail report recommended reopening the closed unit at Rountree. It is still closed today due to staffing shortages. This would have allowed the Jail more balance of the jail population between the three facilities. It also would allow some inmates from the Main Jail to move to Rountree and take advantage of the programs available there.



Figure 4: Rountree Minimum Security facility. Photo courtesy of Ashley Keehn^[16]

The minimum security unit is referred to as a Rehabilitation and Reentry unit and its goal is to educate and prepare inmates for reentry into the community. Most of the inmates housed at Rountree are sentenced and have agreed to attend classes and programs.

Sheriff Blocks Interviews with Inmates

The Grand Jury was not permitted to interview inmates serving sentences at the Rountree Rehabilitation and Reentry facility, even though such interviews were suggested by the Bureau of State and Community Corrections (BSCC) in its instructional “Handbook for Grand Jurors.”^[17]^[18] The BSCC is the author of the Title 15 regulations governing the minimum standards that community jails are required to adhere to in their operations. See [Appendix A](#) for the Penal Code Governing the Grand Jury.

According to the BSCC, the Grand Jury is instructed to ask the following questions as part of the Jail investigation:

Interviews with Inmates are allowed.

Per Penal Code Section 916, use two jurors for each individual interview with an inmate. An inmate may become intimidated if more than two jurors are present during the interview. It is a good idea to ask open-ended questions. Sample questions include:

- What do you like best about this facility?
- What is your daily schedule?
- How do you arrange to see the medical personnel?
- What is the grievance process?
- What do you do during the day?
- How did you learn about the rules?
- What would you like to see changed in this facility?
- How do you get along with staff?

It is not appropriate to discuss the inmate's offense, case or other personal matters. Your interview should focus on the experience of the inmate in the facility. If the inmate attempts to engage in a discussion of his/her case, gives you mail to send, or asks you to make a phone call, make it clear that you cannot discuss these matters.

Figure 8: From the 2021 BSSC Jail Inspection Handbook for Grand Jurors.^[18]

The Grand Jury investigation would have been aided by inmate interviews by disclosing the perspective from someone inside of the jail. The head of the corrections bureau denied our request to attend some of the classes at Rountree to get a better understanding of how the rehabilitation program works. Attending some classes and speaking to some inmates would have greatly enhanced this Grand Jury report.

The correctional officer denied the Grand Jury request because:

1. "It has never been done before and would not want to set a bad precedent."
2. "It would be too dangerous for Jurors to talk to inmates."

The Grand Jury reviewed past Jail Reports which had inmate interviews granted under previous Sheriff administrations. The Grand Jury offered to conduct inmate interviews via Google Meet. Since Covid this has been Grand Jury policy. Virtual interviews would have solved the security issues. If teachers are allowed to teach in person why would it be dangerous for Grand Jurors to observe classes and interview inmates attending those classes?

The Blaine Street Women's Jail



Figure 5: Blaine Street Women's Facility. Photo courtesy of Ashley Keehn.^[19]

The Santa Cruz County Blaine Street Women's Facility reopened in 2023. It is a 32-bed capacity facility located at 141 Blaine Street, next to the Main Jail. Generally, this detention facility houses women awaiting bail and inmates serving brief sentences, usually a year or less. It also has rehabilitation and reentry programs, with some designed especially for women.

A Type of Incarceration Outside the Jail System - LPS facilities

LPS - Lanterman-Petris-Short Act named after the authors of the Act, provides the statutory framework for the commitment of individuals with mental health disorders and provides protection for the legal rights of such individuals.^[20] Mental Health best practices and the state regulations of Title 15 require that an inmate in a psychiatric crisis be transferred out of jail to an LPS psychiatric facility.^[21] LPS designated facilities are the county's mental health treatment facilities. These facilities serve the community for Mental Health evaluation and treatment and are certified by the State Department of Health Care Services. A designated facility may include, but is not limited to, a licensed psychiatric hospital or facility and certified crisis stabilization units.^[22] Such a facility would be more conducive to housing, treating or healing individuals that are dealing with serious behavioral health needs.^[23]

The Grand Jury learned that Medi-Cal is authorized to pay for medical treatment only in facilities of 16 beds or less. Santa Cruz has one such facility, but could have multiple 16 bed facilities covered by Medi-Cal.^[22] However, even if Santa Cruz County were able to build multiple 16 bed LPS facilities, it does not have a source of funds to operate them.^[24]

Medical and Mental Health Care in the Jail

- Wellpath is the contracted Medical and Mental Health provider for the Jails.^[25]
- Wellpath is not fully staffed and has several vacancies in Medical and Mental Health.^{[26] [27]}
- There are not enough resources in Santa Cruz County to meet the Mental Health needs of incarcerated persons, both while in custody, and following release from custody.^[28]
- On any given day in our jail system, there are between 60-90 inmates on psychotropic medication for a mental health condition.^[29]
- There are state laws (Title 15 - see Figure 13 - [Appendix A](#)) and Sheriff's policies that govern the proper treatment of incarcerated persons with medical and mental health needs.^[30]

Wellpath - the Contracted Healthcare Provider

In September of 2021, Santa Cruz County transitioned its inmate mental health care from County Behavioral Health to Wellpath, a private Tennessee-based provider of medical and mental health services. Wellpath clinicians work inside of the local jail system as the primary mental health support organization. However, the Psychiatrist is never onsite and uses video conferencing to evaluate, review and treat the mental health of inmates/patients. Video conferencing is used in daily rounds and when an inmate/patient is having a mental health crisis. Other mental health staff are onsite.

Their performance and level of care is subject to annual review. The contract states Wellpath must provide staffing for Medical Healthcare 24/7, and Mental Healthcare for 16-20 hours a day.

According to answers given by Wellpath on 02/13/2024 in a Request for Proposal - Vendor Report to the County, many staffing positions are currently vacant including:^[26]

- One Mental Health Coordinator
- Two full time Mental Health Clinicians
- Three full time Registered Nurses
- Four full time Licensed Vocational Nurses

Some notable numbers from the report:

- Average daily # of detox patients - 12
- Average daily # of combined segregation inmates - 25-30
- Percentage of inmate population on medication - 65
- Percentage of inmate population on psych medication - 68
- Percentage of inmate population who are Severely Mentally Ill - 12

The Grand Jury is concerned with these crisis-level numbers. The workload appears to be a problem, given the vacancies of medical and mental health staff. Reducing staffing level caseloads is not the whole answer, but it is a crucial element to the question of whether inmates with mental illness are being provided with the required level of care.

A recent Santa Cruz Criminal Justice report, as well as statements by jail staff and the Health Inspector, have all expressed concerns about Wellpath's high turnover of staff and the fact that they only provide coverage for eighteen hours a day.^{[27] [31]} While someone is always a call away, the overall effectiveness of mental health services by Wellpath is inadequate to the needs of inmates. This adversely affects inmates' mental health treatment.^{[3] [31]} While medical staff are away, the mental health needs of the inmates are in the care of correctional staff. Because they have very limited medical training it could lead to inappropriate mental health care decisions.^[32]

Solitary Confinement and Use of a Safety Cell

- Formerly known as Solitary confinement, "Administrative Separation" (AD-Sep) or Modified Schedule is the physical separation of an incarcerated person from the general jail population.^[33]
- The Main Jail has three Safety Cells that are video monitored 24 hours a day with 15-minute visual checks by the correctional staff - not Wellpath. There are an average of 36 inmate/patients placed on suicide watch per month.^[34]
- Incarcerated individuals in and out of AD-Sep are provided a minimum of three hours of exercise and seven hours of recreation time per week.^[35]
- Safety Cells are used in the Main Jail if a risk assessment deems the inmate is a danger to themselves or others, is making suicidal statements, as punishment for not following the rules, or is having a mental health crisis requiring a 5150 hold while waiting to transfer to a mental health facility.^{[22] [36] [37] [38] [39] [40] [41] [42] [43] [44] [45] [46] [47] [48]}
- On February 28, 2024 there were forty-three (43) inmates on a Modified Schedule and for all of 2022, 321 were separated from the rest of the inmate population.^{[49] [50]}

Medical and Mental Health Treatment in the Jail

People in the criminal legal system often have a background of trauma and poverty as well as acute health needs. One-quarter have serious mental illness, many have multiple physical health conditions, and 60% of California incarcerated people have substance use disorders.^[51]

Through jail tours and interviews with staff, the Grand Jury learned that the Main Jail, while not a certified mental healthcare facility, houses many mentally ill inmates.

The Grand Jury reviewed two years of reports that review medical health care in the Jail. The reports are conducted annually and are from the County Public Health officer to the Sheriff's office. The inspections were conducted by an expert with over twenty (20) years experience in reviewing and assessing Title 15 state-mandated medical conditions within county jails.^[52] The inspector noted that the jails were in good compliance with regulations except for several significant deficiencies identified in this report.^{[37] [38] [53] [54] [55]}

Among the deficiencies noted were:

- Failure to prepare Health Service Audits
- Improper use of Safety Cells
- Lack of Mental Health Services and Transfer to Treatment Facilities
- Insufficient Informed Consent
- Over-prescription of Psychotropic Medications

The following sections expand on the deficiencies noted above.

Health Service Audits

According to Title 15 the health authority shall develop and implement a written plan for annual statistical summaries of healthcare and pharmaceutical services that are provided by the Jail.^[56] Based on information from these audits, the health authority shall provide the facility administrator with an annual written report on healthcare and pharmaceutical services delivered.^{[53] [57]}

Wellpath has not prepared Health Service Audits for several years. The absence of these reports, with essential data concerning the quality of care, is an obstacle to developing steps to increase inmate safety. It also hinders efforts to improve inmate health. The Jail Quality Improvement committee needs these audits to conduct valuable data analysis for data-driven medical care improvements. Also, when all jail medical staff are involved with data gathering, they can provide input and suggestions which in turn promote good morale.^[54]

Ad-Sep and the Improper Use of a Safety Cell

Being incarcerated, even for those in good mental health, is associated with subsequent depression and bipolar disorder and has been documented that it can worsen mental health.^[58]

An incarcerated person may be isolated from the rest of the inmates in their own cell, or in some cases in a Safety Cell. Generally, Ad-Sep means spending 22 to 23 hours per day in a single cell, usually about the size of an elevator, and are only required to be provided a minimum of three hours of exercise and seven hours of recreation time per week.



Figure 6: A sobering cell on the left and a safety cell on the right. Photo courtesy of Ashley Keehn.^{[59] [60]}

According to The health Inspection Report citing California Title 15 section 1209 regulations governing jails, as well as the Sheriff's own policies and procedures state, "in no case shall the safety cell be used for punishment or as a substitute for Mental Health treatment."^{[40] [61]}

The Grand Jury has learned through reviewing relevant reports and conducting interviews that inmates are put in Safety Cells for numerous reasons including, but not limited to:

- Breaking the rules^{[41] [43]}
- Threatening to hurt themselves and others^{[38] [41] [62]}
- Having a Mental Health Crisis^[41]

Documented evidence provided to the Grand Jury revealed that inmates were held in Safety Cells for days.^{[37] [38] [39] [39] [40]}

Do we really think it makes sense to lock so many people alone in tiny cells for 23 hours a day, sometimes for months or even years at a time? That is not going to make us safer. That's not going to make us stronger. And if those individuals are ultimately released, how are they ever going to adapt? It's not smart. Barack Obama, 2015^[63]

The number 5150 is the section of the California Welfare and Institutions Code that evaluates adults who are deemed to be a danger to others, himself or herself, or are gravely disabled. A 5150 hold allows an adult to be involuntarily detained for 72 hours in

a psychiatric hospital or clinic.^[36] Santa Cruz has one (1) psychiatric clinic. Patients do not have to be treated in a psychiatric hospital, a clinic is sufficient. They also could be treated at the Emergency department at Dominican until transferred to an LPS facility.

To meet a 5150 hold criteria in the jail, the inmate must display suicidal thoughts as determined by a jail medical provider or, absent that, by the correctional officer in charge. However, it has been the practice in our jails to only initiate a 5150 hold immediately prior to release from the jail. Once a 5150 hold is issued you must transfer the inmate to a mental health facility for care. Waiting until discharge to initiate a 5150 hold means inmates may be held in Safety Cells for long periods of time.

Use of a 5150 hold by the Sheriff's office numbered more than twenty-six (26) per month in 2022 and there were 321 such holds in 2022, according to the Sheriff's statistics.^[50]

In the report, the Health Inspector's main concern was the use of Safety Cells, and they spoke directly to the mental health professional in charge to determine if correct Title 15 procedures were being followed. According to the report, medical and jail staff were not using correct procedures.^[64] This deficiency is closely related to the misuse of giving required mental health care services. It also is related to the proper procedures for transferring inmates to a mental health facility. Mental health care is provided in what are called LPS treatment facilities and are explained below.^[44] To read more Safety Cell information see [Appendix B](#).

Role of the Crisis Intervention Team and Transfer to LPS Treatment Facility

The Santa Cruz County Jail Crisis Intervention Team (CIT) evaluates inmates who are in a crisis and decides if the inmate needs to be transferred to a mental health facility. The CIT's focus is on those individuals who present with a stated or suspected risk to themselves, a persistent mental health disability and/or individuals who present with psychiatric symptoms. CIT staff are available 7 days a week, with limited availability on Sundays, holidays and furloughs. Staff includes licensed Crisis Intervention Specialists, a Jail Discharge Planner, Psychiatrist, Psychiatric Nurse Practitioner, a licensed supervisor and graduate level interns who provide brief counseling.^[65]

The current practice of reviewing inmate classification monthly is a long time for a mentally ill inmate/patient to wait, especially if there was a mistake made in the classification. Waiting an entire month for a review could endanger inmates suffering from mental illness.

An inmate expressing ideation of suicide is considered to be in mental health crisis and should be issued a 5150 hold and transferred out of the jail to a facility able to treat a mental health crisis. The Health Inspector said Jail staff expressed a belief that many inmates will express suicide ideation to get out of jail. This is another reason they are reluctant to issue a 5150 hold. The Health Inspector believes that trained mental health staff are capable of determining the difference between false claims and real ones. However, absent an on duty medical staff member, the correctional officer in charge may issue the 5150 hold to transfer the inmate to the county LPS mental health facility. If the facility is not available, the transfer can be made to Dominican Hospital as a Psychiatric Emergency.^{[38] [48]}

Inmates with severe mental illness are segregated in Main Jail unit "O," even though it is not an infirmary unit.^[11]

The Health Inspector's main concern is the use of Safety Cells, but it is closely related to the misuse of giving required mental health services and transferring inmates to a Lanterman Petris Short (LPS) treatment facility. LPS facilities are described in the following section.^[44]

Expert opinion received by the Grand Jury indicates that Santa Cruz County is not meeting the needs of the residents for mental health care.^[66] California has 12.7 psychiatric beds per 100,000 adults and Santa Cruz County has 16 beds total. This is 67% below the statewide average. There is a pressing need for the creation of more LPS certified beds, for county residents at large and for the inmate population.^[66]

In-Facility LPS Program

The Grand Jury was informed that, when the County's 16 beds are full, the inmate/patient is transferred to another county's LPS facility that has room to receive them. The alternative is simply holding them in place or releasing them into the community without treatment or care. Research conducted by the Grand Jury suggested that an "in facility" LPS certified program would greatly benefit inmates. It would also be a much needed mental health resource for inmates.^[67]

An example of an in-facility program is the Acute Stabilization Unit (ASU) at the San Mateo County Jail's Maguire Correctional Facility. This 10-bed unit focuses on the treatment of inmates who are acutely disabled by psychiatric illness and/or co-occurring substance abuse disorders. It provides a 24-hour on-site physician, nursing, and mental health clinicians to the unit. This "in facility" unit is equipped to treat inmates with a range of conditions, including depression, bipolar disorder, and schizophrenia. Through its designation as an LPS unit, the ASU is also authorized to admit and treat inmate patients who are under the conditions of involuntary civil commitment. The current physical structure of the Santa Cruz jail is not conducive to housing, treating or healing individuals dealing with behavioral health needs.^[68] An in-jail ASU would greatly benefit both jail and medical staff if inmates in a mental health crisis could be transferred to an internal unit.^[69]

Psychotropic Medications and Dosages

Psychotropic drugs affect how the brain works and can cause changes in mood, awareness, thoughts, feelings and behavior.^[70] Wellpath provides psychotropic medication prescriptions for inmates prior to release when needed and are tasked with all discharge planning. Released inmates must pay for and pick up medications from a local pharmacy after being released. If they cannot afford medication or are unable to get to a pharmacy, the likelihood they will have psychological relapses and unfavorable health outcomes increases. Studies have shown released inmates who lose access to medication have a higher rate of recidivism.^[71] This report will discuss programs designed to address inmate continuum of care in a later section.

Informed Consent

The Health Inspector's review of patient charts noted deficiencies or inconsistencies in psychiatric medication, including monitoring and dosing. Prescriptions were made in larger-than-customary dosage ranges or no specific dosage ranges at all. Best medical practice is to specify small ranges, such as 1-2 mg. The Grand Jury learned that Wellpath staff was prescribing 1-10 mg dosage ranges so that new dosages could be given without inmate discussion or obtaining informed patient consent. The Health Inspector believes that this practice resulted in medications being generally over-prescribed.^{[72] [73] [74]}

The Grand Jury learned that there were also additional violations of the Welfare and Institutions Code requirement for informed consent.^{[73] [75]} Wellpath is not following the Health Standards of Care and the Welfare and Institutions Code for informed consent. The inspector couldn't find any documented consent form prepared in the medical record.^{[73] [76]} Each time a dosage changes the patient must be told of the risks and benefits of changing the dosage. The inspector was told by the medical staff that inmates gave them informed consent. However, consent was only given verbally, not in writing.^{[73] [77] [78]} The Health Inspector reported consent must be in writing and approved by both the prescribers and the patient. No written records were found, and no records logged since November 2023.^{[73] [79] [80] [81]}

Despite the deficiencies in mental healthcare noted above, even inmates suffering with mental illness are working toward eventual release from incarceration. Fortunately, there are programs and activities in place that are aimed at preparing all inmates for reentering society. That leads us to the next section of our report.

Inmate Rehabilitation and Reentry

- Twenty percent of individuals booked are housed in the Jail because they are deemed not safe to be released into the community and are held pretrial.^[82]
- The 86 Rountree inmates are almost all sentenced. While at the Main jail they are mostly (90%) pretrial.^{[83] [84]}
- In custody programs, services and activities are provided to inmates. The Division of Reentry (DOR) is responsible for providing oversight and for steering the incarcerated towards reentry with new job skills development, education, work release, and transitional programs.^[85]
- There are 40 programs, services and activities administered. These programs help inmates prepare for re-entry.^[86]
- Rountree has three units with two for medium security, one for rehabilitation and reentry, and one that is closed.^[87]
- Opening this closed unit would enable about fifteen (15) sentenced inmates housed at the Main Jail to move to Rountree.^[84]
- According to Corrections, self improvement through education and vocational training classes frequently combats low esteem and hopelessness.^[88]

- Preliminary findings show an early positive trend in California's investments to improve public safety through an increased focus on rehabilitation, education, and restorative justice efforts.^[71]
- In Santa Cruz County there are several community resources for inmates preparing for release from jail.^[89]

According to interviews with staff many inmates, especially those in pretrial, express low esteem and hopelessness. Once sentenced the inmate is more willing to join classes and programs to help with reentry. Self-improvement through education and vocational training classes is very effective for combatting inmates' issues.^[90]

The prospect of having to search for meaningful work upon release from incarceration can be a daunting one, particularly for inmates who have been out of the labor market for a significant period of time. Additionally, inmates being released face the challenge of maintaining continuing access to both medical and mental health support and services. New programs are bringing new hope and help

Violation of Grand Jury Access to Inmates

The Grand jury was denied contact with inmates as required by State instructions and training for Grand Jurors.^{[1][17][18]} The Grand Jury requested interviewing inmates in the Rehabilitation and Reentry facility at Rountree. Inmates would give a unique perspective for the investigation of the Jail. Leadership was concerned with security and wanted to avoid setting a precedent. However, the Grand Jury has interviewed inmates in the past investigations.

“Reentry begins at Booking”

The Sheriff's Vision Statement boldly states its mission is continuous professional development of staff to address crime and promote innovative corrections solutions.^[91] The Grand Jury was told the philosophy of “Reentry Begins at Booking” is a consistent theme for the services and activities provided to inmates at the Rountree facility.^[2] The Division of Reentry is responsible for providing the oversight of In-jail programs that are offered across all facilities, but the Rountree facility has the most programs, classes and activities.^[85] At the Blaine Street facility, women's programs and classes are also offered. These provide a system to steer the incarcerated towards reentry with new job skills development, education, work release, and transitional programs.^[92]

Currently there are about twenty sentenced inmates housed at the Main Jail. At the time of the Grand Jury tour there were fifteen inmates who were eligible to go to Rountree. However, there was not enough room to house them with the currently closed unit.

While serving sentences, inmates are offered classes on self improvement, and to learn work skills and learn about restorative justice. These classes teach them how to give back to the community. They may earn a high school diploma or an equivalency while serving their sentence.^[93]

Before Covid there were over sixty (60) programs, services and activities. Since Covid, it has been challenging to find program directors and teachers. More classes are slowly

being offered but they are insufficient to meet all the needs that were being met before Covid.^{[92] [93]}

There are currently about forty (40) programs, services, and activities offered by the Division of Reentry.^[86]

- Reentry Skills Programs (22): Cognitive behavioral based curricula, high school diploma and/or equivalency, life skills, mental health, parenting, substance use disorder, employment development, and a Career Technical Education Program
- Self-Help Services (13): Benefits enrollment, health services, legal services, 12-step programming, library services, reentry planning, spiritual support services, veteran's services and voting.
- Personal Development Activities (5): Visual Arts, writing, recreation, mindfulness and yoga.

An increased focus on rehabilitation, education, and restorative justice efforts to prepare for reentry show positive trends according to California Department of Corrections and Rehabilitation. These program investments improve public safety and result in a reduction in recidivism for reentering inmates.^[71]

Many programs are also offered outside jail in the community through Cabrillo College and by the Adult Education Program.^[94] After their release, these programs help inmates continue their education. This includes finishing their high school education.^[92]

CalAIM Medi-Cal Inmate and Reentry Services

The Grand Jury investigation also revealed that the relatively new CalAIM Medi-Cal program may provide some much needed post release help.^{[73] [95]} While CalAIM is much more than just serving reentry inmates, it basically is a revamping of the California Medi-Cal policies.

When Medicaid was created in 1965, federal law barred the use of federal Medicaid funds for services to people who are incarcerated. Partly for this reason, when people leave prison and jail, they often experience gaps in care in accessing healthcare in their community. Because of Medicaid expansion through the Affordable Care Act, most people leaving California jails and prisons are eligible for Medi-Cal. In early 2023, California became the first state in the nation to receive federal approval to use Medi-Cal to cover a targeted set of services for people leaving jail or prison in the 90 days before their release. Correctional systems can start implementing this innovative approach as early as October 1, 2024.^[96]

Among other services, CalAIM seeks to help former inmates returning to their communities from jail or prison. About 35,000 people are released yearly from California's state prisons. In addition, most of the 350,000 people booked into county jails each year are released within a few weeks. While most people in this "reentry" population are eligible for Medi-Cal coverage, they often struggle to get needed healthcare services. This is a health equity issue because Californians of color, in particular, are incarcerated more frequently than whites and have fewer financial resources.^[97]

Pre-release services are an essential part of CalAIM's justice-involved initiative, which is designed to better meet the health needs of people leaving incarceration.^[95] Other services through CalAIM include:

- Enrolling eligible people in Medi-Cal before their release from prison, jail, or youth correctional facilities.
- Ensuring connection to both physical and behavioral health services after release and offering a new benefit, Enhanced Care Management (ECM), to the reentry population starting in January 2024. ECM allows access to a Lead Care Manager who provides **comprehensive care management** and coordinates their health and health-related care and services including connections to the quality care the member may need, no matter where they seek care - at the doctor, the dentist, with a social worker, or at a community center.
- Increasing access to services known as Community Supports, including housing transition navigation, rent deposits, day habilitation, and others. Community Supports are services that help address members' health-related social needs, help them live healthier lives, and avoid higher, costlier levels of care. These include support to **secure and maintain housing**, access to **medically tailored meals** to support short term recovery and a variety of other community-based services.

The California Health Care Foundation (CHCF) supports projects that expand proven models of care and research into policy approaches to improve the coordination and delivery of care for people before and after they leave correctional settings and return to the community.^[98]

Wellpath is in charge of medical screenings at the time of booking and they are currently enrolling all inmates in Medi-Cal who are not already insured. At discharge they will establish a 14-30 day supply of needed psychotropic medication to inmates prior to release and establish a virtual visit with a community provider for inmates with mental illness.^[99]

Diversion from Jail

The Grand Jury found there are many other programs provided by the Santa Cruz County Community Corrections Partnership.^[100] This partnership is made up of County agencies working with the Sheriff's Office that establish effective alternatives to incarceration and recidivism reduction. See [Appendix D](#) for further discussion about this partnership and their three goals.

Additionally, the Santa Cruz County Sheriff is part of the Stepping Up Initiative – a national program for reducing over-incarceration of people with mental illness. Instead of arresting a mentally ill person for a petty crime and booking them in Jail, the initiative trains police to refer them to this program.^[101]

Beyond Jail - Preparing for Release

The Grand Jury found numerous County funded programs and services available for incarcerated persons to use once they are out of custody. See [Appendix C](#) for further discussion of these programs.

County post-release services are available to inmates through:

- The Sheriff's Office Division of Reentry. The Division of Reentry has many programs that work with newly released inmates.^[92] See [Appendix C](#).
- The Division of Reentry also partners with some Santa Cruz community services.^[100] See [Appendix D](#).
- The Probation Department has many programs that work with newly-released inmates. See [Appendix D](#).
- The Public Defender Office's Project R.I.S.E. (Reentry, Integration, Support and Education) supports clients as they transition from incarceration back into their community. See [Appendix D](#).

Many of the in-custody programs and classes may continue after release, as they are also offered in the community to support continuity of care after release.^[94]

Post Release Community Programs

The Grand Jury discovered there are an impressive number of post-release inmate programs operating in the community. The programs testify to the compassionate Santa Cruz community which cares about helping released inmates as they adjust back into society. These programs help released inmates steer away from their incarceration and become productive community members. For a sampling of programs see [Appendix D](#).

Conclusion

As reflected in this report's Findings and Recommendations, the Grand Jury is deeply concerned with the poor mental health treatment provided to our inmate population. This extends to the treatment of inmates living with or developing mental health challenges, through jail time and post release. This abiding concern is abundantly detailed in this report. The treatments described, such as solitary confinement, are inflicted on people that are still presumed innocent.

But not everything about our jail system is dark and foreboding. The Grand Jury investigation brought to light the many positive reentry programs available while a person is in custody. Then once released, many of these programs are available and continued in the community. It is a testament to our compassionate community that so many institutions exist to help people who have served their sentence and now need a helping hand in their return to society. Not only does it make us safer, it reduces the chances of reincarceration. The Grand Jury strongly urges the continued development of these programs in and out of custody.

The Grand Jury believes that better inmate mental health treatment and positive reentry programming, as suggested in this report, will enhance inmate wellness and create a better community for all of us.

Findings and Recommendations

Group 1: State Standards (Title 15) Compliance Issues

- F1.** The failure of Wellpath, the medical provider contracted by the Sheriff to provide data from required Health Service Audits, has adversely affected inmate health and resulted in poor health care and lack of pharmaceutical services for inmates.
- R1.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff instruct Wellpath to begin the Health Service Audits. (F1)
- F2.** The failure of Wellpath to implement a comprehensive discharge plan causes inmates to be released without community connection to medical treatment and medication.
- R2.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff instruct Wellpath to improve the medical discharge processes for better continuity of care. (F1, F2)
- F3.** The failure of the Sheriff's jail staff to properly address inmates' mental illness crises has caused mentally disabled inmates to be held in Safety Cells for excessively long periods.
- F4.** The improper use of Safety Cells by the Sheriff's jail staff to isolate inmates who are greatly in need of mental health care and/or have made suicidal statements causes a violation of required procedure.
- F5.** The use of Safety Cells for punishment has resulted in violations of Title 15 section 1055 and the Sheriff's Policy and Procedures Manual policy 516.2. This may expose the Sheriff's department to lawsuits.
- R3.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff retrain staff about the proper use of Safety Cells according to Title 15 section 1055 and the Sheriff's policy and procedures manual. (F3, F4, F5)
- F6.** The practice of excluding mentally ill patients from 5150 hold and transfer until discharge results in a violation of both Title 15 and Sheriff's Policies and Procedures manual policy 516.2.
- R4.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff retrain staff with the proper use of a 5150 hold and the transfer of inmates to a mental health facility according to Title 15 and the Sheriff's policy and procedures manual. (F6)

- F7.** The failure of Jail administrators to transfer inmates with suicidal ideation or in a mental health crisis to an out-of-county LPS facility adversely impacts inmate mental health care.
- R5.** By the end of the calendar year 2024, the Grand Jury recommends the Sheriff train staff on how to transfer suicidal inmates to an LPS facility for mental health care. (F7)
- F8.** The failure of the Crisis Intervention Team to issue a 5150 hold and transfer before an inmate is discharged adversely impacts inmate mental health care.
- R6.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff direct the CIT team to not withhold a 5150 hold and make a transfer until release because this is not proper or best practice for inmates in need of mental health care. (F8)
- F9.** The practice of placement in Administrative Separation (solitary confinement) causes inmates to suffer mental health problems including, but not limited to, anxiety, insomnia, paranoia, aggression, and depression.
- F10.** The failure of Jail administrators to transfer Inmates who are suffering from mental health crises symptoms to an LPS Facility adversely impacts inmate mental health care.
- R7.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff develop a plan to transfer all inmates in mental health crises to LPS facilities and budget the extra cost of transferring patients out of the county. (F9, F10)

Group 2: Better Jail Conditions, Rehabilitation and Reentry Preparation

- F11.** Opening the closed unit at Rountree and increasing the number of re-entry programs would result in better conditions for inmates and less stress for the correctional officers.
- R8.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff reopen closed units and move all qualified inmates to Rountree Medium Security and the Minimum Security Rehabilitation and Reentry unit. (F11)
- F12.** Increasing the number of programs that focus on rehabilitation, education, and restorative justice to prepare for reentry would show positive improvement to public safety and a reduction in recidivism for reentering inmates.
- R9.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff develop a comprehensive plan to increase the number of programs that steer inmates towards reentry into the community with new job skills development, education, work release and transitional programs. (F12)

- F13.** Jail programs like “Stepping Up” steers the mentally ill to community-based mental health care, reducing the number of mentally ill inmates in jail.
- R10.** By the end of fiscal year 2024-2025, the Grand Jury recommends the Sheriff develop a plan to implement more Jail diversion programs (like Stepping Up) that steer the Mentally Ill away from jail and to the help they need. (F13)
- F14.** The current practice of reviewing inmate classification monthly is too long of an interval and may endanger inmates suffering from mentally illness.
- R11.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff change the Reclassification examination of mentally ill inmates from a monthly basis to a weekly basis to prevent misclassified inmates from suffering needlessly. (F14)
- F15.** The failure of Wellpath to recruit and retain adequate staff adversely impacts the overall effectiveness of the mental health services provided to inmates.
- R12.** By the end of the calendar year 2024, the Grand Jury recommends the Sheriff conduct an analysis of the effectiveness of Wellpath in regards to all mental health services of incarcerated persons. (F15)
- R13.** By the end of calendar year 2024, the Grand Jury recommends the Wellpath be directed to provide round-the-clock medical and mental health care availability to the Jails. (F15)

Group 3: Access to Inmate Interviews and Rehabilitation Programs

- F16.** The Santa Cruz County Civil Grand Jury was not permitted to interview inmates serving sentences at the Rountree Rehabilitation and Reentry Facility as required by the Bureau of State Community and Corrections. Speaking to some inmates about their experiences and opinions of the programs would have greatly enhanced the Jail investigation and report.
- R14.** The Grand Jury recommends the Sheriff begin to allow the Santa Cruz County Civil Grand Jury interviews of inmates per Penal Code 916 including observing inmate classes and programs within 90 days. (F16)

Commendations

- C1.** The Santa Cruz County Civil Grand Jury believes CalAim is an excellent program expanding health coverage to the incarcerated in Jail because it will enroll inmates in Medi-Cal for their medical care and support them as they reintegrate back into the community.

- C2.** The Santa Cruz County Civil Grand Jury found numerous County funded programs and services in and outside of the Jail that help inmates to prepare for reentry into the community and reduce recidivism rates.
- C3.** The Santa Cruz County Civil Grand Jury found the Jail staff are truly concerned about the well-being of inmates and this concern was well expressed with their motto “Reentry begins at Booking.”

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Sheriff	F1–F16	R1–R14	60 Days August 12, 2024

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Chief Deputy, Santa Cruz County Sheriff’s Office	F1–F16	R1–R14	60 Days August 12, 2024y
Rountree Commander, Santa Cruz County Sheriff’s Office	F1–F16	R1–R14	60 Days August 12, 2024y

Definitions

5150 Hold: 5150 is the number of the section of the Welfare and Institutions Code, which allows an adult who is experiencing a mental health crisis to be involuntarily detained for a 72-hour psychiatric hospitalization when evaluated to be a danger to others, or to himself or herself, or gravely disabled.

Administering Medication: Managing legally obtained drugs, means the act by which a single dose of medication is given to a patient. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.

Administrative Separation: The physical separation of different types of incarcerated persons from each other as specified in Penal Code Sections 4001 and 4002 and Section 1053 of these regulations. Administrative separation is accomplished to provide that level of control and security necessary for good management and the protection of staff and incarcerated persons.

CIT: The Santa Cruz County Jail Crisis Intervention Team evaluates inmates who are in a crisis and decides if the inmate needs to be transferred to a mental health facility.

Clinical Evaluation: An assessment of a person's physical and/or mental health condition conducted by licensed health personnel operating within recognized scope of practice specific to their profession and authorized by a supervising physician or psychiatrist.

Disciplinary Separation: The status assigned a person as the result of violating facility rules and which consists of confinement in a cell or housing unit.

Dispensing: Managing legally obtained drugs, means the interpretation of the prescription order, the preparation, repackaging, and labeling of the drug based upon a prescription from a physician, dentist, or other prescriber authorized by law.

Healthcare: Medical, mental health, and dental services.

Health Service Audits: A written plan prepared by the Jail Medical authority annually with statistical summaries of healthcare and pharmaceutical services provided. The responsible physician assesses the quality and adequacy of these services with a means for the correction of identified deficiencies of the healthcare and pharmaceutical services delivered.

In-Custody Programs, Services, and Activities: The Corrections Bureau provides a system to steer the incarcerated towards reentry with new job skills development, education, work release, and transitional programs.

Lanterman-Petris-Short Act (LPS): named after the authors of the Act, provides the statutory framework for the commitment of individuals with mental health disorders and provides protection for the legal rights of such individuals.^[20] Mental Health best practices and the state regulations of Title 15 require that an inmate in a psychiatric crisis be transferred out of jail to an LPS psychiatric facility.

Mental Health Crisis: Or Psychiatric Crisis. A mental health crisis is when someone's behaviors prevent them from functioning or indicate they might harm themselves or others.

Non-sentenced: An incarcerated person with any pending local charges or one who is being held solely for charges pending in another jurisdiction.

Pretrial-Inmates: See Non-sentenced Inmates.

Psychiatric Crisis: See Mental Health Crisis.

Psychotropic Medication: Any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.

Safety Cell: The safety cell described in Title 24, Part 2, Section 1231.2.5, shall be used to hold only those people who display behavior which results in the destruction of property or reveals an intent to cause physical harm to self or others.

Safety Checks: Direct, visual observation performed at random intervals within timeframes prescribed in these regulations to provide for the health and welfare of incarcerated people.

Sentenced: A person that has been sentenced/committed to custody in a detention facility.

Severely Mentally Ill (SMI): A mental, behavioral, or emotional disorder resulting in serious functional impairment, which substantially interferes with or limits one or more major life activities. The burden of mental illnesses is particularly concentrated among those who experience disability due to SMI.

Telehealth: A collection of means or methods for enhancing health care using telecommunications technologies. Telehealth encompasses a broad variety of technologies to deliver virtual health services.

Title 15: The minimum standards governing the incarceration of individuals incarcerated in California.

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Site Visits

Main Jail

Rountree

Juvenile Hall

Blain Street Women's Jail

Appendix A – Penal Code Governing the Grand Jury^[1]

PART 2. OF CRIMINAL PROCEDURE [681 - 1620] (Part 2 enacted 1872.)

TITLE 4. GRAND JURY PROCEEDINGS [888 - 939.91] (Title 4 repealed and added by Stats. 1959, Ch. 501.)

CHAPTER 3. Powers and Duties of Grand Jury [914 - 939.91] (Chapter 3 added by Stats. 1959, Ch. 501.)

ARTICLE 1. General Provisions [914 - 924.6] (Article 1 added by Stats. 1959, Ch. 501)

SECTION 919.

- (a) The Grand Jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted.
- (b) The Grand Jury shall inquire into the condition and management of the public prisons within the county.
- (c) The Grand Jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within the county. Except as provided in Section 918, this subdivision does not apply to misconduct that involves a shooting or use of excessive force by a peace officer described in Section 830.1, subdivision (a) of Section 830.2, or Section 830.39, that led to the death of a person being detained or arrested by the peace officer pursuant to Section 836.

Appendix B – Safety Cells Description

The Main Jail has three Safety Cells that are video monitored 24 hours a day with 15 (fifteen) minute visual checks by the correctional staff, not Wellpath staff. In 2023, there were an average of 36 (thirty-six) inmate/patients placed on suicide watch per month. They were attired in a safety suit/garment and provided safety blankets. Only 2 (two) per month of the 36 (thirty-six) were transferred to the Santa Cruz County Behavioral Health Center Crisis Stabilization Program, our county mental health facility.^[34]

Safety Cells have no water or toilet, there is only a hole in the ground. The inmate/patient is in complete isolation. There is only a hole in the cell floor. As defined by the Sheriff's policy and procedures, "Safety Cells are limited to one inmate and shall be used to hold only those inmates who display behavior which results in the destruction of property or reveals intent to cause physical harm to self or others."^[42]

Appendix C – Jail Programs and Services While Serving Sentences

This is a sampling of classes and programs offered through the Corrections Division of Reentry at Rountree and Blaine Street Women’s Rehabilitation Facility:

- Anger management offered by Encompass Community Services
- Building trades pre-apprentice programs offered by the County Office of Education and Aramark
- Skills for Reentry offered by Friends Outside
- Computer literacy and media design offered by UCSC Everett Program
- Positive Parenting offered by First Five Santa Cruz County
- Healing trauma offered by Friends Outside
- Healthy relationships by Walnut Avenue Family & Women’s Center
- Self Improvement by Gemma House

In addition, programs and classes are offered through the Leaders and Community Alternatives Employment Services, the UCSC Everett Program, the Building and Trades Pre-Apprenticeship Program of the County Office of Education, and the Cabrillo College Rising Scholars Program.

Appendix D – Out-of-Custody Post-Jail Reentry Community Programs

The Grand Jury focused on several post release services available to inmates through the Sheriff's Office Division of Reentry, some of which are noted here.^[92]

- People and Stories offered by Santa Cruz Public Libraries
- Women's Recovery & Reentry Program offered by Friends Outside
- Return Project offered by Encompass Community Services
- Finding Your Best Self and A Woman's Addiction curriculum by Friends Outside
- Substance use Disorder by Encompass Community Services
- Stepping Up for steering the mentally ill toward the help they need rather than into the jail

The Division of Reentry also partners with Santa Cruz community services including but not limited to the following.^[100]

Monarch Community Services

Gender-specific reentry services for women, including case management, transportation, and housing support.

Santa Cruz Barrios Unidos

Culturally based reentry peer mentoring, violence prevention, and case management.

Sobriety Works

Peer navigation services, including recruiting, training and supervising peer navigators.

Volunteer Center of Santa Cruz County

System navigation and case management, post-release community support, including benefits enrollment, service advocacy and access, and support for probation case plans.

Santa Cruz County Community Corrections Partnership

The Grand Jury found many other programs, too many to list here, providing numerous programs and services by the Santa Cruz County Community Corrections Partnership.^[100] This partnership is made up of County agencies including:

- District Attorney's Office
- Sheriff's Office
- Probation Department
- Public Defender
- Superior Court
- Police departments
- County Office of Education
- Health Services Agency
- Human Services Department
- Board of Supervisors

The partnership stated they have three goals:

1. Establish an array of effective alternatives to incarceration to address the impacts that the realigned population will have on the county jail in order to avert crowding and poor conditions of confinement without jeopardizing public safety outcomes.
2. Implement Evidence-Based Probation Supervision that properly assesses risk factors associated with recidivism and provides effective probation interviewing, case planning, and community supervision to ensure public safety and reduce recidivism.
3. Develop community partnerships for effective intervention services that adhere to the principles of evidence-based practices for maximum recidivism reduction that show the deep concern and compassion for incarcerated persons who have served their time and released back into our community.

Appendix E – Key Title 15 Policies Used in this Report^[30]

Article 5. Classification and Segregation

§ 1052. Mentally Disordered Inmates.

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures to identify and evaluate all mentally disordered inmates, and may include telehealth. If an evaluation from medical or mental health staff is not readily available, an inmate shall be considered mentally disordered for the purpose of this section if he or she appears to be a danger to himself/herself or others or if he/she appears gravely disabled. An evaluation from medical or mental health staff shall be secured within 24 hours of identification or at the next daily sick call, whichever is earliest. Segregation may be used if necessary to protect the safety of the inmate or others. Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1053. Administrative Segregation.

Except in Type IV facilities, each facility administrator shall develop written policies and procedures which provide for the administrative segregation of inmates who are determined to be prone to: promote activity or behavior that is criminal in nature or disruptive to facility operations; demonstrate influence over other inmates, including influence to promote or direct action or behavior that is criminal in nature or disruptive to Adult Title 15 Minimum Standards Effective 4/2017 31 the safety and security of other inmates or facility staff, as well as to the safe operation of the facility; escape; assault, attempted assault, or participation in a conspiracy to assault or harm other inmates or facility staff; or likely to need protection from other inmates, if such administrative segregation is determined to be necessary in order to obtain the objective of protecting the welfare of inmates and staff. Administrative segregation shall consist of separate and secure housing but shall not involve any other deprivation of privileges than is necessary to obtain the objective of protecting the inmates and staff. Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1054. Administrative Removal-Type IV Facility.

In Type IV facilities, the facility administrator shall develop written policies and procedures which provide for the administrative removal of an inmate for the safety and well being of the inmate, the staff, the program, the facility, and/or the general public. Such removal shall be subject to review by the facility administrator or designee on the next business day. Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1055. Use of Safety Cell.

The safety cell described in Title 24, Part 2, Section 1231.2.5, shall be used to hold only those inmates who display behavior which results in the destruction of property or reveals an intent to cause physical harm to self or others. The facility administrator, in cooperation with the responsible physician, shall develop written policies and

procedures governing safety cell use and may delegate authority to place an inmate in a safety cell to a physician. In no case shall the safety cell be used for punishment or as a substitute for treatment. An inmate shall be placed in a safety cell only with the approval of the facility manager or designee, or responsible health care staff; continued retention shall be reviewed a minimum of every four hours. A medical assessment shall be completed within a maximum of 12 hours of placement in the safety cell or at the next daily sick call, whichever is earliest. The inmate shall be medically cleared for continued retention every 24 hours thereafter. The facility manager, designee or responsible health care staff shall obtain a mental health opinion/consultation with responsible health care staff on placement and retention, which shall be secured within 12 hours of placement. Direct visual observation shall be conducted at least twice every thirty minutes. Such observation shall be documented. Procedures shall be established to assure administration of necessary nutrition and fluids. Inmates shall be allowed to retain sufficient clothing, or be provided with a suitably designed "safety garment," to provide for their personal privacy unless specific identifiable risks to the inmate's safety or to the security of the facility are documented. Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code. Adult Title 15 Minimum Standards Effective 4/2017

Article 7. Discipline

§ 1080. Rules and Disciplinary Actions.

Wherever discipline is administered, each facility administrator shall establish written rules and disciplinary actions to guide the conduct of incarcerated persons. Such rules and disciplinary actions shall be stated simply and affirmatively and posted conspicuously in housing units and the booking area or issued to each person upon booking. For those individuals with limited literacy, who are unable to read English, and for persons with disabilities, provision shall be made for the jail staff to instruct them verbally or provide them with material in an understandable form regarding jail rules and disciplinary procedures and actions. Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code. Adult Title 15 Minimum Standards Effective 1/1/2023 44

§ 1081. Plan for Discipline of Incarcerated Persons.

Each facility administrator shall develop written policies and procedures for discipline of incarcerated persons. The plan shall include, but not be limited to, the following elements: (a) Temporary Loss of Privileges: For minor acts of non-conformance or minor violations of facility rules, staff may impose a temporary loss of privileges, such as access to television, telephones, commissary, or lockdown for less than 24 hours, provided there is written documentation and supervisory approval. (b) Disciplinary Actions: Major violations of facility rules or repetitive minor acts of non-conformance or repetitive minor violations of facility rules shall be reported in writing by the staff member observing the act and submitted to the disciplinary officer. The consequences of such violations may include, but are not limited to: 1. Loss of good time/work time. 2. Placement in disciplinary separation. 3. Loss of privileges mandated by regulations. A staff member with investigative and disciplinary authority shall be designated as a

disciplinary officer to impose such consequences. Staff shall not participate in disciplinary review if they are involved in the charges. Such charges pending against an incarcerated person shall be acted on with the following provisions and within specified timeframes: 1. A copy of the report, or a separate written notice of the violation(s), shall be provided to the incarcerated person. 2. Unless declined by the incarcerated person, a hearing shall be provided no sooner than 24 hours after the report has been submitted to the disciplinary officer and the incarcerated person has been informed of the charges in writing. The hearing may be postponed or continued for a reasonable time through a written waiver by the incarcerated person, or for good cause. 3. The incarcerated person shall be permitted to appear on their own behalf at the time of hearing and present witnesses and documentary evidence. The incarcerated person shall have access to staff or assistance when they have limited literacy, or the issues are complex. 4. A charge(s) shall be acted on no later than 72 hours after an incarcerated person has been informed of the charge(s) in writing. Adult Title 15 Minimum Standards Effective 1/1/2023 45 5. Subsequent to final disposition of disciplinary charges by the disciplinary officer, the charges and the action taken shall be reviewed by the facility manager or designee. 6. The incarcerated person shall be advised in a written statement by the fact-finders about the evidence relied on and the reasons for the disciplinary action. A copy of the record shall be kept pursuant to Penal Code Section 4019.5. 7. There shall be a policy of review and appeal to a supervisor on all disciplinary action. (c) Nothing in this section precludes a facility administrator from administratively separating any incarcerated person from the general population or program for reasons of personal, mental, or physical health, or under any circumstance in which the safety of the person, staff, program, or community is endangered, pending disciplinary action or a review as required by Section 1053 of these regulations. (d) Nothing in this section precludes the imposition of conditions or restrictions that reasonably relate to a legitimate, non-punitive administrative purpose. Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Sections 4019.5 and 6030, Penal Code.

§ 1082. Forms of Discipline.

The degree of actions taken by the disciplinary officer shall be directly related to the severity of the rule infraction and promotion of desired behavior through a progressive disciplinary process. Acceptable forms of discipline shall consist of, but not be limited to, the following: (a) Loss of privileges. (b) Extra work detail. (c) Short term lockdown for less than 24 hours. (d) Removal from work details. (e) Forfeiture of “good time” credits earned under Penal Code Section 4019. (f) Forfeiture of “work time” credits earned under Penal Code Section 4019. (g) Disciplinary separation. Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1083. Limitations on Disciplinary Actions.

The Penal Code and the State Constitution expressly prohibit all cruel and unusual punishment. Disciplinary actions shall not include corporal punishment, group punishment when feasible, or physical or psychological degradation. Additionally, there shall be the following limitations: Adult Title 15 Minimum Standards Effective 1/1/2023 46 (a) Disciplinary separation shall be considered an option of last resort and as a response

to the most serious and threatening behavior, for the shortest time possible, and with the least restrictive conditions possible. (1) If a person is on disciplinary separation status for 30 consecutive days there shall be a review by the facility manager before the disciplinary separation status is continued. This review shall include a consultation with health care staff. Such reviews shall continue at least every fifteen days thereafter until the disciplinary status has ended. This review shall be documented. (2) The disciplinary separation cells or cell shall have the minimum furnishings and space specified in Title 24, Part 2, 1231.2.6 and 2.7. Occupants shall be issued clothing and bedding as specified in Articles 13 and 14 of these regulations and shall not be deprived of them through any portion of the day except that those incarcerated persons who engage in the destruction of bedding or clothing may be deprived of such articles. The decision to deprive a person of such articles of clothing and bedding shall be reviewed by the facility manager or designee during each 24 hour period. (3) If after placement in separation, mental health or medical staff determine that an individual has serious mental illness or an intellectual disability, they shall be removed from disciplinary separation immediately upon this determination. (b) Penal Code Section 4019.5 expressly prohibits the delegation of authority to any incarcerated person or group of incarcerated people to exercise the right of punishment over any other incarcerated person or group of incarcerated people. (c) In no case shall a safety cell, as specified in Title 24, Part 2, 1231.2.5, or any restraint device be used for disciplinary purposes. (d) No incarcerated person may be deprived of the implements necessary to maintain an acceptable level of personal hygiene as specified in Section 1265 of these regulations. (e) Food shall not be withheld as a disciplinary measure. (f) Correspondence privileges shall not be withheld except in cases where the incarcerated person has violated correspondence regulations, in which case correspondence may be suspended for no longer than 72 hours, without the review and approval of the facility manager. (g) In no case shall access to courts and legal counsel be suspended as a disciplinary measure. Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

Article 10. Minors in Court Holding Facilities

§ 1163. Classification.

The administrator of a court holding facility shall establish and implement a written plan designed to provide for the safety of staff and minors held at the facility. The plan shall include receiving and transmitting of information regarding minors who represent a risk or hazard to self or others while confined at the facility, and the separation of such minors to the extent possible within the limits of the court holding facility, and for the separation of minors from any adults confined there as required by Section 208 of the Welfare and Institutions Code. Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

Article 11. Medical/Mental Health Services

§ 1202. Health Service Audits.

The health authority shall develop and implement a written plan for annual statistical summaries of health care and pharmaceutical services that are provided. The

responsible physician shall also establish a mechanism to assure that the quality and adequacy of these services are assessed annually. The plan shall include a means for the correction of identified deficiencies of the health care and pharmaceutical services delivered. Adult Title 15 Minimum Standards Effective 1/1/2023 58. Based on information from these audits, the health authority shall provide the facility administrator with an annual written report on health care and pharmaceutical services delivered. Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1209. Mental Health Services and Transfer to Treatment Facility.

(a) The health authority, in cooperation with the mental health director and facility administrator, shall establish policies and procedures to provide mental health services. These services shall include but not be limited to: 1. Identification and referral of incarcerated persons with mental health needs; 2. Mental health treatment programs provided by qualified staff, including the use of telehealth; 3. Crisis intervention services; 4. Basic mental health services provided to incarcerated persons as clinically indicated; 5. Medication support services; 6. The provision of health services sufficiently coordinated such that care is appropriately integrated, medical and mental health needs are met, and the impact of any of these conditions on each other is adequately addressed. (b) Unless the county has elected to implement the provisions of Penal Code Section 1369.1, a mentally disordered incarcerated person who appears to be a danger to themselves or others, or to be gravely disabled, shall be transferred for further evaluation to a designated Lanterman Petris Short treatment facility designated by the county and approved by the State Department of Health Care Services for diagnosis and treatment of such apparent mental disorder pursuant to Penal Code section 4011.6 or 4011.8 unless the jail contains a designated Lanterman Petris Short treatment facility. Prior to the transfer, the person may be evaluated by licensed health personnel to determine if treatment can be initiated at the correctional facility. Licensed health personnel may Adult Title 15 Minimum Standards Effective 1/1/2023 63 perform an onsite assessment to determine if the person meets the criteria for admission to an inpatient facility, or if treatment can be initiated in the correctional facility. (c) If the county elects to implement the provisions of Penal Code Section 1369.1, the health authority, in cooperation with the facility administrator, shall establish policies and procedures for involuntary administration of medications. The procedures shall include, but not be limited to: 1. Designation of licensed personnel, including psychiatrist and nursing staff, authorized to order and administer involuntary medication; 2. Designation of an appropriate setting where the involuntary administration of medication will occur; 3. Designation of restraint procedures and devices that may be used to maintain the safety of the incarcerated person and facility staff; 4. Development of a written plan to monitor the incarcerated person's medical condition following the initial involuntary administration of a medication, until the person is cleared as a result of an evaluation by, or consultation with, a psychiatrist; 5. Development of a written plan to provide a minimum level of ongoing monitoring of the incarcerated person following return to facility housing. This monitoring may be performed by custody staff trained to recognize signs of possible medical problems and alert medical staff when indicated; and 6. Documentation of the administration of involuntary medication in the incarcerated

person's medical record. Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1214. Informed Consent.

The health authority shall set forth in writing a plan for informed consent of incarcerated persons in a language understood by the incarcerated person. Except for emergency treatment, as defined in Business and Professions Code Section 2397 and Title 15, Section 1217, all examinations, treatments and procedures affected by informed consent standards in the community are likewise observed for care of incarcerated people. In the case of minors, or conservatees, the informed consent of parent, guardian or legal custodian applies where required by law. Any incarcerated person who has not been adjudicated to be incompetent may refuse non-emergency medical and mental health care. Absent informed consent in non-emergency situations, a court order is required before involuntary medical treatment can be administered to an incarcerated person. Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1217. Psychotropic Medications.

The responsible physician, in cooperation with the facility administrator, shall develop written policies and procedures governing the use of psychotropic medications. An Adult Title 15 Minimum Standards Effective 1/1/2023 67 incarcerated person found by a physician to be a danger to themselves or others by reason of mental disorders may be involuntarily given psychotropic medication appropriate to the illness on an emergency basis. Psychotropic medication is any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders. An emergency is a situation in which action to impose treatment over the incarcerated person's objection is immediately necessary for the preservation of life or the prevention of serious bodily harm to the incarcerated person or others, and it is impracticable to first gain consent. It is not necessary for harm to take place prior to treatment. If psychotropic medication is administered during an emergency, such medication shall be only that which is required to treat the emergency condition. The medication shall be prescribed by a physician following a clinical evaluation. The responsible physician shall develop a protocol for the supervision and monitoring of incarcerated persons involuntarily receiving psychotropic medication. Psychotropic medication shall not be administered to an incarcerated person absent an emergency unless the person has given informed consent in accordance with Welfare and Institutions Code Section 5326.2, or has been found to lack the capacity to give informed consent consistent with the county's hearing procedures under the Lanterman-Petris-Short Act for handling capacity determinations and subsequent reviews. There shall be a policy which limits the length of time both voluntary and involuntary psychotropic medications may be administered and a plan of monitoring and reevaluating all incarcerated people receiving psychotropic medications, including a review of all emergency situations. The administration of psychotropic medication is not allowed for disciplinary reasons. Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

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SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

2024-5aR Grand Jury Response

1 message

Wed, Aug 21, 2024 at 4:04 PM

Jim Hart <Jim.Hart@santacruzcountyca.gov>

To: "Katherine.Hansen@santacruzcourt.org" <Katherine.Hansen@santacruzcourt.org>, "grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Honorable Judge Katherine Hansen and Santa Cruz County Grand Jury,

On August 8th, at my direction Chief Deputy Dan Frietas submitted our office responses to this year's Grand Jury report. It was brought to our attention that this response was also required to be submitted by me as well. Please see the attached report which contains the same information I approved Chief Deputy Dan Freitas to submit on our behalf.

If you need anything further, please let me know.

Respectfully,

Jim Hart
Sheriff-Coroner

 **2024-5aR Jails Sheriff-Coroner Required Response Request.pdf** 349K



**The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the**

**Sheriff-Coroner,
Santa Cruz County Sheriff's Office**

to Respond by August 12, 2024

**to the Findings and Recommendations listed below
which were assigned to them in the report titled**

We Can Do Better with Our Jails!

Better Healthcare and Reentry Support

Responses are **invited** from appointed agency and department heads, appointed committees, and non-profit agencies contracted to the county which are investigated by the Grand Jury. You are not required to respond by the California Penal Code [\(PC\) §933\(c\)](#).

If you choose to respond, please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

- 1. For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.

- 2. For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.

- 3. When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

- F1.** The failure of Wellpath, the medical provider contracted by the Sheriff to provide data from required Health Service Audits, has adversely affected inmate health and resulted in poor health care and lack of pharmaceutical services for inmates.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Wellpath completed the 2023 Annual Report.
- The Sheriff's Office and Wellpath were recently found to be in compliance with this subject on our most recent Title 15 Medical/Mental Health Inspection by Dr. Lee conducted on 5/22/24.
- Even when the Sheriff's Office was not receiving the annual report from Wellpath, they provided a Quality Assurance meeting every quarter. Those meetings were attended by Wellpath, Health Services Agency, the Public Health Officer, County Behavioral Health, and the Sheriff's Office and discussed much of the same data included in the annual report.
- We disagree with the statement that the incarcerated population have received poor health care and we do not believe they "lack" pharmaceutical services. The Grand Jury's own report stated that 65% of the population was on medication.

It should also be noted that the Sheriff's Office transitioned to NaphCare from Wellpath on July 1st, 2024, to provide Medical and Mental Health Services in our Correctional Facilities.

F2. The failure of Wellpath to implement a comprehensive discharge plan causes inmates to be released without community connection to medical treatment and medication.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- A "comprehensive discharge plan" is the responsibility of more than the contracted medical provider (Wellpath or NaphCare). This plan would involve Probation, Courts, community partners, the Sheriff's Office, and the contracted medical provider to provide a comprehensive plan, including community supports such as housing, employment, insurance, and medical/mental health care.
- Wellpath or NaphCare's responsibility for discharge planning is limited to Medical and Mental Health care. To this end, Wellpath's discharge planner has been working within their limitations to ensure a smooth transition of care in the community for our incarcerated population. Individuals are provided a prescription to the pharmacy of the individual's choice, are often scheduled follow-up appointments, and provided instruction on how to seek services in the community.
- The Sheriff's Office has embraced the state initiative CalAIM. We have two full-time positions that speak with all incarcerated individuals and offer to assist them with their application for MediCal. Through CalAIM grant funding, we have recently hired two new Reentry Planners that will help coordinate release of incarcerated individuals, to include coordinating medical and mental health care in the community.
- The Sheriff's Office has consistently worked to improve comprehensive discharge planning in the community, inviting our community/government partners to start planning for individuals prior to their release and while they are medically/mentally stable and in a safe environment.
- During our conversations with Wellpath/NaphCare's discharge planner, they noted several barriers they have come across including inability to schedule mental health appointments on behalf of our incarcerated individuals, inability to access pertinent information when an individual's MediCal is suspended or turned off, and not being allowed to create a referral for individuals to certain services due to working for Wellpath or NaphCare. We have taken this information and are working with our partners to resolve these issues.

- F3.** The failure of the Sheriff's jail staff to properly address inmates' mental illness crises has caused mentally disabled inmates to be held in Safety Cells for excessively long periods.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Dr. Lee's recent 2024 Title 15 inspection notes that we were in compliance with the use of Safety Cells, meaning we were utilizing them appropriately.
- The Sheriff's Office works with our contracted Medical and Mental Health providers when the decision is made to place an incarcerated person into a Safety Cell. Safety Cells are used for individuals in crisis and are only used when specified conditions are met and those conditions are within accepted use under the law, Board of State and Community Corrections (BSCC) regulations, and Sheriff's Office policy.
- Our Sheriff's Office staff and contracted Mental Health providers are trained to deal with incarcerated persons in crisis. Mental Health staff on site are capable of providing the individual with tools and coping skills to help them out of their crisis.
- Once Mental Health professionals clear the individual from the Safety Cell, the Sheriff's Office places those individuals on a "step-down" procedure where they are still closely monitored and continue to be seen by mental-health professionals until Mental Health deem the individual is clear to be moved to regular housing.
- For the small percentage of incarcerated individuals that do not improve with treatment from our contracted provider, the Sheriff's Office has sought temporary release to a Lanterman-Petris-Short Act (LPS) clinic. The decision to release nearly always requires approval from a judge and can require coordination with other entities as well.
- The Sheriff's Office has daily Crisis Intervention Team (CIT) meetings where we discuss incarcerated persons that may be in crisis, including those in Safety Cells. These meetings include representatives of the Sheriff's Office, our contracted Medical and Mental Health provider, County Behavioral Health, and Probation. The purpose of these meetings is to collaborate and discuss best methods of dealing with those in crisis, other high-risk incarcerated individuals, and discuss proper transition of these higher-risk individuals into the community.

F4. The improper use of Safety Cells by the Sheriff's jail staff to isolate inmates who are greatly in need of mental health care and/or have made suicidal statements causes a violation of required procedure.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- The Sheriff's Office does not improperly use Safety Cells.
- Safety Cells are used for individuals that are at risk for self-harm, a risk of harm to others, or damaging property to the point they could be a danger to themselves or others. This is in compliance with the law, BSCC regulations, and our policy.
- Dr. Lee's recent 2024 Title 15 inspection noted that we were in compliance with the use of Safety Cells.

- F5.** The use of Safety Cells for punishment has resulted in violations of Title 15 section 1055 and the Sheriff's Policy and Procedures Manual policy 516.2. This may expose the Sheriff's department to lawsuits.

AGREE
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Dr. Lee's recent 2024 Title 15 Inspection specifically noted in the comments "Safety Cell is not used for punishment" and we were found to be in compliance with Safety Cell use.
- The Sheriff's Office is unaware of Safety Cells being used as punishment.
- As this report cites, the Sheriff's Office Corrections Policy 516.2 states, "A sobering or safety cell shall not be used as punishment or as a substitute for treatment."
- The Sheriff's Office abides by this policy and denies using Safety Cells as punishment.

F6. The practice of excluding mentally ill patients from 5150 hold and transfer until discharge results in a violation of both Title 15 and Sheriff's Policies and Procedures manual policy 516.2.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Dr. Lee's recent 2024 Title 15 inspection notes that we were in compliance with all regulations related to this topic. Furthermore, we passed all Title 15 inspections by the BSCC.
- To release an individual to an LPS facility often requires coordination and approval by the Courts as well as coordination with outside entities. This takes time thus individuals often remain in a safety cell until that coordination takes place since they are in crisis and at risk of self-harm or harm to others.
- Furthermore, the Sheriff's Office works with the resources available to us. Mentally ill individuals, particularly those in acute crisis, can be challenging and there are limited community resources to deal with this problem; hence the importance of proper coordination when we release an incarcerated person to the care of a community provider.

The Sheriff's Office would invite the community to support a new Main Jail and/or a facility that would include a crisis-stabilization unit that could be recognized as an LPS facility to treat incarcerated persons in crisis. The Sheriff's Office has seen an increase in incarcerated individuals with mental health disorders, an increase in the acuity of their disorders, and believes those trends will continue. An in-house treatment facility would allow the Sheriff's Office to better serve this population while still maintaining public safety interests of the community.

- F7.** The failure of Jail administrators to transfer inmates with suicidal ideation or in a mental health crisis to an out-of-county LPS facility adversely impacts inmate mental health care.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Dr. Lee's recent 2024 Title 15 inspection noted that we were in compliant with all regulations related to this topic.
- Incarcerated persons with suicidal ideation are placed in safety cells where the ability to harm themselves is removed.
- These individuals are treated by our contracted Medical and Mental Health provider during that time with individual treatment to include providing them tools and teaching them coping skills to address their crisis.
- If treatment is required beyond what our providers can provide, we evaluate the appropriateness of transfer to an LPS facility, in coordination with our community partners.

An in-house LPS facility would allow the Sheriff's Office to better serve this population while still maintaining public safety interests of the community.

F8. The failure of the Crisis Intervention Team to issue a 5150 hold and transfer before an inmate is discharged adversely impacts inmate mental health care.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Dr. Lee's recent 2024 Title 15 inspection noted that we were compliant with all regulations related to this topic.
- The Sheriff's Office does work with the Courts and our community partners to coordinate care of individuals in crisis and transfer them to an LPS facility.

- F9.** The practice of placement in Administrative Separation (solitary confinement) causes inmates to suffer mental health problems including, but not limited to, anxiety, insomnia, paranoia, aggression, and depression.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- The Sheriff's Office understands that Administrative Separation can have a negative impact on incarcerated persons.
- Placing some of these individuals that are in Administrative Separation around other individuals in the state they are in would jeopardize their safety and/or the safety of other incarcerated persons.
- Many individuals request to be housed individually and to be separated from others.
- The Sheriff's Office recognizes that many of the individuals booked into the jail are suffering from substance abuse, mental health disorders, and/or medical conditions that they have been neglecting to care for. Sometimes, an individual is exceptionally unstable, requiring placement in administrative separation until they can stabilize to the point where it is safe to place them around other individuals.

Regarding individuals that are placed on Administrative Separation, we take many steps to minimize the number and duration of individuals separated, to include but not limited to:

- The Sheriff's Office has recently amended our procedures that all newly administratively separated persons have a review by a team of Medical, Mental Health, Classification, and Jail Management/Supervisors on the next business day, but usually within 24 hours. This review is to ensure that Administrative Separation is appropriate, and that any medical or mental health needs are considered and addressed.
- Secondly, for over a year, we have hosted weekly reviews of all individuals that are on administrative separation. Each individual is discussed by our Classification Team, Medical, Mental Health, and Jail Management for appropriateness of Administrative Separation as well as discussion about how to remove them from separation. This sometimes includes pairing individuals for socialization with other individuals that often do not want to program together but we do not believe are a risk to each other and incentivize groups that program together.

- After these meetings, the individuals on Administrative Separation are provided with a document that includes how they can move to less-restrictive housing.
- Jail Medical, Mental Health, Classification, a Jail supervisor, and Jail Management conduct "Rounds" three times per week on the Administrative Separation population. This group speaks with these individuals and amongst other things, monitor their behavior/attitude, their cell conditions, address any needs they have, and encourage them to follow rules and program with other individuals.

Administrative Separation is never the goal of the Sheriff's Office, however there are circumstances where it is necessary to protect the safety of the individual as well as other incarcerated persons and staff.

F10. The failure of Jail administrators to transfer Inmates who are suffering from mental health crises symptoms to an LPS Facility adversely impacts inmate mental health care.

- AGREE**
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Dr. Lee's recent 2024 Title 15 inspection noted that we were compliant with all regulations related to this topic.
- The Sheriff's Office routinely transfers incarcerated individuals that are in acute crisis to an LPS facility.
- Despite a significant percentage of our population receiving medication for mental health disorders, the vast majority are not in crisis and with the care provided by our contracted medical provider are able to safely and appropriately manage their symptoms.
- A small percentage of our incarcerated population does suffer from acute mental health disorders and struggle to manage their symptoms. Those individuals are under the care of our Medical and Mental Health providers. We discuss these individuals during our daily CIT meetings and involve our community partners in finding appropriate solutions.
- When it is determined the one of these acute individuals is in crisis, meets the criteria for a 5150 W&I hold, and their care would be better treated at an LPS facility, we work with the Courts and our community providers to make that transfer.

F11. Opening the closed unit at Rountree and increasing the number of re-entry programs would result in better conditions for inmates and less stress for the correctional officers.

- AGREE**
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- The Sheriff's Office intends to reopen the closed unit at Rountree when staffing improves.
- Sheriff's Office Correctional Officers have been on Mandatory Overtime (MOT) for over 7 years now.
- If the Sheriff's Office opened the closed unit, it would result in an additional 84 shifts of overtime every 6 weeks, meaning each Correctional Officer that is already assigned MOT, would have 1-2 more overtime shifts every six weeks.
- It is not the Sheriff's Office opinion that opening this unit would cause "less stress for correctional officers" based on this increase of MOT.
- Opening this unit would not increase the number of re-entry programs as the number of programs/classes is finite.
- The programs/classes allotted to this closed unit were reallocated across our facilities to benefit other housing units and incarcerated individuals.

F12. Increasing the number of programs that focus on rehabilitation, education, and restorative justice to prepare for reentry would show positive improvement to public safety and a reduction in recidivism for reentering inmates.

- AGREE**
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office is committed to programming for our incarcerated population. Our Programs division was recently recognized as a "mentor site" by the Bureau of Justice Administration (BJA) for its work in this field. This recognition resulted in our Programs staff hosting and providing training to individuals from other agencies across the country on how to successfully manage programming for incarcerated individuals.

While we recognize the importance of programs, it should be noted (as it was during the tour with the Grand Jury) that the Main Jail has only two small classrooms for the entire facility, which is not nearly enough for our population. We believe a new facility, designed for better Medical/Mental Health treatment and Programming would help us improve on what we are already doing.

F13. Jail programs like “Stepping Up” steers the mentally ill to community-based mental health care, reducing the number of mentally ill inmates in jail.

- AGREE
- PARTIALLY DISAGREE
- DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff’s Office is supportive of programs that reduce the number of mentally ill individuals incarcerated. Further research of the Stepping Up program would be required to fully agree with this statement.

F14. The current practice of reviewing inmate classification monthly is too long of an interval and may endanger inmates suffering from mentally illness.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Classification of incarcerated persons occurs within the best practices and is compliant with all regulations.
- The mental health of an incarcerated person has no direct impact on an individual's classification score.

F15. The failure of Wellpath to recruit and retain adequate staff adversely impacts the overall effectiveness of the mental health services provided to inmates.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

The Sheriff's Office expects our medical and mental health provider to provide quality, consistent service to our incarcerated population.

We are unaware of any specific incident of inadequate mental health services being provided, as a result of rotating mental health staff, that led to an adverse outcome.

F16. The Santa Cruz County Civil Grand Jury was not permitted to interview inmates serving sentences at the Rountree Rehabilitation and Reentry Facility as required by the Bureau of State Community and Corrections. Speaking to some inmates about their experiences and opinions of the programs would have greatly enhanced the Jail investigation and report.

- AGREE**
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- The Grand Jury originally requested to interview two specific individuals.
- The Sheriff's Office is cognizant of the fact that incarcerated individuals may not feel they have a choice to be interviewed, therefore we requested the Grand Jury supply a subpoena for the interview.
- The Grand Jury then asked if they could speak to *any* incarcerated individual at Rountree which was an abnormal request.
- The Sheriff's Office again asked them to provide a subpoena as we had requested it for the two individuals originally requested, it seemed only appropriate to have them get one for anyone else.

Recommendations

R1. By the end of calendar year 2024, the Grand Jury recommends the Sheriff instruct Wellpath to begin the Health Service Audits. (F1)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff’s Office disagreed with the supporting finding for this recommendation.

Wellpath provided an annual report for 2023. The Sheriff’s Office was found compliant with this in our recent Title 15 Medical/Mental Health inspection conducted by Dr. Lee.

Additionally, the Sheriff’s Office transitioned to NaphCare from Wellpath on July 1st, 2024 to provide Medical and Mental Health Services in our Correctional Facilities.

R2. By the end of calendar year 2024, the Grand Jury recommends the Sheriff instruct Wellpath to improve the medical discharge processes for better continuity of care. (F1, F2)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office disagreed with the supporting findings for this recommendation.

The Sheriff's Office has contracted NaphCare to provide Medical and Mental Health care to our incarcerated population starting on July 1st, 2024. Wellpath's involvement with Santa Cruz County Corrections will be limited to their role in the Early Access Stabilization Services (EASS) program that is managed by the Department of State Hospitals.

Wellpath has provided medical discharge planning and NaphCare will continue to do so. Wellpath's previous discharge planner had been complimented by many different agencies for their willingness to be flexible, compassion for persons scheduled for release, and dedication to their assignment. The Sheriff's Office was recently made aware of several barriers the discharge planner faced so we are working with them and our community partners to remove these barriers.

R3. By the end of calendar year 2024, the Grand Jury recommends the Sheriff retrain staff about the proper use of Safety Cells according to Title 15 section 1055 and the Sheriff’s policy and procedures manual. (F3, F4, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff’s Office disagreed with the supporting finding for this recommendation.

The Sheriff’s Office operates within our policy and within guidelines provided by BSCC. We will continue to provide training for our staff that is rooted in law and best practice. The Sheriff’s Office was found compliant with this in our recent Title 15 Medical/Mental Health inspection conducted by Dr. Lee.

- R4.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff retrain staff with the proper use of a 5150 hold and the transfer of inmates to a mental health facility according to Title 15 and the Sheriff's policy and procedures manual. (F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office disagreed with the supporting finding for this recommendation.

The Sheriff's Office operates within our policy and within guidelines provided by BSCC. We will continue to provide training for our staff that is rooted in law and best practice. The Sheriff's Office was found compliant with this in our recent Title 15 Medical/Mental Health inspection conducted by Dr. Lee.

R5. By the end of the calendar year 2024, the Grand Jury recommends the Sheriff train staff on how to transfer suicidal inmates to an LPS facility for mental health care. (F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff’s Office disagreed with the supporting finding for this recommendation.

The Sheriff’s Office operates within our policy and within guidelines provided by BSCC. We will continue to provide training for our staff that is rooted in law and best practice. The Sheriff’s Office was found compliant with this in our recent Title 15 Medical/Mental Health inspection conducted by Dr. Lee.

- R6.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff direct the CIT team to not withhold a 5150 hold and make a transfer until release because this is not proper or best practice for inmates in need of mental health care. (F8)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office disagreed with the supporting finding for this recommendation.

If the Sheriff's Office has determined that an individual is to be placed on a 5150 W&I and transferred out of our facility, we generally need to secure a release from custody from the Courts. Once the individual is made releasable by the Courts and we have properly coordinated the transfer with our community partners, we will transfer to an appropriate facility.

Some individuals, if they have a mental health disorder, are reevaluated upon their release for their charges or sentence. Upon this reevaluation, some of these individuals are deemed "gravely disabled" by mental health professionals and placed on a 5150 W&I hold. It is important to understand the distinction of this because it is often due to them lacking the faculties necessary to properly care for themselves once released without appropriate community support. While they were in custody, the Sheriff's Office was able to provide for those needs. We believe these facts are relevant to the conversation surrounding mental health and incarceration.

R7. By the end of calendar year 2024, the Grand Jury recommends the Sheriff develop a plan to transfer all inmates in mental health crises to LPS facilities and budget the extra cost of transferring patients out of the county. (F9, F10)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff’s Office disagreed with the supporting findings for this recommendation.

The Sheriff’s Office has already been taking qualified incarcerated individuals that are in a mental health crisis to an LPS facility. This is evidenced in Dr. Lee’s 2024 Inspection Report where we were found to be compliant.

R8. By the end of calendar year 2024, the Grand Jury recommends the Sheriff reopen closed units and move all qualified inmates to Rountree Medium Security and the Minimum Security Rehabilitation and Reentry unit. (F11)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office disagreed with the supporting finding for this recommendation.

The Sheriff's Office plans to reopen the closed unit at Rountree when staffing improves. Unnecessarily adding more mandatory overtime to employees that have been on mandatory overtime for over 7 years does not improve morale or retention, nor does it lead to more negative outcomes for incarcerated individuals.

We do not have a timeline to reopen as staffing levels fluctuate.

- R9.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff develop a comprehensive plan to increase the number of programs that steer inmates towards reentry into the community with new job skills development, education, work release and transitional programs. (F12)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office has a wide array of programs geared toward reentry and is always looking to add new, valuable skills to these programs. The Sheriff's Office collaborates with community partners to facilitate this work. As stated in the finding for this recommendation, we were recently recognized nationally as a mentor site for our work with incarcerated person programming. As a result of this recognition, we hosted and provided training to other agencies from across the country on how to successfully do this kind of work. We have a wide variety of programs and reentry training to include, but not limited to, building trades/construction, food services, GED, and skills to cope with addiction, parenting, and other life skills.

We have and will continue to constantly look for ways to improve our Programs curriculum.

R10. By the end of fiscal year 2024-2025, the Grand Jury recommends the Sheriff develop a plan to implement more Jail diversion programs (like Stepping Up) that steer the Mentally Ill away from jail and to the help they need. (F13)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office supports programs that help steer individuals with mental health disorders away from incarceration, but this recommendation over-simplifies a complex process that is not under the Sheriff's Office purview. A diversion program, diverting arrested individuals away from the criminal justice system after they commit a crime, is something that would need District Attorney's Office involvement, if not the Court system.

The Sheriff's Office is actively involved in discussions with County and Court leaders to discuss individuals who are not competent to stand trial due to mental illness. We often have discussions with other government and non-government leaders regarding the important issue of those with mental illness and their involvement with the criminal justice system.

R11. By the end of calendar year 2024, the Grand Jury recommends the Sheriff change the Reclassification examination of mentally ill inmates from a monthly basis to a weekly basis to prevent misclassified inmates from suffering needlessly. (F14)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff’s Office disagreed with the supporting finding for this recommendation.

The Sheriff’s Office operates within best practices and BSCC regulations as it relates to reclassification of incarcerated individuals.

R12. By the end of the calendar year 2024, the Grand Jury recommends the Sheriff conduct an analysis of the effectiveness of Wellpath in regards to all mental health services of incarcerated persons. (F15)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Wellpath's contract ended June 30th, 2024. Starting July 1st, 2024, NaphCare began providing medical and mental health services to incarcerated individuals.

As we did with Wellpath, the Sheriff's Office will monitor NaphCare's performance as it relates to mental health and medical services, then make appropriate adjustments.

R13. By the end of calendar year 2024, the Grand Jury recommends the Wellpath be directed to provide round-the-clock medical and mental health care availability to the Jails. (F15)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Wellpath’s contract ended June 30th, 2024. Starting July 1st, 2024, NaphCare began providing medical and mental health services to incarcerated individuals.

NaphCare, like Wellpath, will provide 24-hour per day Medical coverage and approximately 16-hour per day Mental Health coverage with access to Telehealth 24 hours a day.

R14. The Grand Jury recommends the Sheriff begin to allow the Santa Cruz County Civil Grand Jury interviews of inmates per Penal Code 916 including observing inmate classes and programs within 90 days. (F16)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office disagreed with the supporting finding for this recommendation.

The Sheriff's Office did not deny access to the Grand Jury. We asked them to provide a subpoena to interview incarcerated individuals.

The Sheriff's Office is unaware of who denied access for the Grand Jury to observe classes or programs.



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

2024-5bl Response

Daniel Freitas <Daniel.Freitas@santacruzcountyca.gov> Thu, Aug 8, 2024 at 12:02 PM
To: "katherine.hansen@santacruzcourt.org" <katherine.hansen@santacruzcourt.org>,
"grandjury@scgrandjury.org" <grandjury@scgrandjury.org>
Cc: Sven Stafford <Sven.Stafford@santacruzcountyca.gov>, Jim Hart <Jim.Hart@santacruzcountyca.gov>,
Chris Clark <Chris.Clark@santacruzcountyca.gov>

Good Afternoon,

Please see the attached response from the Sheriff's Office to the Grand Jury's Report.

Thank you,

Chief Deputy Dan Freitas

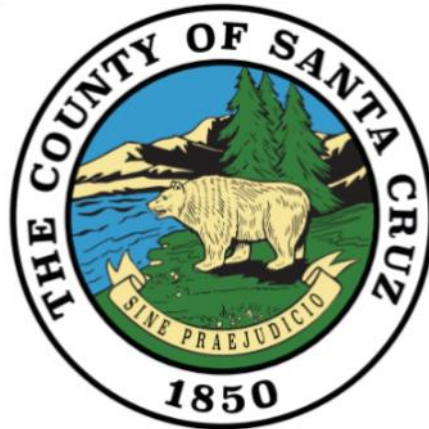
Santa Cruz County Sheriff's Office

Phone: (831)454-7820

E-Mail: Daniel.Freitas@santacruzcountyca.gov



2024-5bl Jails ChDeputySO Invited Response Request.pdf
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The 2023–2024 Santa Cruz County Civil Grand Jury
Invites the

**Chief Deputy,
Santa Cruz County Sheriff's Office**

to Respond by August 12, 2024

to the Findings and Recommendations listed below
which were assigned to them in the report titled

We Can Do Better with Our Jails!

Better Healthcare and Reentry Support

Responses are **invited** from appointed agency and department heads, appointed committees, and non-profit agencies contracted to the county which are investigated by the Grand Jury. You are not required to respond by the California Penal Code [\(PC\) §933\(c\)](#).

If you choose to respond, please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.

2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.

3. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

- F1.** The failure of Wellpath, the medical provider contracted by the Sheriff to provide data from required Health Service Audits, has adversely affected inmate health and resulted in poor health care and lack of pharmaceutical services for inmates.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Wellpath completed the 2023 Annual Report.
- The Sheriff's Office and Wellpath were recently found to be in compliance with this subject on our most recent Title 15 Medical/Mental Health Inspection by Dr. Lee conducted on 5/22/24.
- Even when the Sheriff's Office was not receiving the annual report from Wellpath, they provided a Quality Assurance meeting every quarter. Those meetings were attended by Wellpath, Health Services Agency, the Public Health Officer, County Behavioral Health, and the Sheriff's Office and discussed much of the same data included in the annual report.
- We disagree with the statement that the incarcerated population have received poor health care and we do not believe they "lack" pharmaceutical services. The Grand Jury's own report stated that 65% of the population was on medication.

It should also be noted that the Sheriff's Office transitioned to NaphCare from Wellpath on July 1st, 2024, to provide Medical and Mental Health Services in our Correctional Facilities.

- F2.** The failure of Wellpath to implement a comprehensive discharge plan causes inmates to be released without community connection to medical treatment and medication.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- A "comprehensive discharge plan" is the responsibility of more than the contracted medical provider (Wellpath or NaphCare). This plan would involve Probation, Courts, community partners, the Sheriff's Office, and the contracted medical provider to provide a comprehensive plan, including community supports such as housing, employment, insurance, and medical/mental health care.
- Wellpath or NaphCare's responsibility for discharge planning is limited to Medical and Mental Health care. To this end, Wellpath's discharge planner has been working within their limitations to ensure a smooth transition of care in the community for our incarcerated population. Individuals are provided a prescription to the pharmacy of the individual's choice, are often scheduled follow-up appointments, and provided instruction on how to seek services in the community.
- The Sheriff's Office has embraced the state initiative CalAIM. We have two full-time positions that speak with all incarcerated individuals and offer to assist them with their application for MediCal. Through CalAIM grant funding, we have recently hired two new Reentry Planners that will help coordinate release of incarcerated individuals, to include coordinating medical and mental health care in the community.
- The Sheriff's Office has consistently worked to improve comprehensive discharge planning in the community, inviting our community/government partners to start planning for individuals prior to their release and while they are medically/mentally stable and in a safe environment.
- During our conversations with Wellpath/NaphCare's discharge planner, they noted several barriers they have come across including inability to schedule mental health appointments on behalf of our incarcerated individuals, inability to access pertinent information when an individual's MediCal is suspended or turned off, and not being allowed to create a referral for individuals to certain services due to working for Wellpath or NaphCare. We have taken this information and are working with our partners to resolve these issues.

- F3.** The failure of the Sheriff's jail staff to properly address inmates' mental illness crises has caused mentally disabled inmates to be held in Safety Cells for excessively long periods.

AGREE
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Dr. Lee's recent 2024 Title 15 inspection notes that we were in compliance with the use of Safety Cells, meaning we were utilizing them appropriately.
- The Sheriff's Office works with our contracted Medical and Mental Health providers when the decision is made to place an incarcerated person into a Safety Cell. Safety Cells are used for individuals in crisis and are only used when specified conditions are met and those conditions are within accepted use under the law, Board of State and Community Corrections (BSCC) regulations, and Sheriff's Office policy.
- Our Sheriff's Office staff and contracted Mental Health providers are trained to deal with incarcerated persons in crisis. Mental Health staff on site are capable of providing the individual with tools and coping skills to help them out of their crisis.
- Once Mental Health professionals clear the individual from the Safety Cell, the Sheriff's Office places those individuals on a "step-down" procedure where they are still closely monitored and continue to be seen by mental-health professionals until Mental Health deem the individual is clear to be moved to regular housing.
- For the small percentage of incarcerated individuals that do not improve with treatment from our contracted provider, the Sheriff's Office has sought temporary release to a Lanterman-Petris-Short Act (LPS) clinic. The decision to release nearly always requires approval from a judge and can require coordination with other entities as well.
- The Sheriff's Office has daily Crisis Intervention Team (CIT) meetings where we discuss incarcerated persons that may be in crisis, including those in Safety Cells. These meetings include representatives of the Sheriff's Office, our contracted Medical and Mental Health provider, County Behavioral Health, and Probation. The purpose of these meetings is to collaborate and discuss best methods of dealing with those in crisis, other high-risk incarcerated individuals, and discuss proper transition of these higher-risk individuals into the community.

F4. The improper use of Safety Cells by the Sheriff's jail staff to isolate inmates who are greatly in need of mental health care and/or have made suicidal statements causes a violation of required procedure.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- The Sheriff's Office does not improperly use Safety Cells.
- Safety Cells are used for individuals that are at risk for self-harm, a risk of harm to others, or damaging property to the point they could be a danger to themselves or others. This is in compliance with the law, BSCC regulations, and our policy.
- Dr. Lee's recent 2024 Title 15 inspection noted that we were in compliance with the use of Safety Cells.

- F5.** The use of Safety Cells for punishment has resulted in violations of Title 15 section 1055 and the Sheriff's Policy and Procedures Manual policy 516.2. This may expose the Sheriff's department to lawsuits.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Dr. Lee's recent 2024 Title 15 Inspection specifically noted in the comments "Safety Cell is not used for punishment" and we were found to be in compliance with Safety Cell use.
- The Sheriff's Office is unaware of Safety Cells being used as punishment.
- As this report cites, the Sheriff's Office Corrections Policy 516.2 states, "A sobering or safety cell shall not be used as punishment or as a substitute for treatment."
- The Sheriff's Office abides by this policy and denies using Safety Cells as punishment.

F6. The practice of excluding mentally ill patients from 5150 hold and transfer until discharge results in a violation of both Title 15 and Sheriff's Policies and Procedures manual policy 516.2.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Dr. Lee's recent 2024 Title 15 inspection notes that we were in compliance with all regulations related to this topic. Furthermore, we passed all Title 15 inspections by the BSCC.
- To release an individual to an LPS facility often requires coordination and approval by the Courts as well as coordination with outside entities. This takes time thus individuals often remain in a safety cell until that coordination takes place since they are in crisis and at risk of self-harm or harm to others.
- Furthermore, the Sheriff's Office works with the resources available to us. Mentally ill individuals, particularly those in acute crisis, can be challenging and there are limited community resources to deal with this problem; hence the importance of proper coordination when we release an incarcerated person to the care of a community provider.

The Sheriff's Office would invite the community to support a new Main Jail and/or a facility that would include a crisis-stabilization unit that could be recognized as an LPS facility to treat incarcerated persons in crisis. The Sheriff's Office has seen an increase in incarcerated individuals with mental health disorders, an increase in the acuity of their disorders, and believes those trends will continue. An in-house treatment facility would allow the Sheriff's Office to better serve this population while still maintaining public safety interests of the community.

- F7.** The failure of Jail administrators to transfer inmates with suicidal ideation or in a mental health crisis to an out-of-county LPS facility adversely impacts inmate mental health care.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Dr. Lee's recent 2024 Title 15 inspection noted that we were in compliant with all regulations related to this topic.
- Incarcerated persons with suicidal ideation are placed in safety cells where the ability to harm themselves is removed.
- These individuals are treated by our contracted Medical and Mental Health provider during that time with individual treatment to include providing them tools and teaching them coping skills to address their crisis.
- If treatment is required beyond what our providers can provide, we evaluate the appropriateness of transfer to an LPS facility, in coordination with our community partners.

An in-house LPS facility would allow the Sheriff's Office to better serve this population while still maintaining public safety interests of the community.

F8. The failure of the Crisis Intervention Team to issue a 5150 hold and transfer before an inmate is discharged adversely impacts inmate mental health care.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Dr. Lee's recent 2024 Title 15 inspection noted that we were compliant with all regulations related to this topic.
- The Sheriff's Office does work with the Courts and our community partners to coordinate care of individuals in crisis and transfer them to an LPS facility.

- F9.** The practice of placement in Administrative Separation (solitary confinement) causes inmates to suffer mental health problems including, but not limited to, anxiety, insomnia, paranoia, aggression, and depression.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- The Sheriff's Office understands that Administrative Separation can have a negative impact on incarcerated persons.
- Placing some of these individuals that are in Administrative Separation around other individuals in the state they are in would jeopardize their safety and/or the safety of other incarcerated persons.
- Many individuals request to be housed individually and to be separated from others.
- The Sheriff's Office recognizes that many of the individuals booked into the jail are suffering from substance abuse, mental health disorders, and/or medical conditions that they have been neglecting to care for. Sometimes, an individual is exceptionally unstable, requiring placement in administrative separation until they can stabilize to the point where it is safe to place them around other individuals.

Regarding individuals that are placed on Administrative Separation, we take many steps to minimize the number and duration of individuals separated, to include but not limited to:

- The Sheriff's Office has recently amended our procedures that all newly administratively separated persons have a review by a team of Medical, Mental Health, Classification, and Jail Management/Supervisors on the next business day, but usually within 24 hours. This review is to ensure that Administrative Separation is appropriate, and that any medical or mental health needs are considered and addressed.
- Secondly, for over a year, we have hosted weekly reviews of all individuals that are on administrative separation. Each individual is discussed by our Classification Team, Medical, Mental Health, and Jail Management for appropriateness of Administrative Separation as well as discussion about how to remove them from separation. This sometimes includes pairing individuals for socialization with other individuals that often do not want to program together but we do not believe are a risk to each other and incentivize groups that program together.

- After these meetings, the individuals on Administrative Separation are provided with a document that includes how they can move to less-restrictive housing.
- Jail Medical, Mental Health, Classification, a Jail supervisor, and Jail Management conduct "Rounds" three times per week on the Administrative Separation population. This group speaks with these individuals and amongst other things, monitor their behavior/attitude, their cell conditions, address any needs they have, and encourage them to follow rules and program with other individuals.

Administrative Separation is never the goal of the Sheriff's Office, however there are circumstances where it is necessary to protect the safety of the individual as well as other incarcerated persons and staff.

F10. The failure of Jail administrators to transfer Inmates who are suffering from mental health crises symptoms to an LPS Facility adversely impacts inmate mental health care.

- AGREE**
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Dr. Lee's recent 2024 Title 15 inspection noted that we were compliant with all regulations related to this topic.
- The Sheriff's Office routinely transfers incarcerated individuals that are in acute crisis to an LPS facility.
- Despite a significant percentage of our population receiving medication for mental health disorders, the vast majority are not in crisis and with the care provided by our contracted medical provider are able to safely and appropriately manage their symptoms.
- A small percentage of our incarcerated population does suffer from acute mental health disorders and struggle to manage their symptoms. Those individuals are under the care of our Medical and Mental Health providers. We discuss these individuals during our daily CIT meetings and involve our community partners in finding appropriate solutions.
- When it is determined the one of these acute individuals is in crisis, meets the criteria for a 5150 W&I hold, and their care would be better treated at an LPS facility, we work with the Courts and our community providers to make that transfer.

F11. Opening the closed unit at Rountree and increasing the number of re-entry programs would result in better conditions for inmates and less stress for the correctional officers.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- The Sheriff's Office intends to reopen the closed unit at Rountree when staffing improves.
- Sheriff's Office Correctional Officers have been on Mandatory Overtime (MOT) for over 7 years now.
- If the Sheriff's Office opened the closed unit, it would result in an additional 84 shifts of overtime every 6 weeks, meaning each Correctional Officer that is already assigned MOT, would have 1-2 more overtime shifts every six weeks.
- It is not the Sheriff's Office opinion that opening this unit would cause "less stress for correctional officers" based on this increase of MOT.
- Opening this unit would not increase the number of re-entry programs as the number of programs/classes is finite.
- The programs/classes allotted to this closed unit were reallocated across our facilities to benefit other housing units and incarcerated individuals.

F12. Increasing the number of programs that focus on rehabilitation, education, and restorative justice to prepare for reentry would show positive improvement to public safety and a reduction in recidivism for reentering inmates.

- AGREE**
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office is committed to programming for our incarcerated population. Our Programs division was recently recognized as a "mentor site" by the Bureau of Justice Administration (BJA) for its work in this field. This recognition resulted in our Programs staff hosting and providing training to individuals from other agencies across the country on how to successfully manage programming for incarcerated individuals.

While we recognize the importance of programs, it should be noted (as it was during the tour with the Grand Jury) that the Main Jail has only two small classrooms for the entire facility, which is not nearly enough for our population. We believe a new facility, designed for better Medical/Mental Health treatment and Programming would help us improve on what we are already doing.

F13. Jail programs like “Stepping Up” steers the mentally ill to community-based mental health care, reducing the number of mentally ill inmates in jail.

- AGREE
- PARTIALLY DISAGREE
- DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff’s Office is supportive of programs that reduce the number of mentally ill individuals incarcerated. Further research of the Stepping Up program would be required to fully agree with this statement.

F14. The current practice of reviewing inmate classification monthly is too long of an interval and may endanger inmates suffering from mentally illness.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- Classification of incarcerated persons occurs within the best practices and is compliant with all regulations.
- The mental health of an incarcerated person has no direct impact on an individual's classification score.

F15. The failure of Wellpath to recruit and retain adequate staff adversely impacts the overall effectiveness of the mental health services provided to inmates.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office expects our medical and mental health provider to provide quality, consistent service to our incarcerated population.

We are unaware of any specific incident of inadequate mental health services being provided, as a result of rotating mental health staff, that led to an adverse outcome.

F16. The Santa Cruz County Civil Grand Jury was not permitted to interview inmates serving sentences at the Rountree Rehabilitation and Reentry Facility as required by the Bureau of State Community and Corrections. Speaking to some inmates about their experiences and opinions of the programs would have greatly enhanced the Jail investigation and report.

- AGREE**
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The Sheriff's Office disagrees with this finding for the following reasons:

- The Grand Jury originally requested to interview two specific individuals.
- The Sheriff's Office is cognizant of the fact that incarcerated individuals may not feel they have a choice to be interviewed, therefore we requested the Grand Jury supply a subpoena for the interview.
- The Grand Jury then asked if they could speak to *any* incarcerated individual at Rountree which was an abnormal request.
- The Sheriff's Office again asked them to provide a subpoena as we had requested it for the two individuals originally requested, it seemed only appropriate to have them get one for anyone else.

Recommendations

R1. By the end of calendar year 2024, the Grand Jury recommends the Sheriff instruct Wellpath to begin the Health Service Audits. (F1)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff’s Office disagreed with the supporting finding for this recommendation.

Wellpath provided an annual report for 2023. The Sheriff’s Office was found compliant with this in our recent Title 15 Medical/Mental Health inspection conducted by Dr. Lee.

Additionally, the Sheriff’s Office transitioned to NaphCare from Wellpath on July 1st, 2024 to provide Medical and Mental Health Services in our Correctional Facilities.

R2. By the end of calendar year 2024, the Grand Jury recommends the Sheriff instruct Wellpath to improve the medical discharge processes for better continuity of care. (F1, F2)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office disagreed with the supporting findings for this recommendation.

The Sheriff's Office has contracted NaphCare to provide Medical and Mental Health care to our incarcerated population starting on July 1st, 2024. Wellpath's involvement with Santa Cruz County Corrections will be limited to their role in the Early Access Stabilization Services (EASS) program that is managed by the Department of State Hospitals.

Wellpath has provided medical discharge planning and NaphCare will continue to do so. Wellpath's previous discharge planner had been complimented by many different agencies for their willingness to be flexible, compassion for persons scheduled for release, and dedication to their assignment. The Sheriff's Office was recently made aware of several barriers the discharge planner faced so we are working with them and our community partners to remove these barriers.

R3. By the end of calendar year 2024, the Grand Jury recommends the Sheriff retrain staff about the proper use of Safety Cells according to Title 15 section 1055 and the Sheriff’s policy and procedures manual. (F3, F4, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff’s Office disagreed with the supporting finding for this recommendation.

The Sheriff’s Office operates within our policy and within guidelines provided by BSCC. We will continue to provide training for our staff that is rooted in law and best practice. The Sheriff’s Office was found compliant with this in our recent Title 15 Medical/Mental Health inspection conducted by Dr. Lee.

- R4.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff retrain staff with the proper use of a 5150 hold and the transfer of inmates to a mental health facility according to Title 15 and the Sheriff's policy and procedures manual. (F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office disagreed with the supporting finding for this recommendation.

The Sheriff's Office operates within our policy and within guidelines provided by BSCC. We will continue to provide training for our staff that is rooted in law and best practice. The Sheriff's Office was found compliant with this in our recent Title 15 Medical/Mental Health inspection conducted by Dr. Lee.

R5. By the end of the calendar year 2024, the Grand Jury recommends the Sheriff train staff on how to transfer suicidal inmates to an LPS facility for mental health care. (F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff’s Office disagreed with the supporting finding for this recommendation.

The Sheriff’s Office operates within our policy and within guidelines provided by BSCC. We will continue to provide training for our staff that is rooted in law and best practice. The Sheriff’s Office was found compliant with this in our recent Title 15 Medical/Mental Health inspection conducted by Dr. Lee.

- R6.** By the end of calendar year 2024, the Grand Jury recommends the Sheriff direct the CIT team to not withhold a 5150 hold and make a transfer until release because this is not proper or best practice for inmates in need of mental health care. (F8)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office disagreed with the supporting finding for this recommendation.

If the Sheriff's Office has determined that an individual is to be placed on a 5150 W&I and transferred out of our facility, we generally need to secure a release from custody from the Courts. Once the individual is made releasable by the Courts and we have properly coordinated the transfer with our community partners, we will transfer to an appropriate facility.

Some individuals, if they have a mental health disorder, are reevaluated upon their release for their charges or sentence. Upon this reevaluation, some of these individuals are deemed "gravely disabled" by mental health professionals and placed on a 5150 W&I hold. It is important to understand the distinction of this because it is often due to them lacking the faculties necessary to properly care for themselves once released without appropriate community support. While they were in custody, the Sheriff's Office was able to provide for those needs. We believe these facts are relevant to the conversation surrounding mental health and incarceration.

R7. By the end of calendar year 2024, the Grand Jury recommends the Sheriff develop a plan to transfer all inmates in mental health crises to LPS facilities and budget the extra cost of transferring patients out of the county. (F9, F10)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff’s Office disagreed with the supporting findings for this recommendation.

The Sheriff’s Office has already been taking qualified incarcerated individuals that are in a mental health crisis to an LPS facility. This is evidenced in Dr. Lee’s 2024 Inspection Report where we were found to be compliant.

R8. By the end of calendar year 2024, the Grand Jury recommends the Sheriff reopen closed units and move all qualified inmates to Rountree Medium Security and the Minimum Security Rehabilitation and Reentry unit. (F11)

- **HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- **REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- **WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office disagreed with the supporting finding for this recommendation.

The Sheriff's Office plans to reopen the closed unit at Rountree when staffing improves. Unnecessarily adding more mandatory overtime to employees that have been on mandatory overtime for over 7 years does not improve morale or retention, nor does it lead to more negative outcomes for incarcerated individuals.

We do not have a timeline to reopen as staffing levels fluctuate.

R9. By the end of calendar year 2024, the Grand Jury recommends the Sheriff develop a comprehensive plan to increase the number of programs that steer inmates towards reentry into the community with new job skills development, education, work release and transitional programs. (F12)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office has a wide array of programs geared toward reentry and is always looking to add new, valuable skills to these programs. The Sheriff's Office collaborates with community partners to facilitate this work. As stated in the finding for this recommendation, we were recently recognized nationally as a mentor site for our work with incarcerated person programming. As a result of this recognition, we hosted and provided training to other agencies from across the country on how to successfully do this kind of work. We have a wide variety of programs and reentry training to include, but not limited to, building trades/construction, food services, GED, and skills to cope with addiction, parenting, and other life skills.

We have and will continue to constantly look for ways to improve our Programs curriculum.

R10. By the end of fiscal year 2024-2025, the Grand Jury recommends the Sheriff develop a plan to implement more Jail diversion programs (like Stepping Up) that steer the Mentally Ill away from jail and to the help they need. (F13)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office supports programs that help steer individuals with mental health disorders away from incarceration, but this recommendation over-simplifies a complex process that is not under the Sheriff's Office purview. A diversion program, diverting arrested individuals away from the criminal justice system after they commit a crime, is something that would need District Attorney's Office involvement, if not the Court system.

The Sheriff's Office is actively involved in discussions with County and Court leaders to discuss individuals who are not competent to stand trial due to mental illness. We often have discussions with other government and non-government leaders regarding the important issue of those with mental illness and their involvement with the criminal justice system.

R11. By the end of calendar year 2024, the Grand Jury recommends the Sheriff change the Reclassification examination of mentally ill inmates from a monthly basis to a weekly basis to prevent misclassified inmates from suffering needlessly. (F14)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff’s Office disagreed with the supporting finding for this recommendation.

The Sheriff’s Office operates within best practices and BSCC regulations as it relates to reclassification of incarcerated individuals.

R12. By the end of the calendar year 2024, the Grand Jury recommends the Sheriff conduct an analysis of the effectiveness of Wellpath in regards to all mental health services of incarcerated persons. (F15)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Wellpath's contract ended June 30th, 2024. Starting July 1st, 2024, NaphCare began providing medical and mental health services to incarcerated individuals.

As we did with Wellpath, the Sheriff's Office will monitor NaphCare's performance as it relates to mental health and medical services, then make appropriate adjustments.

R13. By the end of calendar year 2024, the Grand Jury recommends the Wellpath be directed to provide round-the-clock medical and mental health care availability to the Jails. (F15)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Wellpath’s contract ended June 30th, 2024. Starting July 1st, 2024, NaphCare began providing medical and mental health services to incarcerated individuals.

NaphCare, like Wellpath, will provide 24-hour per day Medical coverage and approximately 16-hour per day Mental Health coverage with access to Telehealth 24 hours a day.

R14. The Grand Jury recommends the Sheriff begin to allow the Santa Cruz County Civil Grand Jury interviews of inmates per Penal Code 916 including observing inmate classes and programs within 90 days. (F16)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Sheriff's Office disagreed with the supporting finding for this recommendation.

The Sheriff's Office did not deny access to the Grand Jury. We asked them to provide a subpoena to interview incarcerated individuals.

The Sheriff's Office is unaware of who denied access for the Grand Jury to observe classes or programs.



SANTA CRUZ COUNTY
Civil Grand Jury

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County Behavioral Health Services – A State of Mind

Focus. Fund. Save.

Summary

The Grand Jury's investigation of the Behavioral Health Division (BHD) showed poor or non-existent metrics on BHD programs and services displayed on County web portals. Serious gaps in addressing South County health care needs were also found. This report highlights the above facts and provides the recommendations to address them.

Recommendations include:

- **Transparency Overhaul:** Improve reporting of program outcomes and costs to enable program evaluation and enhance public transparency.
- **Enhanced Case Management:** Increase emphasis on enhanced case management services which will reduce long term health care costs.
- **Local Care Focus:** Reduce costly out-of-county inpatient transfers by investing in local resources.
- **South County Investment:** Address socioeconomic disparities in South County to improve overall health outcomes.

The Grand Jury believes that these approaches will improve outcomes for residents through increased and better targeted mental health services. Improving behavioral health services will create a healthier and more vibrant South County.

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Background

The Grand Jury is charged with investigating the budget of one or more of the Santa Cruz County departments. The Grand Jury decided to investigate the budget of the Health Services Agency (HSA). Within that organization, the Behavioral Health Division which provides services to address mental health, substance use disorders as well as other public health programs, has the largest single budget. Therefore, HSA's Behavioral Health Division became the focus of the Grand Jury's investigation.

Santa Cruz County Behavioral Health Division struggles to meet the mental health needs of our community. It has neither the fiscal means nor staff resources to adequately do so.

The 2022-2023 Grand Jury report, *Diagnosing the Crisis in Behavioral Health*, stated: "Santa Cruz has more homeless people per capita than anywhere else in California." At the time of the 2022-2023 report publication:

Some 2,300 of our residents were without housing. An estimated 37% of the Behavioral Health Services clients were homeless. About 67% of homeless residents were experiencing chronic substance abuse, and 43% of Behavioral Health Services substance use disorder clients were involved with the criminal justice system.^{[1][2]}

The Behavioral Health External Quality Review (EQR) revealed that Santa Cruz County has three times the number of behavioral health high-cost beneficiaries (HCB) when compared to the state average for calendar years 2018 through 2020. HCBs are identified as those with approved claims of more than \$30,000 in a year.^[3]

In addition to this challenge, there are fiscal barriers to providing the various types of services and the volume of services our community needs. The fiscal year 2023-2024 budgeted expenses for BHD are 54.9% of the HSA total expense budget of \$259 million. To put this figure in perspective, only 22% of this same HSA budget is allocated for medical clinical services by County health clinics.^[4] Even with the size of the BHD budget, the need outstrips fiscal resources.

According to the Grand Jury report from 2022-2023, *Diagnosing the Crisis in Mental Health*, the staff vacancy rate in the Behavioral Health Division was 30%.^[5] The report stated that the hard-to-fill positions within BHD included psychiatrists, psychiatric nurses, licensed mental health practitioners, and other direct service practitioners—especially bilingual staff.^{[6][7]} This year's interviewees indicated that challenges in filling vacancies continue to exist.

All of the above statistics point to a disturbing reality: Santa Cruz County's Behavioral Health Services, relative to other California counties, is charged with providing mental health services to a substantial, high-need population that the County does not have the resources to adequately address.

Scope and Methodology

The objective of this investigation is to determine which of the many County behavioral health programs are the most effective. The approach is to examine treatment results and the costs associated with each program. Specific topics the Grand Jury investigated include:

Performance Measurement

- Identifying funding sources of the BHD programs.
- Identifying the number of patients being treated, programs serving these patients, and the volume of service provided.
- Evaluating data that can be used to determine the value of specific programs.
- Identifying the number of high-cost beneficiaries and the percentage of the HSA resources consumed treating these patients.
- Analyzing quantitative data of patients transferred out of the county for treatment and their associated costs.
- Ensuring that interested residents can find all the above information easily from County websites.

Programs

- Determining the number of programs in place that are “preventative” in nature and the percentage of the HSA budget being allocated to these programs.
- Analyzing the correlation of socioeconomic indicators on healthcare outcomes.

Patient Profiles

- Determining if high-cost beneficiaries are being tracked and provided case management services.

The sources of information gathered for this report include:

- Interviews with HSA staff as well as outside public health experts.
- Program data collected and reported by Santa Cruz County BHD.
- Program data collected and reported by other government entities, both state and federal.
- Budget data for Santa Cruz County and other government entities, including data posted on the California Health and Human Services (CalHHS) website.
- Review of relevant articles, published reports, newspaper articles, and documents found online regarding mental health.
- Attendance at monthly Mental Health Advisory Board meetings.

Investigation

The Grand Jury conducted an in-depth investigation of mental health issues in our county. This investigation discusses in detail core issues that the Jury has identified as needing to be addressed in order to meet our community's growing mental health needs. The Grand Jury believes that if the mental health program issues can be effectively addressed, then the social issues raised by this Grand Jury report and other Grand Jury reports can also be alleviated.

Lack of Data Transparency and Program Effectiveness

Currently, data as presented to the public does not help to allocate the agency's resources to the most effective program and to populations with the highest need for mental health services. The following are specific areas where there is a lack of data transparency:

- **County of Santa Cruz Finance Data:** Santa Cruz County's website has made tremendous strides in improving financial transparency through the OpenGov Website which allows the public to view County budgets.^[8] However, it does not provide the functionality that would allow users to filter down to financial information by individual programs and therefore is not usable for that purpose by the general public.^[9]

There are no instructions targeted to the layperson on how to use the website or interpret the financial data. As an example, it is hard to find the exact funding amount the County receives from the Mental Health Services Act, (MHSA) Prop 63.^[10] It is not clear where the MHSA funding is embedded among the various State Funding sources the County receives.^[11]

The 2017-2018 Grand Jury report *Data-Driven Budgeting – New Ways To Get Better Results* stated, "A budget document is more meaningful to the general public when it correlates spending priorities to the public value of services. The County's comparative interactive budget tool, while publicly accessible, does not include performance measures or provide a broader performance data dashboard tool that County departments can leverage." Budgeting based on performance data is known as "performance budgeting."^[12]

- **Diverse Sources:** Funding sources include Medi-Cal, California Mental Health Services Act funds, and County General Fund contributions. Budget and individual program analyses are challenging due to the mix of funding streams.^[9]
- **Services Provided by External Providers:** Independent health providers such as hospitals and urgent care medical facilities provide services to patients also being served by the County. Data collected by these external providers is not necessarily available to the County BHD. Missing data can skew the calculation of performance metrics.^[13]
- **High-Cost Beneficiaries Root Cause Analysis:** None of the officials interviewed could provide a satisfactory answer regarding why Santa Cruz

County ranks so high among California counties in the number of high-cost beneficiary patients. No data was available to the Grand Jury for high-cost beneficiaries by zip code.^{[14][15]} The BHD does not have enough staff to do a root cause analysis.^{[6][7]}

County and State Reporting: The HSA data collection required to comply with mandated county and state requirements does not measure the outcome. As an example, the data collected may be by the number of people served by a program. This does not include the number of rehospitalizations or improvements in industry-accepted scores like the Adult Needs and Strengths Assessment (ANSA).^[16]

Metrics Gap: Public access to County contract provider program metrics is limited. Key programs like the Janus Withdrawal Program^[17] and County Volunteer Center's services^[18] lack publicly available performance measurements. This makes evaluation of contract-provided program services challenging.

Out-of-County Transfers

The Grand Jury was motivated to look into out-of-county (OOC) transfers based on interviewees indicating that this was an example of where costs could potentially be saved.^[19] The Grand Jury was interested in knowing how many such transfers occur and the cost of such transfers.

Patients are transferred to OOC hospitals when Santa Cruz County is at capacity and has no beds for its patients or does not have available treatment services. Figure 1 below shows the number of times Santa Cruz County patients were transferred to OOC hospitals for inpatient, emergency, or ambulatory surgery treatment. This data from California Health and Human Services (CalHHS) shows the distribution of patient transfers sorted by zip codes over the past three years.

Figure 1 below shows that the zip code of 95076 had the highest number of patient transfers outside the county for the previous 3 years. This indicates that almost 40% of all the transfers occur from one zip code - 95076. For context, Figure 2 below shows the zip codes within Santa Cruz County.

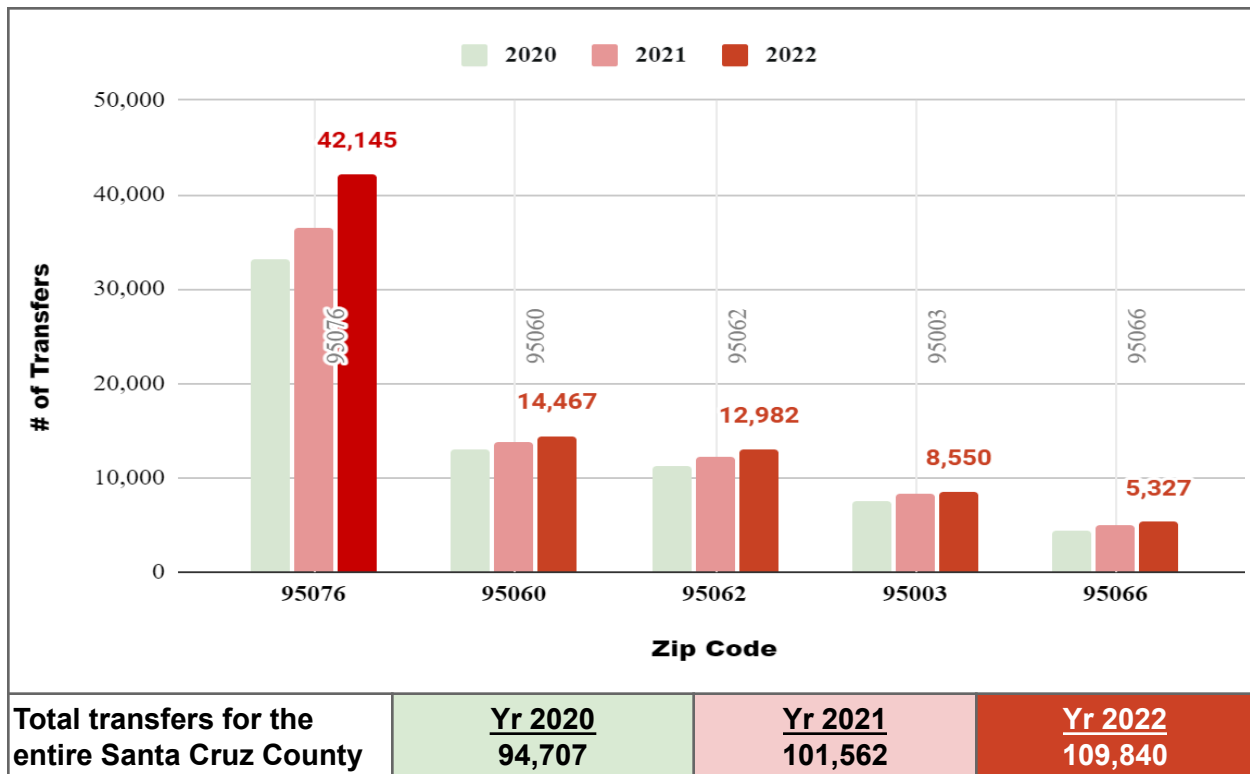


Figure 1: Patient Discharges to Hospitals Outside of the County (Top five zip codes).^[20]

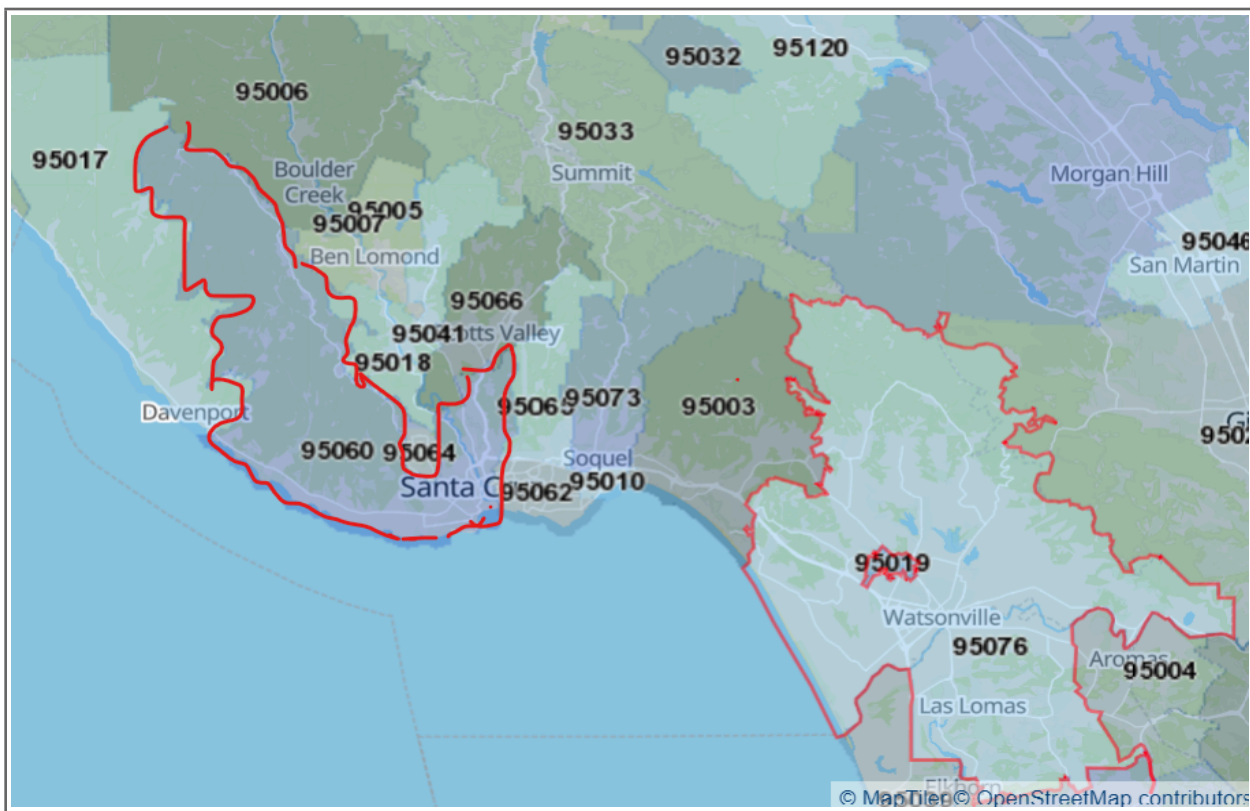


Figure 2: Zip codes within Santa Cruz County, showing cities.^[21]

How Much Do These Transfers cost?

The County pays 100% of the cost for the care when Santa Cruz County HSA patients are transferred to an out-of-county inpatient facility. The County does not receive the Federal match for any Medi-Cal out-of-county inpatient care. This is in contrast to health care services provided within the county where the Federal funds match 50% of the Medi-Cal expenses.^[22]

Figure 3 below shows the cost of out-of-county transfers or “Outside Hospital Expenses” in the County HSA Budget for years 2020-2022.

Data				
	2020-21 Actual	2021-22 Actual	2022-23 Adopted Budget	2022-23 Estimated Actuals
Outside Hospital Expense	\$ 16,568,173	\$ 20,759,402	\$ 17,679,129	\$ 18,846,400
Outside Expense Medical Care	3,985,277	3,495,324	4,294,350	4,294,350
Outside Physicians	255,881	255,561	400,000	400,000
Total	\$ 20,809,332	\$ 24,510,287	\$ 22,373,479	\$ 23,540,750

Figure 3: Derived from Santa Cruz County FY 2023-24 Financial Summary^[23]

The high number of out-of-county transfers takes away funding from healthcare services like mental health and addiction treatment. The relative lack of inpatient health care services especially impacts the residents of 95076, as shown by these statistics. Increased inpatient facilities would reduce out-of-county transfers and associated costs to the county.

The passing of Measure N,^[24] a \$116M bond initiative for Watsonville Community Hospital, may allow for better healthcare facilities in the 95076 zip code in the coming years. It may not stem the flow of patients needing emergency services in the short term.

Prevention and Social Determinants of Health

Continuing to build more facilities and providing more healthcare is a stopgap solution.

Recent action has been taken by the BoS and the County HSD to improve the situation in the form of a \$500,000 CORE Funding allocation for South County Prevention Services. The County has opened a South Government Services Center, in part for the delivery of these critical services for South County residents.^{[25] [26] [27]}

Prevention is the only way to reduce long term health care costs.^[28] Health care activities must include not only treatment of existing health conditions, but also promote health and prevention services that create healthier communities.

The Grand Jury decided to look at social determinants of health (SDOH) as advocated for by the Centers for Disease Control and Prevention (CDC).^[29] SDOH are the conditions in the environments where people are born, live, learn, work, play, worship,

and age that affect a wide range of health, functioning, and quality-of-life outcomes and risks.^[30] The SDOH is a more accurate indicator of health outcomes than either genetic factors or access to healthcare services.^{[31] [32] [33] [34]} This means that things like a person's income level, education, and neighborhood environment have a larger impact on their health than the medical treatment they receive.

To look into the possible drivers of these indicators, the Grand Jury looked at Healthy Places Index® (HPI) data and Mental Health Index (MHI) data across zip codes of Santa Cruz County.

Healthy Places Index®

A project of the Public Health Alliance of Southern California, the Healthy Places Index® (HPI), is a powerful data and policy platform created to advance health equity through open and accessible data.^[35] This index maps data on social conditions that drive health such as education, job opportunities, healthcare access, and clean air and water. Higher numbers are indicative of better healthy community conditions compared to the rest of the California zip codes.

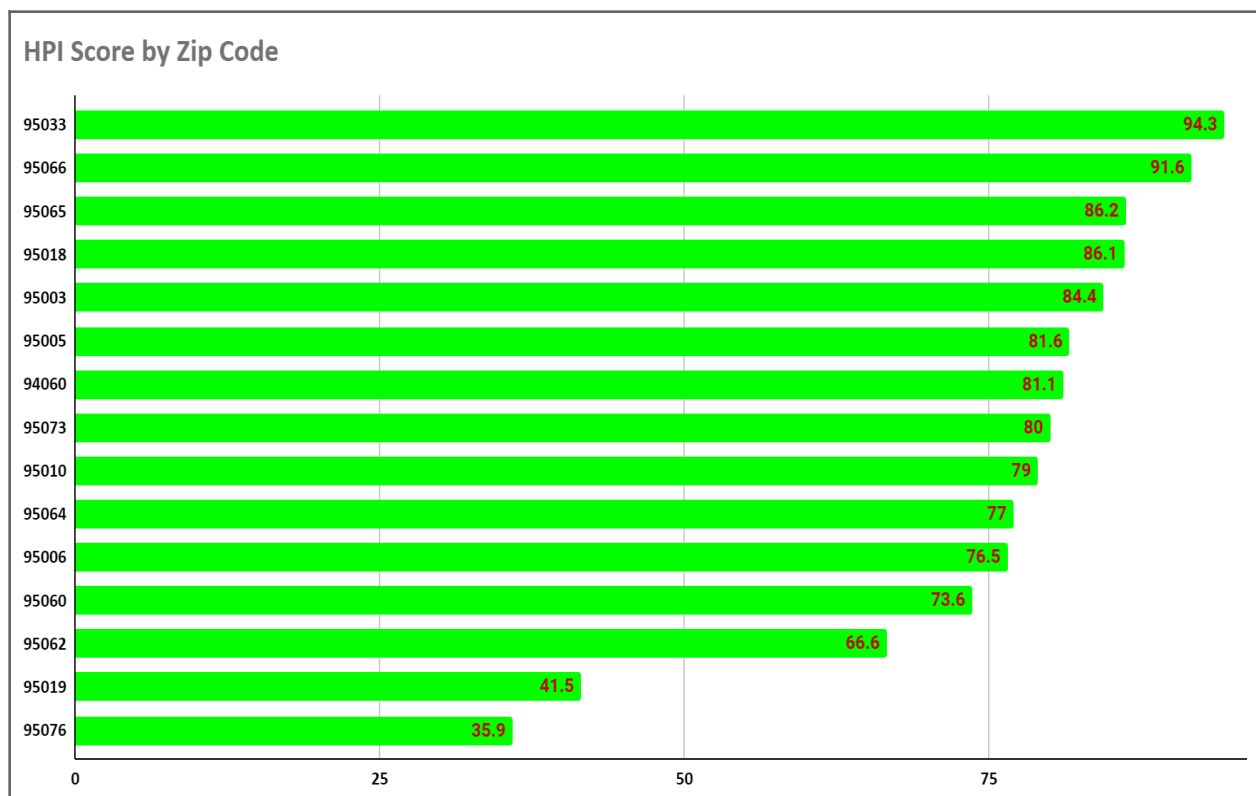


Figure 4: A comparison of HPI Scores for all zip codes in Santa Cruz County.^[36]

Figure 4 above shows that the South County zip codes 95019 and 95076 have the lowest HPI scores within Santa Cruz county. These South County zip codes lag far behind the rest of the County zip codes on socioeconomic indicators for healthy living. This contributes to increased South County healthcare costs.

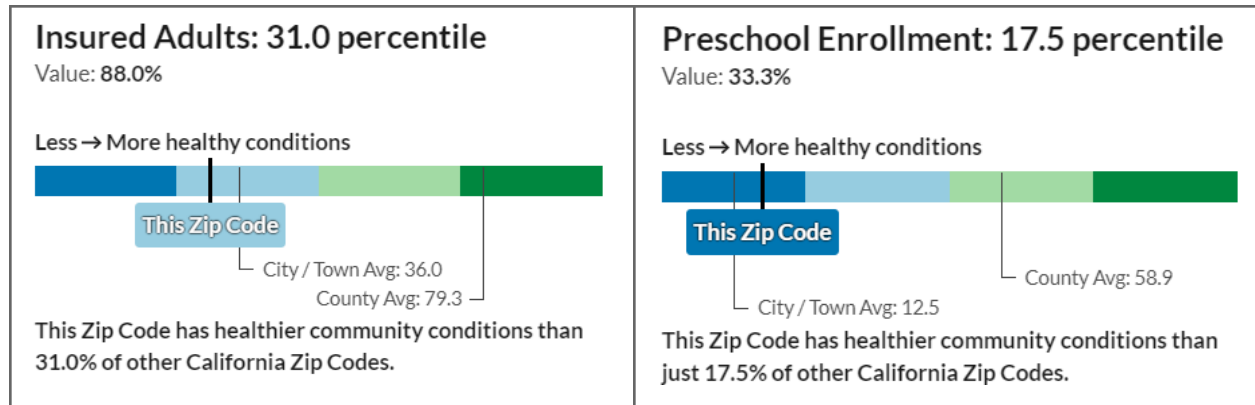


Figure 5: Examples of two socioeconomic indicators in zip code 95076^[37]

Figure 5 above shows that even though 88% of adults residing in 95076 are insured, its percentile ranking is only 31% compared to other California zip codes. This indicates the effectiveness of being “insured.” Being insured by itself does not guarantee better health outcomes if the health services are poor or not available in the area. This is the case for 95076.^{[38] [39]} The same is true for Preschool Enrollment indicating a very low enrollment compared to other zip codes.

California Proposition 1 (2024) is intended to address the socioeconomic indicators related to homelessness. This funding may eventually alleviate the housing, overcrowding and affordability issues in the 95076 zip code, reducing the incidence of mental health cases, hence improving general health outcomes.^[40]

Mental Health Index

The Mental Health Index developed by Conduent Healthy Communities Institute and part of the SocioNeeds Index® Suite, is a measure of the SDOH correlated with self-reported poor mental health. It identifies areas of high need within the community, requiring targeted interventions.^[41] The MHI for the zip code 95076 has a rank of 5 indicating “High Need” with respect to socioeconomic indicators Homelessness, Unemployment, Healthcare Access, and Single Parent Household.^{[42] [43]}

In summary, both HPI Index and Mental Health Index of 95076 reveal poor socioeconomic conditions compared to the rest of Santa Cruz County, calling for urgent attention to address these issues and reduce health care costs.

Case Management Programs

Case Management programs provide comprehensive care to patients with complex needs. Santa Cruz County implements this type of program as Santa Cruz Enhanced Care Management.^[44]

Santa Cruz County Care Management Background

Santa Cruz County participated in a California pilot program called the Whole Person Care program, which started in 2016 and ended in 2021. It was a grant-funded program to provide case management services to Medi-Cal patients that met multiple needs

criteria.^[45] There is evidence that case management programs such as Whole Person reduce costs and provide better outcomes for clients.^[46] Based on this success, the Whole Person Program has been rolled out as Enhanced Care Management (ECM) starting in January 2022. The ECM program allows the providers to charge Medi-Cal for these services.

Managed Care Services Provided

The Enhanced Care Management programs focus on high-cost beneficiaries requiring high touch service with multiple needs, including mental health services.^[47] The ECM programs provide each client with a lead case manager and each has a community health worker to assess needs. Health services are provided at County clinics. Services include assisting with housing and food needs in addition to mental and physical health support.^[48]

Step-down programs manage the transition of clients from treatment to independent living. These programs often involve therapy, skills training, and medication management, all designed to help people transition back into the community successfully. These programs provide connection to both physical and behavioral health services. Managed care services are greatly enhanced with the availability of step-down programs. This will ensure there is a continuous glide path to wellness. Currently the County step-down services are severely limited. For example, ECM is offered as a new benefit to people released from incarceration as of January 2024.^{[49] [50]}

Challenges of Meeting the Demand for Managed Care Services

Currently, ECM is reaching only 0.5% of the eligible ECM residents of Santa Cruz County.^[51] There are 300-400 ECM clients currently enrolled countywide. The county has five different ECM programs at present. All of them have waiting lists.^[52]

A major obstacle to expanding these services is the BHD job vacancy rate of up to 30%.^[6] Additional case managers are needed to meet the patient demand. Case managers with the required experience and licensure are difficult to recruit and these positions often go unfilled for long periods of time. Providing additional services would have a negligible budget impact because these services are covered by Medi-Cal. The additional services provided by newly-hired case managers will be self-funding and therefore increased services will have negligible budget impact.

BHD is not currently using outcome-based metrics. Doing so will enable them to provide more effective services. Interviews indicated that patients are not typically surveyed for their functional skills and needs (such as done by ANSA). It is important to survey patients at intake, periodically during their time in the program and then finally when they leave the program. Interviewees also mentioned they had considered such surveys but didn't have the direction or scope to do so.^{[53] [54] [55]} The RAND corporation had identified parameters for these surveys in its 2018 report.^[56]

Despite the potential benefits of Managed Care Services in providing services for our most vulnerable Santa Cruz County residents with the help they need, the challenges with recruiting and funding make our ideal outcomes difficult to achieve.

Conclusion

Santa Cruz has more homeless people per capita than anywhere else in California. A majority of these homeless residents are in need of behavioral health services. Compounding the problem is that the County's general budget is limited. Santa Cruz County is also an expensive place to live and therefore recruitment of health care providers is a challenge. Given these facts, Santa Cruz County is facing an uphill battle to provide adequate Behavioral Health Services both in terms of dollars and not having enough personnel. The Behavioral Health Services owes it to taxpayers to rigorously apply outcome-based metrics to determine which programs give the biggest bang for the buck.

The Grand Jury's preliminary analysis of regional service levels indicates South County residents have limited access to healthcare and lag other areas in socioeconomic indicators. Programs that improve socioeconomic indicators in South County will reduce behavioral healthcare and mental services costs in the long run.

Findings

The Grand Jury wishes to acknowledge the fiscal limitations of Santa Cruz County. The findings and recommendations of this report are made with these fiscal restrictions in mind.

Findings on Lack of Data Transparency

- F1.** The County budget website lacks HSA Financial data visible to the public to ensure transparency of programs and funding efficacy.
- F2.** The County has limited staff to analyze the data for identifying trends which would allow focusing resources more effectively.

Findings on Out-of-County Transfers and 95076 Zip Code

- F3.** Zip code data can pinpoint areas of "High Need," which can direct data-driven funding for better health outcomes and give a better "Return on Investment."
- F4.** The 95076 zip code has an extraordinarily high number of patient transfers to outside the county compared to other zip codes of Santa Cruz county. This indicates a major lack of healthcare facilities and services to serve the community.
- F5.** A study of socioeconomic indicators of the 95076 zip code, compared to other zip codes of Santa Cruz county, reveal a dire need to improve the following:
 - Homelessness
 - Low Preschool Enrollment
 - Poor Health Care Access
 - Unemployment
 - Support for Single Parent Households

Findings about Case Management

- F6.** The ECM programs are currently at capacity and have waiting lists. More providers are needed to expand the program further to transition more residents to independent living.
- F7.** Though there is evidence that managed care programs like ECM are effective, lack of data leaves doubt in the public's mind. Data supporting the success rate of ECM programs would ensure stronger public support.

Recommendations

- R1.** The Grand Jury recommends that Behavioral Health Services, in collaboration with the Chief Administrative Office Staff (CAO), provide a plan to report program performance on County websites. This plan should include data necessary to evaluate the effectiveness of each behavioral health program, including outcome-based metrics, patient feedback for each program, number of patients served, and financial details like budgeted expenses and revenue sources by program. This plan should be published by December 31, 2024. (F1, F2, F3)
- R2.** The Grand Jury recommends that the Board of Supervisors direct the CAO to implement performance budgeting of Behavioral Health Services over the next two-year budget cycle. This was also recommended by the 2017-2018 Grand Jury. The BoS should take this action by December 31, 2024. (F1)
- R3.** The Grand Jury recommends that because the 95076 zip code is the area of most need, Behavioral Health Division's Enhanced Care Management programs should focus efforts on identifying and case managing clients in this area by December 31, 2024. (F3, F4, F5, F6, F7)
- R4.** The Grand Jury recommends that Behavioral Health Services, County Office of Education, and the Board of Supervisors develop and publish a plan, with measurable outcomes, that focuses on improving socioeconomic indicators in the 95076 zip code by December 31, 2024. (F3, F4, F5)
- R5.** The Grand Jury recommends that Behavioral Health Services and the Board of Supervisors include an outcome-based evaluation of contracted services through a summary report that is publicly available. This should be done for all new and renewed contracts by December 31, 2024. (F1, F2, F4, F5, F7)

Commendations

- C1.** County Behavioral Health Services are to be commended for their dedicated service to the community. They provide compassionate care with limited resources, all while being understaffed. Given the Behavioral Health Services high job vacancy rate, existing resource providers continue to provide exemplary services.

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F7	R1–R5	90 Days September 9, 2024
Santa Cruz County Superintendent of Schools	F3–F5	R4	60 Days August 12, 2024

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Behavioral Health Services Director	F1–F7	R1–R5	90 Days September 9, 2024
Santa Cruz County Chief Administrative Officer	F1	R1	90 Days September 9, 2024

Definitions

- **BHD:** Behavioral Health Division
- **CAO:** Chief Administrative Office - County Administrative Office supervises County departments and functions and is responsible for the County budget, strategic management initiatives, communications, legislative advocacy, intergovernmental relations, and emergency operations, as well as management of the Board of Supervisors' meeting agendas and records
- **CCHA:** California Central Coast Alliance for Health - Serve the Medi-Cal Managed Care for Santa Cruz County.^[47]
- **CDC:** Centers for Disease Control and Prevention
- **ECM:** Enhanced Care Management - Statewide Medi-Cal benefit available to eligible members with complex needs, including:
 - Access to a single Lead Care Manager who provides comprehensive care management and coordinates their health and health-related care and services.
 - Connections to the quality care they need, no matter where members seek care—at the doctor, the dentist, with a social worker, or at a community center.^[47]
- **EQR:** External Quality Review - an analysis and evaluation of aggregate information on access, timeliness, and quality of health care services by Behavioral Health Concepts, Inc.^[57]

- **HCB:** High-cost beneficiary - Identified as those with approved claims of more than \$30,000 in a year
 - **HSA:** Health Services Agency
 - **MHI:** Mental Health Index - a measure of social determinants and health factors correlated with self-reported poor mental health^[41]
 - **Performance Budgeting:** A performance budget is one that reflects both the input of resources and the output of services for each unit of an organization
 - **SDOH:** Social determinants of health - Social determinants of health (SDOH) are the nonmedical factors that influence health outcomes. They are the conditions in which people are born, grow, work, live, and age, and the wider set of forces and systems shaping the conditions of daily life^[31]
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SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Responses to 2023-2024 Grand Jury Report "County Behavioral Health Services - A State of Mind"

Caitlin Smith <Caitlin.Smith@santacruzcountyca.gov>

Tue, Sep 3, 2024 at 1:54 PM

Good Afternoon,

Please see attached for responses to the 2023-2024 Grand Jury Report titled "County Behavioral Health Services – A State of Mind" from the Santa Cruz County Board of Supervisors and the Santa Cruz County Superintendent of Schools which were approved by the Board of Supervisors on August 27, 2024.

Best,

Caitlin C. Smith

County Supervisors' Analyst

Santa Cruz County Board of Supervisors

[701 Ocean Street, Room 500](#)

[Santa Cruz, CA 95060](#)

831-454-2200 main

831-454-3516 direct

caitlin.smith@santacruzcountyca.gov

To email all five members of the Board of Supervisors at once,

please use: boardofsupervisors@santacruzcountyca.gov

3 attachments



Cover Letter County Behavioral Health Services-A State of Mind.pdf
198K



Board of Supervisors Response - County Behavioral Health Services - A State of Mind.pdf
500K



Superintendent Response-County Behavioral Health - A State of Mind.pdf
261K

August 30, 2024

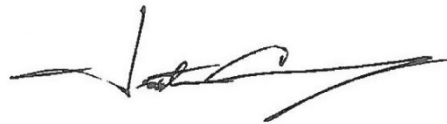
The Honorable Katherine Hansen
Santa Cruz Courthouse
701 Ocean Street
Santa Cruz, CA 95060

RE: Response to the 2023-2024 Grand Jury Report “County Behavioral Health Services – A State of Mind”

Dear Judge Hansen,

The purpose of this letter is to formally transmit the Santa Cruz County Board of Supervisors’ and the Santa Cruz County Superintendent of Schools responses to the 2023-2024 Grand Jury Report “County Behavioral Health Services – A State of Mind.”

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Cummings", with a long horizontal flourish extending to the right.

JUSTIN CUMMINGS, Chair
Santa Cruz County Board of Supervisors

JC:cs
Attachments

CC: Clerk of the Board
Santa Cruz County Grand Jury



The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the
Santa Cruz County Board of Supervisors

to Respond by September 9, 2024

to the Findings and Recommendations listed below
which were assigned to them in the report titled

**County Behavioral Health Services – A State of Mind
Focus. Fund. Save.**

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown
in our minutes dated August 27, 2024.

4. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F1. The County budget website lacks HSA Financial data visible to the public to ensure transparency of programs and funding efficacy.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The award-winning County budget website ([Proposed Health Services Agency 2024-25 Budget](#)) contains financial data viewable in several different ways; by revenue/expenditure type, division, and service. A service is defined as an operational unit within a department aimed at accomplishing a major governmental purpose or supporting the Operational Plan. The operational plan, a collection of objectives: measurable, time-bound, and inclusive tests of change that reflect the County's major work towards creating a healthy, safe, more affordable community, links budget appropriations to each service and is available on the County website. A [PDF](#) of the County Proposed 2024-25 Budget in Brief is also available.

F2. The County has limited staff to analyze the data for identifying trends which would allow focusing resources more effectively.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The County has Analysts and other qualified staff with skills and tools necessary to analyze data, trends, and form recommendations to effectively allocate limited resources. Not all data is accessible to the County, but data sharing initiatives are advancing within County departments, which have the potential to improve resource allocation efficiencies, as well as advance care coordination, inform decision-making, and improve service delivery outcomes.

A significant number of population health reports and analysis can be found online at the Health Services Agency Website: [Population Health Data \(santacruzhealth.org\)](https://www.santacruzhealth.org/population-health-data)

F3. Zip code data can pinpoint areas of “High Need,” which can direct data-driven funding for better health outcomes and give a better “Return on Investment.”

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

Zip code data can pinpoint areas of “High Need,” which can direct data-driven funding for better health outcomes and give a better “Return on Investment”, The BHD is responsible for the administration of the Specialty Mental Health and Drug Medi-Cal Health Plans and the provision of care to Medi-Cal beneficiaries who meet health criteria, based on individual need, under these health plans. Often, these beneficiaries are living with life-long diagnoses and improvement is measured by maintenance or improvement in functioning and self-reported metrics.

- F4.** The 95076 zip code has an extraordinarily high number of patient transfers to outside the county compared to other zip codes of Santa Cruz county. This indicates a major lack of healthcare facilities and services to serve the community.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The County is committed to retaining the existing health care facilities and services that support all County residents, including 95076 zip code residents, and has committed to expanding the availability of facilities and services. The County has made significant investments with its community partners to purchase and keep open Watsonville Community Hospital and has recently purchased a building to establish an in-County youth crisis stabilization facility. In addition, the County relocated services at Westridge, increasing accessibility to South County.

If the finding is only related to Behavioral Health transfers, then the data referenced in the Grand Jury report is too broad, as that data appears to include all patient transfers for any health need, not only behavioral health, regardless of insurance provider. The County is responsible for the payment of hospital services only for patient transfers for inpatient psychiatry for Medi-Cal beneficiaries.

Due to Federal legislation, inpatient psychiatric facilities that are not attached to an acute care hospital are capped at 16 beds. As a result, Santa Cruz County has only one inpatient psychiatric health facility (also known as the PHF) of 16 beds located at 2250 Soquel Ave, Santa Cruz. The County Specialty Mental Health Plan contracts with Telecare to deliver the health services in that facility.

If this finding is regarding lack of healthcare facilities and services to Medi-Cal beneficiaries, the responsibility and the data is held by the Medi-Cal Managed Care Plans (MCPs). In Santa Cruz County, the MCPs are the Central California Alliance for Health (CAAH) and Kaiser Permanente, which are accountable to the State of California's Department of Health Care Services (DHCS) for maintaining network adequacy requirements.

If this finding is regarding lack of healthcare facilities and services to private insurance members, the responsibility and the data is held by the Managed Care Plans (MCPs). There are many MCPs that provide health care coverage for Santa Cruz County residents, such as Anthem, Blue Shield, Kaiser Permanente, and others. The non-Medi-Cal MCPs are accountable to the State of California's Department of Managed Health Care (DMHC) for maintaining network adequacy requirements.

- F5.** A study of socioeconomic indicators of the 95076 zip code, compared to other zip codes of Santa Cruz county, reveal a dire need to improve the following:
- Homelessness
 - Low Preschool Enrollment
 - Poor Health Care Access
 - Unemployment
 - Support for Single Parent Households

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

Santa Cruz County’s DataShareSCC provides dozens of indicators related to community health and well-being. <https://www.datasharescc.org/>
The data shows similar findings. The Public Health Division-led Community Health Assessment (CHA) will be published in August 2024, and preliminary results also show findings that concur.

- F6.** The ECM programs are currently at capacity and have waiting lists. More providers are needed to expand the program further to transition more residents to independent living.

AGREE
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The County does not have data on waiting lists or patient need for the Enhanced Care Management (ECM) program. The Enhanced Care Management is a Medi-Cal entitlement that is the responsibility of the Medi-Cal Managed Care Plans (MCPs) and administered through the MCPs. In Santa Cruz County, there are two Medi-Cal MCPs – Central California Alliance for Health (CAAH) and Kaiser Permanente. Those organizations are responsible for the ECM programs, not the County. The County Health Services Agency is merely one of many contractors to CCAH to provide the ECM program to some Medi-Cal beneficiaries. The waitlist information would be the responsibility of the MCPs.

F7. Though there is evidence that managed care programs like ECM are effective, lack of data leaves doubt in the public’s mind. Data supporting the success rate of ECM programs would ensure stronger public support.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

The County does not have data on the effectiveness of the Enhanced Care Management (ECM) program at this time. The Enhanced Care Management is a Medi-Cal entitlement that is the responsibility of the Medi-Cal Managed Care Plans (MCPs) and administered through the MCPs. In Santa Cruz County there are two Medi-Cal MCPs – Central California Alliance for Health (CAAH) and Kaiser Permanente. Those organizations are responsible for the ECM programs, not the County. The County Health Services Agency is merely one of many contractors to CCAH to provide the ECM program to some Medi-Cal beneficiaries. Effectiveness information would be the responsibility of the MCPs.

Recommendations

- R1.** The Grand Jury recommends that Behavioral Health Services, in collaboration with the Chief Administrative Office Staff (CAO), provide a plan to report program performance on County websites. This plan should include data necessary to evaluate the effectiveness of each behavioral health program, including outcome-based metrics, patient feedback for each program, number of patients served, and financial details like budgeted expenses and revenue sources by program. This plan should be published by December 31, 2024. (F1, F2, F3)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The County Health Services Agency and its Behavioral Health Division (BHD) publish the External Quality Review Organization (EQRO) Reports for the Mental Health Plan and Drug Medi-Cal Plan's quality performance on the Behavioral Health website ([Medi-Cal Specialty Behavioral Health External Quality Review- MHP](#) and [Medi-Cal Specialty Behavioral Health External Quality Review- DMC-ODS](#)). This is a state-administered network adequacy and quality audit of County BHD that is conducted by an external organization, independent of the County of Santa Cruz and BHD.

The County budget website links expenditure and revenue appropriations to each service. A service is defined as an operational unit within a department aimed at accomplishing a major governmental purpose or supporting the Operational Plan. The Behavioral Health Division of the Health Services Agency has seven services that can be explored at this link (Health Services Agency [Proposed 2024-25 Budget](#)).

Beginning in Fall 2024 through Spring 2025, a Public Health Division-led Community Health Improvement Plan (CHIP) will be developed using a community engagement framework (MAPP 2.0), based on the CHA findings. If the community engaged process finds 95076 zip code and associated indicators to be a priority to include in the CHIP, elements of this recommendation may appear in the CHIP in mid-2025.

R2. The Grand Jury recommends that the Board of Supervisors direct the CAO to implement performance budgeting of Behavioral Health Services over the next two-year budget cycle. This was also recommended by the 2017-2018 Grand Jury. The BoS should take this action by December 31, 2024. (F1)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The County budget website links applicable operational objectives that contain measurable and time-bound tests of change to budget appropriations at the service level. A service is defined as an operational unit within a department aimed at accomplishing a major governmental purpose or supporting the Operational Plan. The Operational Plan is renewed every two years while the Budget is adopted annually. The Health Service Agency's Budget and linked operational objectives can be found at this link: Health Services Agency [Proposed 2024-25 Budget](#).

Few counties are linking their operational efforts to their budgets in this way. In 2022, the California State Association of Counties (CSAC) awarded Santa Cruz County a Challenge Award recognizing the innovation in integrating the plans.

R3. The Grand Jury recommends that because the 95076 zip code is the area of most need, Behavioral Health Division's Enhanced Care Management programs should focus efforts on identifying and case managing clients in this area by December 31, 2024. (F3, F4, F5, F6, F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Enhanced Care Management (ECM) is a Medi-Cal entitlement that is the responsibility of the Medi-Cal Managed Care Plans (MCPs) and administered through the MCPs. In Santa Cruz County there are two Medi-Cal MCPs – Central California Alliance for Health (CAAH) and Kaiser Permanente. Those organizations are responsible for the ECM programs, not the County. The County Health Services Agency is merely one of many contractors to CCAH to provide the ECM program to some Medi-Cal beneficiaries.

The Behavioral Health Division will begin offering ECM services to all Adult Specialty Mental Health beneficiaries regardless of zip code, through HSA's ECM contract with the Central California Alliance for Health, by December 2024. The County BHD will offer ECM to all Specialty Mental Health beneficiaries based on the population priorities outlined by ECM requirements, as such staff will ensure an equity lens is at the forefront of the work.

- R4.** The Grand Jury recommends that Behavioral Health Services, County Office of Education, and the Board of Supervisors develop and publish a plan, with measurable outcomes, that focuses on improving socioeconomic indicators in the 95076 zip code by December 31, 2024. (F3, F4, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Beginning in Fall 2024 through Spring 2025, a Public Health Division-led Community Health Improvement Plan (CHIP) will be developed using a community engagement framework (MAPP 2.0), based on the CHA findings. If the community engaged process finds 95076 zip code and associated indicators to be a priority to include in the CHIP, elements of this recommendation may appear in the CHIP in mid-2025. The 2018-23 Community Health Improvement Plan (CHIP) can be viewed on the DataShare Santa Cruz County website (datasharescc.org).

- R5.** The Grand Jury recommends that Behavioral Health Services and the Board of Supervisors include an outcome-based evaluation of contracted services through a summary report that is publicly available. This should be done for all new and renewed contracts by December 31, 2024. (F1, F2, F4, F5, F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Behavioral Health Contractors utilize best practices, which are backed by scientific research conducted in controlled setting. Behavioral Health contracts have evaluation metrics, many of which it is the mechanism in which contractors are paid for the service.

While allocating the significant time and resources necessary to design and implement a system-wide outcomes evaluation is not possible at this time, Santa Cruz County's DataShareSCC provides dozens of indicators related to community health and well-being (datasharescc.org). Additionally, the Public Health Division-led Community Health Assessment (CHA) will be published in August 2024, and there are overlapping elements that should contribute to a broader understanding.



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <jgrandjury@scgrandjury.org>

Response to Civil Grand Jury Response

Faris Sabbah <fsabbah@santacruzcoe.org>

Mon, Aug 12, 2024 at 8:00 AM

To: Katherine.Hansen@santacruzcourt.org, grandjury@scgrandjury.org

Cc: Nick Ibarra <nibarra@santacruzcoe.org>

Dear Judge Hansen and Members of the Santa Cruz County Civil Grand Jury,

Please find attached my response to the Civil Grand Jury report of June 11, 2024, entitled "County Behavioral Health Services – A State of Mind." As required under California Penal Code §933(c), my response addresses all findings and recommendations assigned to me in the report.

I would also like to express my gratitude for the hard work and dedication of the members of the 2023-24 Civil Grand Jury. Thank you for your commitment to improving our county.

Should you have any questions or require additional information, please do not hesitate to contact me directly.

Sincerely,
Dr. Faris Sabbah
Santa Cruz County Superintendent of Schools



DR. FARIS SABBAH
SUPERINTENDENT OF SCHOOLS

Dr. Faris Sabbah
County Superintendent of Schools
(831) 466-5900 | fsabbah@santacruzcoe.org
www.santacruzcoe.org
400 Encinal St. Santa Cruz, CA 95060
pronouns: he, him, his



Santa Cruz County Office of Education

www.santacruzcoe.org



2024-7bR HSA SoS Required Response Request - COMPLETED.pdf

444K



The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the
Santa Cruz County Superintendent of Schools
to Respond by August 12, 2024
to the Findings and Recommendations listed below
which were assigned to them in the report titled
County Behavioral Health Services – A State of Mind
Focus. Fund. Save.

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

- F3.** Zip code data can pinpoint areas of “High Need,” which can direct data-driven funding for better health outcomes and give a better “Return on Investment.”

- AGREE**
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

ZIP Code data is an important indicator of need as part of a holistic assessment of community health. However, in isolation it can be insufficiently granular or comprehensive to be used to direct funding decisions – even where that degree of flexibility exists in health funding disbursement, which in many cases it does not. Instead, ZIP Code data should be used alongside other indicators of community health as part of a comprehensive analysis. Within the school community for example, districtwide and school-site data sources are often as or more relevant to funding decisions as ZIP Code data. Census tract data provides another important, and more granular, geographic lens. It is also essential to note that eligibility for health services is generally based on individual need, regardless of ZIP Code within Santa Cruz County. This is not to say there is no place for ZIP Code based data; it can help to target outreach campaigns, and, in the context of other data, serves as an important indicator of progress addressing health inequities.

F4. The 95076 zip code has an extraordinarily high number of patient transfers to outside the county compared to other zip codes of Santa Cruz county. This indicates a major lack of healthcare facilities and services to serve the community.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

This finding does not directly relate to programs or data under the purview of the Santa Cruz County Superintendent of Schools or the Santa Cruz County Office of Education (COE). We anticipate a more detailed response from the Health Services Agency (HSA), and would generally defer to the HSA’s expertise on this matter. However, a review of the Civil Grand Jury’s analysis in support of this finding raises several concerns. For instance, it does not appear that the Civil Grand Jury analysis adjusted for the population of each ZIP Code while performing its analysis. While these irregularities call into question the specifics of the analysis, it is the position of the Santa Cruz County Superintendent of Schools that the conclusion of this finding is directionally accurate: the 95076 ZIP Code requires focused attention to continue improving health care facilities and resources. Continuing to expand access to healthcare facilities and services in South Santa Cruz County is a key priority for the COE as part of a broad coalition of partners, including through the school-based wellness initiatives through which we are expanding students’ access to mental health support to address any level of need. The Pediatric Health Work Group, of which the COE is a member, is one focal point for this work as it relates to youth in our community. The Pediatric Health Work Group has identified disparities in BMI and other health indicators that point to persistent health inequities disproportionately affecting youth in the 95076 ZIP Code. In response, the COE convened work groups of educators and topical experts in Spring 2024 to assess how schools can work more closely with families and health providers to share actionable information and best practices – whether in classrooms and cafeterias, or at home. We anticipate a report based on these findings will be released in Fall 2024.

- F5.** A study of socioeconomic indicators of the 95076 zip code, compared to other zip codes of Santa Cruz county, reveal a dire need to improve the following:
Homelessness
Low Preschool Enrollment
Poor Health Care Access
Unemployment
Support for Single Parent Households

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

Recommendations

- R4.** The Grand Jury recommends that Behavioral Health Services, County Office of Education, and the Board of Supervisors develop and publish a plan, with measurable outcomes, that focuses on improving socioeconomic indicators in the 95076 zip code by December 31, 2024. (F3, F4, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

After consulting with the partners referenced by the Civil Grand Jury, it is the determination of the Santa Cruz County Superintendent of Schools that it would not be an efficient or effective use of resources to produce an entirely new plan in this timeframe that is focused exclusively on the 95076 ZIP Code. Such a plan would overlap significantly with numerous existing plans and processes. These include the Community Health Improvement Plan which is set to begin this fall, as well as the Santa Cruz County Health Service Agency's 2025 Strategic Plan and in some respects the Collective of Results and Evidence-based (CORE) Investments funding model. In addition, the COE is working closely with regional partners through the Central Coast K-16 Collaborative to address long-standing social and economic inequities in higher education and workforce participation through creation of classroom to career pathways in fields including health, computer science and education. The COE would reconsider participation in the plan proposed by the Civil Grand Jury should a need for it emerge from a community-led process tied to more targeted, evidence-based outcomes.

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SANTA CRUZ COUNTY
Civil Grand Jury

701 Ocean Street, Room 318-I
Santa Cruz, CA 95060
(831) 454-2099
grandjury@scgrandjury.org

Honoring Commitments to the Public

Review of 2020-21 Grand Jury Report Responses

Summary

The value of Grand Jury reports and recommendations comes when government agencies actually improve their transparency and efficiency. It typically takes two years for results to be measurable.

The 2023-24 Santa Cruz County Civil Grand Jury reviewed local government responses to three of the nine 2020-21 Grand Jury reports. The other six (6) reports were in compliance. The purpose was to determine whether the named local government officials and their agencies met their stated commitments. Following through on these commitments is required by California Penal Code section 933.05.

In two cases, the agencies promised to take action at some unspecified time in the future. This is not an appropriate response. The specific time action will be taken is required to be specifically stated.

The Grand Jury investigation on those two cases discovered that there was significant action taken, though in the case of one report Grand Jury recommendations were not fully implemented. In the third case, the specific recommendations could not be addressed due to changing circumstances. The reports reviewed, and agency actions, are below:

- *Santa Cruz County Agricultural Commissioner's Office Can Get By with a Little Help from its Friends*: The Commissioner's Office still has work to do. Four new recommendations have been made to address the original recommendation, which is still unmet.
- *Wildfire Threat to the City of Santa Cruz*: Commitments were partially met.
- *The CZU Lightning Complex Fire - Learn...or Burn?*: Commitment has been met.

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Background

Each year the Santa Cruz County Civil Grand Jury (Grand Jury) investigates local government operations. It then issues reports with the goal of improving government efficiency and effectiveness, and promoting accountability and transparency. The Grand Jury reports make recommendations for improvements. When called for in the report, elected local government officials and governing bodies are required to respond to the Grand Jury's findings and recommendations.

Each investigated organization receives a copy of the Grand Jury's report and a response packet that includes the instructions. They send their responses to the presiding judge of the Superior Court with a copy to the Grand Jury. Elected officials must respond within 60 days and governing bodies are required to respond within 90 days.

Only governing bodies and elected county officers are required to respond to Grand Jury reports. However, the Grand Jury may invite a response from other "responsible officers" such as the chief administrative officer of a government function.

Readers interested in a more comprehensive look at the Grand Jury reports and responses are encouraged to read the original reports and responses. All may be found on the County's Grand Jury web page in the Reports section.

Scope and Methodology

For this Honoring Commitments report, the Grand Jury reviewed responses to the following three 2020-21 reports:

- *Santa Cruz County Agricultural Commissioner's Office Can Get By with a Little Help from Its Friends.*^[1]
- *Wildfire Threat to the City of Santa Cruz*^[2]
- *The CZU Lightning Complex Fire – Learn...or Burn?*^[3]

The 2023-24 Grand Jury has followed up with the responding agencies for these selected reports. The Grand Jury wanted to know whether the agencies actually did implement recommendations as they said they would, or that they did the further analysis, and what the outcome was. Without follow-up these recommendations can fall by the wayside and drop out of public view.

Online research of websites, news articles, and published reports as well as interviews were all employed by the Grand Jury to investigate these issues.

Grand Juries are authorized to review report responses for each of the following categories. However, the responses in this report address only categories 2 and 3 as listed below:

1. HAS BEEN IMPLEMENTED – provide a summary of the action taken,
2. HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE – provide a timeframe or expected date for implementation,

3. REQUIRES FURTHER ANALYSIS – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
4. WILL NOT BE IMPLEMENTED – provide an explanation of why it is not warranted or not reasonable.

Investigation

1. Santa Cruz County Agricultural Commissioner's Office Can Get By with a Little Help from Its Friends

This report from the 2020-21 Grand Jury had to do with managing resident notification gaps related to agricultural pesticide applications near schools and neighborhoods.

The Watsonville City Council responded to public demands for advance notice of pesticide use in nearby neighborhoods with a City Council resolution.

It was believed that the Santa Cruz County Agriculture Commissioner's office could post the submitted and approved notices online, indicating that pesticide application was about to take place.^[1]

2020-21 R2: Recommendation by Grand Jury

Within six months, the Board of Supervisors should assess and initiate online posting, text, or email notification of pesticide applications for nearby neighborhoods.^[4]

2020-21 R2: Response and Explanation from Santa Cruz County Board of Supervisors

WILL NOT BE IMPLEMENTED – explain why

Our County has been engaged with community members residing next to farms that may have questions or want information about the use of pesticides. These engagement efforts are led by the Agricultural Commissioner who works with our growers and community members to encourage more communication.

The California Department of Pesticide Regulation (DPR) is in the early stages of assessing feasibility for a statewide notification program and DPR is the appropriate agency to lead these efforts to ensure a program that is equitable and consistent across the State.^[5]

2020-21 R3: Recommendation by Grand Jury

Within six months, the Board of Supervisors should lobby the state and the Department of Pesticide Regulation to require that specific location information useful to the public be included on forms such as the Restricted Material Permits and the Notice of Intent forms.^[4]

2020-21 R3: Response and Explanation from Santa Cruz County Board of Supervisors

WILL NOT BE IMPLEMENTED – explain why

These efforts are already underway by the California Department of Pesticide Regulation (DPR). DPR is in the early stages of engaging stakeholders on the development of a statewide pesticide notification program. DPR plans to have listening sessions with communities throughout the State later this year to receive feedback and comments regarding information that would be important as part of any notification process including more site-specific information. Input from communities and stakeholders will drive the specific information that will be included on notifications and whether Restricted Material Permits and Notices of Intent are the best outlets to provide this information. It is possible that notification information may be provided in a different format in an effort to make the information comprehensive.^[5]

2023-24 Grand Jury Follow-up to R2 and R3

Even though the responses to these recommendations were neither:

HAS BEEN IMPLEMENTED nor

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE,

the 2023-24 Grand Jury assessed that the responses did require follow-up to assure the public that the issue is being addressed.

The 2023-24 Grand Jury did research on the California Department of Pesticide Regulation website, and interviewed personnel in the Santa Cruz County Agricultural Commissioner's Office as well as officials of the City of Watsonville.^[6]

The Grand Jury learned that the DPR is indeed developing a new system of notification for agricultural pesticide applications statewide, called "Spray Days Now." A preliminary version of that application has been tested in four California counties, including Santa Cruz County. The testing was done with the participation of the Santa Cruz County Agricultural Commissioner and several residential communities near agricultural fields.^{[6] [7] [8]}

The program has two modes of operation. The first is passive. It allows anyone to go to a specific website where they will be presented with a map of California. The user can then drill down on the map to their (or any) specific location and locate any planned pesticide application in that area. The second mode is more active. It allows a user to sign up to be notified anytime a pesticide application is to be made in an area near their home, business, school, etc.^[7]

This new program was initially scheduled to be rolled out in the spring of 2024, but due to various project issues it is now expected to be ready by spring of 2025.^[7]

The Grand Jury found, through interviews with officials at the county and city levels, that information about the new program being developed by the CDP has not been successfully communicated to impacted south county city officials.

The County Agricultural Commissioner's Office is the primary liaison to the state Department of Pesticide Regulation. The information in this section was largely furnished by the Commissioner's Office. To corroborate this data, fact finding with other agencies such as the City of Watsonville or Pajaro Valley School District was done. The Grand Jury did not observe content reflecting the plan on those agency websites and was not briefed on it by those agencies based on interviews.^{[8] [9]}

The Grand Jury did learn some good news from the County Agricultural Commissioner. As science progresses, less toxic pesticides are being developed and released regularly. This reduces the severity of health and environmental impacts in the community. There is also growth in the organic control of pests, again reducing hazards to the public. In addition, many growers in Santa Cruz County are now investing in artificial intelligence driven machines, such as one that goes through the crop fields and vacuums up any unwanted insect pests, and one that can selectively destroy weeds with laser beams, avoiding the crop plants. These methods further reduce negative impacts and allow the growers to continue producing high quality agricultural products.^[7]

Findings

- F1.** The California Department of Pesticide Regulation is developing a new system of notification for agricultural pesticide applications statewide and the proof of concept shows promise of being a good solution for notifying the public of pesticide application information in a timely manner.
- F2.** The Active and Passive modes of notification will allow access to members of the public in a manner of their choosing. Some people are comfortable signing up for notifications, others are not and would prefer to look up the information anonymously. This appears to provide most people the option to choose the method with which they are most comfortable.
- F3.** Because project delays have put off the release of the new system until the Spring of 2025, rather than 2024 as originally proposed, it is even more important that the public be made aware of what the new system will provide to them.
- F4.** As science progresses, less toxic pesticides are being developed and released regularly, and growers are finding acceptable alternatives to many pesticides. Less toxic pesticide use in Santa Cruz county is leading to lower risks to human and environmental health.
- F5.** Communication between the Agricultural Commissioner's Office and other south county officials concerning pesticide management is not adequate, leading to a higher risk to human health.

Recommendations

- R1.** The Grand Jury recommends that the Office of the Agricultural Commissioner makes known to City of Watsonville officials and various governmental agencies information about advances in agricultural pest control, including less toxic pesticides and alternative methods of pest eradication. This information should be shared by September 30, 2024. (F4, F5)
- R2.** The Grand Jury recommends that the Office of the Agricultural Commissioner inform the public about advances in agricultural pest control, particularly to residents in areas commonly exposed to pesticide applications. This should be completed by October 15, 2024. (F4, F5)
- R3.** The Grand Jury recommends that the Office of the Agricultural Commissioner makes known to City of Watsonville officials and various governmental agencies, information about the “Spray Days Now” notification system being developed by the state DPR. Information should be shared by September 30, 2024. (F1, F2, F3, F5)
- R4.** The Grand Jury recommends that the Office of the Agricultural Commissioner communicate information to the public about the “Spray Days Now” notification system being developed by the state DPR, especially in areas impacted by pesticide use. This should be completed by October 15, 2024. (F1, F2, F3, F5)

2. Wildfire Threat to the City of Santa Cruz

The Grand Jury of 2020-21 investigated the high risk probability of wildfires, especially in areas surrounding the City of Santa Cruz known as the Wildland Urban Interface Area (WUI). The Grand Jury wanted to know how the high risk of wildfires was being addressed and our level of preparedness. The 2020-21 report specifically addressed the issue of homeless encampments and how they contributed to wildfire risk in WUI areas of the city.^[2]

2020-21 Grand Jury Report, Recommendation R2

In the next three months, the City Council needs to have more transparent and formal coordination with the county on management of homeless resources.^[2]

2020-21 R2: Response and Explanation from Santa Cruz City Council

Has not yet been implemented but will be in the future.

The 2x2 Committee, consisting of the City’s Mayor and Vice Mayor as well as the County Supervisors from Districts 3 & 5, meets every other week on homelessness issues. The Mayor and Vice Mayor provide a verbal report on those discussions at Council meetings on a monthly basis. County/City coordination through the Homeless Action Partnership has not been as transparent as it could be; however, the County has proposed a new charter to regional participants and it should increase transparency. It has been adopted by the HAP and is proceeding with consideration by cities and the county.^[2]

2023-24 Grand Jury Follow-up and City Response to R2

The following is an excerpt from the Office of the City Manager of Santa Cruz in response to the Grand Jury's request for their follow-up to recommendations made in the 2020-21 Grand Jury report Wildfire Threat to the City of Santa Cruz:

City and County representatives began informally meeting in 2016. In January of 2018, both the City and the County formalized their respective agencies' participation and communication through a committee known as the 2x2. The 2x2 was composed of two members from the County Board of Supervisors and two members from the City Council to improve coordination between the agencies regarding homelessness issues. The goal was to form a regional response, in partnership with the County, to strengthen City efforts to improve how we respond to the homelessness crisis.

In January of 2022, the Santa Cruz County Housing for Health Partnership (H4HP) Policy Board was created to replace the Homeless Action Partnership (HAP) oversight groups. The newly created H4HP serves as the federally designated Housing and Urban Development Department (HUD) Continuum of Care (CoC) Board for Santa Cruz County and coordinates resources, programs, and services focused on preventing and ending homelessness.^{[10][11]}

Prior to the creation of the H4HP Policy Board, the HAP CoC oversight groups included staff from the County's four cities, the County, a member of the health sector, members from various non-profits serving the homeless community, and those with lived experience. The HAP groups did not include elected officials. Subsequently, changes were made to the CoC governance structure to ensure broader and deeper engagement of City and County leaders in the CoC planning and decision-making process, with the additional option to include elected officials from the cities and the County on the Policy Board. The current Policy Board membership overlaps with individuals historically involved with the 2x2 and HAP. The City of Santa Cruz has two seats on the policy board, which may be filled by elected officials, government staff, or other citizens. Therefore, the 2X2 was eliminated, however staff continue to meet on a bi-weekly basis. to collaborate on projects of mutual interest related to homelessness.^{[12][13][14]}

Grand Jury research found that the Santa Cruz County Housing for Health Partnership is in place. This group is a collaboration between the County's Human Services Department and a coalition of partners and resources for the purpose of preventing and ending homelessness within our County. The partnership includes a wide variety of members from the community including Santa Cruz City Council members, Board Supervisors, agency representatives, and County senior-level employees.

In March 2019 the Partnership began developing the Healthy Santa Cruz County Strategic Framework. The Framework contains steps aimed to reduce "unsheltered and overall homelessness countywide by January 2024." The Framework outlines a detailed plan to accomplish this goal.^[15]

With regard to the City Manager’s response to 2020-2021 Recommendation R2, the City has met its commitment to formally collaborate with the County for the purpose of managing homeless resources and reducing homelessness in our County.

2020-21 R8: Recommendation by Grand Jury

In the next six months, the City Council should produce a detailed plan and accounting of how the federal and state homeless funds are used.^[2]

2020-21 R8: Response and Explanation from Santa Cruz City Council

Has not yet been implemented but will be in the future.

The City has detailed information on how all state and federal funds received to date have been spent. The City received additional, direct funding from the state as part of the current state budget, and the requirements for how that will be spent and what that will fund are still to be determined. Similarly, direct funding from the American Rescue Act will go towards homelessness, but specifics related to that spending and the associated limitations are still to be determined. City staff are working with a consultant to provide a consolidated report on various City expenditures, including prior and upcoming state and federal fund expenditures.

2023-24 Grand Jury Follow-up and City Response to R8

The following is an excerpt from the Office of the City Manager of Santa Cruz in response to the Grand Jury’s request for their follow-up to recommendations made in the 2020-21 Grand Jury report Wildfire Threat to the City of Santa Cruz:

A detailed plan for the use of funds was originally developed in March of 2022. The cost projections were revised in May of 2022. Further updates to the budget were presented to the City Council in December of 2022. During the budget presentations to the City Council for FY24, a summary of expenditures was presented to the City Council on May 23, 2023.^{[12] [16]}

The City’s response to the Grand Jury’s 2020-21 report states that the City has “detailed information on how all state and federal funds received to date have been spent.” Yet no such information appears to have been provided.

The City’s FY 2024 Annual Budget attached to the May 23, 2023 City Council meeting contains only high level revenue and expenditure line items for Homeless Response Program Funds. Revenues of \$14M in 2022 appear to be a lump sum to be spread over an unknown number of years. Overall expenditure figures for 2022 (actual), 2023 (adopted budget), and 2024 (adopted budget) total approximately \$20M.

Finding

- F6.** With regard to the City Manager’s response to Recommendation R8, the City’s FY 2024 Annual Budget does not provide a detailed plan and accounting of how homeless funds have been used. The City’s response only partially fulfilled its commitment to make related budget figures available.

Recommendations

- R5.** Within 90 days the City Manager should publish the figures that their initial response indicated were available for prior for years. (F6)
- R6.** Within 90 days the City should publish the summary of expenditures as presented to the City Council in May 2023 that expand on the figures provided in the FY 2024 Annual Budget. (F6)

3. The CZU Lightning Complex Fire – Learn...or Burn?

The CZU Lightning Complex fires of August 2020 were ignited by over three hundred lightning strikes in the counties of Santa Cruz and San Mateo. The fires burned for thirty seven days creating the largest wildfire in the history of Santa Cruz County. The 2020-21 Grand Jury wanted to know how the governmental response to the fire measured up and whether it could be deemed prepared for the next wildfire eventuality.^[3]

2020-21 R3: Recommendation by Grand Jury

Within the next six months, the Board of Supervisors should require that CAL FIRE produce timely after-action reports for all major incidents.^[3]

2020-21 R3: Response and Explanation from Santa Cruz County Board Of Supervisors

Requires further analysis

CAL FIRE, as County Fire has participated in County after action reviews and participates in monthly coordination meetings with law enforcement, CAO, and The County Fire Chiefs Association met to discuss lessons learned and continues to meet and work together. Substantive concerns at the State level are outside the local span of control to address. County Fire and its State CAL FIRE partners provided a professional response under considerable strain from the magnitude of this incident.^{[3][17]}

2023-24 Grand Jury Follow-up and Santa Cruz County Board Of Supervisors Response to R3

The following is the response from the Director of the Office of Response, Recovery and Resiliency (OR3), David Reid, on behalf of the Board of Supervisors 2023-24:

CAL FIRE has and will participate in After Action Reviews conducted by the County Office of Response, Recovery and Resilience for all major incidents that impact the County. OR3 is coordinating closely with CAL FIRE as County Fire on Wildfire Prevention activities, the County of Santa Cruz Emergency Operations Plan update, and alert and warning practices.^{[17][18]}

In addition to the above statement from the Office of Response, Recovery and Resiliency, the Grand Jury acquired a copy of a report titled *2020 CZU Lightning*

Complex Fire: After-Action Report and Improvement Plan, published on December 7, 2021.^[19] The purpose of the report was to provide an analysis of the strengths and weaknesses of the Emergency Operation Center's (EOC) core capabilities and identify improvement strategies.

The County of Santa Cruz and coordinating response partners held feedback sessions in order to assess the successes and failures of the CZU response. CAL FIRE is listed in Appendix C of the After-Action Report as a contributing partner although it is difficult to determine to what extent CAL FIRE participated.

These sessions produced an extensive list of emergency management program opportunities for improvement and functional gaps. At the time the report was published, working groups had been meeting weekly to bi-weekly to address the prioritized improvement goals. At that time several process improvements had been completed. Several others were under development or not yet started.

The 2023-24 Grand Jury is pleased with the thoroughness and completeness of the response to the Grand Jury's recommendation.

Finding

F7. The joint effort between CAL Fire and OR3, as well as many other partners listed in the report, to improve preparedness for future wildfires is well-documented in the above-mentioned *After-Action Report and Improvement Plan*. Furthermore, the Grand Jury's recommendation that this undertaking commence within 6 months of the Grand Jury report publication did take place in the allotted time period. However, the Grand Jury did not find the original report or any published updates to the initial report that included progress towards the report's stated objectives. Such publications would reassure the public that wildfire preparedness is a priority and is being addressed.

Recommendation

R7. The Grand Jury requests an update as to the progress to date of the objectives outlined in the December 2021 After-Action Report in Appendix A: CORE CAPABILITIES / IMPROVEMENT PLAN and further requests that the OR3 publish this update on its website. (F7)

Conclusion

As previously mentioned in the Summary, the 2023-24 Grand Jury reviewed responses to three of the nine 2020-21 reports and found that, to varying degrees, commitments were kept. In some cases, the agencies are implementing recommendations but it's not clear if the actions are in response to the Grand Jury or whether they were instigated by the agencies. The Grand Jury continues to recommend that all organizations create and regularly update formal records of the actions they take to address Grand Jury recommendations, and to share those records with the public, in accordance with CA Penal Code section 933(c).

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F5, F7	R1–R4, R7	90 days September 16, 2024
Santa Cruz City Council	F6	R5, R6	90 days September 16, 2024

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Agricultural Commissioner	F1–F5	R1–R4	90 days September 16, 2024
Santa Cruz City Manager	F6	R5, R6	90 days September 16, 2024
Director, Santa Cruz County Office of Response, Recovery and Resiliency	F7	R7	90 days September 16, 2024

Definitions

- CAO:** Chief Administrative Office
- EOC:** Emergency Operation Center
- DPR:** Department of Pesticide Regulation
- H4HP:** Housing for Health Partnership
- HUD:** US Department of Housing and Urban Development
- OR3:** Office of Response, Recovery and Resiliency
- WUI:** Wildland Urban Interface area
- HAP:** Homeless Action Partnership

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 18. Confidential Grand Jury document.
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-

Websites

California Department of Pesticide Regulation, Statewide Pesticide Application Notification System https://www.cdpr.ca.gov/docs/pesticide_notification_network/

Housing for a Healthy Santa Cruz County Strategic Framework
https://housingforhealthpartnership.org/Portals/29/hap/pdf/2021_HousingForHealth-Framework.pdf

City of Santa Cruz FY 2024 Annual Budget
<https://www.cityofsantacruz.com/home/showpublisheddocument/93316/638283949368870000#page=367>



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Board of Supervisors Response to Grand Jury Report "Honoring Commitments to the Public..."

Caitlin Smith <Caitlin.Smith@santacruzcountyca.gov>

Tue, Sep 10, 2024 at 3:06 PM

Good Afternoon,

Please see attached for the Board of Supervisors' response to the 2023-2024 Grand Jury Report "Honoring Commitments to the Public – Review of 2020-21 Grand Jury Report Responses."

Best,

Caitlin C. Smith

County Supervisors' Analyst

Santa Cruz County Board of Supervisors

701 Ocean Street, Room 500

Santa Cruz, CA 95060

831-454-2200 main

831-454-3516 direct

caitlin.smith@santacruzcountyca.gov

To email all five members of the Board of Supervisors at once,

please use: boardofsupervisors@santacruzcountyca.gov

2 attachments



Cover Letter Honoring Commitments to the Public.pdf
195K



Response to Grand Jury report Honoring Commitments to the Public.pdf
505K

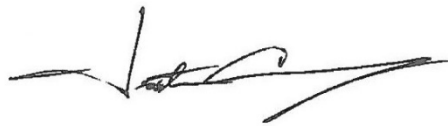
September 10, 2024

The Honorable Katherine Hansen
Santa Cruz Courthouse
701 Ocean Street
Santa Cruz, CA 95060

Dear Judge Hansen,

The purpose of this letter is to formally transmit the Board of Supervisors' response to the 2023-2024 Grand Jury Report "Honoring Commitments to the Public – Review of Grand Jury Report Responses."

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Cummings", with a long horizontal flourish extending to the right.

JUSTIN CUMMINGS, Chair
Santa Cruz County Board of Supervisors

JC:cs
Attachments

CC: Clerk of the Board
Santa Cruz County Grand Jury



**The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the
Santa Cruz County Board of Supervisors**

to Respond by September 16, 2024

**to the Findings and Recommendations listed below
which were assigned to them in the report titled**

Honoring Commitments to the Public

Review of 2020-21 Grand Jury Report Responses

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown
in our minutes dated September 10, 2024.

4. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F1. The California Department of Pesticide Regulation is developing a new system of notification for agricultural pesticide applications statewide and the proof of concept shows promise of being a good solution for notifying the public of pesticide application information in a timely manner.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

- F2.** The Active and Passive modes of notification will allow access to members of the public in a manner of their choosing. Some people are comfortable signing up for notifications, others are not and would prefer to look up the information anonymously. This appears to provide most people the option to choose the method with which they are most comfortable.

- AGREE**
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

- F3.** Because project delays have put off the release of the new system until the Spring of 2025, rather than 2024 as originally proposed, it is even more important that the public be made aware of what the new system will provide to them.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

While it is agreed that it is important for the public to be made aware of DPR's pesticide notification system, it needs to be recognized that DPR has been raising awareness of the system since beginning development on it in 2021/22, through public hearings, public comment periods, press releases, updates via their website, etc., and continues to do so. The notification system has been reported on by the media repeatedly, including over the recent weeks and months, with coverage occurring in multiple statewide newspapers and on some televised broadcasts. The State Board of Food and Agriculture itself (chaired by Agriculture Secretary Karen Ross) has held two separate public meetings on the notification system (in January and again in July of this year.)

F4. As science progresses, less toxic pesticides are being developed and released regularly, and growers are finding acceptable alternatives to many pesticides. Less toxic pesticide use in Santa Cruz county is leading to lower risks to human and environmental health.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

- F5.** Communication between the Agricultural Commissioner’s Office and other south county officials concerning pesticide management is not adequate, leading to a higher risk to human health.

AGREE
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The Board is in disagreement with this finding. The Agricultural Commissioner’s Office has a long and consistent history of communicating with south county officials regarding the work we are involved in and potential interests or impacts with respect to county residents. While the office is not involved in “pesticide management” (which is the work of growers, licensed applicators, UC Cooperative Extension Farm Advisors, and licensed California Pest Control Advisors), it is directly involved in the *regulatory aspects of pesticide use* – both agricultural and non-agricultural – through permitting, pesticide use report review, monitoring and active use surveillance, pesticide use inspections, safety and pesticide storage audits, and fieldworker pesticide safety inspections. This work is broadly defined (through our contracting state agency, the California Department of Pesticide Regulation, or DPR) as the Pesticide Use Enforcement (PUE) Program. Over the years, the Office has met and discussed matters of interest where our PUE Program is concerned with south county district supervisors, members of the Watsonville City Counsel, and State Assembly and Senate representatives. The facets of the PUE Program and the work involved are shared with county officials in the same manner as with county citizens and members of the community – the office responds to questions, concerns, or comments quickly and with all the relevant information that can be provided.

Another direct example of consistent communications with south county officials is regular messaging with the Pajaro Valley Unified School District, particularly with respect to proposed applications of pre-plant soil fumigants that may take place within 1/4 mile of a school campus. The Agricultural Commissioner’s Office have been notifying and communicating with PVUSD for approximately two decades on field fumigant applications, and discussions related to agricultural pesticide use have included the district safety officer and superintendent of schools.

Furthermore, there is regular communication with other agency officials serving the south county area, including but not limited to the Santa Cruz County Environmental Health Department, the Santa Cruz County Public Health Department, the Santa Cruz County Planning Department, and the Santa Cruz County Resource Conservation District.

- F7.** The joint effort between CAL Fire and OR3, as well as many other partners listed in the report, to improve preparedness for future wildfires is well-documented in the above-mentioned After-Action Report and Improvement Plan. Furthermore, the Grand Jury's recommendation that this undertaking commence within 6 months of the Grand Jury report publication did take place in the allotted time period. However, the Grand Jury did not find the original report or any published updates to the initial report that included progress towards the report's stated objectives. Such publications would reassure the public that wildfire preparedness is a priority and is being addressed.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

OR3 is coordinating with ALL fire agencies, and local jurisdictional partners on all hazard readiness and making improvements. OR3 produced a DRAFT Operational Area Emergency Operations Plan (OA EOP) in November 2023 but was subject to state review. OR3 will be bringing the final EOP to the Board for approval in September 2024. OR3 is also working to improve our alert and warning communication capacity with CruzAware and other tools like the NOAA weather radios. OR3 is currently working on a transportation Emergency Support function document with an evacuation annex, scheduled to be completed at the end of 2024.

Recommendations

- R1.** The Grand Jury recommends that the Office of the Agricultural Commissioner makes known to City of Watsonville officials and various governmental agencies information about advances in agricultural pest control, including less toxic pesticides and alternative methods of pest eradication. This information should be shared by September 30, 2024. (F4, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Informing other agencies and/or the public about advances and scientific innovations in agricultural pest control is an area that generally falls within the scope of the University of California, UCANR (UC Agriculture and Natural Resources) and the vast network of UC Cooperative Extension Farm Advisors and researchers working in every county in the state of California. Farm Advisors and extension agents/researchers focus extensively on agricultural pest management advances, alternatives and innovations; speak and publish about their work and findings in these areas; and conduct research and fieldwork on integrated pest management and best practices in pest control for various cropping systems in California. Much of this work is published and/or summarized and widely available online – the UC Statewide Integrated Pest Management Program (<https://ipm.ucanr.edu/>), for example, is an expansive site covering multiple facets and options in pest management for nearly all commercially produced agricultural commodities in the state.

While CAC Offices are aware of advances and alternatives in agricultural pest management, and may correspond or meet with agencies or individuals regarding agricultural practices (see [CA Food & Ag Code §2285](#)), it is not in the Agricultural Commissioners Office’s purview to make recommendations, advocate for any specific pest control material, method or technology, or typically conduct outreach on information that *focuses specifically* on “advances in agricultural pest control, including less toxic pesticides and alternative methods of pest eradication.”

More information would be needed to effectively assess the Agricultural Commissioners Office’s potential role and available resources in “(making) known to City of Watsonville officials and various governmental agencies information about advances in agricultural pest control, including less toxic pesticides and alternative methods of pest eradication” before agreeing to any efforts at implementing such a recommendation. The office will gladly address questions or concerns from any public agency, non-profit, or community member(s) with respect to any program work, including our Pesticide Use Enforcement (PUE) Program activities.

R2. The Grand Jury recommends that the Office of the Agricultural Commissioner inform the public about advances in agricultural pest control, particularly to residents in areas commonly exposed to pesticide applications. This should be completed by October 15, 2024. (F4, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The response explanation provided above in R1 likewise applies to this recommendation to “inform the public about advances in agricultural pest control.”

Additionally, further information would be needed from the Civil Grand Jury to ascertain what is meant by “*residents in areas commonly exposed to pesticide applications*.” (I.e., How is an “area commonly exposed to pesticide applications” being defined, and based on what available information, data, or other metrics?) One of the central tasks of our office’s PUE Program is to promptly respond to and investigate incidents of pesticide exposure that we are in any manner made aware of. This is a job we take extremely seriously and is central to the Agricultural Commissioner Office’s role as a local agency enforcing state laws and regulations. Due to the robust regulatory framework in place in California governing the application of agricultural pesticides, and enforcement of those regulations on the local level by CAC offices statewide, agricultural pesticide exposure incidents involving residential bystanders are not commonplace occurrences. The protocols and practices for CAC Offices investigating pesticide exposure incidents can be found in the Pesticide Use Enforcement Standards Compendium, Volume #5 – Investigation Procedures (https://www.cdpr.ca.gov/docs/enforce/compend/vol_5/invstprc.htm).

R3. The Grand Jury recommends that the Office of the Agricultural Commissioner makes known to City of Watsonville officials and various governmental agencies, information about the “Spray Days Now” notification system being developed by the state DPR. Information should be shared by September 30, 2024. (F1, F2, F3, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Santa Cruz CAC Office was one of only four others in the state that participated in the Statewide Pesticide Notification Pilot Project in 2022 and conducted significant outreach on DPR’s system in development during that time (to the public, in press releases, on the radio, our webpage, neighborhood meetings for the pilot area, etc.). The “Spray Days” notification system and website being created by DPR is a statewide system based on these initial pilot projects, and it is the state that is resourced to disseminate information regarding the system out to communities, the industry, and public agencies.

That said, the Agricultural Commissioner’s office already conducts significant outreach and discussion about this pending notification system and has done so for the past two and a half years. If any local public agencies (i.e., City of Watsonville, others) would like to hear more information directly about this state-implemented system, the Office could likely accommodate to the extent resources allow.

(DPR’s webpage on the notification system is detailed and specific, with up-to-date information added when available, FAQs, and a video walk-through of the system in its current form. All of this can be accessed at https://www.cdpr.ca.gov/docs/pesticide_notification_network/).

- R4.** The Grand Jury recommends that the Office of the Agricultural Commissioner communicate information to the public about the “Spray Days Now” notification system being developed by the state DPR, especially in areas impacted by pesticide use. This should be completed by October 15, 2024. (F1, F2, F3, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

See response explanation for R3 (above).

The Agricultural Commissioner’s Office has posted prominently on our webpage the active link to DPR’s Statewide Pesticide Application Notification System (SprayDays California) information site.

R7. The Grand Jury requests an update as to the progress to date of the objectives outlined in the December 2021 After-Action Report in Appendix A: CORE CAPABILITIES / IMPROVEMENT PLAN and further requests that the OR3 publish this update on its website. (F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

OR3 will review and provide an update on accomplishments towards the After-Action Report by the end of 2024.



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Civil Grand Jury Required Response: Honoring Commitments to the Public

Gina Liebig <gliebig@santacruzca.gov>

Wed, Oct 23, 2024 at 9:02 AM

To: Santa Cruz Grand Jury <grandjury@scgrandjury.org>, Matt Huffaker <mhuffaker@santacruzca.gov>

Good morning, Santa Cruz Grand Jury,

This message is bcc'd to the Mayor and City Council.

At the Santa Cruz City Council meeting on October 22, 2024, the attached response was approved by the Council: ***Honoring Commitments to the Public.***

Please reach out if you have any questions.

Thank you,



Gina Liebig

Principal Management Analyst

City of Santa Cruz | City Manager's Office

[809 Center Street, Santa Cruz, CA 95060](https://www.cityofsantacruz.com)

Phone: 831-420-5044

Email: gliebig@santacruzca.gov

Web: www.cityofsantacruz.com



HONORING_COMMITMENTS_TO_THE_PUBLIC.PDF.pdf

197K



The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the

Santa Cruz City Council

to Respond by September 16, 2024

to the Findings and Recommendations listed below
which were assigned to them in the report titled

Honoring Commitments to the Public

Review of 2020-21 Grand Jury Report Responses

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. ***For the Findings, mark one of the following responses with an “X” and provide the required additional information:***
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. ***For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:***
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
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 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. ***Please confirm the date on which you approved the assigned responses:***

We approved these responses in a regular public meeting as shown
in our minutes dated _____.

4. ***When your responses are complete, please email your completed Response Request as a PDF file attachment to both***

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F6. With regard to the City Manager's response to Recommendation R8, the City's FY 2024 Annual Budget does not provide a detailed plan and accounting of how homeless funds have been used. The City's response only partially fulfilled its commitment to make related budget figures available.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Annual Budget as presented by the City of Santa Cruz provides an overview of General Fund revenues and expenditures and Capital Investment Program for the City. The budget document provides information about total expenditures by department and is not intended to be a detailed expenditure plan for a specific program as recommended by the Grand Jury. An Annual Budget is a financial plan, policy document, operations guide and a communication device.

The specific request relates to funds received in December 2022 in the amount of \$14M from a grant from the State of California, and \$4.7M from the American Recovery Act. Both sources of funds were one-time in nature and utilized over two Fiscal Years, FY23 and FY24. A detailed accounting of those funds was presented to the City Council during the FY24 Budget Hearing's and was attached to the City Council Report which is publicly available on the City's website located here: [FY24 Budget Hearings Homelessness Response](#). The report details the FY23 expenditures and the planned expenditures for FY24 on page 17 of the power point presentation.

The recently adopted FY25 budget provides an overview of the expenditures for homelessness response programs that occurred in FY24 and the budget for FY25. These expenditures are contained in three City Departments: City Manager, Public Works and Police Department under the Activity Code 6105. While the expenditures are not broken out into expenses by detail, they are reported categorically as is consistent with all of the city program budgets and consistent with the Governmental Accounting Standards Board (GASB) accounting and financial reporting standards. The FY25 budget is publicly available on the City's web site.

Recommendations

R5. Within 90 days the City Manager should publish the figures that their initial response indicated were available for prior for years. (F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

On May 23, 2023, during the budget presentation for the FY24 budget, staff provided a power point presentation which includes detailed expenditures for the \$14M State of California Grant and the \$4.7M ARPA funds on page 17 of the presentation. The FY24 expenditures for the homelessness response program are presented in three departments: City Manager's Office, Public Works and the Police Department. This document is available on-line on the city's website located here: [FY24 Budget Hearings Homelessness Response](#).

The recently adopted Three Year Homelessness Response Strategic Plan (Plan) requires an annual update to the City Council on the progress made on the Plan. This update will be provided to the City Council in June of 2025. Included in this update will be a fiscal analysis of the past year's activities.

R6. Within 90 days the City should publish the summary of expenditures as presented to the City Council in May 2023 that expand on the figures provided in the FY 2024 Annual Budget. (F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
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SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

City of Santa Cruz Response to Grand Jury

Lisa Murphy <LMurphy@santacruzca.gov>

Mon, Sep 16, 2024 at 4:50 PM

To: "katherine.Hansen@santacruzcourt.org" <katherine.Hansen@santacruzcourt.org>

Cc: Santa Cruz Grand Jury <grandjury@scgrandjury.org>, Gina Liebig <gliebig@santacruzca.gov>

Good Afternoon,

Please find attached is the City of Santa Cruz, City Manager response to "Honoring Commitments to the Public, Review of 2020-21 Grand Jury Report Responses".

	<p>Lisa Murphy</p> <p>Deputy City Manager</p> <p>City of Santa Cruz</p> <p>809 Center St, Santa Cruz, CA 95060</p> <p>Phone: 831-420-5365</p> <p>Email: lmurphy@santacruzca.gov</p> <p>Web: www.cityofsantacruz.com</p> <p>     </p>
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**The 2023–2024 Santa Cruz County Civil Grand Jury
Invites the**

Santa Cruz City Manager

to Respond by September 16, 2024

**to the Findings and Recommendations listed below
which were assigned to them in the report titled**

Honoring Commitments to the Public

Review of 2020-21 Grand Jury Report Responses

Responses are **invited** from appointed agency and department heads, appointed committees, and non-profit agencies contracted to the county which are investigated by the Grand Jury. You are not required to respond by the California Penal Code [\(PC\) §933\(c\)](#).

If you choose to respond, please follow the instructions below when preparing your response.

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The Honorable Katherine Hansen, Grand Jury Supervising Judge
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The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

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F6. With regard to the City Manager's response to Recommendation R8, the City's FY 2024 Annual Budget does not provide a detailed plan and accounting of how homeless funds have been used. The City's response only partially fulfilled its commitment to make related budget figures available.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

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Required response explanation, summary, and timeframe:

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The recently adopted Three Year Homelessness Response Strategic Plan (Plan) requires an annual update to the City Council on the progress made on the Plan. This update will be provided to the City Council in June of 2025. Included in this update will be a fiscal analysis of the past year’s activities.

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SANTA CRUZ COUNTY
Civil Grand Jury

701 Ocean Street, Room 318-I
Santa Cruz, CA 95060
(831) 454-2099
grandjury@scgrandjury.org

Best Interest of a Child – Report on Child Protective Services

Perception Is Reality

Summary

The 2023-2024 Santa Cruz Civil Grand Jury investigated the Child Protective Services (CPS) Agency since there was a perception by some Resource Families (Foster Families) that CPS in Santa Cruz County was reunifying children with their Birth Families at all costs. The investigation concluded that based on metrics it could not find any evidence to uphold this perception.

This report suggests improvements in three areas:

1. Publish outcome based metrics on the website to improve transparency. This will allay concerns of ideological bias in the decision making process by Child Protective Services.
2. Update and publish the complaint process - who gets involved at what stage and the metrics associated with it. For example, number of complaints, time to resolve them and number of complaints that get escalated to different levels.
3. Record Child Family Team meetings. This will be valuable when there is a dispute between the social worker's notes and the accounts of any other members who are involved in these meetings.

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Background

The Civil Grand Jury started this investigation for the following reasons:

1. The Civil Grand Jury had received complaints from Resource Families over the past year. The complaints reflected that Santa Cruz County Child Protective Services were “reunifying” the child with Birth Parents at “all costs.” In some cases, the reunification was claimed to cause harm to children with behavioral issues.
2. CPS operations have not been reviewed by the Grand Jury since 2002-03.

CPS provides protective services and support to abused and neglected children and their families in Santa Cruz County. Services include emergency response, in-home family preservation services, family reunification services, and foster care. CPS also issues licenses for Resource Homes (formerly called foster homes) and family day care homes. In addition, the Division operates programs to prevent child abuse and domestic violence and to provide adoptions. Services are mandated by state statute pursuant to the California Welfare & Institutions Code (WIC) which defines its area of purview as

WIC §300 (b) (1) A child that has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness as a result of any of the following:

- (A) The failure or inability of the child's parent or guardian to adequately supervise or protect the child.*
- (B) The willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left.*
- (C) The willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment.*
- (D) The inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse.^[1]*

CPS is allowed to remove children from any home suspected of child endangerment. This wide-ranging authority allows staff to remove children from homes, levy allegations and refer cases for possible criminal prosecution.

As of December 31, 2023, the CPS was overseeing the welfare of 173 children - 47 of them were resident with their Birth Parents and 126 were with Resource Families.^[2]

Scope and Methodology

The scope of this investigation is to probe into the CPS process and check if there is any validity to the complaints submitted to the Grand Jury by the Resource Families (formerly known as foster families). Is there a systemic problem within the agency? Due to privacy laws, it was not possible to investigate individual cases. Therefore, the Grand Jury decided to look at the data to see if it indicates any patterns that could reflect the validity of the complaints.

The sources of information gathered for this report include:

- Interviews with CPS personnel and the public.
- Relevant articles, published reports, newspaper articles, and documents found online regarding Child Protective Services.
- The Grand Jury report of 2002-2003 - “*Family and Children’s Services*”^[3]

Investigation

The Grand Jury heard reports of unsupervised custody handoffs in dark parking lots with no CPS personnel in attendance. There was also a complaint of the child being returned to the Birth Parents from a Resource Family who had not achieved the level of stability required for reunification.

The Grand Jury noticed a common theme with many of the complaints. They include:

1. **Failure to Apply Bypass Criteria**^[4]: Cases consistently show decisions prioritizing reunification over children's well-being, with social workers failing to consider established criteria meant to protect children at risk.
2. **Visitation Conflicts**: Frequent disputes arise around visitation schedules, particularly when children express fear or resistance.
3. **Trauma from Disruption**: Abrupt removals from stable foster placements create significant emotional distress for children. Hand-offs are not always warm, and lack of compassion was a constant theme.
4. **Potential Risk of Reunification**: Concerns are raised about reuniting children with potentially harmful Birth Parents who haven't addressed the issues that led to their removal.
5. **Social Worker Conduct**: Complaints of insensitive treatment, intimidation, and potentially falsified records highlight possible misconduct by social workers.^{[5] [6] [7] [8]}

Limitations Accessing CPS Data

The whole CPS process is protected by privacy laws and therefore no one from the outside (except the CPS staff and the court system) have access to the proceedings or documents. Therefore, the Grand Jury cannot investigate individual complaints. The Grand Jury could only look at the long term trend using data collected over the past ten years. After listening to and reading the complaints, the Grand Jury decided to interview CPS staff to understand if there is data available that can show any pattern pointing to a systemic bias. It was not easy to find the relevant staff in CPS to talk to about the CPS process since there is no organizational chart listed on the website. One of the interviewees acknowledged the shortcoming of not listing the organization chart on the website and promised that it will be corrected soon.^[9]

Origins of Perceptions of Bias

In public welfare systems such as CPS, generally the children who are removed from the Birth Families tend to come from a lower socioeconomic class. The Resource

Families tend to come from a higher socioeconomic background. In the past, the CPS system was thought to be biased towards the Resource Families. Yet the current law tends to lean towards equity which leads to some staff feeling that they should “over calibrate” towards the Birth Families. The staff strongly agrees that family reunification is of the highest priority unless there is a danger to the child. This inherently creates a conflict since during the reunification process, the Resource Families feel that their voices are not heard.^{[10][11]}

The Jury learned that what’s in the best interest of a child is extremely hard to determine and can be subject to some intense debates. Is the system trying to over-correct this past problem? This can also lead to a perception problem for all concerned parties.^{[10][11]}

Lack of Data Transparency

While the CPS website provides information about their services, there is no data regarding the outcome of their services. Also, the public cannot get insight into the volume of services. The specific statistic that the Grand Jury looked at was “how many children and teens exiting” the CPS system. The [California Welfare Indicators Project](#)^[12] maintained by University of California holds data related to reunification. (See Figure 1 below.) In contrast, none of the relevant data was available from Santa Cruz County’s public [website dedicated to CPS](#).^[13]

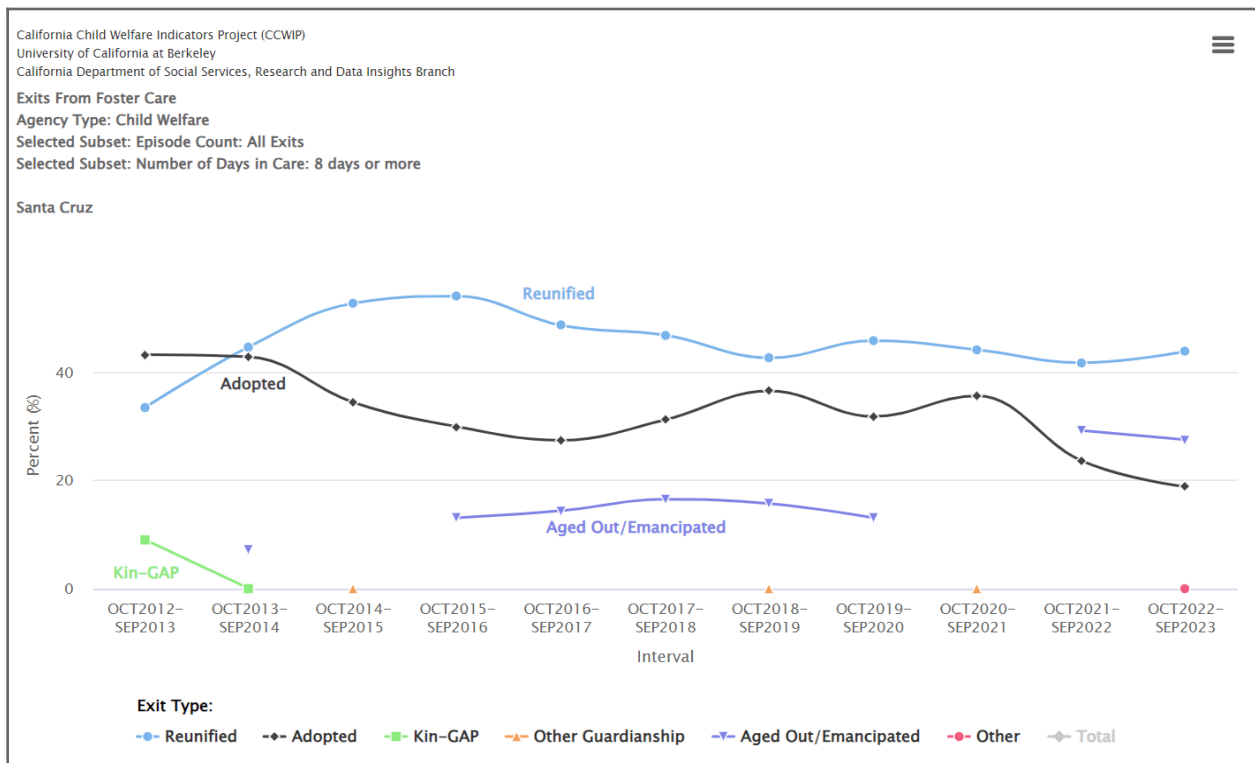


Figure 1. Data from the California Welfare Indicators Project for Santa Cruz County.^[14]

The blue line in Figure 1 represents the percentage of children and teens reunited with their Birth Families. Between 2012 and 2023, that percentage varied from 33% in 2013

to 43% in 2023 and peaked at 54% in 2016. The percentage graph or the actual number graph did not show any particular trend towards reunification or a bias against it.

Bypass Decisions Seem Arbitrary

Resource Families believed that the “bypass” criteria were not being applied in the County in some instances. The goal of CPS is to reunite with Birth Families as long as there is no danger to the child. Towards that goal, the CPS provides various programs for Birth Families to become eligible for reuniting with the child. The “bypass” refers to a situation where reunification services are not offered to parents after their child has been removed from their care. This means CPS won't work towards reuniting the child with the birth parents and will instead focus on finding a permanent placement for the child, such as adoption or guardianship.

Some examples where the “bypass” is applied are:

- Chronic use of alcohol or drugs
- Parent incarcerated or violent felony
- Severe physical abuse of child under 5
- Physical / sexual abuse again
- Prior termination of reunification services

For a full list see “Bypass-at-a-Glance” in the Websites section below.^[4]

The complainants felt that in some cases the “bypass” criteria should have been applied. In their opinion, if the “bypass” criteria were applied then the child would have never been a candidate for reunification and therefore would have avoided the emotional trauma for the child and the Resource Families.

Due to confidentiality restraints, the Grand Jury was unable to investigate individual cases to review how criteria were applied. However, for the past two years, thirteen cases were found to be eligible for bypass in Santa Cruz County. CPS applied the bypass criteria in seven of those cases. The children in these cases then became eligible for permanent placement.^[15]

Lack of Follow Up Data

At the present time, follow up by CPS happens only up to 18 months after the child is reunited with the Birth Family. This may not be enough time to determine the effects of reunification. In an interview with a complainant, the Grand Jury was told that five years after reunification, a child they had fostered was experiencing behavioral problems at school and was suffering from depression.^[16]

Complaint Process Transparency

There is no documentation of the complaint process in Santa Cruz County, either on the website or available through CPS personnel interviews.^[17] Currently complaints are lodged with the social worker. Supervisors are not advised of complaints unless the social worker brings the issue to the supervisor. Furthermore, there is no data available on the number of complaints received year by year and their resolution status.

The 2002-2003 Grand Jury report titled “*Family and Children’s Services*,”^[18] recommended, “The County Board of Supervisors create a Citizen Review Board as recommended by the Little Hoover Commission.”^[19] This Board should review child welfare services and make recommendations to the Board of Supervisors, local agencies and others regarding improvements. Membership should include representatives from education, foster care youth, health care, civic and business.

The Citizen Review Board should hire a Child Welfare Inspector General with the authority to recommend improvements. Responsibilities should include enforcement of rules for CPS, reform of the foster care program, and building a volunteer support network. The Citizen Review Board can look into these unresolved complaints to identify any systemic issues. This will also eliminate any appearance of the conflict of interest in the eyes of the complainants.

Team Meetings

Throughout the reunification process, multiple meetings, generally referred to as Child Family Team (CFT) meetings, take place. The CFT includes everyone who has an interest in the child: CPS staff, birth parents, resources parents, social workers, doctors, psychiatrists, teachers, and possibly more. Notes about the meeting are produced by a social worker after conclusion of the meeting. The notes are available to all the participants. The Grand Jury found some Resource Families felt social workers’ notes did not accurately reflect what happened during the meetings. Due to the nature of these meetings, they are not recorded. Therefore, there is no way to resolve these differences in perception to the satisfaction of all parties.

Conclusion

This investigation was undertaken as a result of complaints received by the Grand Jury. Complainants believed that CPS policies regarding child safety were not being followed. The investigation was hampered by data that was largely insufficient or unobtainable. This results in Resource Families’ perception that child safety is not being prioritized. The Grand Jury was not able to substantiate this claim based on the available data reviewed. The Grand Jury remains concerned that this perception will persist unless there is more transparency of both data and operations. This perception may prevent a sufficient number of Resource Families from signing up to provide this valuable service which is critical for the protection of neglected and abused children in our community.

Findings

- F1.** It is hard to contact the relevant people in CPS to get information since there is no organizational chart published on the website. People don’t know who they can contact for specific issues.

- F2.** The lack of readily available CPS data metrics accessible on the Santa Cruz County website can lead to perceptions based on individual experiences. Perception becomes reality if data is not provided which can lead to public distrust of the system.
- F3.** Lots of data is available on the California Welfare Indicators Project maintained by University of California for the whole state of California for each county. It is hard to sift through and find relevant data for Santa Cruz County.
- F4.** There is no formal complaint process. You can lodge a complaint only with your social worker. When the complainant is not happy with the resolution, complaints are lodged with the Grand Jury. This is ineffective and results in a lack of accountability or follow up on the complaint.
- F5.** Child Family Team members often dispute the accuracy of "official" meeting notes taken by the attending CPS Social Workers, leading to lack of trust between team members.
- F6.** The lack of data makes it difficult to determine whether bias is present either to Resource Families or Birth Families to the detriment of the child.

Recommendations

- R1.** The Grand Jury recommends that CPS publish an organizational chart by October 31, 2024. (F1)
- R2.** The Grand Jury recommends that CPS publish outcome based metrics, such as number of children moved to Resource Families, number of Resource Families available in the County, number of successful and failed reunifications, and identify success metrics for children under care, on an annual basis on their website to improve transparency by December 31, 2024. (F2, F3, F6)
- R3.** The Grand Jury recommends that CPS create and publish the complaint process. This published process should include a supervisor not vested in the outcome who can review the complaints. This process and the accompanying metrics like number of complaints and resolution times should be made available to the public by December 31, 2024. (F4)
- R4.** The Grand Jury recommends that the County Board of Supervisors establish a Child Welfare Oversight board and an Inspector General similar to what the 2002-2003 Grand Jury recommended. This could help resolve bias, impropriety and undue influence complaints and will help provide transparency and increase trust in the CPS process. The Grand Jury recommends that the planning for this should start by December 31, 2024, with the board fully implemented six months after the planning is finished. (F4, F5)
- R5.** The Grand Jury recommends that the CPS department begin to record the Child Family Team meetings by the end of December 31, 2024. (F5)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F6	R1–R5	90 Days September 16, 2024

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Director, Santa Cruz County Child Protective Services	F1–F6	R1–R3, R5	90 Days September 16, 2024
Director, Santa Cruz County Human Services Department	F1–F6	R1–R3, R5	90 Days September 16, 2024

Definitions

- **CPS:** Child Protective Services
- **Resource Families:** Formerly referred to as Foster Families.
- **Birth Parents:** Biological parents of the child
- **Bypass Criteria:** Criteria used to “bypass” Birth Parents reunification services and move the child to a permanent placement^[4]

Sources

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<https://ihc.ca.gov/report/still-our-hands-review-efforts-reform-foster-care-california/>

Websites

SDM-Policy-Procedure-Manual-2021

<https://www.cdss.ca.gov/Portals/9/Child-Welfare-Programs/Child-Welfare-Protection/SDM-Policy-Procedure-Manual-2021.pdf>

What is Child Protective Services

<https://www.santacruzhumanservices.org/FamilyChildren/ChildProtectiveServices/WhatIsChildProtectiveServices>

Bypass-at-a-Glance

<https://www.courts.ca.gov/documents/BTB25-PreConJDLP-03.pdf>

California Child Welfare Indicators Project - <https://ccwip.berkeley.edu/>



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Board of Supervisors Response to Grand Jury Report "Best Interest of a Child - Report on Child Protective Services"

Caitlin Smith <Caitlin.Smith@santacruzcountyca.gov>

Tue, Sep 10, 2024 at 3:13 PM

Good Afternoon,

Please see attached for the Board of Supervisors' response to the 2023-2024 Grand Jury Report "Best Interest of a Child – Report on Child Protective Services."

Best,

Caitlin C. Smith

County Supervisors' Analyst

Santa Cruz County Board of Supervisors

[701 Ocean Street, Room 500](#)

[Santa Cruz, CA 95060](#)

831-454-2200 main

831-454-3516 direct

caitlin.smith@santacruzcountyca.gov

To email all five members of the Board of Supervisors at once,

please use: boardofsupervisors@santacruzcountyca.gov

2 attachments

 **Cover Letter Report on Child Protective Services.pdf**
194K

 **Response to Grand Jury report on Child Protective Services.pdf**
734K

September 10, 2024

The Honorable Katherine Hansen
Santa Cruz Courthouse
701 Ocean Street
Santa Cruz, CA 95060

Dear Judge Hansen,

The purpose of this letter is to formally transmit the Board of Supervisors' response to the 2023-2024 Grand Jury Report "Best Interest of a Child – Report on Child Protective Services."

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Cummings", with a long horizontal flourish extending to the right.

JUSTIN CUMMINGS, Chair
Santa Cruz County Board of Supervisors

JC:cs
Attachments

CC: Clerk of the Board
Santa Cruz County Grand Jury



County of Santa Cruz

HUMAN SERVICES DEPARTMENT

Randy Morris, Director
Kimberly Petersen, Deputy Director
1000 Emeline Avenue Santa Cruz, CA 95060
(831) 454-4130 | FAX: (831) 454-4642

August 21, 2024

Santa Cruz County Civil Grand Jury
701 Ocean Street, Room 318-I
Santa Cruz, CA 95060

RE: Response to Grand Jury Report on Child Protective Services

The Santa Cruz County Human Services Department appreciates the report from the Grand Jury and the opportunity to review the content and to consider its recommendations. In addition to responding to the specific recommendations of the Grand Jury as detailed herein, the Department would like to take the opportunity to speak to the profound emotional challenge of being a Resource Parent in the public child welfare system anywhere, not just in Santa Cruz County.

We all wish there was no need for a public child welfare system, but unfortunately it exists to ensure the safety and well-being of children. There are many stakeholders who touch the child welfare system, all of whom hold tremendous heart and emotion. When a child is removed from their family due to an abuse or neglect issue substantiated by the Juvenile Court, and when other options within the family system are not immediately available, the child can then be placed in the care of a Resource Parent.

Resource Parents provide a stable, loving home for children during this time, and often navigate a very complex set of legal and emotional issues. They are asked to be a temporary home for a child while child welfare laws mandate a prioritization of reunification with family or placement with biological relatives. At the same time, resource parents are concurrently asked to consider becoming the legally permanent caregivers of a child should reunification or placement with other family not successfully occur. Ultimately, these decisions get made by a Juvenile Court Judge in Dependency Court. Holding this emotional dichotomy, while also having less legal standing in the case than biological family is a tremendous ask of Resource Families, and it is understandable why they wish for a different experience.

We honor that Resource Families spoke to the Grand Jury to share their experiences, expressed their concerns, and recommendations have been made to improve the experience for them. As detailed in the specific responses to the Grand Jury recommendations, the

Department is unable to implement the majority of them due to the Federal and State laws that govern the Public Child Welfare system. The Department also highlights that even if some of these recommendations were actionable, the outcome of the case situation would very likely be the same due to Child Welfare laws and mandates. The Department does take this report seriously and recognizes that during these past three plus years of crisis response due to the COVID pandemic and a series of natural disasters, communications with stakeholders, including Resource Parents, were not optimal.

Finally, we do recognize that 'perception has become reality' for our Resource Parents, as is the title of the Grand Jury report, and we commit to deepening our engagement with them. The services of our Resource Families are an essential and integral part of the child welfare system in Santa Cruz County, so we will engage further with them to listen and discuss these concerns.

Sincerely,

A handwritten signature in black ink that reads "Randy Morris". The signature is written in a cursive, flowing style.

RANDY MORRIS
Human Services Director
County of Santa Cruz



The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the
Santa Cruz County Board of Supervisors
to Respond by September 16, 2024
to the Findings and Recommendations listed below
which were assigned to them in the report titled
**Best Interest of a Child –
Report on Child Protective Services**
Perception Is Reality

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown

in our minutes dated September 10, 2024.

4. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

- F1.** It is hard to contact the relevant people in CPS to get information since there is no organizational chart published on the website. People don't know who they can contact for specific issues.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Human Services Department (HSD) partially disagrees with this assertion, as all biological parents and children with open child welfare cases in Juvenile Court are provided with a free court-appointed attorney who have direct access to and the knowledge of which social workers, supervisors, program managers, and county counsels to contact if there are issues with their case. Further, all biological parents and resource parents are provided with the name and contact information of the social worker and social work supervisor assigned to their case. In addition, resource parents are provided extra support through the Family & Children's Services (FCS) Division's Resource Family Approval (RFA) unit, FCS placement staff, as well as a community based organization vendor, Wayfinders Organization, who provides Resource Families with ongoing support in their home, as much as weekly, on behalf of the FCS division.

Though child welfare staff working with Resource Families and others involved in a child welfare case routinely provide the name and contact information of their supervisor and chain of command when asked, HSD does agree that a public facing organizational (org) chart with contact information for the FCS Division management team would be a value added. As the HSD website is in the process of an update, delayed due to the COVID pandemic and many natural disasters of late, an org chart will be posted publicly, and should be publicly available on the HSD website within the Grand Jury's proposed timeline.

- F2.** The lack of readily available CPS data metrics accessible on the Santa Cruz County website can lead to perceptions based on individual experiences. Perception becomes reality if data is not provided which can lead to public distrust of the system.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

HSD disagrees with this assertion. The [California Child Welfare Indicators Project](#) “CCWIP” is a joint website and trusted and reliable source from the UC Berkeley School of Social Welfare and the California Department of Social Services (CDSS), who are the leading state authorities for gathering and monitoring child welfare data. CCWIP is a tool used across the state by the public to access child welfare data.

Comprehensive Santa Cruz County data for a ten-year period from 2013 to 2023, is readily available in the “Fundamental Key Reports” tab located on the middle of the main website page. This key report index page provides line charts, column charts, and data tables with specific numbers for the nature of allegations received, entries, children in care, case openings, case closures, exits, and other related figures. Finally, there is a mechanism on the CCWIP website to contact UC Berkeley for additional navigation assistance to gather data on any CA jurisdiction for those who need it.

F3. Lots of data is available on the California Welfare Indicators Project maintained by University of California for the whole state of California for each county. It is hard to sift through and find relevant data for Santa Cruz County.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

HSD disagrees with this assertion. The data on the UC Berkeley website is as comprehensive as it needs to be, given the utility of the site by multiple stakeholders. Technical assistance is available to the public for navigation through the website, to assist interested parties in finding the exact data for the localities they seek.

- F4.** There is no formal complaint process. You can lodge a complaint only with your social worker. When the complainant is not happy with the resolution, complaints are lodged with the Grand Jury. This is ineffective and results in a lack of accountability or follow up on the complaint.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

HSD disagrees with this assertion but understands that the child welfare system is complex, so it is not always clear as to what avenue is available to express concerns about a situation formally. FCS Division staff are strongly committed to providing the best possible services to our community, and we are generally regarded as a system that is open to hearing and addressing any concerns or complaints from parents, family members and foster parents of the children we serve.

It is the goal of FCS to resolve complaints at the lowest possible level, and most situations are resolved this way. Complainants are encouraged to utilize the chain of command (social worker, supervisor, program manager) to allow for fullest participation of those individuals closest to the situation. Most complaints can be satisfactorily resolved at the supervisory or management level. However, when resolution cannot be achieved through this method, complainants may submit their concerns in writing for further review by the division director.

FCS staff are trained on a methodology for handling complaints and grievances in order to ensure that staff respond with fairness and sensitivity to all concerns expressed by parents, family members and foster parents. It is the policy of FCS that staff will make every effort to resolve complaints or grievances in a responsive, sensitive and timely fashion that is consistent with state regulations and departmental policy and procedures. Complaints are fully heard, treated seriously and responded to fairly. Additionally, complaints and concerns can also be lodged with the State Ombudsperson of CDSS and/or brought to the attention of the judge during any court hearing held for an open case.

As stated, with HSD broadly in the process of updating its public facing website, the FCS division will use this opportunity, and this specific Grand Jury complaint, as an opportunity to endeavor to make clearer in writing the avenues available to register a complaint if informal processes are not satisfactory. This information will be placed on the public facing website, and so that parties can lodge complaints directly.

- F5.** Child Family Team members often dispute the accuracy of "official" meeting notes taken by the attending CPS Social Workers, leading to lack of trust between team members.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

HSD disagrees with this assertion. Child and Family Team (CFT) meetings are facilitated by professional staff who are trained and skilled in using inclusive and strength-based approaches to identify the needs and services to support a child and/or family. The assigned Child Protective Services (CPS) social workers are not the record keepers of CFT meetings, nor are they responsible for official meeting notes. CFT facilitators lead the group discussions and keep the official CFT record. These are not "process notes" nor are they transcriptions of the CFT meetings and are not designed to capture the complete record of what was discussed. At the beginning of each CFT meeting, each team establishes "ground rules" to make sure there is safe, honest, and confidential communications during the CFT process, as well as clearly stated goals and outcomes for each meeting. Each team member has an opportunity to share their perspective, brainstorm options, recommend action steps, and to accept to take on specific tasks and responsibilities. The CFT facilitators are trained in addressing differently challenging situations that may arise, and they will work with everyone involved to resolve issues in the best interests of the child.

- F6.** The lack of data makes it difficult to determine whether bias is present either to Resource Families or Birth Families to the detriment of the child.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

HSD disagrees with this assertion, as it is unclear what data is believed to be definitive in determining whether bias is present to either Resource Families or to Birth Families to the detriment of any child. There are many complicating factors related to a child's experience in foster care and a child's return to their home of origin. Child welfare is charged with being a safety net for the most vulnerable populations and to consider the best interest of each individual child while doing so.

The HSD FCS Division always strives to put the best interest of the child at the forefront of its social work practice. Additionally, as outlined in California Welfare and Institutions Code (WIC) section 202 et seq., the child welfare system is legally mandated with three clearly outlined goals:

- 1) Provide for the protection, safety, physical and emotional well-being of children who have been or are at-risk of abuse, neglect, or abandonment;
- 2) Preserve and strengthen a child's families ties whenever possible. A court may only order the removal of a child from the custody of a parent when necessary for the safety and welfare of the child. If a child is removed, a juvenile court must order family reunification as the primary objective followed by family maintenance.
- 3) Provide a stable, permanent home for children in a timely manner. Foster care is intended to be temporary care, and a Resource Family home serves as a "concurrent plan" in the event that the juvenile court makes a legal determination that a parent is legally unable or unwilling to reunify with their child during the allotted time period.

Making a "Bypass" recommendation to the Juvenile Court is an extremely serious and complex legal position akin to a "Third Strike" in the criminal realm. It requires the child welfare agency to present specific facts and circumstances during a contested trial to meet the higher "clear and convincing" standard that reunification is not in the child's best interest. Each child and each parent are represented by an attorney during these proceedings, and only a Juvenile Court judge can make this final Bypass determination.

Recommendations

R1. The Grand Jury recommends that CPS publish an organizational chart by October 31, 2024. (F1)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

This is currently under development and will be implemented by the Grand Jury's timeline.

- R2.** The Grand Jury recommends that CPS publish outcome based metrics, such as number of children moved to Resource Families, number of Resource Families available in the County, number of successful and failed reunifications, and identify success metrics for children under care, on an annual basis on their website to improve transparency by December 31, 2024. (F2, F3, F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

This recommendation will not be implemented because much of the suggested metrics are already publicly available on the UC Berkeley CCWIP website, including reunification rates, re-entry rates (failed reunifications), and the types of placements youth in care are experiencing (i.e. Short-Term Residential Therapeutic Program or STRTPs, RFA homes, etc).

R3. The Grand Jury recommends that CPS create and publish the complaint process. This published process should include a supervisor not vested in the outcome who can review the complaints. This process and the accompanying metrics like number of complaints and resolution times should be made available to the public by December 31, 2024. (F4)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

A compliant process exists as outlined in Finding 4. With HSD's updating of its public facing website, the process to register a formal complaint if informal processes are not satisfactory, will be made clearer. This website update is anticipated to be completed by the Grand Jury's timeline.

- R4.** The Grand Jury recommends that the County Board of Supervisors establish a Child Welfare Oversight board and an Inspector General similar to what the 2002-2003 Grand Jury recommended. This could help resolve bias, impropriety and undue influence complaints and will help provide transparency and increase trust in the CPS process. The Grand Jury recommends that the planning for this should start by December 31, 2024, with the board fully implemented six months after the planning is finished. (F4, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

This recommendation will not be implemented because there are currently several oversight provisions in federal and state law for the administration of child welfare. As required under the Welfare and Institutions Code, all open child welfare cases are supervised by a Juvenile Court Judge, who receives a substantive report from FCS with updates on open child welfare cases and the families involved in open child welfare cases, at least every 6 months. At these hearings, both parents and children are appointed their own counsel who represent their interests. Resource families are also given notice of the hearings and provided the opportunity to be heard both in person and through the Caregiver Information Form (JV-290).

Moreover, child welfare agencies must adhere with significant reporting requirements to CDSS and the federal government, which carefully review and audit County child welfare programs and operations on a regular basis.

The State has also already established the Office of the Foster Care Ombudsperson, which is a neutral and independent office to help solve problems and complaints about care, placement, and services related to children and youth in foster care.

Finally, under WIC section 827, only certain individuals and agencies have access to confidential child welfare records and information. Any locally established oversight board and/or Inspector General are not included in this statute, and therefore would not have legal access to any confidential child welfare information.

R5. The Grand Jury recommends that the CPS department begin to record the Child Family Team meetings by the end of December 31, 2024. (F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

This recommendation will not be implemented, as doing so would constitute a violation of several laws. Under California WIC sections 10850 and 827, and Calif. Rule of Court 5.530, all child welfare proceedings, records, and information are confidential and only accessible to certain persons and entities. Although resource parents are entitled to attend and participate in hearings and meetings, they do not have full access to all child welfare records or information. CFT meetings are confidential meetings protected under these laws. Additionally, under Calif. Penal Code 632, recording a confidential proceeding or meeting is a criminal violation.

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SANTA CRUZ COUNTY
Civil Grand Jury

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Victims of the CZU Wildfire – Four Years Later

The Flame Still Burns

“And the flame still burns

From a glimmer back then it lights up again in my life” *Mick Jones*

Summary

For most of our community at large, the CAL FIRE designated CZU Lightning Complex Fire of August, 2020 may be no more than a distant memory, recollected only faintly as part of our collective communal experience. It may also be that such memories we have are clouded by the intervening pandemic that touched every corner of our community. Or we may simply be thankful that this disaster did not touch our homes and families. But for many who lived through that conflagration and lost homes, it is not a distant memory but rather a continuing and ever-present reality.

It may surprise you to know that a substantial number of those who lost their homes simply walked away without rebuilding. Many found themselves under-insured to the degree that they simply could not bear the cost to rebuild. Others were unable to rekindle their dreams because they found themselves unable to navigate a lengthy and often bewildering permitting process. And others chose not to rebuild their homes because they were unaware or uninformed that restorative resources and support were available. Almost four years later, only about one third of the homes that were destroyed are being rebuilt.

The Findings and Recommendations contained in this report highlight the need for improved disaster preparedness. That means more readily accessible disaster recovery information, improved support from county government agencies and the need for ongoing outreach to our community to prepare us for the next disaster event. We will be challenged again by natural disasters, be they borne of earth, wind, fire, or flood.

We can do better and we can meet that challenge together.

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Background

In the early morning of August 16, 2020, a thunderstorm occurred that produced thousands of lightning strikes, resulting in hundreds of fires throughout California. There were over 300 lightning strikes in Santa Cruz and San Mateo Counties. These combined with dangerous drought conditions unleashed the largest fire in Santa Cruz County history. This massive wildfire, dubbed the CZU Lightning Complex Fire, had devastating consequences for many of the residents of Santa Cruz Supervisorial Districts 3 and 5. The fire consumed 86,000 acres and nearly 1,000 structures, of which 697 were single family homes, and caused the tragic death of one Santa Cruz County resident.^{[1] [2] [3]} See Figure 5 for a map of the fire zone in [Appendix A](#).

Over 77,000 people were evacuated and nearly all of Big Basin Redwoods State Park was burned. Thirty-seven days after the fires began, on September 22nd, CAL FIRE reported it had gotten control of the CZU Lightning Complex Fire. By the end, the cost to fight this fire reached more than \$68 million. The damage, loss of life, disruption from evacuation, and efforts to support the victims of the fire were well publicized during the event. On October 6, 2020 the Santa Cruz County Board of Supervisors (BoS) voted to create the Office of Response, Recovery and Resilience (OR3) to respond to not only the CZU August Lightning Complex fire, but also to future disasters.^[4]

Past Grand Jury reports noted that nothing was yet published about the performance of our government leadership and agencies during the CZU fire. Yet they remain accountable for assisting and supporting those fire victims that lost their homes and ensuring readiness for the next disaster event.

OR3 is developing an emergency plan. It is currently being reviewed by the state office of Emergency Services (CalOES). The Grand Jury does not yet have access to the plan.^[5]

Less than a third of all homes lost to the CZU Lightning Complex Fire have been rebuilt in the intervening three and half years. Not only has the CZU Lightning Fire left residents without homes, but it also left many residents angry and frustrated about the response and performance of their local government agencies. Most residents are grateful for the work done by our county fire districts, local volunteer firefighters and selected government agencies and nonprofits. However, many residents are also exasperated and need to have their voices heard about the performance gaps of local government and agencies during the recovery and rebuilding process which continues to this day.

Scope

The function of the Grand Jury is to examine effectiveness and efficiency of city and county governments as well as special districts. The scope of this report encompasses the effectiveness of county elected leaders and county agencies in response to the CZU Lightning Complex Fire. We sought to answer these key questions about leadership, process, and communications:

- What were the major obstacles faced by those fire victims that chose to rebuild their homes?

- How efficiently and effectively did county government and agencies respond to the needs of the CZU fire victims with respect to the recovery and rebuilding process?
- Has the county government and its agencies stepped up and demonstrated oversight and accountability with respect to the CZU Fire recovery and rebuilding process?

Methodology

The Grand Jury requested and examined a wide range of documents from the county agencies involved in the CZU Lightning Complex Fire and its aftermath. The Jury researched media articles, online publications, community meetings, prior grand jury reports, and examined the practices of other counties that experienced devastating wildfire events. Furthermore, the Jury toured areas affected by the fire in Boulder Creek.

Perhaps most importantly, extensive interviews were conducted with fire victims, including those who lost homes, those who were able to rebuild and those who were unable to do so. Additionally, the Grand Jury sought out the stories and experiences of first responders, building trades professionals, and community advocates who demonstrated thoughtfulness, courage, and tenacity under adverse conditions.

However, the foundation of our investigation rests upon interviews conducted with government and county agency officials. The Grand Jury evaluated this group for their past and current levels of efficiency and disaster preparedness and for their response to this devastating community event.

It is our overriding belief and understanding that public officials and agency staff have an obligation to serve its citizens. This obligation entails ensuring that risks are understood and managed and that resources are maximized within financial constraints. This approach proactively mitigates foreseeable risks and ensures that the needs and concerns of the public are recognized and satisfied.

Investigation

As the Grand Jury began its investigation into the CZU Lightning Complex Fire, it quickly became apparent that emergency preparedness and public education related to natural disasters were lacking.^[6]^[7] However, the most alarming area of inquiry became the obstacles to recovery and rebuilding that continue to plague and frustrate fire victims. This report will detail the role that each party played in the CZU fire story and the ensuing recovery efforts.

Fire Victims' Experiences

Those whose lives were upended by the fire are the special focus of this report. As such, we start by discussing their recovery odyssey. The Grand Jury interviewed five CZU fire victims. Jurors also read stories of other victims online.^[8]^[9] These victims' stories cover the spectrum of recovery experiences. The Grand Jury found that on one end of the recovery spectrum were victims who had completed the rebuild process,

while the other end of the spectrum held those who decided to sell their parcel and move out of the mountains. Many of the victims in the latter group were senior members of our community who had lived in their homes for many years and simply had neither the energy nor the heart to rebuild. Most victims fell somewhere in between. See Figure 1 for a reminder of the devastation caused by the CZU fire.



Figure 1: Bonny Doon - Destroyed home, photo taken during the CZU fire.^[10]

Those that chose to rebuild their homes encountered a mountain of obstacles that many still struggle with today. The majority of fire victims were either uninsured or underinsured.^{[11][12]} The claims of those who were insured were processed slowly. Delays in insurance payouts meant that while victims waited, the cost of rebuilding rose dramatically. When insurance payouts were finally made, funds were no longer enough to cover the cost to rebuild their home.^[13] See Figure 2 below for an example of a home destroyed in the fire, with no action to rebuild taken as of this report.



Figure 2: Boulder Creek Destroyed Home - photo taken December 15, 2023.^[14]

Fire victims did begin to get some relief when the BoS created the Recovery Permit Center (RPC) in December 2020.^{[15][16]} Many reported that the RPC staff treated them with empathy and were responsive to their needs. A later section of this report will go into detail about the RPC organization and the preclearance process designed specifically for fire victims.

Board of Supervisors

The Grand Jury interviewed board members for this report about their responses to the CZU Fire and their continued efforts on behalf of fire victims.^{[17][18]}

Board Oversight of Disaster Preparedness

In addition to being critical of the County's initial response to the fire, victims also expressed doubt about the County's preparedness for future fires. The BoS is in the position to advocate for the community by holding agencies accountable and to prepare for an uncertain and dangerous future. Santa Cruz County will undoubtedly experience future natural disasters and it is critical that County agencies, under the purview of the Board of Supervisors, be better prepared for the next major wildfire.^{[7] [19]}

Lack of Communication with CAL FIRE

The lack of coordination and/or communication between CAL FIRE and local volunteer fire departments likely resulted in unnecessary loss. This Grand Jury heard anecdotal testimony from multiple victims about local fire volunteers being discouraged from responding to the fire or being outright ordered by CAL FIRE to stand down.^{[20] [21] [22]}

The tragic death of Last Chance resident, Tad Jones, is partly attributed to the CAL FIRE evacuation order coming late to the Last Chance community. He left the designated evacuation gathering point when no help came and paid the ultimate price.^[3]

A prior 2020-2021 Grand Jury report issued soon after the CZU Fire expressed concerns over the response by CAL FIRE. That report found that the BoS had not held CAL FIRE accountable for their lack of analysis of their performance in the CZU Lightning Complex Fire. The report also found that no provision existed in the current contract between the County and CAL FIRE to develop after-action reports during the non-fire season.^[23]

In December 2021, OR3 published the After-Action and Improvement Plan in response to the CZU Fire. However, CAL FIRE doesn't appear to have actively participated in the development of the report as the report was focused on internal County operations. This is unfortunate as CAL FIRE participation could have provided a unique perspective and valuable input.^[24] Refer to [Appendix C](#) for the After-Action Report Improvement Plan.

Board of Supervisors' Fire Victim Support

In September of 2021, the BoS passed a Resolution that grants variances for CZU fire victims that is set to expire September 21, 2024.^[25] These variances allowed those who wished to rebuild their home to take advantage of waivers in the permit process if they rebuilt "in-kind". A new home was considered "in-kind" if it were built in the same spot as the original home and if it added no more than 400 square feet. This resolution was a major exception to the building code and many victims took advantage of this exception and so were able to avoid some of the preclearance requirements.

The BoS was instrumental in establishing both the OR3 and the Recovery Permit Center (RPC).^{[26] [27]} OR3 was created in order to improve our community's emergency response, elevate our disaster awareness, and prepare for increases in extreme weather due to climate change. The RPC was created for the purpose of providing essential permitting services to fire victims. The establishment of these organizations was instrumental in streamlining the rebuilding process for CZU Fire victims.

The BoS also passed a Resolution on March 14, 2023 requiring County staff to notify permit applicants when the status of their permit applications changed. It also stipulated that application decisions should take no more than two weeks for “uncomplicated” cases.^{[28] [29]}

Long Term Recovery Group Support of Fire Victims

The Long Term Recovery Group (LTRG) is a collaboration of nonprofit, faith-based, local, state, and national organizations. These organizations work together to share information and resources to help address the needs of individuals and families affected by the CZU Lightning Complex Fires. LTRG also works in concert with a number of community-based organizations including Catholic Charities, Community Bridges, Boulder Creek Parks and Recreation, Valley Churches United, and the Community Action Board.^{[30] [31]}

The LTRG is currently supporting 30-40 families who are victims of the CZU Fire with case management services. Funding and services provided by Catholic Charities and Community Bridges included clothing, kitchen kits, laundry services, and various household items. The LTRG also hosts community events for fire victims.^[32]

Longer-term services provided by the LTRG include preclearance process assistance, septic upgrades, and reestablishment of electricity. The LTRG has also provided water tanks, contractor services, tiny houses and yurts, transportation of modular homes, and bridge funding.^[33] The LTRG is collaborating with Mennonite Disaster Services to build four to five homes per year over a three-year period for families in Santa Cruz County who lost their homes in the CZU Fire and who are uninsured or severely under-insured. This represents roughly 10% of the homes being rebuilt.^{[34] [35]}

In spite of the important services the LTRG has provided, the results of a CZU fire victim survey indicated that more than half of the respondents were not aware of the group and so did not access their services. The LTRG did not have a website until March 2024 but was rather reliant on brochures made available at the RPC office, the LTRG link on the RPC website, and their Facebook page to publicize the services it offers.^{[36] [37] [38]} In March of 2023 the LTRG went live with their website and will be better able to publicize their services going forward.^[39]

The Grand Jury was impressed by the breadth and volume of services provided by the LTRG, and was especially impressed by how effectively the LTRG services complemented those provided by the County’s RPC. One public official is quoted as saying: “The Long Term Recovery Group has been a godsend.”^[40]

Unfortunately, Community Foundation funding for the LTRG runs out mid-November 2024. Without additional funding the LTRG will go into “sleep mode” if there is no new disaster and as the need of CZU fire victims lessens.^{[41] [42] [43] [44]}

Based upon the testimony received, the Grand Jury believes that present and future disaster preparedness would be well served by the creation of a public-private partnership between the LTRG and OR3. The purpose of such a partnership would be to provide continuing case management assistance and support to current and future

disaster victims. The LTRG is very willing to continue collaborating with government entities and other community groups to help disaster victims.^[45]

Other counties have an ombudsman on staff to provide guidance to community members for difficult to navigate topics, such as water quality and building permits.^[46] An ombudsman within this partnership could provide ongoing natural disaster preparedness support and information in a number of ways, including:

- Soliciting volunteers to assist victims with limited resources in getting started in the preclearance process.
- Conducting volunteer orientations and providing training.
- Providing the community with an informational overview of current building costs in order to assist community members in their assessment of acquiring insurance policies adequate to rebuild “in kind” in the event of a future disaster event.
- Providing case management services to guide disaster victims through the rebuilding process including debris clearance, insurance and obtaining required county permits.

Role of the Office of Response, Recovery and Resilience

The County Office of Response, Recovery and Resilience was created to improve the community’s emergency response, elevate disaster awareness, and prepare for increases in extreme weather due to climate change. It was modeled after the County of Sonoma’s Office of Recovery and Resiliency.^{[4] [47]}

The purpose of the Office of Response, Recovery, and Resiliency, otherwise known as OR3, is threefold:

- A **Response** function to serve as the emergency management office including disaster preparedness for residents, development of written guidelines for emergency preparedness, response, recovery and mitigation for disasters and operation of the Emergency Operations Center (EOC).
- **Recovery** support efforts for disasters that have occurred, which includes the Long Term Recovery Group services, Recovery Permit Center services, and debris flow and removal.
- **Resilience** which includes the County’s resilience planning for future disasters, sustainability, and climate change.

Much of OR3’s initial focus has been on recovery due to the CZU Lightning Complex Fires. Their role is getting residents who lost their homes resettled and rebuilt as soon as possible after any disaster.^[48] See Figure 6 for the RPC map and dashboard in [Appendix A](#).

Services Delivered by the Recovery Permit Center

Prior to the establishment of OR3 and the RPC, the County Planning Department, now part of Community Development and Infrastructure (CDI), was the only department to deal with the influx of building permit queries from CZU Fire victims. But Planning staff

was down 30% from 22 years ago and their workload was up 30%.^[49] Therefore, the Planning Department was not equipped to handle the additional workload.

Victim interviewees unanimously agreed that contact with the Planning Department during this time was extremely frustrating and that the department was not able to provide any meaningful assistance. Victims, already traumatized by the loss of everything they owned, had negative interactions with the Planning Department. They reported feeling hopeless and/or ready to abandon their plans to rebuild.^[50] With the establishment of the RPC, victims found a helping hand. Both victims and building professionals alike found working with the newly-established RPC to be more user friendly.^[51]

The RPC was created by the BoS on November 17, 2020, three months after the CZU fire. It acts as the County's "one-stop" center with the goal of expediting and guiding the building permit and rebuilding process.^[52] After the CZU fire, our County reached out to other Counties who had also experienced large wildfires. Based on a recommendation from Sonoma County, Santa Cruz County contracted with 4Leaf, Inc. to manage the county Recovery Permit Center. The RPC was needed due to staffing constraints within the Santa Cruz County Planning Department.^[53] And 4Leaf has extensive disaster recovery experience throughout the country which was desperately needed.

The contract term was initially set to run through June 30, 2023, and was extended to June 30, 2024. Another extension to provide service through December 31, 2024 is being considered by the BoS.^[54] ^[55]

Testimony offered by fire victims and building professionals reflected the near unanimous approval of their services. The RPC dramatically reduced the time to obtain a building permit.^[56] ^[57] The streamlined CZU Fire Victim rebuild process starts with three preclearances that must be obtained prior to submission of a building permit application.^[58] The RPC team identifies and works through technical issues with septic systems, water, fire access and potential geologic hazards in the Pre-Clearance phase. A site plan is required as part of the Pre-Clearance application. The three required Pre-Clearances are:

- Environmental Health: The environmental health Pre-Clearance verifies the permitted septic system and water source for the property. The Pre-Clearance will determine the specific water and septic requirements for a proposed project.
- Fire Access: The RPC sets up a site visit to determine if the property has site access that meets standards for emergency services access, and if driveways and bridges meet applicable codes.
- Geologic Hazards: The geologic hazard Pre-Clearance is a pre-application evaluation of potential geologic hazards that may affect a rebuild proposal. Any reports required by the Pre-Clearance must be reviewed and accepted by County staff prior to issuance of the geologic hazard Pre-Clearance to apply for a building permit.

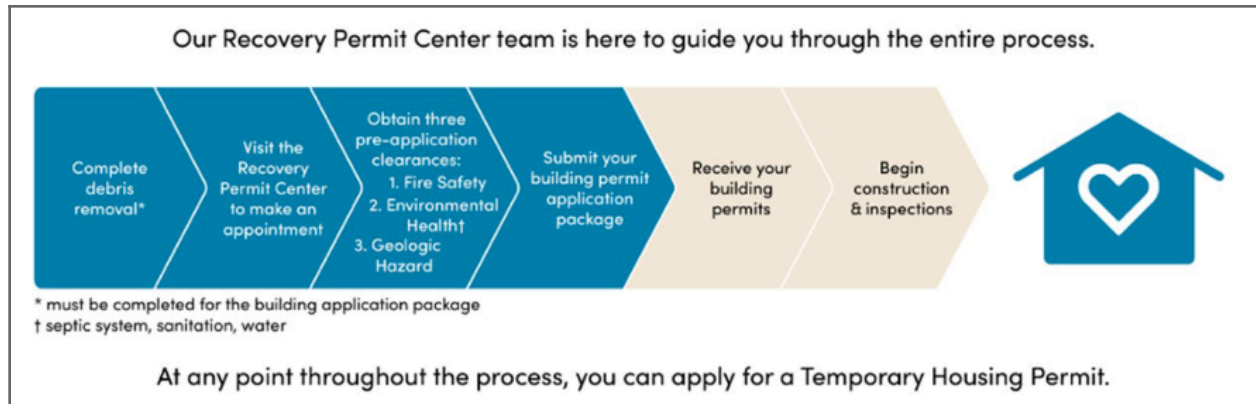


Figure 3: Recovery Permit Center - Steps to Rebuild^[59]

As shown in Figure 3, once the three Pre-Clearance hurdles are completed, the building permit application may be submitted. Initial plan review is one week, with resubmitted plans being reviewed within five days. The building permit is issued once the plans are approved.^{[60] [61]}

RPC and Victim Interaction with County Planning

Transitioning to the present, the process of winding down the RPC and passing off CZU Fire victims' cases from the RPC to the Planning Department is underway. The Grand Jury has received testimony that collaboration between the RPC and County Planning could be improved. Staffing changes in both the Planning Department and in the Recovery Permit Center (4Leaf staff) led to some delays in handling requests due to inconsistent processes between RPC and the Planning Department.^{[62] [63]} There are now weekly coordination meetings between the two (2) departments.^[64] Testimony showed that the initial phase of handing off RPC cases to the Planning Department is not going as smoothly as it should.^{[65] [66]} 4Leaf appears to lack confidence in how CZU Fire victim cases will be handled by the Planning Department.^{[67] [68]}

4Leaf and Planning Department communication is poor. In addition, the physical distance between the RPC, located in the County building basement, and the Planning Department, located on the 4th floor, hinders communication. Planning Department staff state that they would have preferred to have the RPC located in a space adjoining their offices.^[67]

So, what does the future of the relationship between the Planning Department and RPC hold for the 158 fire victim permits still in construction as of April 10, 2024? Testimony received from Planning staff indicated that they believe the RPC to be a "cool" model.^{[69] [70]} They plan to adopt RPC's expedited Pre-Clearance model.

Obstacles to Rebuilding

CZU Fire victims faced a myriad of problems while going through the permit and rebuilding process. The following is a summary of each of the major obstacles to rebuilding after the fire.

Insurance Issues

The majority of victims of the CZU Fire were either underinsured or had no fire insurance. For those who had insurance, the time to process their claims and to receive payouts took months. Some victims interviewed for this report in early 2024 were still waiting to receive their final payout. Meanwhile, as victims waited for their claims to be processed, the cost of building a home skyrocketed during the Covid pandemic. As reflected in a 2022 RPC survey of fire victims, costs rose from \$200-\$300 per square foot to \$700-\$800 per square foot.^{[71][72]} Preexisting policies did not account for this increased cost.

Some victims had enough fiscal resources to begin the process before receiving insurance payouts. In some cases, the unanticipated cost of obtaining Pre-Clearance studies quickly depleted their funds and they decided to cut their losses and abandon plans to rebuild.^[73] A few were more fortunate and were able to rebuild but still experienced out of pocket expenses waiting for their insurance payouts. One victim reported, "Right now I'm out of pocket a little over \$1.2M on this build." At the time of the interview this homeowner was still waiting for a final insurance settlement.^{[74][75]}

Shortage of Building Professionals

The COVID-19 pandemic resulted in building professionals being hired for renovations driven by California's shelter in place orders during the pandemic. As a result, CZU Fire victims struggled to engage the contractors, architects, and engineers necessary to begin their rebuilding process. The lucky people who were able to engage professional assistance were then able to avoid some of the pitfalls of the permit process and make good progress. In the early aftermath of the fire, those who chose to go at it alone ran into unfamiliar permit requirements and often incurred many thousands of dollars in costs unnecessarily. They sometimes had to scrap their early work, and go back to square one.^{[76][77]}

Required Pre-Clearances

As stated earlier, CZU fire victims were required to obtain three types of Pre-Clearances in order to be issued a building permit.

- Environmental Health
- Fire Access
- Geologic Hazards

The process of obtaining the three Pre-Clearance permits could be arduous and expensive depending on the geography of any given parcel.^{[78][79]} The typical costs include:

- Pre-Clearance permit, \$350
- Soil reports, \$6,500
- Survey, \$3,000
- Septic study, \$7,500
- Structural engineer, \$3,000-\$5,000

But these were the known costs going into the Pre-Clearance process. Unfortunately, the pre-clearance reports often showed a property did not meet the standards required to pass inspections. Alternatively, if they wanted something other than rebuilding “in kind,” the cost to come up to code could cost many tens or even hundreds of thousands of additional dollars.^[80]

Environmental Health

This Pre-Clearance concerns the septic system on the property. Septic system upgrades before the fire were approximately \$30,000-\$40,000. After the fire the cost was \$100,000 and more. Interviewees reported that over 50% of fire victims had to put in new septic systems and 25% had to upgrade to an advanced treatment system.^[81] Septic system requirements were revised and became more stringent in October 2023 when the BoS adopted the Santa Cruz County Local Area Management Program (LAMP).^[81]

In one case, a retired environmental health specialist helped 50 CZU Fire survivors obtain their environmental Pre-Clearance permit. These 50 residents’ rebuilds were held up by Planning staff with poor understanding of septic regulations and environmental health ordinances. This good Samaritan worked with the County to resolve the issue so that his neighbors could carry on with their rebuilds.^{[82] [83]}

Fire Access

The Grand Jury heard from interviewees that the fire department stringently applied the state requirements that a firetruck be able to turn around on the property. The Grand Jury also heard testimony about cases where fire trucks had adequate room to turn around but the road didn’t meet the County Fire District requirement. The minimum requirement to pass the Fire Pre-Clearance is a 12-foot wide access road with 12-foot wide by 35-foot-long turnouts located approximately every 500 feet.^[84] Many roads and culverts were badly damaged by contractors doing debris flow clearance.^[85] Needless to say, the cost of bringing roads up to fire code would be very costly. This has impacted dozens of homes in communities such as Last Chance Road.

In addition, fire codes also require 10,000 gallons of water storage on site and all homes must have a sprinkler system.

Geologic Hazards

Santa Cruz County is the 15th highest landslide risk out of 3,000 counties in the United States, according to a FEMA study.^{[86] [87]} Geologic studies and guidelines are therefore critical in protecting the safety of County residents. California now requires building foundations to be designed by a geotechnical engineer. Because geotechnical engineers will not work in a geologically hazardous area without a partnering geologist, additional costs of \$20,000-\$40,000 are incurred and the availability of these professionals is extremely limited. Most fire victims wait six months to a year for a report.^[88]

On October 13, 2021 the BoS adopted the CZU Rebuild Directive, Resolution 226-2021 to facilitate rebuilding structures destroyed in the fire. It allows rebuilding replacement structures “in kind,” up to 10% or 400 square feet larger than the original destroyed structure, on the same footprint, with minimal or no geologic hazard reports required.

The Community Foundation of Santa Cruz County funded Atkins Engineering to produce a report of geologic hazard zones so that individual property owners wouldn't have to incur the cost of conducting their own study.^[89]

If the Atkins Report shows a property is in a hazardous zone, additional geologic reports are required. To avoid those costs, an owner can choose to utilize the CZU Rebuild Directive. In this case the property owner must record a covenant that geologic hazards have not been investigated and they assume the risk of any potential geologic hazards on the property.^{[90] [91]} This covenant is an encumbrance of title, a claim against a property by a party that is not the owner. An encumbrance can impact the transferability of the property and restrict its free use until the encumbrance is lifted.^[92]

Though the geography of the fire area in Boulder Creek required these geological studies, and the process of clearing this Pre-Clearance hurdle was challenging, the Grand Jury received testimony that the County Geologist engaged by the RPC improved the Pre-Clearance process significantly and reduced the time to obtain this permit.^{[93] [94]} Refer to the RPC Geological Hazard Workflow in [Appendix B](#).

Current Rebuild Status

Figure 4 below shows the status of CZU fire victims' permits issued and homes rebuilt as of April, 2024. These numbers are the most current but are subject to change.

Category	Total	Notes
Number of homes/residences destroyed	697	Approximate count
Single-family residence permits issued by RPC, approved for construction	253	Permitted and occupied or under construction
Parcels with Single-family Residence permits currently in construction	158	Source: County of Santa Cruz, Community Development, and Infrastructure & FEMA
Parcels with approved final, moved in	95	Homes occupied
Homes/residences not rebuilt	444	Approximate count (This number is an approximation of the number of homes burned less those either rebuilt or under construction.)
Parcels since transferred or sold	193	Source: Local Hazard Mitigation Plan 2021-2026. County of Santa Cruz.

Figure 4: Counts of CZU Fire Recovery Permits and Rebuilds as of April 10, 2024 provided by the Planning Department^{[95] [96] [97]}

Conclusion

The litany of obstacles to rebuilding is long and complex. From Grand Jury interviews with fire victims and those agencies primarily responsible to aid and assist in restoration and rebuilding, we found much to note. Many victims struggled with the permitting process, insufficient insurance coverage, or a lack of knowledge or understanding of the applicable agency and regulatory requirements. Others simply were so dispirited by the experience that no amount of money could see them through to completion.

It is good to remember that we too often get lost in numbers. Numbers don't completely hide the human cost from view, but sometimes make it more difficult to see and feel. As Grand Jurors, we saw it and felt it all the more deeply as we re-lived every experience, every delay, and every difficulty with every victim we interviewed. That being said, this report is respectfully submitted as a story of both success and failure in which two seemingly contradictory concepts exist side by side. This report is offered to reconcile those concepts and to inform and guide our community.

With those thoughts in mind, the 2023-2024 Santa Cruz County Civil Grand Jury respectfully submits the following Findings, Recommendations, and Commendations.

Findings

- F1.** The inability of local fire departments to coordinate (communicate) with CAL FIRE during their initial response to the CZU Fire caused many fire victims to unnecessarily lose their homes and possibly contributed to the loss of a life.
- F2.** The Long-term Recovery Group which assisted CZU fire and other disaster victims with case management and food and housing support serves as a model for the future.
- F3.** Because many CZU fire victims were unaware of LTRG disaster services, fire victims, to their detriment, did not make use of the services and/or available financial assistance.
- F4.** The failure of County agencies to have an effective disaster response plan in place prior to the CZU Fire caused many fire victims to incur unnecessary expense in the rebuilding process.
- F5.** The failure of CDI and Environmental Health to provide timely guidance with respect to applying for and obtaining required permits after the CZU Fire caused many fire victims to expend unnecessary time and expense in the rebuild permitting process.
- F6.** The failure of the County Environmental Health department to fully inform CZU fire victims about new state septic system regulations (LAMP) resulted in many fire victims abandoning their plans to rebuild after realizing how high the cost of meeting the new standards would be.

Recommendations

- R1.** The Santa Cruz County Civil Grand Jury recommends that the Santa Cruz County Office of Response, Recovery and Resilience enter into a public-private partnership with the Long Term Recovery Group to provide continuing assistance and support for current and future disaster victims. This should be done by December 31, 2024. (F2, F3)
- R2.** The Santa Cruz County Civil Grand Jury recommends that OR3, CDI, and Santa Cruz County Environmental Health collaborate in developing a plan for an expedited rebuild process for future disaster victims. This should be done by December 31, 2024. (F5, F6)
- R3.** The Santa Cruz County Civil Grand Jury recommends that OR3 provide a list of all victims of the CZU Lightning Complex Fire, as well as lists of victims of any future disasters, to the LTRG to simplify outreach to victims. This should be done by September 1, 2024. (F2, F3)
- R4.** The Santa Cruz County Civil Grand Jury further recommends that the Board of Supervisors work with CAL FIRE to develop clear collaboration between local firefighting agencies and CAL FIRE. The community at large should then be advised as to this line of command. This should be done by December 31, 2024. (F1, F4)

Commendations

- C1.** The Santa Cruz County Civil Grand Jury commends the Recovery Permit Center and 4Leaf for its outstanding service to our community and particularly its work in assisting and supporting victims of the CZU Lightning Complex Fire in their recovery and rebuilding efforts.
- C2.** The Santa Cruz County Civil Grand Jury commends the Long Term Recovery Group for its outstanding service to our community and particularly its past and continuing work in assisting and supporting victims of the CZU Lightning Complex Fire in their recovery and rebuilding efforts.
- C3.** The Santa Cruz County Civil Grand Jury commends Catholic Charities and Community Bridges for their outstanding service to our community and their continuing work in support of CZU Lightning Fire victims and their families.
- C4.** The Santa Cruz County Civil Grand Jury commends the Community Foundation of Santa Cruz County for providing financial support to the Long Term Recovery Group and for the preparation and publication of the Atkins Debris Flow Analysis Report.
- C5.** The Santa Cruz County Civil Grand Jury commends Stephen Homan, a retired registered environmental health specialist, who helped 50 CZU fire survivors obtain their environmental Pre-Clearance. A fire victim himself, he donated his time to this effort.

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F6	R1–R4	90 days September 19, 2024

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Long Term Recovery Group	F2, F3	R1, R3	90 days September 19, 2024
Community Foundation of Santa Cruz County	F2, F3	R1, R3	90 days September 19, 2024
Director, Santa Cruz County Community Development and Infrastructure	F5, F6	R2	90 days September 19, 2024
Director, Santa Cruz County Office of Response, Recovery and Resilience	F6	R1–R3	90 days September 19, 2024
Director, Santa Cruz County Environmental Health Department	F5, F6	R2	90 days September 19, 2024

Definitions

- **4Leaf, Inc:** Independent Company hired to provide pre-clearance permitting
- **BoS:** Santa Cruz County Board of Supervisors
- **CAL FIRE:** The Department of Forestry and Fire Protection
- **CDI:** Santa Cruz County Community Development and Infrastructure
- **EOC:** Emergency Operations Center
- **LAMP:** Local Area Management Program
- **LTRG:** Long Term Recovery Group
- **OR3:** Santa Cruz County Office of Response, Recovery and Resilience
- **RPC:** Recovery Permit Center

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Site Visits

On December 15, 2023, CZU Fire Victim committee members were given a tour of several fire areas: the Clear Creek, Boulder Brook, and Fallen Leaf neighborhoods.

Appendix A – CZU and RPC Maps & RPC Dashboard

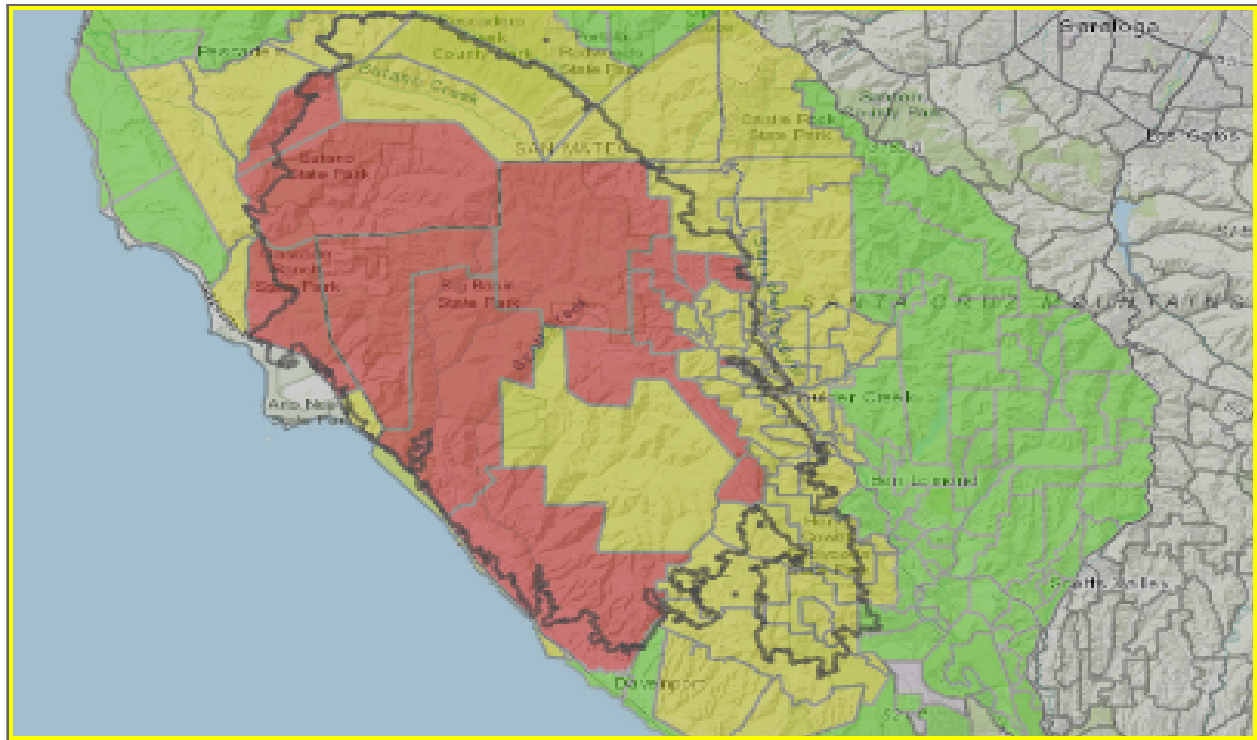


Figure 5: CZU Fire Area Map from date. Credit: KSBW Action News 8. [98]

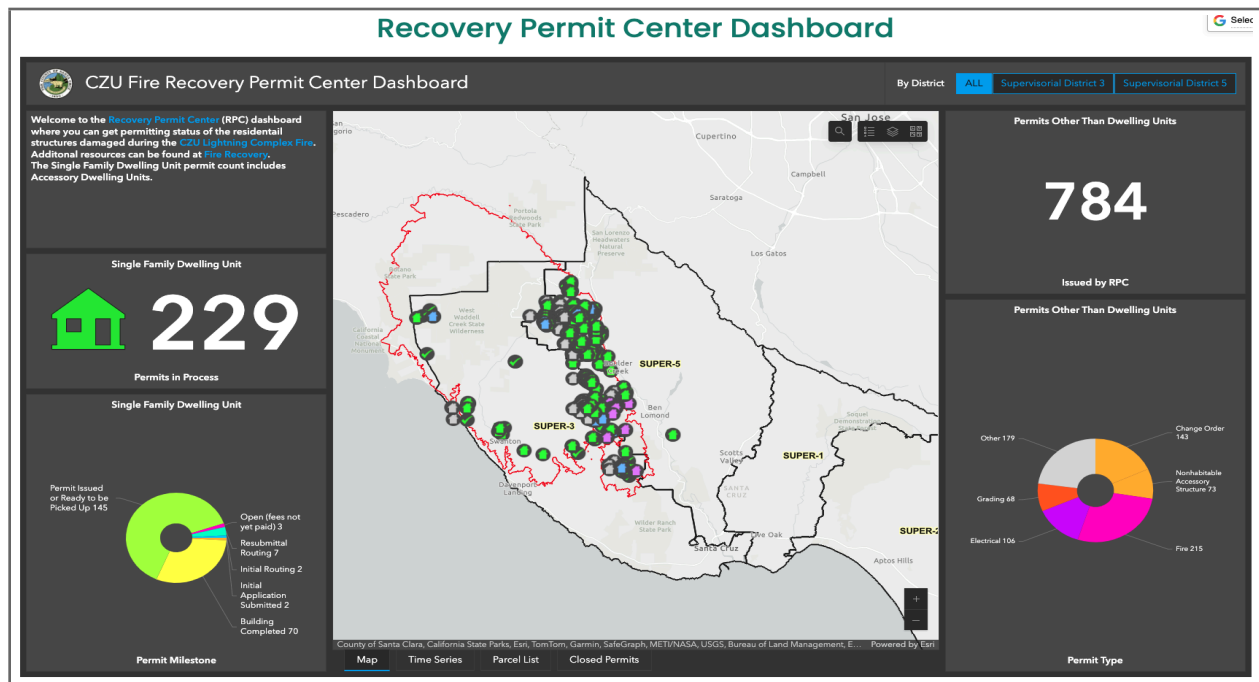


Figure 6: Recovery Permit Center Dashboard Map as of May 1, 2024. [99]

Appendix B – Recovery Permit Center Geologic Hazard Workflow

Figure 7 is the detailed workflow provided by RPC Staff. It shows how the CZU Directive can be used for the Geologic Hazard Pre-clearance, as well the steps required if the CZU Directive is not used.

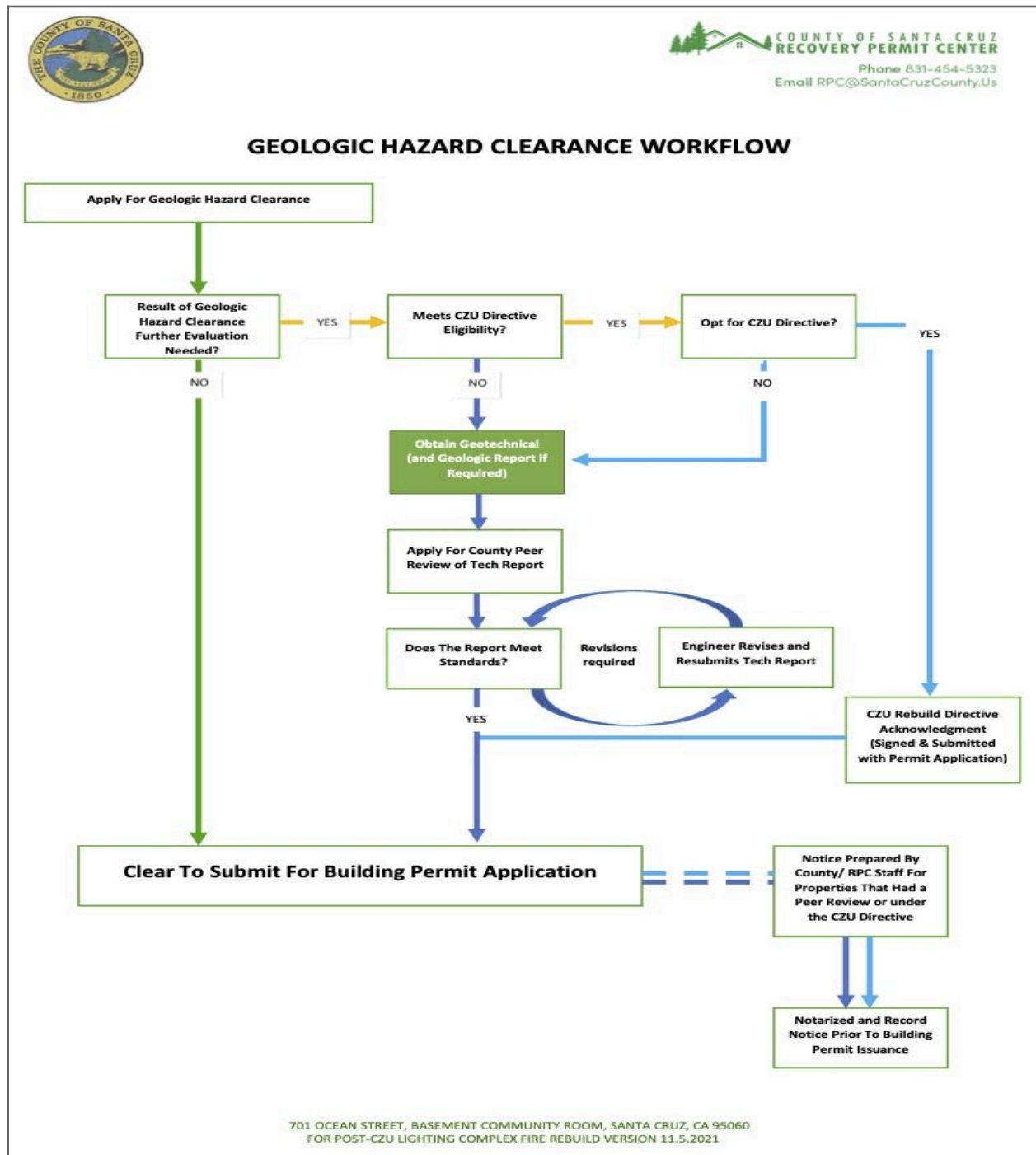


Figure 7: Geologic Hazard Clearance Workflow used by the Recovery Permit Center for CZU Fire Victims. ^[100]

Appendix C – After-Action Report Improvement Plan

Figure 8 lists the core capabilities implemented for the CZU Fire and their associated performance ratings, as observed during the event, and determined by the evaluation team and after action review process.

Capabilities having a higher frequency of deficiencies or areas of improvement identified during the after action review process were rated **M**, for “Performed with Major Challenges.”

Capabilities with lower frequency of areas of improvement or deficiency, received an **S**, for “Performed with Some Challenges.”

Core Capability	Performed without Challenges (P)	Performed with Some Challenges (S)	Performed with Major Challenges (M)	Unable to be Performed (U)
Planning			M	
Public Information and Warning		S		
Operational Coordination			M	
Intelligence and Information			M	
Infrastructure Systems		S		
Critical Transportation			M	
Environmental Response / Health Safety		S		
Mass Care Services			M	
Operational Communications			M	
Public Health		S		
Healthcare and Emergency Medical Services		S		
Situational Assessment		S		
Housing		S		
Natural and Cultural Resources		S		

Table 1. Summary of Core Capability Performance

Figure 8: After-Action Report Improvement Plan, December 7, 2021^[24]



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Board of Supervisors Response to Grand Jury Report "Victims of the CZU Wildfire..."

Caitlin Smith <Caitlin.Smith@santacruzcountyca.gov>

Tue, Sep 10, 2024 at 3:09 PM

Good Afternoon,

Please see attached for the Board of Supervisors' response to the 2023-2024 Grand Jury Report "Victims of the CZU Wildfire – Four Years Later."

Best,

Caitlin C. Smith

County Supervisors' Analyst

Santa Cruz County Board of Supervisors

[701 Ocean Street, Room 500](#)

[Santa Cruz, CA 95060](#)

831-454-2200 main

831-454-3516 direct

caitlin.smith@santacruzcountyca.gov

To email all five members of the Board of Supervisors at once,

please use: boardofsupervisors@santacruzcountyca.gov

2 attachments

 **Cover Letter Victims of CZU Wildfire.pdf**
195K

 **Response to Grand Jury report Victims of the CZU Wildfire - Four Years Later.pdf**
490K

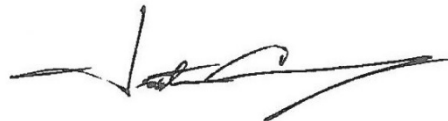
September 10, 2024

The Honorable Katherine Hansen
Santa Cruz Courthouse
701 Ocean Street
Santa Cruz, CA 95060

Dear Judge Hansen,

The purpose of this letter is to formally transmit the Board of Supervisors' response to the 2023-2024 Grand Jury Report "Victims of the CZU Wildfire – Four Years Later."

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Cummings", with a long horizontal flourish extending to the right.

JUSTIN CUMMINGS, Chair
Santa Cruz County Board of Supervisors

JC:cs
Attachments

CC: Clerk of the Board
Santa Cruz County Grand Jury



The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the

Santa Cruz County Board of Supervisors

to Respond by September 19, 2024

to the Findings and Recommendations listed below
which were assigned to them in the report titled

Victims of the CZU Wildfire – Four Years Later

The Flame Still Burns

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown
in our minutes dated September 10, 2024.

4. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

- F1.** The inability of local fire departments to coordinate (communicate) with CAL FIRE during their initial response to the CZU Fire caused many fire victims to unnecessarily lose their homes and possibly contributed to the loss of a life.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The ability for local fire departments and CALFIRE to communicate during operations was in place at the time and continued for the duration of the CZU Fire through unified incident command, which included the Santa Cruz County Sheriff's Office, San Mateo County Sheriff's Office, Felton Fire Protection District, Santa Cruz County Fire Department, San Mateo County Fire Department, Boulder Creek Fire Department and the Ben Lomond Fire Protection District. These agencies operated using long-established unified command principles including coordination and communication.

- F2.** The Long-term Recovery Group which assisted CZU fire and other disaster victims with case management and food and housing support serves as a model for the future.

AGREE
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The County, and Office of Response, Recovery, and Resilience (OR3) see the value in a strong, well organized and resourced VOAD (Volunteer Organizations Assisting in Disaster) and a Long-Term Recovery Group (LTRG) is supporting all phases of disaster from preparedness to response, short term recovery and long-term recovery.

F3. Because many CZU fire victims were unaware of LTRG disaster services, fire victims, to their detriment, did not make use of the services and/or available financial assistance.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

Communications to fire victim families included regular newsletters from the OR3, community meetings and in-person resource sharing events, outreach from the Board of Supervisor offices whose districts were affected, and digital surveys to learn more about victims' experiences and share resource information. More can and will be done following future disasters to increase communications. A key learning from the CZU recovery has been the recognition that residents impacted by disaster are able to receive information and integrate resources into their recovery journey at different timelines and stages.

- F4.** The failure of County agencies to have an effective disaster response plan in place prior to the CZU Fire caused many fire victims to incur unnecessary expense in the rebuilding process.

AGREE
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The rebuild plan and procedures were established well in advance of the completion of the state's debris removal process, which is the essential first step. The county finalized its contract with 4 Leaf in November 2020, ahead of the debris removal effort's conclusion. Within two weeks of signing the contract, the Recovery Permit Center was opened to the public on November 30, 2020, where telephone assistance and walk in appointments are available during business hours Monday through Friday. Further, the Preclearance and Building Permit submittal and review processes were established and fully operational as of November 30, 2020. The fire affected 697 parcels with dwellings. To date, 113 replacement dwellings have been constructed and finalized and another 142 are permitted or under construction, for an overall rebuild percentage of 37%. In addition, 360 Environmental Health Pre-Clearances have been approved (out of the 478 submitted), representing a 75% approval rate.

- F5.** The failure of CDI and Environmental Health to provide timely guidance with respect to applying for and obtaining required permits after the CZU Fire caused many fire victims to expend unnecessary time and expense in the rebuild permitting process.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The rebuild plan and procedures were established well in advance of the completion of the state's debris removal process, the essential first step before any site investigations or permitting activity could take place. The county finalized its contract with 4 Leaf in November 2020, prior to the conclusion of the debris removal efforts. Within two weeks of executing the contract, the Recovery Permit Center (RPC) was opened to the public on November 30, 2020, and the RPC website was launched with information regarding the steps to obtain an expedited building permit. At that time, the Environmental Health Preclearance and Building Permit submittal and review processes became fully operational. The [RPC website](#) provides links to informational and guidance documents outlining rebuild parameters related to water and septic requirements for property owners.

- F6.** The failure of the County Environmental Health department to fully inform CZU fire victims about new state septic system regulations (LAMP) resulted in many fire victims abandoning their plans to rebuild after realizing how high the cost of meeting the new standards would be.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The expedited re-build permit process was built on the first step of obtaining “pre-clearances” to ensure rebuilders were able to fully understand the scope of work and financial impact of meeting state-approved requirements for septic systems early in the process and could make informed decisions. In some cases, un-permitted additions or unauthorized septic system augmentation prior to the fire resulted in rebuilders being unable to permit their pre-existing home size and bedroom count without incurring significant expenses related to upgraded systems required to support the size of the rebuild. The Recovery Permit Center staff spent considerable time and resources working with applicants to problem-solve; many were able to scale their home size back to what was legally permitted prior to the fire to avoid the increased cost, while others chose to abandon their plans entirely.

Recommendations

R1. The Santa Cruz County Civil Grand Jury recommends that the Santa Cruz County Office of Response, Recovery and Resilience enter into a public-private partnership with the Long Term Recovery Group to provide continuing assistance and support for current and future disaster victims. This should be done by December 31, 2024. (F2, F3)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain the scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Required response explanation, summary, and timeframe:

OR3 is supporting the LTRG with direct funding through their FY24/25 budget appropriations as well as integrating additional funding support into annual federal emergency preparedness and response grants.

R2. The Santa Cruz County Civil Grand Jury recommends that OR3, CDI, and Santa Cruz County Environmental Health collaborate in developing a plan for an expedited rebuild process for future disaster victims. This should be done by December 31, 2024. (F5, F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The County has found the pre-clearance process for rebuilding after the CZU fire disaster to successful. However, each disaster is unique and may require different rebuild processes to efficiently respond.

R3. The Santa Cruz County Civil Grand Jury recommends that OR3 provide a list of all victims of the CZU Lightning Complex Fire, as well as lists of victims of any future disasters, to the LTRG to simplify outreach to victims. This should be done by September 1, 2024. (F2, F3)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Resident’s contact information who have engaged with the Recovery Permit Center but have not pulled a building permit or completed their home is being provided to the LTRG. In future federal disasters, where disaster case management resources are funded, the LTRG and OR3 along with other participating disaster case management organizations will renew our Personal Identifying Information (PII) agreements with FEMA and each other to ensure the ability to share PII information in support of overall recovery and resource support.

- R4.** The Santa Cruz County Civil Grand Jury further recommends that the Board of Supervisors work with CAL FIRE to develop clear collaboration between local firefighting agencies and CAL FIRE. The community at large should then be advised as to this line of command. This should be done by December 31, 2024. (F1, F4)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

CALFIRE and Local Government Fire agencies are constantly in collaboration within Santa Cruz County. An example of this shared responsibility/collaboration is the role of Operational Area Coordinator (OAC). This is shared between CZU CALFIRE and two local government fire agencies.



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Invited Response to Grand Jury Report is due on 9/19/24

Matt Machado <Matt.Machado@santacruzcountyca.gov>
To: Santa Cruz Grand Jury <grandjury@scgrandjury.org>

Mon, Sep 16, 2024 at 4:55 PM

Thank you for the reminder. I participated in the County response.



Matt Machado, PE, LS

Deputy County Administrative Officer

Director of Community Development

& Infrastructure

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701 Ocean Street, Room 410

Santa Cruz, CA 95060



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SANTA CRUZ COUNTY
Civil Grand Jury

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Housing For Whom?

An Investigation of Inclusionary Housing in the City of Santa Cruz

Summary

Inclusionary Housing refers to the percentage of units in a development project required by City Code to be set aside for below market rate rent or sale. This type of housing is a critical source of affordable housing in the City of Santa Cruz. The number is small while the demand is high.

The City Municipal Code requires that local residents and workers in the City of Santa Cruz who meet income eligibility requirements are given preference (priority) for Inclusionary Housing. But is this happening?

The Grand Jury investigation determined that the City keeps no records, does no tracking, gathers no data, and has no evidence to determine if preference is being given to local residents and local workers when renting Inclusionary Housing units.

The City has conflicting and contradictory policies on whether Inclusionary Housing applies to low, very low and extremely low income earners only, or whether moderate income earners are also eligible. The City cannot state what percentage of the City's affordable housing is occupied by income-verified UCSC students.

The Grand Jury recommends that the disparity in the City's legal documents regarding income eligibility levels for Inclusionary Housing be resolved; that the City develop publicly available metrics to ensure Inclusionary Housing preferences are being followed and to document the percentage of Inclusionary Housing units rented to UCSC students.

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Background

Inclusionary Housing And Measure O

Since 1980, the City of Santa Cruz has required housing project developers to provide a percentage of the project units at “below market” rates. This percentage is called the Inclusionary rate. It was part of Measure O approved by voters in 1979. The resulting Inclusionary Ordinance adopted by the Santa Cruz City Council has subsequently undergone a number of updates.^[1]

Housing Costs Force Long Commutes

Since the adoption of the Inclusionary Ordinance, housing costs both for sale and rent have risen dramatically in Santa Cruz and elsewhere in the Bay Area. Santa Cruz has been designated as the most expensive rental market in the US. Many workers earn too little to afford the ever-increasing rents. Much of the local workforce, whether police officers, firefighters, nurses, teachers, restaurant workers, cooks, cleaners, janitors, teachers, mechanics...the list is long...commutes long distances from other less-expensive towns to work in Santa Cruz.^{[2] [3]}

UCSC Students And Rental Housing

Students have a big impact on the City’s rental housing supply. Since the adoption of the Inclusionary Ordinance in 1980, the student population at the University of California at Santa Cruz (UCSC) has increased from six thousand students to the current nineteen thousand students. Anticipated growth through 2040 is planned for twenty eight thousand students plus additional staff and faculty. Student population growth accounts for approximately half the population growth of the City of Santa Cruz since 1980.^{[4] [5] [6]}

Scope and Methodology

The Grand Jury reviewed available documents and conducted interviews to determine if there is Ordinance-related tracking by the City of Santa Cruz. In particular, the Grand Jury investigated whether Inclusionary Housing is occupied by local residents and local workers as mandated by the City’s Municipal Code 24.16.045. The Grand Jury also sought data on UCSC student occupancy of Inclusionary and 100% Affordable Housing.^[7]

The report focuses on Inclusionary Housing units in projects built since 2007. That is the year that Preference (priority) for local residents and local workers was adopted in the Ordinance and the Municipal Code.^[8]

The Scope of the report includes the following:

- How many Inclusionary units exist in the City
- The numbers of Inclusionary units at each income level

- The methods used by the City to track and document that local resident and local worker preferences are being implemented
- The percentage of Inclusionary units occupied by students and non-students.

The Methodology for the investigation included:

- Interviews with City and County agency staff and housing providers
- Statutes and Guidelines:
 - City Ordinances related to Inclusionary Housing
 - Resolutions related to Inclusionary Housing
 - Municipal Codes related to Inclusionary Housing
 - Housing and Community Development (HCD) income levels applied to Inclusionary Housing
 - Conditions of Approval for Mixed-Use Housing projects
- Process Documents:
 - Affordable Housing Agreements between developers and the City
 - Documents for applying for an Inclusionary/Measure O unit
- Tracking:
 - Annual monitoring documents required of property managers
- Other:
 - Newspaper articles
 - Public hearings for City Mixed-use Housing projects

Investigation

The Grand Jury’s investigation covered how affordable housing is managed and documented within the City of Santa Cruz.

Where Is The Data?

The Grand Jury has previously addressed this issue. The 2022-2023 Grand Jury report titled, *Housing Our Workers: Essential Workers Need Affordable Housing!* recommended the City adopt “clear, measurable guidelines.”^[9]

Given the magnitude of the need for more affordable housing, the long commutes by low-income local workers and the growing UCSC student population, it is imperative that existing and future Inclusionary Housing be occupied by those for whom it is intended. Whether this requirement is being achieved should be based on metrics, not assumptions or hearsay.

This investigation was done to determine whether the City of Santa Cruz has verifiable documentation to ensure the following: that the City-required Inclusionary Housing units in mixed-use and in 100% Affordable Projects are being offered to and occupied by local residents and local workers at the appropriate income levels as required.

Assumptions About Inclusionary Housing And “Essential” Workers

Members of the Santa Cruz community assume that Inclusionary Housing is intended for our local essential workers. Both proponents and opponents of the 2024 ballot Measure M (which included increasing the Inclusionary rate from 20% to 25%) made such statements during the campaign. Similar statements are voiced by members of the public as well as by the City Planning Commission and City Council when speaking in support of proposed mixed-use housing projects with Inclusionary units. Speakers claim that providing such affordable housing will enable workers to live near their workplace rather than having to commute long distances to their jobs in Santa Cruz. However, essential workers, as such, are not called out in the Inclusionary Housing preference categories. The City has no data on whether any essential workers are being housed in Inclusionary or other Affordable Housing.^{[7] [10]}

Inclusionary Housing Framework

Evolution of Measure O

Since it was passed in 1979, Measure O / Inclusionary Housing Resolutions have been updated as follows:

- Eight City Council Resolutions were passed between 1985 and 2018 requiring all Inclusionary Housing to be rented or sold to extremely low, very low and low income households as defined by the State Housing and Community Development department.
- In January 2007, preferences for local residents and local workers to rent or buy Inclusionary Housing units were added to the Ordinance.
- In 2020, the rate of Inclusionary units was raised from 15% to 20%.
- The Inclusionary designation of the units is now in perpetuity and will not convert to market rate should a tenant leave.^{[1] [11] [12] [13] [14]}

Inclusionary Housing: Preferences for Local Residents and Local Workers

Since 2007, the City has required that preferences be applied when property managers choose tenants for Inclusionary Housing. These preferences are codified in Municipal Code 24.16.045 (6) as follows:

As consistent with state and federal law, preferences for rental Inclusionary units shall be given in the following priority order:

- a. Residents of the city of Santa Cruz for at least one year.*
- b. Those employed in the city of Santa Cruz.*
- c. Residents of the county of Santa Cruz for at least one year.*
- d. Those employed in the county of Santa Cruz.*

The same order is repeated for Inclusionary sale units.^{[15] [16]}

The Grand Jury learned that UCSC students can apply for Inclusionary and Affordable Housing if they are income-verified by the Housing Authority.^{[17] [18]}

Inclusionary Housing Overview

There are currently two hundred and forty (240) built and occupied Inclusionary units of housing in the City of Santa Cruz. Ninety three (93) are ownership units while one hundred and forty seven (147) are rental units.^[19]

Income limits for Inclusionary Housing are set by the U. S. Department of Housing and Urban Development (HUD) and the State Housing and Community Development Department (HCD). The limits are tied to the County's Area Median Income (AMI) and are expressed as a percentage of that figure which varies by County and by year.^[20]

In the course of this investigation, the City updated its website for the Housing Division with a revamped Housing Assistance Information page. This update was celebrated in Mayor Keeley's monthly column in the Santa Cruz Sentinel on March 10, 2024.^[21] The new website includes the local resident and local worker preferences and information on upcoming affordable projects. Future projects, either approved or in the pipeline, are estimated to provide at least an additional six hundred Inclusionary/Affordable units.^{[22] [23]}

Inclusionary Housing: Income Levels And Rents

In 2023 the AMI in Santa Cruz County for an individual wage earner was \$92,950. The maximum annual income limit for the Low Income earner was \$74,360. The maximum monthly rent for a one-person studio for a Low Income individual was \$2,169 a month based on 80% of the AMI. For the Very Low Income category of wage earners the percentage is 50% of AMI with the maximum rent of \$1,162 a month for a one-person studio.^[24]

The AMI in Santa Cruz is rapidly rising due to the influx of higher wage earners. This rise can be seen in the comparison between the AMI in 2020 and the AMI in 2023. The AMI in 2020 for Santa Cruz County was \$77,000. Three years later in 2023 it was \$92,950. For comparison, the 2023 AMI in Monterey county was \$70,300.^{[25] [26]}

The increase in AMI is significant because the maximum allowable incomes and rents for low-income, very low-income, and extremely low-income earners are calculated as a percentage of the AMI. The higher the AMI, the higher the qualifying allowable wages and rents for all income levels of Inclusionary units.

A review of the table below in Figure 1 shows the AMI for one and two persons plus maximum income and rent allowed in the city of Santa Cruz for the category of Low Income for 2023, based on the HCD guidelines. The complete tables with footnotes can be found in [Appendix A](#). Figure 1 and 2 tables were extracted from the complete tables for easier visibility.

2023 MAXIMUM ALLOWABLE LOW INCOME BY HOUSEHOLD SIZE & MAXIMUM RENTS BY UNIT SIZE RENTAL OF AN INCLUSIONARY UNIT Per Resolution No. NS-16,452		
Household Unit Size	1 Person/ Studio	2 Person/ 1-Bedroom
STEP 1: Determine HUD Median Income (100% AMI) by Household Size	\$92,950	\$106,250
STEP 2: Reduce Step 1 by 8.16%	\$85,365	\$97,580
STEP 3: Multiply Step 2 by 80% for the Maximum Income Limit Maximum Allowable Household Income	\$68,292	\$78,064
STEP 4: Divide Step 3 by 12 for Maximum Allowable Monthly Income	\$5,691	\$6,505
STEP 5: Multiply Step 4 by 25% for Maximum Rent (Owner Pays all Utilities)	\$1,423	\$1,626

Figure 1. Low Income Rent Formula^[26]

A review of the table below (Figure 2) shows the AMI plus maximum income and rent allowed in the city of Santa Cruz for the category of Very Low Income for 2023, based on the HCD guidelines.

2023 MAXIMUM ALLOWABLE VERY LOW INCOME BY HOUSEHOLD SIZE & MAXIMUM RENTS BY UNIT SIZE RENTAL OF AN INCLUSIONARY UNIT Per Resolution No. NS-22,400		
Household Unit Size	1 Person/ Studio	2 Person/ 1-Bedroom
STEP 1: Determine HUD Median Income (100% AMI) by Household Size	\$92,950	\$106,250
STEP 2: Multiply Step 1 by 50% for the Maximum Income Limit Maximum Allowable Household Income	\$46,475	\$53,125
STEP 3: Divide Step 3 by 12 for Maximum Allowable Monthly Income	\$3,873	\$4,427
STEP 4: Multiply Step 3 by 30% for Maximum Rent (Owner Pays all Utilities)	\$1,162	\$1,328

Figure 2. Very Low Income Rent Formula^[26]

Conflicting Measure O Allowable Income Levels On City Website

The City website on Housing Assistance Information and Resources / Measure O has conflicting statements regarding allowable income levels for Inclusionary Housing. One

entry states that Measure O units are restricted to Very Low and Low Income households, or those households having a Housing Choice Voucher (Section 8). Another entry states that Measure O units are available to Moderate, Low or Very Low income households.

The City's website for the Measure O Rents and Incomes page does not include the Moderate income category and references only Low Income and Very Low income categories. However, the city's website referencing Measure O Inclusionary Housing does include Moderate Income.^[27]

As stated earlier, all eight City Council Resolutions on Inclusionary Housing from 1985 through 2018 require Inclusionary units to be rented or sold only to Low, Very Low and Extremely Low income levels.

The most recent Resolution No. NS-29, 463 Exhibit A includes:

C. INCOME ELIGIBILITY, MAXIMUM RENTS, AND MAXIMUM SALES PRICES

1. Inclusionary Units: All affordable units shall be rented or sold to extremely-low, very-low, or low income households.^[28]

In practice it appears the City is allowing the Moderate income level to be included for Inclusionary Housing projects. A currently proposed Inclusionary Housing project that includes the Moderate income category is the development for 831 Almar Street. Under the heading Affordable Units, it references nine (9) Very Low income and nine (9) Moderate Income units.^[29]

Moderate Income level earnings and allowable rents are higher than the other three categories. The 2023 HCD annual allowable income for one person in the Moderate category is \$111,550 for Santa Cruz County.^[30]

Requests were made to the City for the numbers of Inclusionary units occupied at the various income levels. The Grand Jury learned that the city does not track those metrics and no data is available.^[31]

Inclusionary Housing: The Process

The City requires a project developer to sign an Affordable Housing Development Agreement before the developer begins the process of seeking a Building Permit. Page thirty-four of the forty page Development Agreement document includes the local resident and local worker preferences section.^[32]

Once a project is built and ready for occupancy, the property manager is required to alert the City when a Measure O unit is available for rent. This availability is then listed on the City's website.^[33]

The property manager retains discretion over the choice of tenants but is expected to follow the preferences. Once a property manager selects a prospective tenant for a specific unit, the property manager signs a Letter of Referral. This letter contains no information regarding residence or current workplace of the prospective tenant but it

does allow a prospective tenant to complete a Measure O Eligibility Application for submission to the Housing Authority.^{[34] [35]}

The Measure O Eligibility Application includes the applicant's residence and workplace information. It also has boxes for the applicant to check off yes or no to the questions of living or working in the City of Santa Cruz. The Housing Authority does not verify the residence or workplace entries. It checks and verifies only the income eligibility based on the information supplied.^[36]

If the prospective tenant is determined to be income-qualified for the specific unit, the Housing Authority sends a Measure O Eligibility Certificate to the tenant, the property owner, and the City.^[37]

Are Inclusionary Housing Preferences Implemented And Checked?

The short answer is nobody knows. There are no checks, no tracking, and no records kept. The following are descriptions of documents involved in the process. None of the documents requires a submitted statement of compliance with the required City Code preferences.

Annual Compliance Form

The City requires property managers to submit an Annual Compliance Form regarding Inclusionary Housing units. This form checks income level compliance only. It contains no reference to and requires no data for checking if the City Code preferences for local residents and local workers are being followed. The Housing Authority verifies income for Inclusionary units on first application. There is no annual verification of income. It is not clear how the city verifies and tracks ongoing income eligibility.^{[38] [39]}

Affordable Housing Development Agreement

Although the City's Affordable Housing Development Agreement cites that the City requires a "Maintenance of records to demonstrate compliance with this chapter" and the chapter includes the City Code preferences, the City has no evidence of such records being available or checked.^[40]

Housing Choice Vouchers

Forty-eight percent (48%) of the one hundred and forty-seven inclusionary rental units in the City are occupied by Housing Choice Voucher holders (formerly Section 8). Such tenants are not required to be City locals nor work in the City. There are limited resident/worker preferences under the Housing Authority, but they are County-wide preferences, not City based. Property managers receive full market rate rents for units occupied by Voucher holders with the difference subsidized by the Federal Government.^{[41] [42] [43]}

Other Affordable Projects

The One Hundred Percent (100%) Affordable projects in the City have their own preferences (priorities) for renting units based on the requirements of the funding sources used by developers to build the projects. For example, if there is a priority for people with disabilities, people at risk of homelessness or people with a Housing Voucher, those priorities do not necessarily include local resident or local worker preferences. There is no documentation or data available from the City showing how many of these units are occupied by local residents or local workers.^{[44] [45] [46]}

Anecdotal Beliefs

The Grand Jury learned from city officials that there is an assumption that Inclusionary units are occupied by locals and local workers based on conversations and anecdotes. There is no data available to support the assumptions.^{[47] [48]}

Temporary Certificate of Occupancy Form

During the course of this investigation, the City initiated a “brand new” Temporary Certificate of Occupancy (TCO), or TCO Projects Compliance Form. This new form defines local resident and local worker preferences to remind the property manager of said preferences to follow the rules. The manager of the new Cedar Street project is the first to receive this form.^{[49] [50]}

Rental Housing And UCSC Students

The impact of UCSC students on the local rental market is an ongoing issue. The 2022-23 Grand Jury Report stated: “F2. With the planned growth of UCSC to 28,000 students, the potential demand for off campus housing for students, faculty and staff has the potential to make the affordable housing problem even worse.”^[9]

First-year UCSC students live on-campus with guaranteed housing. When they move off campus into rental housing for the rest of their UCSC education, income-eligible students qualify for Inclusionary Housing as City local residents, which is the top priority or preference for Inclusionary Housing. Each year, approximately fifty percent (50%) of students seek rental housing off-campus.^{[51] [52]}

The provision of more rental housing on Campus is a key issue in legal negotiations between UCSC and the City of Santa Cruz. The Grand Jury believes it would be helpful for the City to know how much of its affordable housing supply is rented to UCSC students.^[53]

The City could provide no data or documentation on the percentage of Inclusionary Housing units occupied by income-qualifying UCSC students. The Grand Jury learned that anecdotes and impressions substitute for data.^{[54] [55]}

Conclusion

The main function of the Civil Grand Jury is to improve transparency and accountability in local government.

If adopted, the four recommendations from the Civil Grand Jury will help the City clarify its Inclusionary Housing regulations. Doing so will provide the City and the community with clear data on which to base claims and conclusions about who occupies affordable housing in the City of Santa Cruz.

Findings

- F1.** The contradictory entries on the City's website and in the City's legal documents on whether Inclusionary Housing is restricted to Low, Very Low and Extremely Low income levels or whether it includes the Moderate income level is a major discrepancy with consequences about who is eligible for and who obtains Inclusionary Housing.
- F2.** The City has no data on whether Inclusionary Housing is occupied by income-verified local residents and local workers. Both groups are given preference for housing as required by Ordinance. Without data, neither the City nor the community can be assured that such housing is meeting its intended purpose.
- F3.** The City has no data on the percentage of units in Inclusionary and 100% Affordable Housing projects that are rented to UCSC students. This leaves the City and the public unable to assess the impact of UCSC on the local affordable housing supply. Such data is important for the City's ongoing negotiations with UCSC to build more on-campus housing.

Recommendations

- R1.** The Grand Jury recommends that the Santa Cruz City Council state exactly which HCD Income Levels are covered by the City's Inclusionary Housing Ordinance and Resolutions, and make that information public by December 31, 2024. (F1)
- R2.** The Grand Jury recommends that the Santa Cruz City Council develop an ongoing system to track, document and verify within 30 days of occupancy whether a unit is occupied by an income-verified local resident or local worker as required by the Ordinance, specifying which category the renter fulfills, and have such a system in place by January 31, 2025. (F2)
- R3.** The Grand Jury recommends that the Santa Cruz City Council document the percentage of the City's Inclusionary and 100% Affordable Housing units that are rented to UCSC students, making that data public by February 28, 2025 with annual updates. (F3)

- R4.** The Grand Jury recommends that the Santa Cruz City Council create an Inclusionary Housing public dashboard that covers the data called for in this report by February 28, 2025. (F1, F2, F3)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz City Council	F1–F3	R1–R4	90 Days September 19, 2024

Definitions

- **Affordable housing:** a term in common use for housing that is affordable to lower income earners
- **AMI:** Area Median Income
- **HCD:** State Housing and Community Development Department
- **HUD:** U. S. Department of Housing and Urban Development^[20]
- **Housing Choice Voucher:** formerly known as Section 8 Housing. Federally assisted housing operated through the Housing Authority
- **Inclusionary Housing:** The percentage of housing in projects that is required by Ordinance to be rented or purchased at below market rates
- **Mixed-use housing:** retail on ground floor with housing above, including the required Inclusionary units
- **One Hundred Percent Affordable Housing:** Public or private projects in which all units are offered at below market-rate
- **Preferences:** Priority order for rental Inclusionary units codified in Municipal Code 24.16.045 (6). See page 6 of report for priority listing.^[15]

Sources

References

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Appendix A – Low and Very Low Income Rent Formula Tables for Santa Cruz

2023 MAXIMUM ALLOWABLE <u>LOW INCOME</u> BY HOUSEHOLD SIZE & MAXIMUM RENTS BY UNIT SIZE RENTAL OF AN INCLUSIONARY UNIT Per Resolution No. NS-16,452 EFFECTIVE JULY 1, 2023 ¹								
Household/ Unit Size	1 Person/ Studio	2 Person/ 1- bedroom	3 Person/ 2- bedroom	4 Person/ 3- bedroom	5 Person/ 4- bedroom	6 Person/ 5- bedroom	7 Person/ 6- bedroom	8 Person/ 7- bedroom
STEP 1: Determine HUD Median Income (100% AMI) by Household Size - Note 1	\$92,950	\$106,250	\$119,500	\$132,800	\$143,400	\$154,050	\$164,650	\$175,300
STEP 2: Reduce Step 1 by 8.16% - Note 2	\$85,365	\$97,580	\$109,749	\$121,964	\$131,699	\$141,480	\$151,215	\$160,996
STEP 3: Multiply Step 2 by 80% for the Maximum Income Limit Maximum Allowable Household Income - Note 3	\$68,292	\$78,064	\$87,799	\$97,571	\$105,359	\$113,184	\$120,972	\$128,796
STEP 4: Divide Step 3 by 12 for Maximum Allowable Monthly Income - Note 4	\$5,691	\$6,505	\$7,317	\$8,131	\$8,780	\$9,432	\$10,081	\$10,733
STEP 5: Multiply Step 3 by 25% for Maximum Rent (Owner Pays all Utilities) - Note 5	\$1,423	\$1,626	\$1,829	\$2,033	\$2,195	\$2,358	\$2,520	\$2,683

1. U.S. Dept. of Housing and Urban Development (HUD limits) <https://www.huduser.gov/portal/datasets/il/II2022/2022summary.odn> effective May 15, 2023, and the California Dept. of Housing and Community Development memo (HCD limits) <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2023.pdf> effective June 6, 2023. HCD adds extremely low, median and moderate incomes adjusted for household size and area housing costs.
 2. Percentage difference between the 1980 City and County median family incomes as determined in the 1980 census (8.16%)
 3. Maximum allowable annual gross income and assets for below-average/low-income households (80%)⁵
 4. Maximum allowable monthly income and assets⁶
 5. Maximum allowance for housing cost, including utilities. Utility costs are those established by the Santa Cruz County Housing Authority in conjunction with the Section 8 Rent Subsidy Program and are available online at https://hacosantacruz.org/wp-content/uploads/2022/12/050705_SC-UA_eff.1.01.23.pdf. If the tenant pays for any utilities, the maximum allowable rent must be reduced in accordance with the current Utility Allowance schedule.
 6. The maximum allowable assets for households seeking to rent inclusionary units shall be those limits established periodically by the Santa Cruz Housing Authority for the Section 8 Rental Assistance Program or its successor.
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Figure 3: Complete Low Income Rent Formula^[26]

2023
MAXIMUM ALLOWABLE VERY-LOW INCOME BY HOUSEHOLD SIZE & MAXIMUM RENTS BY UNIT SIZE
RENTAL OF AN INCLUSIONARY UNIT
Per Resolution No. NS-22,400

EFFECTIVE JULY 1, 2023¹

Household/ Unit Size	1 Person/ Studio	2 Person/ 1-bedroom	3 Person/ 2-bedroom	4 Person/ 3-bedroom	5 Person/ 4-bedroom	6 Person/ 5-bedroom	7 Person/ 6-bedroom	8 Person/ 7-bedroom
STEP 1: Determine HUD Median Income (100% AMI) by Household Size - Note 1	\$92,950	\$106,250	\$119,500	\$132,800	\$143,400	\$154,050	\$164,650	\$175,300
STEP 2: Multiply Step 1 by 50% for the Maximum Income Limit Maximum Allowable Household Income - Note 2	\$46,475	\$53,125	\$59,750	\$66,400	\$71,700	\$77,025	\$82,325	\$87,650
STEP 3: Divide Step 3 by 12 for Maximum Allowable Monthly Income - Note 3	\$3,873	\$4,427	\$4,979	\$5,533	\$5,975	\$6,419	\$6,860	\$7,304
STEP 4: Multiply Step 3 by 30% for Maximum Rent (Owner Pays all Utilities) - Notes 4 & 6	\$1,162	\$1,328	\$1,494	\$1,660	\$1,793	\$1,926	\$2,058	\$2,191

1 U.S. Dept. of Housing and Urban Development (HUD limits) <https://www.huduser.gov/portal/datasets/il/il2022/2022summary.odn> effective May 15, 2023 and the California Dept. of Housing and Community Development memo (HCD limits) <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2023.pdf> effective June 6, 2023. HCD adds extremely low, median and moderate incomes adjusted for household size and area housing costs.

2 Maximum allowable annual gross income and assets⁵ for very-low income households (50%) per Zoning Ordinance Section 24.22.527

3 Maximum allowable monthly income and assets⁵

4 Maximum allowance for housing cost, including utilities. Utility costs are those established by the Santa Cruz County Housing Authority in conjunction with the Section 8 Rent Subsidy Program and are available online at https://hacosantacruz.org/wp-content/uploads/2022/12/050705_SC-UA_eff.1.01.23.pdf. If the tenant pays for any utilities, the maximum allowable rent must be reduced in accordance with the current Utility Allowance schedule.

5 The maximum allowable assets for households seeking to rent inclusionary units shall be those limits established periodically by the Santa Cruz County Housing Authority for the Section 8 Rental Assistance Program or its successor.

6 For single-room occupancy units (SRO) with shared kitchen and/or bathroom, the maximum rent shall not exceed 75% of the maximum studio/1-person rent = **\$871**
 For single-room occupancy units (SRO) with kitchen and bathrooms in each unit, the maximum rent shall not exceed 85% of the maximum studio/1-person rent = **\$988**

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Figure 4: Complete Very Low Income Rent Formula^[26]

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SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Civil Grand Jury Required Responses: (1) Housing for Whom & (2) Preventing Rape & Domestic Violence

Gina Liebig <gliebig@santacruzca.gov>

Mon, Oct 14, 2024 at 9:17 AM

To: Santa Cruz Grand Jury <grandjury@scgrandjury.org>, Matt Huffaker <mhuffaker@santacruzca.gov>

Hello Santa Cruz Grand Jury,

At the Santa Cruz City Council meeting on October 8, 2024, the attached two reports/responses were approved by the Council:

1. Housing for Whom
2. Preventing Rape and Domestic Violence

Thank you, Gina



Gina Liebig

Principal Management Analyst

City of Santa Cruz | City Manager's Office

[809 Center Street, Santa Cruz, CA 95060](https://www.cityofsantacruz.com)

Phone: 831-420-5044

Email: gliebig@santacruzca.gov

Web: www.cityofsantacruz.com

2 attachments



Housing for Whom.pdf

257K



Preventing Rape and Domestic Violence.pdf

333K



The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the

Santa Cruz City Council

to Respond by September 19, 2024

to the Findings and Recommendations listed below
which were assigned to them in the report titled

Housing For Whom?

An Investigation of Inclusionary Housing
in the City of Santa Cruz

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown
in our minutes dated _____.

4. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

- F1.** The contradictory entries on the City’s website and in the City’s legal documents on whether Inclusionary Housing is restricted to Low, Very Low and Extremely Low-income levels or whether it includes the Moderate-income level is a major discrepancy with consequences about who is eligible for and who obtains Inclusionary Housing.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The process for determining income eligibility depends on the governing resolution that was approved by the City Council at the specific point in time that the affordable housing agreement between the City and the Developer was executed. This does not change over time for units in a specific project, so a project approved in 2007 would have different requirements and governing resolutions than a project approved in 2024. On the City’s Measure O Resolutions and Ordinances web page, eight resolutions are posted that govern the calculation of income eligibility for Inclusionary Housing /Measure O units in the City of Santa Cruz. Measure O is a voter-approved initiative originally adopted in 1979 that requires developers of residential projects to provide a certain percentage of the total number of units as affordable to income eligible households. The City’s Inclusionary Ordinance (Municipal Code Chapter 24.16, Part One) codifies the requirements of Measure O. Each resolution was approved by Santa Cruz City Council at different times to establish the income, monthly housing cost guidelines, and asset limits for the inclusionary units throughout the City of Santa Cruz. Additionally, each project has specific requirements related to the affordability threshold depending on the project type. The applicable resolution for an available Inclusionary Unit is noted when a unit is available either under the “AVAILABLE MEASURE O UNITS FOR PURCHASE” or “AVAILABLE MEASURE O UNITS FOR RENT” lists respectively.

F2. The City has no data on whether Inclusionary Housing is occupied by income-verified local residents and local workers. Both groups are given preference for housing as required by Ordinance. Without data, neither the City nor the community can be assured that such housing is meeting its intended purpose.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

Generally, the intended purpose for inclusionary housing is to serve low-income households (with exceptions allowing moderate-income housing for some projects). Local preferences are not required by Measure O; they were initially adopted in October 2006, and some projects are not subject to the preferences.

Our annual compliance monitoring verifies income eligibility of occupants of rental inclusionary housing. We also confirm eligibility of homebuyers when a for-sale unit is purchased. The Santa Cruz Housing Authority reviews the actual applications and confirms income eligibility for Measure O units, and the City reviews the Housing Authority’s determination and associated documentation. However, in 100 percent affordable projects, the City’s agreements generally allow the property manager to review and certify tenant applications, because those projects are subject to the requirements of multiple funding sources and then the property manager sends this reporting to the City for annual review and verification. In some cases, conditions placed on federal, or state funds may not be consistent with the City’s preferences. However, at initial lease-up, where permitted, typically the developer establishes a lottery system with rankings based on the required preferences.

Staff has recently initiated a new compliance form for developers/property managers to sign prior to Temporary Certificate of Occupancy, when the units are getting ready to be leased up or sold, verifying that the developer or property manager is complying with the City’s local preference policy. In addition, the affordable housing agreements entered into between the City and the Developer at the time of building permit issuance require the Developer to comply with the City’s local preferences, and these agreements are recorded on title.

The City believes that the mechanisms in place effectively enforce the City’s preferences to the extent possible given existing agreements and state and federal laws, while avoiding excessive administrative burdens on property managers.

- F3.** The City has no data on the percentage of units in Inclusionary and 100% Affordable Housing projects that are rented to UCSC students. This leaves the City and the public unable to assess the impact of UCSC on the local affordable housing supply. Such data is important for the City's ongoing negotiations with UCSC to build more on-campus housing.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The City does not currently track the percentage of UCSC students occupying Inclusionary Units or 100% affordable housing projects. The City does recommend that UCSC track where their students live. The impact of UCSC students on the availability of inclusionary units is likely fairly limited as the income eligibility requirements would disqualify UCSC students who are claimed as dependents by their parents.

At this time, the City is unaware of UCSC students renting inclusionary units. Most undergraduate students (nearly 90% of USCS students) are likely to be claimed as dependents. If the students are dependents, then the entire household's income must be shown on the Measure O application and all household members must reside in the unit as their principal place of residence. This likely excludes most students from being deemed eligible for inclusionary housing. The City recommends that UCSC track where their students live, which would allow the City to determine if they are residing in inclusionary unit

Recommendations

R1. The Grand Jury recommends that the Santa Cruz City Council state exactly which HCD Income Levels are covered by the City’s Inclusionary Housing Ordinance and Resolutions, and make that information public by December 31, 2024. (F1)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The HCD income is listed in each linked resolution on the City’s Measure O Rents and Incomes webpage. Please note that State HCD updates the income limits annually and these are the incomes that the City uses to determine the City’s Measure O calculations as specified by each resolution.

Additionally, the specific resolution for an available inclusionary unit is noted when a unit is available either under the “AVAILABLE MEASURE O UNITS FOR PURCHASE” or “AVAILABLE MEASURE O UNITS FOR RENT” lists respectively.

The chart below summarizes the number of units monitored by affordability level in the City of Santa Cruz since 1964. Staff will post a more comprehensive breakdown by project to the City’s website during the current calendar year.

	Total Units	Afford. Units	Ex Low	Very Low	Low	Mod
TOTALS:	5769	2642	117	1275	996	254

R2. The Grand Jury recommends that the Santa Cruz City Council develop an ongoing system to track, document and verify within 30 days of occupancy whether a unit is occupied by an income-verified local resident or local worker as required by the Ordinance, specifying which category the renter fulfills, and have such a system in place by January 31, 2025. (F2)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The City local preference only applies to the following resolutions: NS-29,463, NS-27,885, NS-27,629, and NS-27,383; the earliest resolution was adopted in October 2006. The City’s practice is generally not to reveal personally identifiable information for residents of inclusionary units and so does not provide preference information for a specific unit address that is rented or sold. Please refer to the City’s response to Finding #2 for more information on the City’s compliance monitoring.

Please note per the previous response which included the breakdown of affordable units by affordability level that staff will post a comprehensive breakdown of affordable units by project to the City’s website during the current calendar year.

- R3.** The Grand Jury recommends that the Santa Cruz City Council document the percentage of the City's Inclusionary and 100% Affordable Housing units that are rented to UCSC students, making that data public by February 28, 2025 with annual updates. (F3)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

As previously stated in the response for F3, at this time, the City is unaware of UCSC students renting inclusionary units. Most undergraduate students (nearly 90% of UCSC students) are likely to be claimed as dependents. If the students are dependents, then the entire household's income must be shown on the Measure O application and all household members must reside in the unit as their principal place of residence. This likely excludes most students from being deemed eligible for inclusionary housing. The City recommends that UCSC track where their students live, which would allow the City to determine if they are residing in inclusionary units.

R4. The Grand Jury recommends that the Santa Cruz City Council create an Inclusionary Housing public dashboard that covers the data called for in this report by February 28, 2025. (F1, F2, F3)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The City does not want to stigmatize tenants of Inclusionary/Measure O units by publicly releasing their addresses. Specific units available for rent or sale are listed on the City's Measure O website. The City currently curates an interactive map, which notes the inclusionary requirement for larger projects, but does not directly display which specific units are affordable. Please refer to the website link here: <https://www.choosesantacruz.com/resources/affordable-housing-projects-map>



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New Recruiting Ideas for the Personnel Department

Residents Deserve a Fully Staffed Workforce

Summary

County residents rely on fully staffed County agencies to provide timely services. Prior Grand Jury reports and media articles both point out chronic staffing shortages in key departments. This report explores the root causes and suggests specific actions that the County Personnel Department could take. These actions, which could help all other departments fill their vacancies more quickly, include:

- Improve the website search engine optimization to increase visibility of job listings.
- Adopt a countywide integrated HR software platform.
- Add department-specific recruiting expertise and bandwidth.
- Publish per-position candidate pool policies and hiring results on a semi-annual basis.
- Guide departments to strengthen “Promote from Within” programs and embrace continual improvement for advancement.
- Improve communication to candidates during recruitment and make current candidate status easily available.
- Increase transparency of Personnel Data by using a countywide Dashboard.
- Conduct a salary comparison study based on nearby counties which have recently hired County employees.
- Engage external expertise, such as peers and consultants, in order to improve hiring processes.

The Grand Jury’s hope is that making progress toward full staffing will improve service levels to residents and improve the morale of current County employees.

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Background

The charter of the Grand Jury is to identify areas where local agencies can improve effectiveness and efficiency. Past reports from the 2022-2023 Grand Jury noted that staffing shortages and long recruitment processes kept County agencies and departments from delivering required services.

The focus of this investigation is to highlight issues and opportunities to accelerate the hiring for difficult to fill positions across county departments. The end goal is improved skills and processes that deliver fully staffed agencies with top quality people. Long term positive outcomes can be fewer vacancies, shorter recruitment times, improved staff morale and higher employee retention rates.

Scope and Methodology

Specific issues that the Grand Jury investigated included:

1. The frequently lengthy process from posting to hiring.
2. Inconsistent recruiting practices across departments.
3. Analysis of the root causes of slow hiring processes.
4. The lack of accurate integrated recruiting and hiring data.
5. The lack of status information to in-process candidates.
6. Continuous vacancies taking months to fill, especially for supervisors and those requiring professional licenses.

The Grand Jury is very aware that processes at the County agency level take time to change. This report guides residents through issues as well as opportunities for near term process improvement. This investigation completed these tasks:

1. Compared an ideal hiring process to how the County operates today. This includes reviewing today's current best practices in recruiting for government jobs.
2. Evaluated practices in neighboring counties. This includes current technology being used.
3. Interviewed County staff across agencies and roles, as well as external experts. Specifically, that included Personnel Department staff and other County department's staff tasked with hiring and recruiting. Recent hires were interviewed to understand their perspective on the process.
4. The Grand Jury looked for gaps in the current County recruiting policy.
5. Reviewed statistics from the Personnel Department recruitment reports.
6. Looked at "out of the box" approaches to improving access to candidates for difficult to fill job profiles.

Investigation

The Grand jury interviewed a cross section of Personnel and Departmental staff, new hires and experts in Human Resources well educated in best practices. Figure1 below is a composite of a number of interviews that describe County recruitment experiences.

Imagine you are a resident of Santa Cruz County working over the hill. You are considering a job working for Santa Cruz County, which is much closer to home. You have a job, but you are tired of the private sector and commuting over Highway 17.

You have heard the pay in Santa Cruz County is much less than Santa Clara County, but you are ready for a change regardless. And you heard there are good benefits with government jobs.

You have rented a home for many years in Santa Cruz with a great landlord. Since you have been a good tenant, you have a below market rent. So you wouldn't want to move closer to your current job. You feel fortunate because you have heard Santa Cruz is the highest priced rental market in the country and, besides, you like the Santa Cruz lifestyle.

Searching "Santa Cruz County jobs," Google offers several websites, mostly consolidators of jobs, not necessarily the Santa Cruz County website. Your search also takes you directly to the Santa Cruz Probation Department website, but also to the Personnel Department website. You can see that the County is not using up to date Search Engine Optimization techniques (SEO) that help a website rank on the first page of browser results. On the Personnel website you find a link for open positions with the County and begin searching for analyst jobs in IT.

Just your luck you find a data analyst opening but there is no indication as to which Department you would be applying. You send off the application and wait. You quickly get an acknowledgement form letter. Two weeks later you receive an email indicating you did not make a top ten list of applicants and your name will not be submitted to the hiring manager for consideration. You are told if you want to wait they will call you if candidates fall off the list and you are moved up.

Six months go by. It's June, and you have written off the possibility of getting a position with the County. Then, you get a call from someone in the Personnel Department asking if you're still interested. Lucky for the County, you have held onto your current job! So you express interest in pursuing a position with the County. You are told that you will be called back soon.

A couple weeks go by and you get the call. You are told you may now be considered, but there are several steps to take before you are determined to be qualified to work for the County. You are then scheduled to take the required tests and pass a background check. Once again you wait. In August you are called for an interview with a hiring manager. You thought you had applied for a position in IT, but this is an interview for a new position in the Health Services Agency. Unbeknownst to you, the application you filled out was for a generic data analyst position. You go ahead with the interview and it seems to go well. And you wait.

It's October and you are notified that you got the job. Congratulations! The position is not exactly what you expected, but the salary being offered is fair and you accept the position.

Your start date is set for November. The time from submitting your application until your date of hire is 11 months. How many people would be able to endure this process? There must be a better way.

Figure 1 Composite of confidential interviewee's recruitment experiences.

For this report the Grand Jury examined only recruiting and hiring processes. The investigation found several opportunities for process improvement. This report will highlight some of the current obstacles and alternative approaches for building strong candidate pools. Without a solid pool of candidates, hiring managers have limited choices.

What is Holding Back Hiring?

There are many reasons Santa Cruz County takes a back seat to other counties as an ideal employer. Externals include housing costs, post-Covid tight job market, salary competition with private industry/Santa Clara County, and license/credential requirements. County government issues examined include lengthy processes, wage disparity, lack of communication with candidates, poorly-written job descriptions, no designated recruiters, and others.

Of particular note is that post-Covid, employment for skilled professionals in Santa Cruz County has been turned inside out. Local employers, including the County, could previously rely on the attractiveness of the area lifestyle to overcome salary limitations. The opposite is now true. Higher salaries over the hill, combined with flexible hybrid work, have made Santa Cruz County an ideal place to live but not to work. Housing and rental prices are proof.^[1] Santa Cruz was **number one** in average wage needed to rent a two bedroom in the Santa Cruz country according to the National Low Income Housing Coalition for Housing report.^[2] See Figure 6 in [Appendix A](#).

The irony is inescapable. Skilled County employees receive below market wages, have limited remote work options, and cannot afford housing in core cities.

An “Ideal” Hiring and Development Process

The following are best practices gleaned from several sources.^{[3] [4] [5] [6]}

- Management commitment to continual improvement. For instance, embracing the principle that best practices change and all employees can provide insights. Soliciting these ideas improves current employee morale because they feel heard.
- Consistently strong candidate pools are formed when an organization combines a strong brand, savvy marketing, and competitive postings.
- Good integrated data, combined with analysis, to improve performance.
- Fast hiring cycles with strong governance for required skills and certifications.
- Encouraging all employees to seek more senior positions. Building from within can reduce job-hopping to higher paying localities.
- Fast track advancement for qualified staff based on established processes and management support.

Variability in Hiring Success

There is a consistent pattern in filling available positions within County Departments. Hiring is most efficient for entry level positions, especially with a candidate pool of qualified applicants. Other positions are difficult to fill and may remain vacant for long periods of time. This is especially true for the Health Services Agency (HSA), Human

Services Department (HSD) and Public Works Department (PWD). The Sheriff's office has had problems hiring for several years. Examples of the hard-to-hire positions:

1. Positions requiring a specialized degree or credential (e.g., doctors, nurses, and licensed social workers).^{[7] [8]}
2. Higher level supervision (e.g., department supervisors).^[9]
3. Jobs with difficult working conditions (e.g., correction officers at the jails).^[10]
4. Positions that directly compete with private sector openings (e.g., IT positions).^{[11] [12] [13]}

Recruiting and hiring requires close collaboration between departments and Personnel. There are some noted hiring gaps. Opportunities to improve them are discussed in sections below.

Impact of Hiring Gaps

Hiring gaps examined in this report reduce quality of life for county residents. Consider these cause and effect scenarios:

- Lack of nurses in the Health Services Agency can limit care for patients.
- Understaffed social worker teams in the Human Services Agency can compromise family and child safety.
- In the Planning department, staff shortages for permitting, plan review and inspections can lengthen the housing recovery time for fire victims or development of additional housing.
- Open supervisor positions across all departments puts additional burdens on senior administrators.^[14]

No Data, No Answers

For the most part, County Personnel was unable to give the Grand Jury accurate report data based on common recruitment measures. As a result, most of our information came from interviews. This is unfortunate since such metrics capture data points used to track, manage, and optimize recruitment processes. Because they are so critical, they are continually captured as standard practice by many peer government organizations.^[15] The lack of such published data in Santa Cruz County is an important fact for readers of this report.

Documenting which functions and practices are efficient allows departments to see which recruitment methods need improvement. Two examples are average recruitment time data and vacancy rate trend data. This would help departments and the County Personnel Department assess the results of their hiring process and the effectiveness of their hiring strategies.

Looking for More and Better Candidates

Rapidly gathering an adequate candidate pool is essential for filling critical vacancies. For many positions that are easier to hire, a pool of qualified candidates can readily be created. This is not the case for more specialized and senior positions.

Without Salary Parity, Limited Candidate Interest

A salary comparison done by the Grand Jury comparing Santa Cruz County and Santa Clara County posted salaries indicates that Santa Cruz County compensation is generally lower, on average 17% lower.^[16] As a result, experienced entry level staff frequently seek out jobs over the hill to advance their careers.

Figure 2 below is a snapshot comparison of a handful of open positions at the County as of February 25, 2024 demonstrating this salary disparity.

Date Viewed	The Job Opportunity	Salary - Santa Cruz County	Salary - Santa Clara County	Compared to Santa Clara	Salary - Monterey County	Compared to Monterey
Feb.25, 2024	Clinical Nurse II	\$106,728- \$124,848	\$150,552- \$182,996	68-70%	\$103,224- \$140,964	103- 88%
Feb.25, 2024	Clinical Nurse III	\$118,116- 138,084	\$165,607- \$221,963	62-72%	\$165,840- \$226,392	61- 71%
Feb.25, 2024	Deputy Sheriff- Lateral	\$97,944- \$131,208	\$111,662- \$135,742	59-62%	\$89,004- \$121,560	108-108%
Feb.25, 2024	Deputy Sheriff- Cadet	\$93,608- \$131,208	\$103,731	91-127%	\$72,324	129-181%
Feb.25, 2024	Corrections Officer- Lateral	\$78,516- \$105,012	\$110,032- \$133,752	70-79%	\$82,276- \$114,684	95-82%
Feb.25, 2024	Psychologist	\$106,056- \$134,160	\$139,986- \$170,152	75-78%	\$93,240- \$127,464	113-105%
Feb.25, 2024	Public Defender IV	\$182,352- \$221,688	\$226,025- \$281,328	79-80%	121,584- \$206,640	150-107%

Figure 2. Snapshot salary comparison for open positions as of 2/25/2024^[17]

There is a Board of Supervisors approved philosophy that a salary comparison is done comparing our county with eight other Bay Area counties including our neighboring counties, Monterey and Santa Clara.^[18] Our county strives to be in the middle of the pack of the eight counties.^[19] Current salary compensation guidelines (defined in 1990 and revised in 2002) call out Napa, Solano, and Contra Costa counties as benchmarks. The cost of living is much lower in those counties and using them for comparison may skew salary estimates lower.^[20]

Static Candidate Search Practices Cast a Narrow Net

Post-Covid, unemployment remains low and prospects have many career choices and see rising salaries. There are now many more candidates today declining job offers not just here but everywhere. Candidates have gotten used to working from home and want to work remotely, but the County does not accommodate this requirement as well as the private sector.^[21] In response, mainstream candidate search practices have evolved to an “Employee Driven” marketing model.

Adjustments made by other public sector organizations include:

- Position descriptions include more flexible scheduling, including consistent hybrid/remote work.^{[22] [23]}
- Advertising and awareness marketing extend further. For example: career fairs, colleges and universities, social media, career panels, community markets and events, in-person job fairs and networking events.^[24]

The County Personnel Department has done trials with several of these approaches. There has not been a published analysis of cost/benefit analysis for these efforts. There is no public, written guidance for recruiters on best practices.

A couple of examples of pilot projects include:

- Quarterly community workshops on how to get a job with the County.^[25]
- Employee testimonial videos.^[26]

In contrast, continual posting remains a long-standing County practice even though it has been shown to be ineffective. In this approach, generic postings are left unchanged on the County website for months.^[27] Candidates see only stale postings and search engines rank them lower than newer postings from competing employers. Search Engine Optimization tools can help to get ranked higher on the browser list.^[28]

Limited In-process Candidate Communication Stalls Interest

Contact with candidates is sporadic. The initial communication is with Personnel, not the hiring department, which is often seen as a barrier.^[29] Applications are acknowledged with a form email. The next contact may be months later, when the candidate is asked to schedule a test or is called in for an interview.

There is no ongoing communication with candidates who are eligible, or information on where they stand in the hiring process.^[30] Candidates are not able to check their status online and systems are not in place to automatically generate status communications. Since processes and communications rely on manual employee processes, time can be lost and gaps can occur.

Candidate Pool Bottlenecks Slow Hiring Decisions

The recruiting and hiring of county employees follow strict civil service guidelines to ensure fair and equitable hiring. These requirements were put in place many years ago to block unfair hiring practices. Circumstances have changed and some, such as candidate pool sizes, now simply delay the hiring process. Some progress has been made since the Board of Supervisors approved replacing the Rule of 10 with Rule of 5 for some positions.^[31] Previously the Rule of 10 required Personnel to identify 10 qualified candidates before submitting the candidate list to the hiring manager. This requirement was reduced to 5 candidates. However, there remain many rules which - while well intended to avoid the “spoils” system of the past - remain as obstacles to efficient hiring at the County.

Provisional hiring is a means to bring onboard highly qualified candidates for more specialized positions while a determination is made as to their civil service qualifications

and while their credentials are checked. This has only been rarely used in Santa Cruz County to accelerate hiring. When it is used, it has been successful in persuading candidates to wait out the months-long processes.

Extended Time to Hire Slows Departments

Due to practices described above, the process in use today often takes six months to a year. Candidates frequently accept other opportunities before the Personnel department makes an offer. Normally, public sector hiring takes three times longer than the private sector for higher level, special skills or credentialed positions.^[12] This is another factor that puts Santa Cruz County at a huge disadvantage. The end result is service gaps for residents and increased workload for existing staff.

Faster Per-position Result

The prior section looked at difficulties in attracting sufficient candidates. This section looks at how to move from a pool of candidates to a hired employee.

Limited Agency-specific Recruitment Skills

We found that most County departments and programs lacked dedicated hiring managers. Most of the time department managers, in addition to their regular duties as administrators, are also charged with hiring. These managers often lack personnel hiring experience.^[32] The exception is the Sheriff's department, which has an officer dedicated as a recruiter. However, comparable large departments such as HSA, HSD and Public Works, with similar complex position requirements, do not.

Typically, the most difficult positions to hire for are psychiatrists, senior medical specialists, social workers, nurses, and senior building officials. These are all positions that require specialized knowledge as well as a license.^[8]

Human Resources Best Practices

The Grand Jury interviewed a Human Resources expert with many years' experience consulting for California cities and counties to improve their HR practices. The consultant sampled some advertised open positions on the County Personnel website.

One Santa Cruz County job description for an engineer, for example, was not interesting to prospective candidates.

- The salary description was monthly (not annual), the salary that was listed later in the ad used a range without any context.
- There was nothing compelling in content when compared to another rural county entity's job description for an engineer that included multi-media links talking up the job, with multiple pictures.
- Best practice was to write a job description from the perspective of what the candidate is looking for and would be interested in. An engineer would love to see a link to current County projects to see what they might be working on if hired.^[33] Simply running an ad does not work today.^[34]

The consultant recommended several best practices which were divided into four categories:

- Effective advertising methods for open positions
- Creative “outside the box” recruiting tips
- Managing new hires for retention and promotion
- Obtaining new recruits from employees.

Best Practices for Effectively Advertising Open Positions:

- Personnel staff and the department hiring manager should co-write the job announcement and supplemental questions. Often HR develops an initial draft, based on priorities articulated by the hiring manager and key details of the job description plus required EEO/ADA language.^[35]
- Show hourly salary for entry-level and part-time jobs and annual salary for journey-level and above. It is acceptable to list both hourly and annual salary ranges.^[36]
- Include a benefit summary, with links to a graphic presentation “selling” benefits to potential applicants.^[37]
- Sell the job opening to qualified candidates by highlighting key features of the job to the target market. The common element here is blending specific job tasks with benefits and tapping into the reason folks choose a specific career path.^[38]
- Continuous postings should be refreshed every month. This includes updating the posting date, so web crawlers and search engines will “see” the posting as new. Another best practice is to add new information each month, such as “Next Application review date: Oct 30. All applications received by that date will be reviewed by the hiring manager within 2 weeks.”^{[27] [39] [40]}
- Contact each applicant within one week of the close of any job posting with a status update.^[41]
- Departments with chronic staff shortages would benefit from opening social media accounts where information about department happenings and future open positions may be highlighted.^[42]

As an example of best practice innovation to increase exposure, the Sheriff’s Department has its own Facebook and Instagram accounts and attends law enforcement job fairs.

The Personnel Department has implemented a wide variety of outreach methods which have had some success. These methods include social media, online job boards, career panels, information sessions, direct US mailings, direct emails, direct phone calls, attending community events (Farmer’s markets, Pride Day, County Fair), attending online and in-person job fairs and internship fairs, radio ads, newspaper ads, fliers posted at local businesses, attending professional conferences and networking events.

Best Practices for creative “outside the box” recruiting:

- A referral bonus is another nice perk for current staff. An employee contest or reward program can be fun and effective. Some departments use a payment split: 50% on hire; 50% when the probation period is successfully passed.^[43]
- Use job titles and keywords that resonate with current industry nomenclature even if they do not match the County’s current job title.^[32]
- Provide candidate immediate access to the hiring manager if they clearly appear to be a good candidate.^[44]
- Have a union rep present during the interview process. This sensitizes the union member to what the process is and promotes a better understanding from the hiring manager's point of view. By collaborating with the union representative for creative ways to meet civil service requirements it may be possible to come up with unique ways to hire good candidates.^[45]

Best Practices for managing new hire retention and promotion:

- Investing in communication skills for leads, supervisors and managers is vital, so they have the tools to effectively lead their staff. Recommend coaching and mentoring trainings.^[46]
- Establish regular meetings throughout the probationary period with feedback on performance and expectations. This allows the supervisor to assess if assignments are appropriate, and/or if additional resources are needed to help an employee. It also helps the employee to have a clear idea of how well they are doing.^[3]

Best practices for obtaining new recruits from employees:

- Annual reviews that include a professional development training plan will actively encourage staff to improve their skill for advancement. This can help retain valuable employees, while helping struggling employees improve and feel good about staying with an employer long-term.^[47]

Complex and Intertwined Personnel Department and Agency Roles

The County Personnel Department covers many areas within the Human Resources operations besides recruiting. These include employee payroll and benefits, state and federal compliance issues, employee grievances and union collective bargaining issues.

As a result, data is not readily available and acted upon. County Personnel staff are not as familiar as they could be with current data on vacancies across the departments they serve, time to hire, retention rates, etc.^[48] They wait for the department or agency to report a need for new hires. The data is held within the departments. Because of this, consolidated county-wide job vacancy data is not available.

Home grown tracking systems and spreadsheets to capture hiring information continue to be used in this county. Data collection is therefore labor intensive and inefficient.

From Personnel Department interviews, Figure 3 below is an outline of the hiring process.

1. A vacancy opens up. The hiring manager fills out the required form and submits it to the Personnel Department.
2. After review by the Personnel technician, the hiring manager signs off on the forms.
3. Personnel may already have a list of candidates which can be filtered to identify suitable candidates for a particular position.
4. The list is shared with the department hiring manager.
5. The hiring manager reviews the list.
6. The hiring department and Personnel jointly oversee candidate qualification evaluation, testing, background checks, and training if required.
7. The Personnel technician takes part in weekly follow up meetings with the hiring manager.
8. Candidates are identified.
9. The hiring manager does reference checks.
10. The Personnel technician does paperwork and completes a Payroll Action Form.
11. The form goes to the Records team for audit.
12. A pay grade is assigned to the candidate.
13. Personnel clears the hire.
14. The Personnel technician then contacts the candidate and schedules them for in-processing.
15. A welcome letter with onboarding information is sent to the candidate.

Figure 3: Santa Cruz County Hiring Process Steps.^[49]

Every recent hire interviewed said it takes at least six to twelve months to fill a County position.^[34] Sometimes things slow down because of the government hiring process.^[50] For example, candidates fill out tests and essays not necessarily for the position they will be eventually offered. In other cases, it is because the hiring managers take months to interview candidates provided by Personnel causing candidates to lose interest.^[51] Everyone seems to be resigned to the long process.^[52] The Hiring Flow Chart in Figure 7 in [Appendix A](#) shows it is a complicated process that a candidate must endure.

Many peer agencies rely on integrated software tools to automate such processes and integrate data gathering.^[53] Most importantly, these tools free up managers from manual paperwork tasks in order to focus on sourcing, interviewing, and hiring. As an example of the value of integrated HR systems, San Francisco reduced hiring time by 40% through streamlining the application, interview and hiring process.^[54] Specific examples of advantages of using an integrated system are shown in Figure 4 below.

Software capability	Impact on recruiter efficiency and/or candidate perception
Increase pool of qualified applicants.	Reach more candidates all at once, easier to track cost-effectiveness on sourcing targeted applicants.
Easier tracking and screening.	Improved/easier application process for candidates. Screening automated for recruiter and hiring manager.
Immediate response to online application.	No recruiter effort. ^[55] Immediate feedback to candidates.
Candidates can self-schedule interviews.	No recruiter effort. Quickly locks down interaction with the hiring team. Engages candidates, demonstrates their interest.
Job posting content is displayed as easy to follow indexed pages	Easier for candidates to evaluate topics of interest.
Captures recruitment metrics, such as time to hire, recruitment effort results. Generates related reports to track progress.	Lessens time for staff to pull data. Improved process governance, capture of best practices for oversight and planning.
New hire onboarding.	Ensure compliance to policies while making new hires feel welcome.

Figure 4: Typical capabilities of integrated HR software packages.^[56]

Examples of Online Software Platforms for Organizing Personnel Departments

Candidate Relationship Management (CRM) software streamlines the recruiting and hiring process. Adapting CRM software would complement and/or improve inhouse software and allow the County to more effectively compete with local counties and cities.

NeoGov is an example of a company that provides CRM to public and civil service employers. Santa Cruz County currently uses some NeoGov modules for applicant tracking and online training of employees.^[57] One advantage of using NeoGov is that when an advertisement is posted on the County website, it is also picked up on the NeoGov website.^[58] Currently NeoGov is used by Watsonville, Santa Cruz City, Los Gatos, San Jose, Monterey, Salinas, Santa Clara County and San Benito County.^[59] NeoGov saves lots of time because it sends out notices to candidates and allows them to self-schedule interviews.^[60]

Careers in Government is another CRM software system that is available. Their service scrapes subscribers' websites and publishes listings on their own, increasing visibility to potential recruits. It would also push interested candidates back to the County website.^[61]

Handshake is a service that is free where links to County job posting can be posted, increasing visibility to new candidates seeking job opportunities.^[62]

Limited Focus on Accelerating Recruitment and Hiring

As mentioned above, because administrators also act as hiring managers at agencies such as Public Works, Planning, HSA, and HSD, they are typically very busy people. Time spent on the hiring process is often hard to find. However, a shortage of staffing due to chronic unfilled positions can lead to employee frustration on one hand and overtime charges on the other. Neither is good for these agencies.^[51]

Personnel Department leadership positions that are filled by long-time employees can be beneficial for the county. But it also has limited the acceptance of new ideas from employees.^[63] It is important to try new methods that appeal to a new generation of workers and have worked elsewhere in hiring for difficult to fill positions.^[64]

Agencies depend on the Personnel Department to optimize the hiring process. In many cases peer organization best practices or employee suggestions are available to the Personnel Department to improve efficiency and effectiveness. However, for these ideas to be of any benefit, Personnel Department management must take a leadership role that encourages their evaluation and testing. Continual improvement depends on Personnel Department leadership as well as measurement.^[65]

In-house, Bottom Up Advancement

The County has a tremendous resource to draw from - their existing employees. As described above, the Grand Jury found that processes and candidate pools for entry level employees are up to the task.

One hindrance to a bottom up approach is a lack of consistent policies, funding, and training to encourage employees on that path.^[47] As a result, employees considering advancement often look elsewhere. This is a self-reinforcing downward spiral which reduces the internal talent pool while encouraging some employees to leave. The advantages of promoting from within are described in Figure 5 below.

Existing Employee Characteristic	Advantage to County
Easier to hire a Level 1 and promote to Level 2	More entry level applicants who meet minimum qualifications
Knows the opportunities for advancement	Can track employee progress
Has already secured local housing	Able to work locally without having to commute
Understands local issues	More likely to effectively contribute to innovative organizational solutions
Can make a living at current County wage levels	Less likely to seek out other locations that offer higher wages
Gaining seniority and experience	Becomes more invested in Santa Cruz County organization

Figure 5. Advantages to County departments gained by promoting from within.

Conclusion

The Grand Jury recommends changes that improve efficiency and effectiveness of the county's hiring processes. This is done to improve service levels for County residents that support the local agencies with hard-earned tax dollars.

All of the recommendations below are specific, but do not call out the elephant in the room: County services for residents suffer because management is not able to prioritize staffing levels, or deploy time-saving integrated software, or fix broken processes. Residents deserve the improved services that fully staffed departments can deliver. For county residents, the "just business as usual" attitude of local agencies towards filling these critical vacancies is very concerning.

The Recommendations in this report anticipate continual improvement in County hiring and recruiting. These will result in more completely staffed agencies and departments that deliver high quality services on time with improved morale. The County will accrue cost and time savings through integrated data and processes.

Time is money and the clock is ticking. The Grand Jury thinks this problem is urgent and needs to be addressed now.

Findings and Recommendations

Group 1: Fast-track Candidate Pool Quality / Quantity

Add Department-level Recruiting Expertise and Bandwidth

- F1.** Requiring candidates for difficult to fill positions coordinate with Personnel rather than directly with hiring managers in departments slows the hiring process and reduces candidate interest.
- F2.** The Personnel Department recruiter training does not provide recruiter skills to the hiring managers necessary in today's job market.
- F3.** Outdated personnel "candidate pool" rules and Civil Service recruiting policies inadvertently force long term vacancies for supervisory and credentialed positions.
- F4.** By not sending candidates for difficult to fill positions directly to hiring managers the chances of hiring well qualified candidates are reduced.
- F5.** Most county departments lack dedicated hiring managers leading to overloaded administrators.
- R1.** The Grand Jury recommends that by December 31, 2024, in order to reduce the backlog of difficult to fill positions, the Personnel Department creates dedicated recruiter positions for the HSA, HSD and Public Works departments. (F1–F5)

Improve Marketing to Candidates

F3 applies to this area as well.

- F6.** The Personnel Department has not changed policies and procedures in the face of fewer candidates applying for County positions resulting in additional vacancies and slower recruitment and hiring processes.
- F7.** The Personnel Department's website advertising continuous open positions without regular updates makes it very difficult for candidates to find opportunities on search engines because the information is stale and not up to date.
- R2.** The Grand Jury recommends that by December 31, 2024, the Personnel Department update recruitment and hiring procedures. For example, requiring the updating of job postings on a regular basis in order to improve search engine visibility. (F3, F6, F7)
- R3.** The Grand Jury recommends that by December 31, 2024, the Personnel Department begin publishing per-position candidate pool policies and hiring results on a semi-annual basis. (F3, F6, F7)

Promote from Within

- F8.** Continuous improvement for promoting existing employees in departments with difficult to fill positions can help to maintain effective staffing levels.
- F9.** Promoting employees within departments with many difficult to fill positions can limit the damage caused by attrition, especially at more senior levels.
- R4.** The Grand Jury recommends that by December 31, 2024, the Personnel Department, in collaboration with HSA, HSD and Public Works, embrace continuous improvement and publish a skills and advancement plan to accelerate promotion from within, including budget requirements and goals. (F8, F9)

Group 2: Improve Hiring and Recruitment Results

Adopt Integrated HR System

- F10.** The months-long hiring process is frustrating to candidates and jeopardizes the County's chances of hiring good candidates.
- F11.** The time required for complex paper processes steals time from creative recruitment and ongoing contact with candidates.
- R5.** The Grand Jury recommends that by December 31, 2024, the Personnel Department publish a cost/benefit analysis comparing their current approach with that offered by integrated HR solutions. (F10, F11)

Embrace Continual Improvement within Personnel Department

F6 applies to this area as well.

- F12.** Despite the finding in F9, having leadership in Personnel Department positions filled by long-time employees that have spent most of their career in the department has led to limited acceptance of ideas that have worked elsewhere in hiring for difficult to fill positions.
- R6.** The Grand Jury recommends that by December 31, 2024, the Personnel Department develop a plan detailing how they will solicit and evaluate employee recommendations that could help reduce the backlog of difficult to fill positions. (F6, F12)
- R7.** The Grand Jury recommends that by December 31, 2024, the Personnel Department publicly document how they have engaged external expertise which would likely improve hiring and promoting processes. (F6, F12)

Evaluate Peer Counties for Best Practices

F6 applies to this area as well.

- F13.** The 8-county salary comparison in place since 2002 is no longer a useful benchmark for wages and salaries given the high cost of living in Santa Cruz County resulting in many vacancies.
- F14.** To attract a wider pool of candidates for difficult to fill positions, pay needs to be at least 90% of what Santa Clara County offers.
- R8.** The Grand Jury recommends that by December 31, 2024, and annually thereafter, the Personnel Department conduct a salary comparison study based on nearby counties. It is recommended that this study include counties which have routinely recruited Santa Cruz County employees and residents. (F6, F13, F14)

Create a Public Dashboard of Key Hiring and Recruitment Metrics

- F15.** The County Personnel Department was consistently unable to provide comprehensive hiring statistics. Without accurate data, Personnel and other departments cannot make sound judgements on how to measure improvements in the hiring process for difficult to fill positions.
- F16.** The Personnel Department expects the department units themselves to track hiring and recruitment metrics and keep important data such as turnover statistics and vacancy rates. This leaves the Personnel Department and oversight bodies without a clear picture of the situation and depth of the problem.
- F17.** By not filling essential positions for months at a time, services for residents suffer harm when vacancies persist.
- R9.** The Grand Jury recommends that by December 31, 2024, the Personnel Department post a public dashboard, based on real time data, to include time-to-hire and vacancy rates for difficult to fill positions in County departments. (F15, F16, F17)

Commendations

- C1.** The Grand Jury commends the Personnel Department for testing ways to improve recruiting for difficult to fill positions. These include preparing a video selling the lifestyle of Santa Cruz County, attending job fairs, having a booth at the County fair, attending conferences where professionals meet, advertising in magazines that target professionals with needed skills, reaching out to universities and meeting students about to graduate.
- C2.** On the recommendation of the Personnel Department, the Board of Supervisors eliminated the civil service requirement for a top ten list for a set of hard to fill positions. Department hiring for those positions accelerated since managers were able to interview candidates more quickly.

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board Of Supervisors	F1–F17	R1–R9	90 Days September 25, 2024

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Director, Santa Cruz County Personnel Department	F1–F17	R1–R9	90 Days September 25, 2024

Definitions

Terms requiring an explanation that would not fit in the report flow.

- **SEO:** Search Engine Optimization. The practice of orienting your website to rank higher on a search engine results page (SERP) so that you receive more traffic. The aim is typically to rank on the first page of Google results for search terms that mean the most to your target audience.^[28]
- **HR:** Human Resources. A term often attached to Personnel Department services.
- **Provisional hiring:** Committing to a candidate prior to fully completing the hiring process. Allows for mutual commitment of the agency and candidate while providing sufficient time for all required steps to complete.
- **Rule of 10:** A civil service rule that says until ten candidates have been vetted by the Santa Cruz County Personnel Department they cannot be forwarded to the hiring department.^[31]
- **CRM:** Stands for Candidate Relationship Management in human resources, talent acquisition, and recruiting software.

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Appendix A – Supporting Figures

National Low Income Housing Coalition for Housing Report

MOST EXPENSIVE JURISDICTIONS			
Metropolitan Areas	Metropolitan Counties ²	Housing Wage for Two-Bedroom FMR ¹	
Santa Cruz-Watsonville, CA MSA ⁴	Santa Cruz County, CA	\$63.33	
San Francisco, CA HMFA ³	Marin County, San Francisco County, San Mateo County, CA	\$61.31	
San Jose-Sunnyvale-Santa Clara, CA HMFA	Santa Clara County, CA	\$56.56	
Salinas, CA MSA	Monterey County, CA	\$51.44	
Santa Maria-Santa Barbara, CA MSA	Santa Barbara County, CA	\$51.29	
Boston-Cambridge-Quincy, MA-NH HMFA		\$50.67	
Stamford-Norwalk, CT HMFA		\$49.29	
Santa Ana-Anaheim-Irvine, CA HMFA	Orange County, CA	\$48.83	
Seattle-Bellevue, WA HMFA	King County, Snohomish County, WA	\$47.21	
New York, NY HMFA	Bronx County, Kings County, New York County, Putnam County, Queens County, Richmond County, Rockland County NY	\$47.13	
State Nonmetropolitan Areas (Combined)	Housing Wage for Two-Bedroom FMR	Nonmetropolitan Counties (or County-Equivalents)	Housing Wage for Two-Bedroom FMR
Massachusetts	\$46.91	Nantucket County, MA	\$50.35
Hawaii	\$37.86	Dukes County, MA	\$44.71
Alaska	\$26.88	Kauai County, HI	\$41.31
Connecticut	\$26.62	Eagle County, CO	\$39.04
New Hampshire	\$25.21	Monroe County, FL	\$38.90
Colorado	\$24.50	Pitkin County, CO	\$36.73
California	\$22.35	Hawaii County, HI	\$36.56
Nevada	\$22.28	Summit County, CO	\$35.77
Washington	\$21.80	Bethel Census Area, AK	\$34.98
Vermont	\$21.69	Aleutians West Census Area, AK	\$34.56

Figure 6: National Low Income Housing Coalition for Housing Report. ^[2]

County Personnel Recruitment and Examination Flow Chart

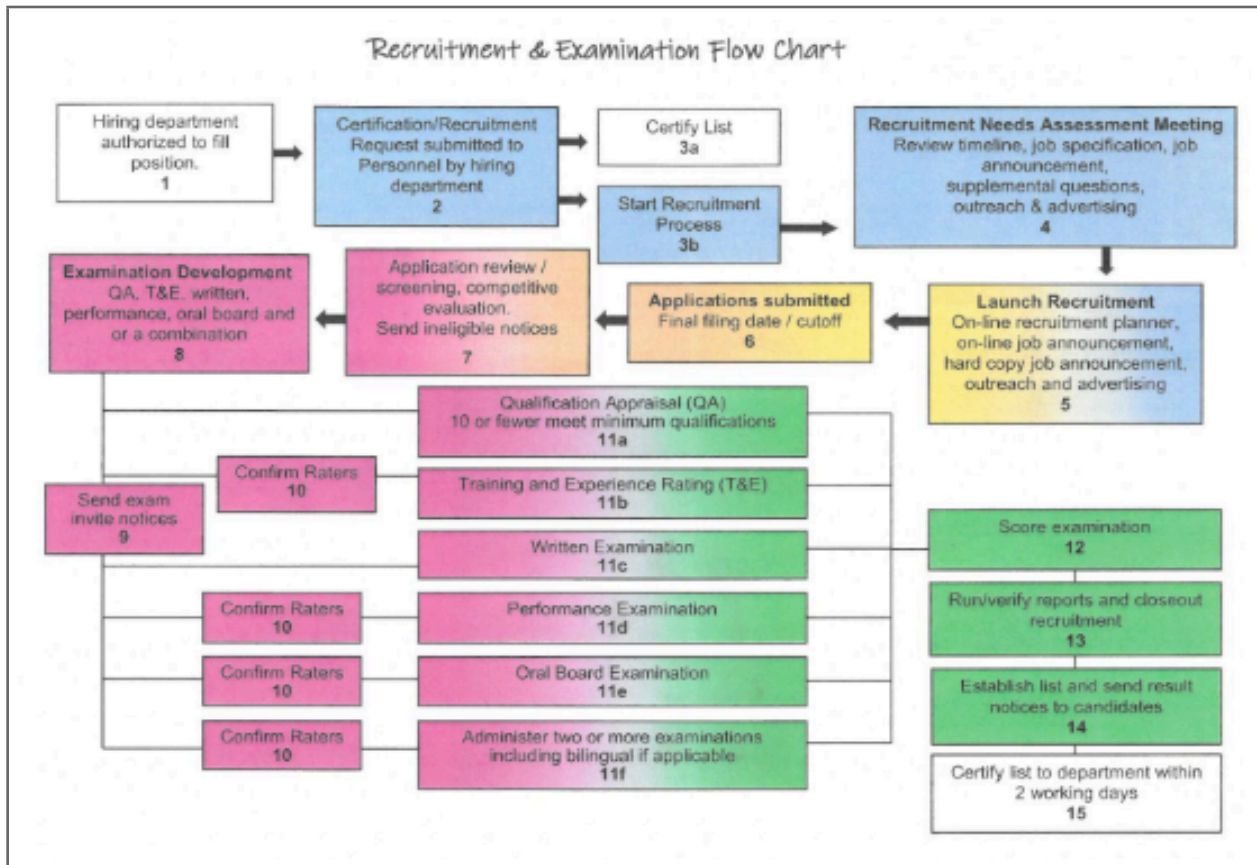


Figure 7: County Personnel Recruitment and Examination Flow Chart.^[66]



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Board of Supervisors Response to Grand Jury Report "New Recruiting Ideas for the Personnel Department..."

Caitlin Smith <Caitlin.Smith@santacruzcountyca.gov>

Tue, Sep 10, 2024 at 3:27 PM

Good Afternoon,

Please see attached for the Board of Supervisors' response to the 2023-2024 Grand Jury Report "New Recruiting Ideas for the Personnel Department – Residents Deserve a Fully Staffed Workforce."

Best,

Caitlin C. Smith

County Supervisors' Analyst

Santa Cruz County Board of Supervisors

701 Ocean Street, Room 500

Santa Cruz, CA 95060

831-454-2200 main

831-454-3516 direct

caitlin.smith@santacruzcountyca.gov

To email all five members of the Board of Supervisors at once,

please use: boardofsupervisors@santacruzcountyca.gov

2 attachments



Cover Letter Recruiting Ideas for Personnel Department.pdf
195K



Response to Grand Jury report Recruiting Ideas for the Personnel Dept.pdf
323K

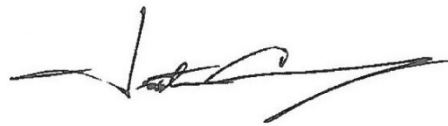
September 10, 2024

The Honorable Katherine Hansen
Santa Cruz Courthouse
701 Ocean Street
Santa Cruz, CA 95060

Dear Judge Hansen,

The purpose of this letter is to formally transmit the Board of Supervisors' response to the 2023-2024 Grand Jury Report "New Recruiting Ideas for the Personnel Department – Residents Deserve a Fully Staffed Workforce."

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Cummings", with a long horizontal flourish extending to the right.

JUSTIN CUMMINGS, Chair
Santa Cruz County Board of Supervisors

JC:cs
Attachments

CC: Clerk of the Board
Santa Cruz County Grand Jury



The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the

Santa Cruz County Board Of Supervisors

to Respond by September 25, 2024

to the Findings and Recommendations listed below
which were assigned to them in the report titled

New Recruiting Ideas for the Personnel Department
Residents Deserve a Fully Staffed Workforce

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. ***For the Findings, mark one of the following responses with an “X” and provide the required additional information:***
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. ***For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:***
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. ***Please confirm the date on which you approved the assigned responses:***

We approved these responses in a regular public meeting as shown
in our minutes dated September 10, 2024.

4. ***When your responses are complete, please email your completed Response Request as a PDF file attachment to both***

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F1. Requiring candidates for difficult to fill positions coordinate with Personnel rather than directly with hiring managers in departments slows the hiring process and reduces candidate interest.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

This statement is inaccurate. Once candidates are placed on eligible lists, department hiring supervisors take the lead in managing most aspects of the candidate experience, including interviews, reference checks, and conditional job offers.

There are certain portions of the hiring process that must be handled by Personnel, such as the scheduling of medical physicals, in-processing and fingerprints. However, these steps of the hiring process occur after the conditional job offer has been accepted.

With the implementation of the Workday Human Capital Management (HCM) system, some coordination points between Personnel and hiring managers will be more streamlined, including but not limited to:

- Centralized communication and tracking in which Workday provides a unified platform;
- Data visibility and reporting, whereby the platform's data visibility allows both Personnel and hiring managers to track key hiring metrics, monitor bottlenecks, and identify areas where delays are occurring, enabling proactive adjustments.

F2. The Personnel Department recruiter training does not provide recruiter skills to the hiring managers necessary in today's job market.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

A recruitment is a collaborative process between Personnel Department recruiters and department hiring managers. Personnel Department recruiters handle key tasks, while hiring managers provide operational expertise and specialized outreach based on their networks and industry connections. Together, Personnel recruiters and departmental hiring managers attend job fairs, informational marketing events, and are available to speak to interested job candidates about all the aspects of the job.

F3. Outdated personnel “candidate pool” rules and Civil Service recruiting policies inadvertently force long term vacancies for supervisory and credentialed positions.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

In June 2023, Personnel implemented a significant Civil Service change, shifting from the “rule of 10” to the “rule of the list,” allowing all candidates to be forwarded to hiring managers in rank order for interviews. This improvement is designed to reduce delays and ensure a more flexible and responsive hiring process.

F4. By not sending candidates for difficult to fill positions directly to hiring managers the chances of hiring well qualified candidates are reduced.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

For many difficult-to-recruit positions, such as Licensed Clinic Physicians and Psychiatrists, systems are already in place for rapid processing. Qualified applicants are forwarded to hiring managers within 24 hours of receipt, allowing immediate screening and expedited interviews.

The implementation of Workday will further support this process by automating candidate tracking and reducing manual touchpoints related to the hiring paperwork.

F5. Most county departments lack dedicated hiring managers leading to overloaded administrators.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

All departments have hiring managers, supported by administrative staff. Major departments such as the Health Services Agency (HSA), Human Services Department (HSD), Sheriff's Office, and Community Development and Infrastructure Division of Public Works (DPW) have dedicated recruiting analysts and personnel technicians.

The implementation of Workday will further alleviate administrative burdens by automating many routine hiring tasks.

F6. The Personnel Department has not changed policies and procedures in the face of fewer candidates applying for County positions resulting in additional vacancies and slower recruitment and hiring processes.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

Recent updates include changing Civil Service Rules from a “rule of 10” to a “rule of the list” and reducing the interview contact notice period from 5 days to 3 days. Additionally, difficult-to-fill positions are now expedited. As soon as they are received, applications are forwarded to the hiring manager and screened for qualifications, which typically takes from one to three days. Recruiting strategies are continuously adjusted to reflect current job market conditions. These strategies include in-person and virtual informational sessions, community workshops, social media outreach, revised outreach plans, varied examination processes, and recruiter events held on both weekdays and weekends.

F7. The Personnel Department’s website advertising continuous open positions without regular updates makes it very difficult for candidates to find opportunities on search engines because the information is stale and not up to date.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

Continuous recruitments, which do not have final filing dates, are updated regularly. For difficult-to-fill positions, updates include changes to salary information and adding final filing dates as a marketing strategy to encourage candidates to apply sooner.

- F8.** Continuous improvement for promoting existing employees in departments with difficult to fill positions can help to maintain effective staffing levels.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

Departments are encouraged to promote internally when a qualified candidate is available. However, to ensure a fair and equitable recruitment process, the focus remains on selecting the best-qualified candidate based on the entire hiring process, including the application, examination, interview, and reference checks. Hiring managers have the flexibility to choose the recruitment type, including promotional-only recruitments. We agree that recruitment tools to cultivate a promotional environment is important and they already exist.

F9. Promoting employees within departments with many difficult to fill positions can limit the damage caused by attrition, especially at more senior levels.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

Departments have the flexibility to open recruitments to both non-County employees and internal candidates. Even when recruitments are open to external candidates, departments can request promotional-only lists if they prefer to prioritize internal candidates. We agree that recruitment tools to cultivate a promotional environment is important and they already exist.

F10. The months-long hiring process is frustrating to candidates and jeopardizes the County's chances of hiring good candidates.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

While candidate experiences vary—some finding the process expedient while others perceive it as lengthy—the duration and type of recruitment are factors carefully considered by hiring departments during the planning and stages to meet their specific needs.

The Personnel Department has been continuously working on process improvements to reduce delays, but numerous factors influence the timeline, including:

- Civil service rules and mandatory examinations
- Noticing requirements
- Department availability for interviews
- Reference checks
- Compensation modifications requiring approval
- Candidate availability
- Candidates notice to current employer
- Fingerprinting, Driver's License clearance, and physical clearances

F11. The time required for complex paper processes steals time from creative recruitment and ongoing contact with candidates.

- AGREE
- PARTIALLY DISAGREE
- DISAGREE

Response explanation (required for a response other than **Agree**):

The Personnel Department continuously seeks ways to streamline and improve processes, including reducing the reliance on paper-based workflows. While there are ongoing opportunities for improvement, some departments already have effective systems in place that allow them to make quick hires despite the existing processes.

The transition to Workday will eliminate much of the paperwork and enable more creative and proactive recruitment strategies.

F12. Despite the finding in F9, having leadership in Personnel Department positions filled by long-time employees that have spent most of their career in the department has led to limited acceptance of ideas that have worked elsewhere in hiring for difficult to fill positions.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

Leadership consistently promotes and implements innovative recruitment strategies for difficult-to-fill positions, such as hosting information sessions, organizing annual career fairs, offering new hiring and retention incentives, conducting community workshops, partnering with local agencies like Your Future is Our Business (YFIOB), and building talent pipelines by engaging with local students. However, some suggested strategies conflict with the principles of merit-based systems governed by Civil Service Rules. The perceived resistance to change is often a result of maintaining these principles, which necessitate certain checks and balances.

F13. The 8-county salary comparison in place since 2002 is no longer a useful benchmark for wages and salaries given the high cost of living in Santa Cruz County resulting in many vacancies.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The 8-county salary comparison remains a valuable tool as it considers total compensation, including county retirement contributions, base salary, FICA, cash compensation, and contributions for health, dental, life, vision, and long-term disability benefits. These comprehensive comparisons provide a well-rounded basis for setting salaries based on comparable elements such as geography, size of Counties, demographics, and service models.

F14. To attract a wider pool of candidates for difficult to fill positions, pay needs to be at least 90% of what Santa Clara County offers.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

Santa Clara County benefits from a significantly larger property tax allocation, which allows them to provide higher compensation. They serve a small unincorporated population (4% of the county) while receiving California's highest per capita property tax allocation (over \$10,000 per unincorporated). In contrast, Santa Cruz County has one of the lowest per capita property tax rates (under \$500), with tax dollars spread to directly serve 50% of our population living in unincorporated areas. Given these financial realities, it is not feasible to match Santa Clara County's pay scales while maintaining our service levels.

F15. The County Personnel Department was consistently unable to provide comprehensive hiring statistics. Without accurate data, Personnel and other departments cannot make sound judgements on how to measure improvements in the hiring process for difficult to fill positions.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Grand Jury was provided with requested data on turnover, retention, and vacancies. Recruitment timeline data related to Personnel Department activities was available and offered, but it was not requested. The Grand Jury's request focused on hiring data that is the responsibility of individual departments, such as interviews, reference checks, and job offers. These stages occur after eligibility lists are forwarded and are not tracked directly by the Personnel Department.

F16. The Personnel Department expects the department units themselves to track hiring and recruitment metrics and keep important data such as turnover statistics and vacancy rates. This leaves the Personnel Department and oversight bodies without a clear picture of the situation and depth of the problem.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

As noted in F15, the Personnel Department already tracks key recruitment metrics, while departments are responsible for metrics related to their specific hiring activities, such as interviews, reference checks, and job offers. This division of responsibilities is intentional to ensure that department-specific data is managed by those directly involved in the hiring process.

With the implementation of Workday, tracking and reporting on hiring, turnover, and vacancy rates will be enhanced.

F17. By not filling essential positions for months at a time, services for residents suffer harm when vacancies persist.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

Recommendations

- R1.** The Grand Jury recommends that by December 31, 2024, in order to reduce the backlog of difficult to fill positions, the Personnel Department creates dedicated recruiter positions for the HSA, HSD and Public Works departments. (F1–F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Dedicated recruiting teams have already been established for HSA, HSD, and DPW. The HSA team includes two recruiting Analysts and two Personnel Technicians. The HSD team consists of one recruiting Analyst and two Personnel Technicians, and the DPW team similarly has one recruiting Analyst and two Personnel Technicians. These specialized teams are designed to focus on the unique hiring needs of each department, ensuring faster recruitment and more targeted outreach for difficult-to-fill positions.

R2. The Grand Jury recommends that by December 31, 2024, the Personnel Department update recruitment and hiring procedures. For example, requiring the updating of job postings on a regular basis in order to improve search engine visibility. (F3, F6, F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Recruitment procedures have been updated, including improvements to continuous recruitments with the addition of filing deadlines where applicable. The Employment Opportunities Center has also been enhanced with better integration for search engines and the introduction of a ChatBot to assist candidates.

- R3.** The Grand Jury recommends that by December 31, 2024, the Personnel Department begin publishing per-position candidate pool policies and hiring results on a semi-annual basis. (F3, F6, F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Personnel Department currently provides hiring activity and turnover data upon request. Publishing detailed per-position candidate pool policies and hiring results is not necessary, as this information is already accessible to those who need it. This approach allows for more efficient use of resources while still providing transparency where it is most needed.

The implementation of Workday will further enhance the ability to generate and access hiring data on-demand, streamlining the process for both internal and external inquiries without the need for a formal semi-annual publication.

R4. The Grand Jury recommends that by December 31, 2024, the Personnel Department, in collaboration with HSA, HSD and Public Works, embrace continuous improvement and publish a skills and advancement plan to accelerate promotion from within, including budget requirements and goals. (F8, F9)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain the scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Required response explanation, summary, and timeframe:

The Personnel Department, HSA, HSD and Public Works embrace continuous improvement. Supervisors meet with employees on an annual basis to review employee performance, career goals and objectives and training needs and assignments needed to achieve career goals. These annual evaluations are conducted on a 1:1 basis and are not made public. In addition, when departments create annual budgets, internal promotions are factored into the overall costs for the year. Lastly, departments can run promotional recruitments and utilize procedures for internal promotions at their discretion.

R5. The Grand Jury recommends that by December 31, 2024, the Personnel Department publish a cost/benefit analysis comparing their current approach with that offered by integrated HR solutions. (F10, F11)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Personnel Department already utilizes integrated human resources (HR) solutions, such as JobAps, and is in the process of implementing Workday. The implementation of Workday, which includes payroll, benefits, and time tracking modules, is a significant modernization effort that has already been approved by the Board of Supervisors. The extensive planning, cost analysis, and approval process involved in this implementation has been documented in previous Board items, making an additional cost/benefit analysis unnecessary.

Workday is expected to streamline HR processes and improve overall efficiency, aligning with the County's goals of operational excellence.

R6. The Grand Jury recommends that by December 31, 2024, the Personnel Department develop a plan detailing how they will solicit and evaluate employee recommendations that could help reduce the backlog of difficult to fill positions. (F6, F12)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Employees are already able to provide feedback at any time by contacting recruiters directly with their suggestions. Given this existing open line of communication, developing a separate formal plan is unnecessary. The current approach allows for real-time feedback and continuous improvement without requiring additional resources or procedural layers.

R7. The Grand Jury recommends that by December 31, 2024, the Personnel Department publicly document how they have engaged external expertise which would likely improve hiring and promoting processes. (F6, F12)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

In 2019, the Personnel Department engaged with key stakeholders involved in the recruitment and hiring process to reduce the time required to establish eligibility lists for qualified candidates by 20%. This initiative was successfully completed and publicly documented as part of the 2019-2021 operational objectives. The Personnel Department continues to collaborate with external experts as needed to refine and enhance recruitment and promotion processes.

R8. The Grand Jury recommends that by December 31, 2024, and annually thereafter, the Personnel Department conduct a salary comparison study based on nearby counties. It is recommended that this study include counties which have routinely recruited Santa Cruz County employees and residents. (F6, F13, F14)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Compensation studies are routinely conducted in preparation for contract negotiations and as needed upon department request. These studies already include comparisons with counties that are direct geographic competitors such as Santa Clara County and Monterey County. This approach ensures that our salary structures remain competitive and aligned with regional market conditions.

- R9.** The Grand Jury recommends that by December 31, 2024, the Personnel Department post a public dashboard, based on real time data, to include time-to-hire and vacancy rates for difficult to fill positions in County departments. (F15, F16, F17)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Personnel Department already tracks time-to-hire data, from the request to establish a list, and vacancy rates, which change each pay period and are available in a report format. However, these metrics are primarily internal and are not directly relevant to applicants. For applicants, the most important information is the real-time status of their recruitment, which is available on the Employment Opportunities Center website. This platform provides updates on individual recruitment stages, and applicants can also email or call for additional information at any time.

The implementation of Workday will further enhance internal tracking capabilities.



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City Of Santa Cruz: Preventing Rape and Domestic Violence

Where's The Priority?

Summary

By law, since 1981, the City of Santa Cruz is required under Santa Cruz City Ordinance 81-29 to make the prevention of rape and domestic violence one of its highest priorities. In 2023, the Santa Cruz City Council adopted a Five Year Strategic Plan. The Plan makes no mention of rape and domestic violence.

Over the past decade, the City's Commission for the Prevention of Violence Against Women has failed to provide the City Council with solid Annual Reports that document City, community, and police efforts to prevent rape and domestic violence. Recent reports have either included no data or limited data. The 2023 CPVAW Joint Report has no metrics on important trends such as whether the City of Santa Cruz still has a higher than average rate of rapes by strangers. What areas of the city were the crimes committed in? Have there been arrests?

Long-standing Commission programs such as the Safe Place Network of local businesses are currently idle. This year the Santa Cruz City Schools District canceled the Commission's popular self-defense classes for middle and high school students. The in-person classes are being replaced with an online self-esteem video.

The City has ended the Commission's thirty five-year access to redacted police reports of rape and domestic violence. These reports enabled the Commission to evaluate police response, respond to complaints and recommend training if needed.

The Grand Jury submits its findings and recommendations to bring the City of Santa Cruz into compliance with City Ordinance 81-29. The personal safety and well-being of the community is at stake.

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Background

Rape and domestic violence are among the most serious of crimes. Yet they are hidden crimes, ones we would rather not talk about except for high profile cases. When did you last read in the local press about a woman raped in Santa Cruz? Victims of these crimes feel shame, self-blame, fear, and isolation. Perpetrators are rarely arrested, prosecuted, convicted, and sentenced.^[1]

Forty-three years ago, the Santa Cruz community took action to bring rape and domestic violence out of the shadows by making them issues of public concern and public policy. An Initiative was drafted, circulated, and gained sufficient signatures to qualify for the ballot. The Santa Cruz City Council at the time adopted the Initiative rather than put it to a vote of the people. As a result, Santa Cruz City Ordinance 81-29 was passed by the Santa Cruz City Council in 1981.^[2]

The Ordinance required the creation of a City Commission for the Prevention of Violence Against Women (CPVAW or Commission) to carry out specific actions to help prevent rape and domestic violence in the City. The Ordinance mandates that the Santa Cruz Police Department (SCPD) offer full and open cooperation to the Commission. The Ordinance states that: “It shall be the policy of the City of Santa Cruz that the prevention of rape and domestic violence shall be one of its highest priorities.” Sexual harassment was added to the purview of the Commission in the early 2000’s, however it is not codified in the Ordinance.^[3]

Since 2016 there has been a noticeable decline in the Commission’s visibility and programs. There is little collaboration with relevant community agencies. Detailed information and metrics on rape are no longer presented to the community as in past years. The City of Santa Cruz appears to have significantly reduced its support for the Commission’s mandates. There is no mention of the prevention of rape and domestic violence in the City’s published priorities for the next five years.

This investigation was undertaken to document and explore possible reasons for this decline and recommend solutions. This will hopefully bring the Commission and the City back into compliance with its mandate to help prevent rape and domestic violence in the City of Santa Cruz.

Scope and Methodology

The scope of this investigation is:

- To investigate the effectiveness and function of the City of Santa Cruz Commission for the Prevention of Violence Against Women, the Santa Cruz Police Department, and the City of Santa Cruz with respect to the mandates of Ordinance 81-29.
- To investigate the decline in the comprehensiveness and usefulness of the Commission’s required Annual Reports.
- To investigate the decline and abandonment of established Commission programs for community awareness and safety.

- To investigate how data on rape is recorded by the Santa Cruz Police Department, in what form it is sent to the Uniform Crime Reporting Program (UCR) and how it is shared with the Commission.

For this investigation the Grand Jury undertook the following actions:

Interviews

- Conducted interviews

Documents and Reports

- Reviewed City Ordinance 81-29
- Reviewed all available past CPVAW Annual Reports

Program Comparison

- Compared past Commission programs and activities with current programs and activities

Staffing and Budgets

- Examined past and current Commission staffing levels
- Examined past and current Commission budgets

Law Enforcement Data

- Reviewed Santa Cruz police statistics on reported rape and domestic violence and the format for submitting data to the UCR
- Reviewed Federal Bureau of Investigations (FBI) reports on National Incident-Based Reporting System (NIBRS) for Rape

Field Trips

- Attended a Commission meeting
- Listened to all Commission meetings since and including November 2023
- Inquired about Commission resources at local bars
- Visited downtown stores listed as members of the Safe Place Network for current evidence of the program

Investigation

History Of Commission Work

The record of work carried out by the Commission for the Prevention of Violence Against Women is partially captured on its website, which includes Annual Reports to City Council and the CPVAW Historical Timeline.^[4]

The Historical Timeline begins with the Commission's formation in 1981. It stops at 2008. It gives a snapshot of the extensive programming, resources and community outreach that was typical between 1982 and 2008 and which has largely been discontinued.

Some highlights from the timeline are listed below.^[5]

- 1982 Distributed a bilingual Women’s Resource Card
- 1983 Emphasis on developing a Self-Defense Program
- 1985 Review of 1983-84 Sexual Assault cases. Many areas of concern identified. An “Officers’ Check-list” developed for SCPD
- 1985 Sexual Assault Response Team (SART) initiated and developed
- 1987 Updated “Survivors Feedback Form” for those who reported to SCPD
- 1988 New procedures enabled survivors of domestic violence to obtain an Emergency Protective Order at the scene of the crime
- 1989 Improve services for Latina survivors of domestic violence
- 1990 Self-defense class in Spanish established
- 1992 Outreach to women in Blaine St. Jail
- 1992 Teen Women’s Day. Self-defense for women with mental health issues
- 1993-94 Commission coordinator trained SCPD in Domestic Violence awareness
- 1996 Responded to the rapes of three elderly women with media coverage for awareness, teach-ins, and free installation of safety equipment
- 1997 Latina Self-defense program established
- 1998 Self-defense for all female students at Branciforte Junior High
- 2000-01 First Teen Men’s Day. CPVAW 20th Anniversary
- 2003-04 Safe Place Network formed
- 2004-05 Bar Coaster Program developed. Banner Program established
- 2005-06 Joint City Committee on Sexual Assault created
- 2006-07 Stakeholders’ meeting, 45 representatives from community agencies
- 2007-08 Self-defense in City schools for girls and boys in PE classes established

The Ordinance specifies duties for the Commission and for the SCPD.^{[2] [4]} Performance relative to fulfilling the Ordinance is covered in the following sections.

Decline in Report Quality and Frequency

Ordinance 81-29 requires that the Commission submit an annual report to the City Council documenting in detail City, community, and police efforts to carry out the purposes of the Ordinance. The Ordinance requires the Chief of Police to submit an annual report to the City Council documenting, in detail, police efforts to carry out the purpose of the Ordinance.^[2]

There are no Annual Reports on its website of the Commission’s first twenty years of work. The Historical Timeline is the only record from 1981-2005.

The Joint report of 2005-2007 is the earliest listed report. For those years, the CPVAW and SCPD submitted a combined report.^{[6] [7] [8]} Both the 2005-07 Joint Report and the 2005-07 CPVAW Annual Report are comprehensive reports which highlight significant programs and include detailed metrics on reported rape and domestic violence. The

24-page 2005-07 CPVAW Report includes the results of a stakeholders' meeting where forty-five representatives from community agencies, community members, and law enforcement participated in discussions that led to detailed goals and objectives.^[9]

The Joint Reports and Annual Reports of 2008-10 and 2012 are also comprehensive, including detailed data on domestic violence and rape. The 2014-16 Annual Report is briefer than earlier reports. It does include data on rape and domestic violence but not as detailed as in the earlier reports.

Between 2017 and 2020 there are no Commission Annual Reports. In 2018 the Commission hired consultants to do a Needs Assessment. The resulting document references the entire county, does not focus on the city, and has little to add that is new or relevant to the Commission's mandate.^[10]

The 2020-21 and 2022 Reports are brief three-page narratives with no data on domestic violence or rape.^{[6] [7]}

In May, 2024 the Commission and the SCPD completed a brief 2023 Joint Report. More details about this Report are under the section, SCPD and The Commission.^[11]

For the first two CPVAW meetings of 2024, SCPD made available annual statistics on rape, domestic violence, homicide, and stalking. However there have been no comprehensive Annual Reports from the SCPD to City Council from 2012 to 2022.^[12]

Metrics On Reported Rape in the City

Publicly accessible data on the profile of those who commit rape, where, what percentage are arrested and the outcome of arrests is important for community awareness and safety. Such data were provided in detail in earlier Commission reports but are not included in the three recent reports. The Commission has in the past made repeated requests for a tracking system to determine the outcome of an arrest. No such system or data have been provided.^[13]

The actual incidence of rape in the City of Santa Cruz is unknown and can only be estimated. Reference to numbers in the Commission Annual Reports is based on rapes reported to the Santa Cruz Police Department. Reported rape is a smaller percentage of all rapes committed and estimates vary. Data from the Rape and Incest National Network (RAINN) estimate between a quarter to a third of all rapes are reported to law enforcement with differences based on ethnicity, age, class, and degree of physical injury.^[1]

Note: The number of crimes listed may not equal the number of victims. A person may commit more than one crime on one victim.

Detailed information up to 2016

Based on redacted police reports (all personal information removed) the Commission until 2016 gathered detailed metrics on rape and domestic violence. These metrics gave important information to the community about these crimes. Information on rape included:

- Location of the crime by police beat (West, East, Beach, Central, Downtown)
- Time of year

- Whether perpetrator and victim were local or visitor
- Age and ethnicity of perpetrator and victim
- Whether weapons or alcohol were involved
- Whether the perpetrator was a stranger, a brief encounter (less than 24 hours) or an acquaintance
- Percentage of arrests

The Figures which follow illustrate the detail and approach taken in earlier reports.

Detailed Information on Rape in Past Reports: From Joint Report 2008-2010

Figure 1 provides three data points on whether the person committing rape was an acquaintance, briefly encountered within 24 hours or a complete stranger. Such information is important for community awareness, preparedness, and crime prevention.

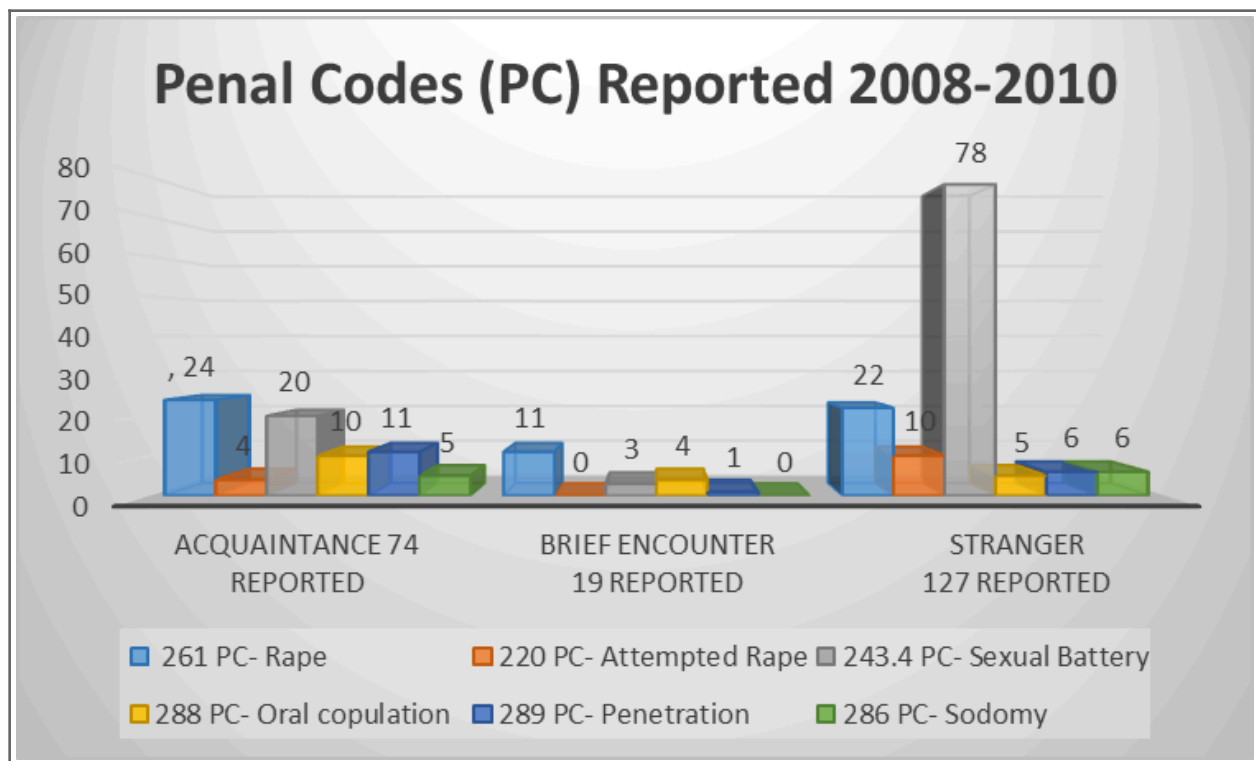


Figure 1. Reported Penal Codes on Sexual Assault 2008-2010.^[14]

Figure 2 indicates whether the perpetrator and the victim were local residents or visitors. Such information helps replace assumptions with facts.

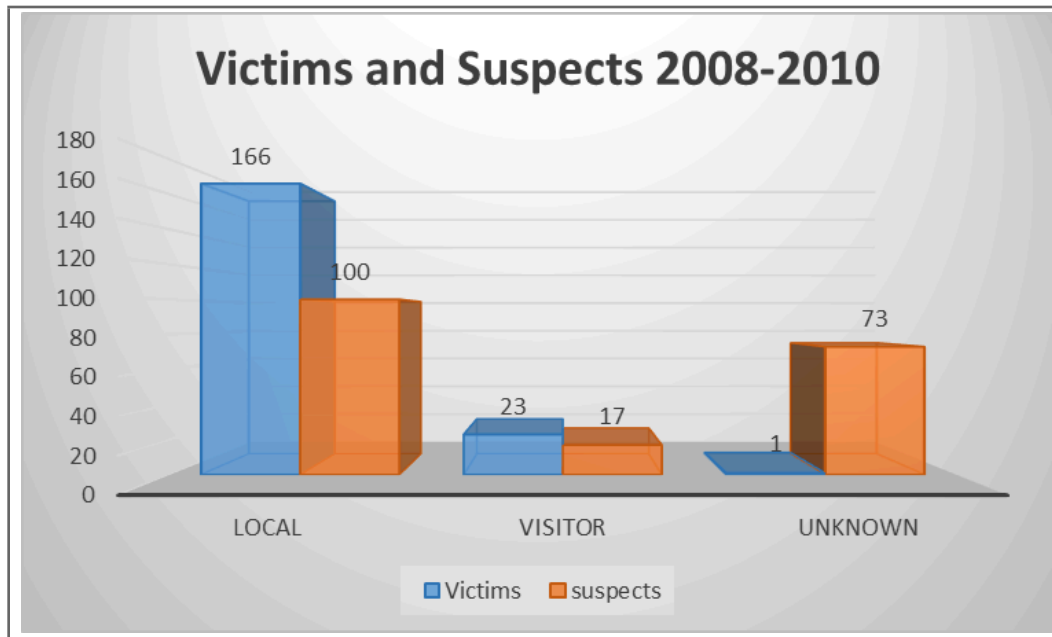


Figure 2. Data from 2008-2010 Joint SCPD CPVAW Report-Victims & Suspects^[14]

Commission Programs and Resources

The Commission has a history of providing the community with a wide variety of programs and resources for raising awareness of and helping to prevent domestic violence and sexual assault.

Covid had an understandable impact on the ability of the Commission to provide programs during 2020-22 and half of 2023. Since then there have been a few one-time well-attended events, a number of Public Service Announcements (PSA's) and events for Domestic Violence Month. However, the established, popular CPVAW programs have largely disappeared, with no explanation on why they were ended. Other programs have been neglected. Visibility of CPVAW and, by association, the City's commitment to public safety has declined. To document this decline the Grand Jury investigated the following major programs.

Self-Defense

Free or low cost self-defense classes offered to the community at London Nelson Center and to Santa Cruz City District Schools have been a long-time key component of CPVAW's visibility and resources for personal safety. Their progression is documented in the History of the Commission Work section of this report.

Establishing self-defense classes in District Schools was described in the 2007-8 Annual Report as an "incredible milestone" and a "goal that CPVAW has had for years." The following entry from the 2010 Annual Report captures their significance:

Since 2007, the CPVAW has partnered with Santa Cruz City Schools to offer safety skills/self-defense classes to girls and boys at local middle and high schools. Almost 5,000 students have taken these classes in the past four academic years. This program, scheduled during physical education classes, provides information on awareness, avoidance, verbal techniques, and physical skills for students. Evaluations from students and teachers continue to indicate that these classes are valued and successful in teaching girls and boys important skills that assist in avoiding or facing difficult, uncomfortable situations.^[15]

Cuts to Self-Defense

Cuts to the Commission's self-defense programs have been made over the past seven years.

In 2017 the Commission significantly cut the community self-defense program. This issue of public concern was covered by the weekly newspaper, The Good Times.^[16] In November 2023, at the regular CPVAW meeting, the sixteen-year history of self-defense classes in middle and high schools came to an end. An online video, *Vector Solutions*, will replace in-person self-defense classes in District Schools. The video covers issues such as stress management, self-harm awareness, conflict resolution, students' safety, wellness, and healthy relationships. While useful topics, they are different skills than those taught and practiced in a self-defense class.^[17]

This decision was opposed by members of the public who spoke to the Commission at the meeting. Drawing on personal experience, they stressed the need for in-person, hands-on self-defense classes. Long-time City self-defense instructor, Leonie Sherman, cautioned against substituting in-person self-defense classes with an online course. She spoke of the need for a local instructor's physical presence to ensure correct techniques, to connect with students and to respond to local situations.^[18]

]

Safe Place Network

The network of “Safe Places” was initiated by the Commission in 1999. It is described as “A collaborative effort by the Commission for the Prevention of Violence Against Women, the Downtown Association, the Downtown Commission and Monarch Services (formerly Women’s Crisis Support-Defensa de Mujeres)”.^[19] The network of forty- one businesses, mostly in the downtown, identified by a decal in their window (Figure 3 below), offered a safe place for anyone who felt threatened on the street. Upon request, a staff member in the business could offer resources and a place to wait until a resource responded.

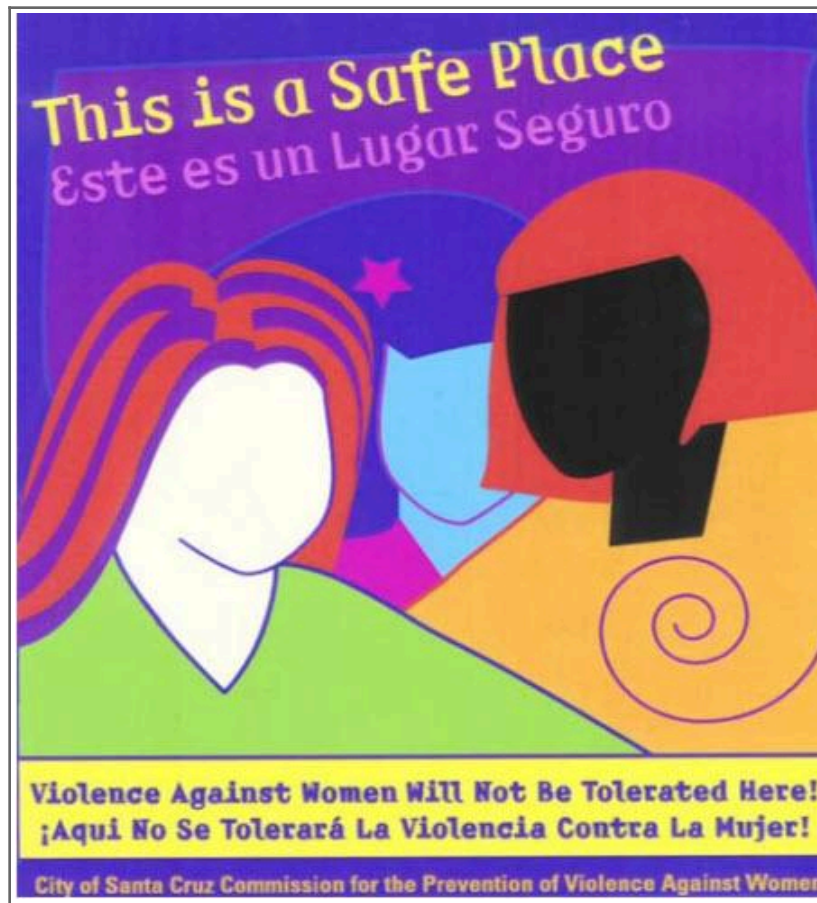


Figure 3. Safe Place Window Sticker from CPVAW
Annual Report 2005-07^[20]

The Safe Place Network is still listed on the Commission’s website. Out of the forty-one businesses listed, fourteen have closed. Of the remaining businesses, only two still have stickers in their storefront windows.^[21]

The Grand Jury could find no record of why this important program and safety resource has not been updated and continued. The Safe Place Network costs little to run and offers a valuable resource for our community and visitors if ever in need of an immediate safe haven in the downtown area. Without CPVAW active support, residents and visitors lose this valuable resource.

Bar Coasters

The Coaster Program was introduced during April of 2005 to raise awareness regarding the issues of alcohol, sexual assault, and consent. Since the first distribution in 2005, more than thirty bars in the City of Santa Cruz, from Seabright on the Eastside to Mission St. and the downtown area have participated.^[22] The coaster program started with a consent and alcohol message and then was updated with the GHB (date rape drug) testing feature. This was an effective way to keep the awareness message front and center with the public.



Figure 4. Drug Testing Drink Coaster - Juror supplied picture^[8]

The 2020-21 and 2022 Annual Reports refer to a continuation of the coaster program with similar-themed posters and brochures. The Grand Jury could find no evidence of such support materials in a random selection of local bars. Coasters were found in only one bar after the barkeep spent five minutes searching along the back wall of the bar. Staff in other establishments who were asked said they had heard of the program and were interested but had no materials.^[23]

Banners

These public awareness banners, a program initiated in 2005 (shown in Figure 5 below), were displayed twice a year on top of street poles along Pacific Avenue and major city corridors.



Figure 5. CPVAW Banner Project From CPVAW Annual Report 2005-07^[22]

From the description in the 2010 Report: “Banners are displayed in April for Sexual Assault Awareness Month. Banners are again displayed in October for Domestic Violence Prevention Month. The goal of the CPVAW Banner Project is to raise awareness and to continue to keep the issues of sexual assault and domestic violence as a priority in the City of Santa Cruz.”^[22]

From a review of the Annual Reports, it seems the banner program has been dormant for more than a decade. The Grand Jury could find no record of this program being officially discontinued.

Measuring the City's Support

The Grand Jury evaluated the following indicators of support for and commitment to the Commission's mandate: the City's Five Year Strategic Plan, Commission staffing, budget, community visibility and frequency of meetings.

Not In the City Five Year Strategic Plan

In 2023 the City Council adopted a Strategic Plan which establishes priority areas of focus for the City over the next five years. There are six Focus Areas in the Plan. Focus Area 5 (shown in Figure 6 below) is Public Safety. There is no inclusion of preventing rape and domestic violence under Public Safety, nor under any of the other five Focus areas.^[24] The City confirmed that the Strategic Plan is a statement of the City's priorities.^[25]

Focus Area 5: Public Safety

Goal statement: Provide public safety services that support well-being and healthy communities.

Proposed Strategies

- **Collaborate with stakeholders and allied agencies** to find areas for increased alignment and accountability
- Evaluate and potentially establish a **Mobile Crisis Response Unit** for the city
- Conduct a **standards of coverage** study for Fire to identify issues and needs
- Determine feasibility and funding of a regional **public safety training center**
- Identify opportunities for **shared services and facilities** with neighboring agencies
- Evaluate opportunities to **utilize new technology**, including replacement of aging radio/communication infrastructure, to enhance public safety effectiveness and efficiency

Figure 6. From the 2023-28 Five Year Strategic Plan for the City of Santa Cruz^[24]

Decline In Dedicated Staffing

Since the Commission's inception, and until 2016, the City had funded a dedicated twenty-hour per week Commission Coordinator. The position required a knowledge of the issues as well as skills in event planning, outreach, and publicity. A dedicated staff position was considered necessary because CPVAW is not tied to a City Department. Other commissions such as Planning and Parks and Recreation are tied to City Departments with multiple employees to assist with their commissions' work.

In 2016, the Commission lost its dedicated staff. The Coordinator and her predecessor had worked as Commission Coordinators for over twenty years. From the Historical Timeline and Annual Reports, it appears that their work ensured ongoing successful programs, visibility for the issues and effective partnership with relevant agencies and community groups. According to a city staff report, the position was eliminated.^[26]

Since the loss of the dedicated Coordinator position, the City Manager's office has allocated employees from that Department to work a few hours per week for the Commission: to run Commission meetings, keep minutes and follow the Brown Act regarding posting of meetings. The turnover is high. The staff time available is low.

This problem is captured in the words of the then Commission chair Newman from November, 2017:

Newman says the CPVAW's mission hasn't changed, but admits that recent staff turnover and reduced allocated staff time for the commission has made its goals more of a challenge. The commission has had three coordinators in the last two years, and Newman says the process of commissioner appointments—which come from the City Council—as well as the amount of time needed to catch up new appointees, makes transitions difficult.^[27]

From 2017 to 2024, the staffing situation is basically unchanged. It appears that without a dedicated staff person with sufficient time and knowledge of the issues, since 2016, the Commission's programs, visibility, reports, and connections with the community has declined.^[28]

Ongoing Budget Reductions

Don't tell me what you value. Show me your budget, and I'll tell you what you value. President Biden quoting his father, March 2023.^[29]

The Commission's annual budget has always been modest, covering the Coordinator's half-time salary plus supplies, administrative costs, and self-defense classes. In 2007-08 the City Council cut the Commission's \$69,992 budget to \$50,759. In 2010-11 it cut the budget to \$46,328. In 2023-24 council further cut the budget to \$38,869.^[30]

At its November 1, 2023 meeting, the Commission voted to forward a budget request for 2025 for a status quo budget of \$25,202 plus \$15,000 for self-defense: a total of \$40,202. The Commission voted for an additional request for a part-time staff with benefits. The City Council will vote on all department requests at its budget hearings in late May or early June 2024.^[31]

Loss Of Visible Location

For over a decade the Commission had a storefront office on Cedar Street. This site gave public visibility for the issues and access to the Commission Coordinator for information and resources.

After the City sold the building in 2010, the Commission had to move. It had space for a number of years in a room upstairs in the Parks and Recreation department. The Commission was then moved to the City Manager's office. This site is largely invisible to the public. According to discussion at Commission meetings, many resources, such as the banners and past documents, have been misplaced or lost. Since April 15, 2022,

there has been no mention of any CPVAW program or support of the Commission in the City of Santa Cruz City Manager's weekly update.^[32]

Frequency Of Meetings

For the first twenty-five to thirty years the Commission held monthly meetings. That frequency, combined with a half-time dedicated staff person for CPVAW's work, produced robust programs, community visibility and effective partnerships.

During the past decade, the City halved the number of CPVAW's regular meetings to once every two months or six times a year. With such infrequent meetings, the Commission's programs and their visibility to the media and the public have suffered.

SCPD And The Commission

High Incidence of Stranger Rape

When a rape is reported to the SCPD, if the perpetrator is a stranger, community alerts posted with suspect description and area of crime committed are important tools for community safety. The Joint Report of 2008 noted that "alert" flyers were posted in the community when a sexual assault occurred. The Report stated, "Commission staff and the Parks and Recreation Department work closely with SCPD to get the flyers out into the community as quickly as possible." There is no evidence that this protocol is currently being carried out.^[33]

Data gathered from police reports up to 2016 showed that the City of Santa Cruz is above the norm for rapes committed by strangers. The national average of rapes committed by strangers is just under twenty percent. The data up to 2016 show that the percentage of reported rapes committed by strangers is higher in the City of Santa Cruz than the national average. Even allowing for the fact that stranger rape is more likely to be reported than non-stranger rape, the city's percentage is very high.^[1]

Stranger rape is not singled out as being more serious than acquaintance or brief encounter rapes. It is highlighted because the public needs to know if an unknown rapist is still at large in the community. When the suspect is a stranger and has not been arrested, SCPD needs to alert the community.

Note: National averages do not track the brief encounter category. For the purpose of this report, the word "stranger" is used as it is defined in the reports and does not include a brief encounter. The rationale for creating the brief encounter category is on page 6 of the 2008 Joint Report.^[14]

Figure 7 below shows the relationship between victim and perpetrator as compiled from Commission Reports 2005-2010. These reports use the term sexual assault, which covers all felony sexual crimes including rape. They include the crime of sexual battery which can be a misdemeanor or a felony depending on the details of the crime. The 2014-16 report lists percentages only.

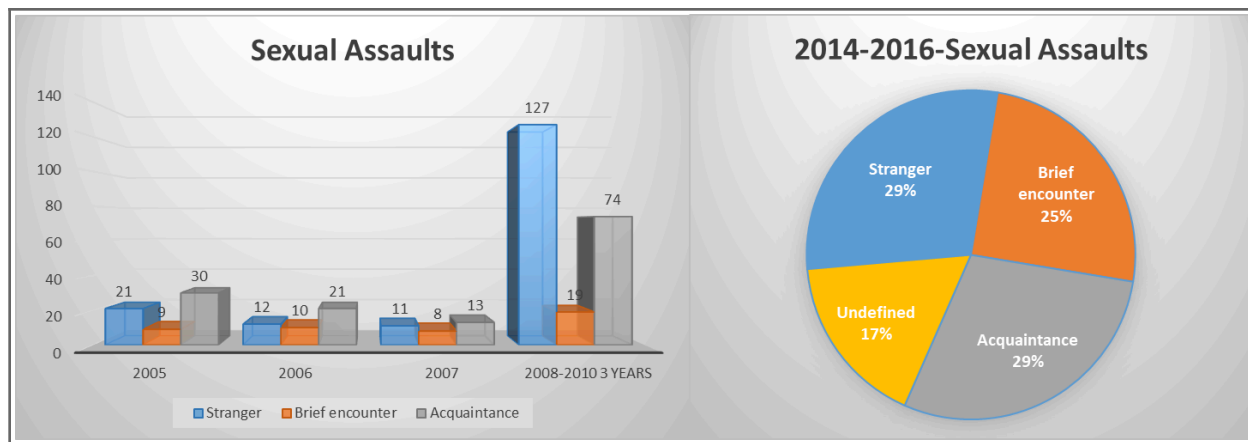


Figure 7. Relationship between victim and suspect. 2005-2016^{[34] [35] [36]}

There are no CPVAW Reports after 2016 that gather such data. Without available data and public reports, the community has no way of knowing whether Santa Cruz continues to have a high incidence of rapes committed by strangers. Such knowledge is crucial for community safety and crime prevention.

At its May 1, 2024 meeting, the Commission approved a 2023 Annual Report and Joint Report. While this Report includes data regarding the numbers of rapes and domestic violence incidents reported to SCPD, it does not include the detailed metrics that were featured in earlier Reports up until 2016. There is no information about which police beats, or areas of town the rapes were committed in, no data on age, ethnicity, use of alcohol or weapons and no information on the percentage of rapes committed by strangers. These long standing metrics are crucial for community awareness. It is important for the public to know if the high percentage of stranger rapes in Santa Cruz is a continuing trend.

In the absence of any such data, the 2023 Report, under the heading “Who are the Perpetrators?” highlights the following national statistic: “The majority of perpetrators are someone known to the victim. Approximately 8 out of 10 sexual assaults are committed by someone known to the victim.”^[1]

This general statement and metric is accurate as an average for the nation, but it is not necessarily accurate for the City of Santa Cruz. When data on victim/perpetrator relationships were tracked by the Commission, over fifty percent of sexual assaults reported in the city of Santa Cruz involved an assailant who was a complete stranger to the victim. The Grand Jury believes that by referencing this generic **national** statistic the City is minimizing stranger rape and misleading the public into a possible false sense of security.

Defining Rape

A complaint filed with this year’s Grand Jury claims that the SCPD is not using the current Uniform Crime Report (UCR) definition of rape. The complaint asserted that by not using the current definition, neither the Commission nor the community are receiving

accurate data on rape. The answer as to whether the SCPD is using the current definition is complex.

To assess the validity of this claim the Grand Jury investigated the definitions of rape and how they are applied.

FBI And Revised Rape Definition

Since 1929, in an effort to track crime on a national level, the FBI has gathered crime data from local police departments under the UCR Program. Data, including that of rape, are submitted monthly by police departments to the UCR.

The current UCR definition of rape was adopted in 2014. Rape is now the umbrella term to cover all forms of felony sexual assault, previously submitted under their separate Penal Code entries. This is how the FBI described the new definition:

Beginning in 2013, the FBI UCR Program defines Rape for SRS UCR purposes as, 'Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.' The new definition updated the 80-year-old historical definition of rape which was 'carnal knowledge of a female forcibly and against her will.' Effectively, the revised definition expands rape to include both male and female victims and offenders, and reflects the various forms of sexual penetration understood to be rape, especially nonconsenting acts of sodomy, and sexual assaults with objects.^[37]

The new definition includes the rape of males, attempted rape, and sex offenses beyond forced vaginal penetration. This change makes it a more comprehensive, inclusive definition.

SCPD, CPVAW and the Definition of Rape

A Question of Definition

The data on rape that SCPD presents to the CPVAW is different from what SCPD posts on its website. Entries for Rape on the SCPD website under Crime Data are listed as UCR numbers (revised rape definition). It should be noted that data prior to 2017 is more detailed than the single number listed after 2017.^[38]

At the first two CPVAW meetings in 2024, SCPD shared Data Collection Monthly Reports for Sexual Assault. Each Data Collection table covered the years 2021-2023 with the first three months of 2024 added to the second Report. Both Data Collection tables for 2021-2023 should be identical since they cover the same period. See Figures 8 and 9 below.

Unlike on their website, SCPD Data Collection Tables are not using the revised UCR definition of rape. They list sexual assaults under their separate Penal Codes. Under the column Rape Cases the data includes only spousal rape and the old definition of rape. Using data for the year 2021 for example, a reader would conclude that there were 18 rapes. To know the UCR rape totals, you must add up all the separate Penal Codes.

If the other forms of sexual assault are included, consistent with the UCR definition of rape, there were 26 rapes. **By not using the revised UCR definition of rape, rapes are essentially being under-counted by more than 40%.**

	Domestic Violence/Battery Calls	Domestic Violence/Battery Cases 273.5 PC (Felony)& 243(e)(1) PC (Misdemeanor)	Homicide-Intimate Partner (Felony)	Sex Assault (Other) 243.4 PC (Misdemeanor or Felony)	Rape Cases 261 PC & 262 PC (Felony)	Sodomy 286 PC (Misdemeanor or Felony)	Forcible Sexual Penetration w/a Foreign Object 289 PC (Felony)	Assault to Commit Rape 220 PC (Felony)	Stalking 646.9 PC (Misdemeanor or Felony)
2021	339	218	1	41	18	0	6	2	20
2022	343	235	0	30	20	3	5	6	22
2023	295	201	0	21	8	3	4	5	17

Figure 8. 2021-2023 Sexual Assaults Using Separate Penal Code Entries with old Rape Definition, from SCPD January 2024 Data Collection. Annual totals for easier viewing.^[39] Full table in [Appendix A](#).

	Domestic Violence/Battery calls	Domestic Violence/Battery Cases 273.5 PC(Felony)& 243(e) (1) PC (Misdemeanor)	Homicide-Intimate Partner (Felony)	Sex Assault (other) 243.4 PC (Misdemeanor or Felony)	All Rape Cases 261 PC & 262 ^{1,6} PC (Felony)	Sodomy 286 PC (Misdemeanor or Felony) ⁵	Oral Copulation 287 ^{2,4} PC (Misdemeanor or Felony)	Forcible Sexual Penetration w/a foreign Object 289 PC (Felony)	Assault to Commit Rape 220 PC (Felony)	Stalking 646.9 PC (Misdemeanor or Felony)
2021	339	218	1	41	18	0	5	9 (6)	2	20
2022	343	235	0	30	23 (20)	4 (3)	4	9 (5)	6	22 (17)
2023	323 (295)	202 (201)	0	21	17 (8)	4 (3)	1	7 (4)	5	17

Data in (parenthesis) was previously published by the SCPD as the January 2024 data collection

Notes

1. PC 262 repealed on October 8, 2021, AB 1171)
2. PC 288a oral copulation, was changed to PC 287 on January 1, 2019
3. UCR Summary totals the number of victims, not the number of cases-as reported in the table above
4. PC 287 includes PC's 288a(b)(a), 288a(c)(2)(a), 288a (c)(3)
5. One case involving PC 288.7(A) and 286 counted as one for sodomy count
6. One case involving PC 264.1 and 261 counted as one for rape count

Figure 9. 2021-2023 Sexual Assaults Using Separate Penal Code Entries with old Rape Definition, from SCPD May 2024 Data Collection. Annual totals only.^[40] Full table in [Appendix B](#).

A Question of Accuracy

Of serious concern is that the data in Figure 8 and Figure 9 do not match, despite being identical data sheets for the same years 2021-23. In Figure 9, the Grand Jury entered the number of rapes from Figure 8 in parentheses so readers can see the difference. Both numbers should be identical.

One example: In Figure 8, the number entered for 2023 is eight rapes. In Figure 9, using the same definition, the number entered for 2023 is seventeen rapes. This is a

difference of more than 100%. It is not possible to know which is the correct number. SCPD must provide the Commission and the public with accurate data on rape. This is not a question of definition but of accuracy.

As previously noted, SCPD on its website under Crime Data is using the UCR definition of rape. However, the annual totals on the SCPD website for rape do not consistently match the aggregate numbers in the above Crime Data sheets. For example, for 2023, the UCR number on the SCPD website is twenty-one rapes. On Figure 8 when you sum the separate Penal Codes the number is twenty but on Figure 9 the number for the same year is thirty-four.

This discrepancy cannot be explained by the footnotes under Figure 9. Footnote #3 states that UCR tracks the number of victims while SCPD tracks the number of cases, explaining why the numbers may be different. But that footnote applies only for the year 2021. For that year, the total UCR figure on SCPD's website is twenty-six which is the same number as on Figure 8. However, for that same year, Figure 9 has thirty-four rapes.^[39]

These examples suggest there is a serious need for oversight and review for accuracy of the SCPD's data collection before being published.

National Incident-Based Reporting System (NIBRS) and Rape

An overview of this reporting system is helpful for a fuller understanding of how rape is now defined and what additional data is submitted to the FBI for public awareness.^[40]

In 2016, the FBI started transitioning to a new reporting format, which they expected to be completed by 2021. This system, the National Incident-Based Reporting System (NIBRS), aims to "enhance the quantity, quality and timeliness of crime data collection...and to improve the methodology used in computing, analyzing, auditing and publishing the collected crime statistics."^[37] California has CIBRS, which is the same as NIBRS with additional specific data elements.^[41]

NIBRS uses the new UCR definition of Rape. It also defines the various felony sex offenses that fall under the term Rape.

NIBRS Gathers Important Rape Metrics

The Grand Jury learned that in 2024, the SCPD started using this enhanced data system for their submission to the FBI for crime data gathering.^[42]

Both CIBRS and NIBRS require the submission of more crime elements than aggregate numbers. Non-identifying details of both victim and offender submitted to NIBRS include: age, sex, race, ethnicity, use of alcohol or drugs by the offender, use of weapons and relationship of victim to offender. This data is gathered from police departments, such as SCPD, nationwide and published for public information.^[43]

Since the SCPD gathers this data for submission to CIBRS and NIBRS, such data should be available on a regular basis for the Commission as well as on the SCPD website. The Commission is currently not receiving the data as described above.

This more detailed data could then easily be incorporated into the Commission's Annual Reports. The increased data will enable the public to have a clearer understanding and awareness of rape and rape trends in the city of Santa Cruz, including whether the City has a continued trend of a significant number of rapes committed by strangers.^[42]

Commission Access to Redacted Police Reports on Rape

There are two reasons the Commission requires access to redacted SCPD reports on rape and domestic violence. One is to gather information for the city and the community to have a more detailed and accurate understanding of rape trends. For instance, what communities or neighborhoods might be at risk or whether the high incidence of rapes by strangers is a continuing pattern. The other reason is to evaluate the quality of SCPD's response to rape and domestic violence.

Ordinance 81-29 Section 5d, 4 and 5 states that the Duties of the Commission are:

- To hear citizens' complaints and recommendations about the City Police Department's service to those who have been raped or battered, and to evaluate such input.
- To present recommendations to the City Council regarding activities of the Police Department related to this Ordinance.
- To make recommendations to the City Council regarding police training in the areas of rape and domestic violence.^[2]

The Commission has a thirty-five year history of reviewing redacted police reports. The redacted cases have always been "closed" cases. No active cases or cases involving children were requested.^[5] Over the past year, the City has denied the Commission access to redacted police reports. The Grand Jury asked to review the City's reasoning for this denial. The response from the City attorney referred to Government Code Section 7926.600 as the reason for disallowing access. The Grand Jury did not see the relevance of this Code to the issue of access to redacted reports of rape.

Conclusion

City Ordinance 81-29 Section 3 (a) states, "It shall be the policy of the City of Santa Cruz that the prevention of rape and domestic violence shall be one of its highest priorities." It is clear from each priority criterion evaluated for this investigation that the City is ignoring its mandate. This inaction leaves the community vulnerable and ill-informed with respect to rape and domestic violence. By adopting the Grand Jury's recommendations, the City can bridge the gulf between their long-standing legal obligations and their current neglect of these critical services. The result will be a community better informed, better prepared, and less vulnerable to rape and domestic violence.

Findings

- F1.** Since 2016, the lack of comprehensive Annual Reports with detailed metrics on rape, including the tracking of stranger rape, leaves the community less informed, more vulnerable, and less safe.
- F2.** By highlighting a generic national statistic on stranger rape, rather than assessing local metrics in the CPVAW 2023 Report, the City is minimizing stranger rape and misleading the public into a possible false sense of security.
- F3.** The lack of attention to long-time Commission programs such as the Safe Place Network and the Bar Coaster program leaves residents and visitors without important resources for their personal safety.
- F4.** The loss of the in-person self-defense program for boys and girls in Santa Cruz City Schools lessens students' ability to prevent sexual assault and interpersonal violence, inconsistent with the mandate of Ordinance 81-29.
- F5.** The City's replacement of a dedicated 20-hour per week Commission staff position with rotating staff with minimal hours has resulted in a loss of visibility for the prevention of rape and domestic violence, a loss of community connections, a lack of programs, inadequate resource distribution and less public awareness.
- F6.** The City's refusal to allow the Commission continued access to redacted police reports prevents the Commission from making recommendations for police training and evaluating community complaints as required by Ordinance.
- F7.** The SCPD's decision to drop stranger rape alerts and case-by-case updates leaves the community unaware about this serious crime and therefore less safe.
- F8.** The inconsistencies the Grand Jury found in SCPD's rape numbers means the public, the CPVAW and the City have no accurate metrics about reported rape, leaving the community ill-informed and Annual Commission Reports unreliable.
- F9.** The SCPD and the Commission's lack of a consistent definition of rape leads to public confusion and potential undercounting of rape crimes in the City.
- F10.** The Five Year Strategic Plan's failure to include the prevention of rape and domestic violence leaves the community less aware and less safe.
- F11.** The City Manager's Weekly Update to the community has not highlighted the work of the CPVAW for the past two years, effectively relegating the prevention of rape and domestic violence to a low priority, leaving the public uninformed.

Recommendations

- R1.** The Grand Jury recommends that the City Council fund a dedicated staff person for the Commission with skills commensurate to the need for program and resource development, community outreach and visibility, data research and report writing and have such position advertised by December 31, 2024. (F5, F3)

- R2.** The Grand Jury recommends that the City Council reevaluate the legal ability of CPVAW commissioners to access redacted police reports of rape as described in this investigation, and present the results of that research by December 31, 2024. (F6)
- R3.** The Grand Jury recommends that the City Council begin evaluating options with the Santa Cruz City School District to reinstate the in-person self-defense program for middle and high school students of all genders by January 31, 2025. (F4)
- R4.** The Grand Jury recommends that the SCPD update its website to include the detailed metrics on Rape Incidents submitted to NIBRS and CIBRS, ensuring all data entries are accurate and available at each meeting of the CPVAW, and have this in place by January 31, 2025. (F8, F9)
- R5.** The Grand Jury recommends that the SCPD reinstate community alerts for incidents of stranger rape, with case-by-case updates, by December 31, 2024. (F7)
- R6.** The Grand Jury recommends that the Commission and the SCPD submit comprehensive annual reports as called for in Ordinance 81-29, using the 2005-07 reports as a model, with the 2024 Annual Report placed on the Commission's agenda by December 31, 2024 and future reports submitted on a consistent, annual basis. (F1)
- R7.** The Grand Jury recommends that the 2023 Report be amended to remove the national entry on stranger rape, replacing it with accurate data for the City of Santa Cruz by December 31, 2024. (F2)
- R8.** The Grand Jury recommends that the CPVAW update the status of the Safe Place Network and the Bar Coasters program. If the programs are to be discontinued, a public CPVAW meeting is advised for that decision. If the programs are to be continued, the date of January 31, 2025 is recommended for the full reinstatement of these programs. (F3)
- R9.** The Grand Jury recommends that Focus Area 5, Public Safety of the 2023-28 Five Year Strategic Plan include an entry prioritizing the prevention of rape and domestic violence, as mandated by Ordinance 81-29, and published by February 28, 2025. (F10)
- R10.** The Grand Jury recommends that the City Manager increase the visibility of the CPVAW programs and events by publishing relevant information, at least quarterly, in the City Manager's Weekly Update and that the first article be published by December 31, 2024. (F11)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz City Council	F1–F11	R1–R10	90 Days September 25, 2024

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz Chief of Police	F1, F6–F9	R4–R6	90 Days September 25, 2024
Commission for the Prevention of Violence Against Women	F1–F3, F8	R4, R6, R7	90 Days September 25, 2024
Santa Cruz City Manager	F11	R10	90 Days September 25, 2024
Superintendent, Santa Cruz City Schools	F4	R3	90 Days September 25, 2024

Definitions

- **CIBRS:** California Incident Based Reporting System
- **CPVAW:** Commission for the Prevention of Violence Against Women
- **FBI:** Federal Bureau of Investigation
- **NIBRS:** National Incident-Based Reporting System
- **RAINN:** Rape and Incest National Network
- **SCPD:** Santa Cruz Police Department
- **UCR:** Universal Crime Report

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Appendix A – Figure 8 Full Table^[39]

	Domestic Violence/ Battery Calls	Domestic Violence/ Battery Cases 273.5 PC (Felony) & 243(e)(1) PC (Misdemeanor)	Homicide- Intimate Partner (Felony)	Sex Assault (Other) 243.4 PC (Misdemeanor or Felony)	Rape Cases 261 PC & 262 PC (Felony)	Sodomy 286 PC (Misdemeanor or Felony)	Forcible Sexual Penetration w/ a Foreign Object 289 PC (Felony)	Assault To Commit Rape 220 PC (Felony)	Stalking 646.9 PC (Misdemeanor or Felony)
2021									
January	26	14	0	3	1	0	1*	0	0
February	19	14	0	5	3	0	0	0	0
March	30	14	0	3	2	0	2	1	1
April	23	12	0	5	1	0	0	0	2
May	41	26	0	3	1	0	1*	0	1
June	31	21	0	6	2	0	0	0	3
July	24	18	1	6	0	0	0	0	1
August	19	13	0	5	0	0	1*	1	2
September	39	27	0	1	3	0	1	0	3
October	36	25	0	3	2	0	0	0	4
November	33	19	0	1	2	0	0	0	3
December	18	15	0	0	1	0	0	0	0
	339	218	1	41	18	0	6	2	20
2022									
January	21	19	0	0	4	0	0	1	3
February	26	22	0	1	1	0	1	1	1
March	18	14	0	7	1	1*	0	1	1
April	23	19	0	2	2	0	0	0	1
May	30	22	0	3	3	1*	1*	0	3
June	35	22	0	4	1	0	1*	0	2
July	37	25	0	2	1	0	0	0	0
August	35	23	0	3	2	0	0	0	3
September	33	16	0	2	1	0	1*	0	2
October	32	20	0	2	2	1*	1*	1*	3
November	26	17	0	1	2	0	0	0	2
December	27	16	0	3	0	0	0	2	1
	343	235	0	30	20	3	5	6	22
2023									
January	28	18	0	3	1	0	0	0	0
February	26	9	0	1	0	0	1	1	3
March	26	15	0	5	0	1	1*	1	1
April	33	23	0	1	3	2*	1*	0	0
May	35	19	0	3	1	0	0	1*	2
June	30	23	0	0	2	0	0	1	1
July	33	22	0	1	0	0	0	0	1
August	32	18	0	1	0	0	0	0	1
September	35	20	0	2	0	0	0	0	2
October	17	6	0	2	1	0	1*	1	4
November	-	11	0	1	0	0	0	0	0
December	-	17	0	1	0	0	0	0	2
	295	201	0	21	8	3	4	5	17

* Associated with another reported case

Appendix B – Figure 9 Full Table^[40]

	Domestic Violence/ Battery Calls	Domestic Violence/ Battery Cases 273.5 PC (Felony) & 243(e)(1) PC (Misdemeanor)	Homicide-Intimate Partner (Felony)	Sex Assault (Other) 243.4 PC (Misdemeanor or Felony)	All Rape Cases 261 PC & 262 ¹ PC (Felony)	Sodomy 286 PC (Misdemeanor or Felony)	Oral Copulation 287 ^{2,4} PC (Misdemeanor or Felony)	Forcible Sexual Penetration w/ a Foreign Object 289 PC (Felony)	Assault To Commit Rape 220 PC (Felony)	Stalking 646.9 PC (Misdemeanor or Felony)
2021										
January	26	14	0	3	1	0	1*	1*	0	0
February	19	14	0	5	3	0	0	0	0	0
March	30	14	0	3	2	0	0	3	1*	1
April	23	12	0	5	1	0	1*	1	0	2
May	41	26	0	3	1	0	2*	2	0	1
June	31	21	0	6	2	0	0	0	0	3
July	24	18	1	6	0	0	0	0	0	1
August	19	13	0	5	0	0	0	1*	1	2
September	39	27	0	1	3	0	1*	1	0	3
October	36	25	0	3	2	0	0	0	0	4
November	33	19	0	1	2	0	0	0	0	3
December	18	15	0	0	1	0	0	0	0	0
Total Cases³	339	218	1	41	18	0	5	9	2	20
2022										
January	21	19	0	0	4	0	1*	0	1	3
February	26	22	0	1	1	0	0	1	1	1
March	18	14	0	7	2	1*	1	0	1	1
April	23	19	0	2	2	0	0	0	0	1
May	30	22	0	3	4	1*	0	2*	0	3
June	35	22	0	4	1	0	0	1	0	2
July	37	25	0	2	1	0	0	1	0	0
August	35	23	0	3	2	0	0	0	0	3
September ⁵	33	16	0	2	2	1	0	1*	0	2
October	32	20	0	2	2	1*	0	2*	1*	3
November	26	17	0	1	2	0	1*	1*	0	2
December	27	16	0	3	0	0	1*	0	2	1
Total Cases	343	235	0	30	23	4	4	9	6	22
2023										
January	28	18	0	3	1	1	0	1	0	0
February	26	9	0	1	1	0	0	2*	1*	3
March	26	15	0	5	0	1	0	1*	1	1
April	33	23	0	1	3	2*	0	1*	0	0
May	35	19	0	3	2	0	0	0	1*	2
June	30	23	0	0	2	0	0	0	1	1
July ⁶	33	22	0	1	2	0	1	0	0	1
August	32	18	0	1	4	0	0	0	0	1
September	35	20	0	2	0	0	0	1	0	2
October	17	6	0	2	2	0	0	1*	1	4
November	9	12	0	1	0	0	0	0	0	0
December	19	17	0	1	0	0	0	0	0	2
Total Cases	323	202	0	21	17	4	1	7	5	17
2024										
January	-	13	0	0	1	0	0	0	0	0
February	-	13	1	1	2	0	1	0	0	1
March	-	17	0	1	4	2*	1*	0	1	0
Total Cases	-	43	1	2	7	2	2	0	1	1

* Associated with another reported case

** Data includes cases involving all genders, adults and minors

1. PC 262 repealed on October 8, 2021, (AB 1171)
2. PC 288a oral copulation, was changed to PC287 PC on January 1, 2019 (SB 1494)
3. UCR Summary totals the number of victims, not the number of cases - as reported in the table above
4. PC 287 includes PCs 288a(b)(1), 288a(c)(1), 288a(c)(2)(a), 288a(c)(3)
5. One case involving PC 288.7(A) and 286 counted as one for sodomy count
6. One case involving PC 264.1 and 261 counted as one for rape count



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Civil Grand Jury Required Responses: (1) Housing for Whom & (2) Preventing Rape & Domestic Violence

Gina Liebig <gliebig@santacruzca.gov>

Mon, Oct 14, 2024 at 9:17 AM

To: Santa Cruz Grand Jury <grandjury@scgrandjury.org>, Matt Huffaker <mhuffaker@santacruzca.gov>

Hello Santa Cruz Grand Jury,

At the Santa Cruz City Council meeting on October 8, 2024, the attached two reports/responses were approved by the Council:

1. Housing for Whom
2. Preventing Rape and Domestic Violence

Thank you, Gina



Gina Liebig

Principal Management Analyst

City of Santa Cruz | City Manager's Office

[809 Center Street, Santa Cruz, CA 95060](#)

Phone: 831-420-5044

Email: gliebig@santacruzca.gov

Web: www.cityofsantacruz.com

2 attachments



Housing for Whom.pdf

257K



Preventing Rape and Domestic Violence.pdf

333K



The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the

Santa Cruz City Council

to Respond by September 25, 2024

to the Findings and Recommendations listed below
which were assigned to them in the report titled

City Of Santa Cruz: Preventing Rape and Domestic Violence

Where's The Priority?

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown
in our minutes dated _____.

4. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

- F1.** Since 2016, the lack of comprehensive Annual Reports with detailed metrics on rape, including the tracking of stranger rape, leaves the community less informed, more vulnerable, and less safe.

AGREE
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The Santa Cruz City Council (“the Council”) disagrees with the assertion that the community is less informed due to the Annual Report lacking detailed metrics. The Annual report includes both current and historical data on rape and domestic violence. Detailed metrics on rape such as stranger rape, age, gender, location, etc.. are not mandated, however, the CPVAW has voted to receive detailed metrics on the type of crimes committed which it has determined to be more useful to their efforts to prevent rape & domestic violence.

Up until 2016 the Annual Reports contained demographic information which included reporting on stranger versus acquaintance rape. From approximately 2017-2022 there was significant turnover in staff to the commission, the commission members, and a world-wide pandemic which impacted the commissions receipt of rape and domestic violence data. In addition, there was not an annual report prepared by the Commission during that time. The most recent Annual Report for 2023 includes details from the FBI Uniform Crime Report (UCR) for rape as well as data from 2010-2023 on the following California Penal Code Sections relating to rape: 220 Attempted Rape; 261/262 Rape; 286 Sodomy; 387/288 Oral Copulation and 289 Penetration with a foreign object. Additionally, the 2023 report also includes domestic violence statistics from 2015 to 2023.

The Council disagrees with the Grand Jury's claim that a lack of detailed metrics on rape leaves the community more vulnerable and less safe. The absence of specific metrics in the Annual Report, or its contents, does not correlate to increased vulnerability or decreased safety. In fact, the FBI Uniformed Crime Report shows a 26% reduction in rape from 2022 to 2023, along with a 34% decrease in Domestic Violence cases by from 2020 to 2021 and a decline of 14% between 2022 and 2023. The Commission voted in November 2023 to accept a revised reporting format for rape and domestic violence statistics to include all FBI UCR Data, and various California Penal Code Sections on rape and domestic violence. In August of 2024, the Commission began receiving rape data from the National Incident-Based Reporting System (NIBRS). If the Commission chooses to reassess the metrics it requests from SCPD, including stranger rape data, the SCPD is prepared to provide the requested information. However, the Commission must decide what metrics it needs to review and how the Commission will utilize the information in relation to prevention and education. When the Commissioners request various information and try to compare it to UCR data and/or National Incident-Based Reporting System/California Incident-Based Reporting System (NIBRS/CIBRS) the information may not be consistent because the methodology for collecting the data sets are not the same, which causes confusion and leads to the perception of deception which is not accurate.

In 2024, in an effort to better inform the community, and keep people safe, the Commission enhanced their outreach and education to the community by collaborating with other Community Based Organizations to raise awareness about prevention and available services to victims of rape and domestic violence. This includes co-sponsoring the "Stronger Together" Fun Run/5K Race with Monarch Services in September 2023 & 2024, participating in both the Dyke and Pride Parades, the 2024 March to End Homelessness and the "She is Beautiful" race. Additionally, the Commission partnered with Monarch Services by providing \$6,000 to support their efforts to end domestic violence and provide assistance to victims of rape.

- F2.** By highlighting a generic national statistic on stranger rape, rather than assessing local metrics in the CPVAW 2023 Report, the City is minimizing stranger rape and misleading the public into a possible false sense of security.

AGREE
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The CPVAW 2023 Annual Report includes, as approved by the Commission on November 1, 2023, data from the US Department of Justice, Federal Bureau of Investigations, Uniform Crime Report on Rape, which is data specific to the City of Santa Cruz. The Annual Report also includes specific data on 5 types of Sexual Assault violations committed in the City of Santa Cruz. It is correct that this data does not distinguish between a stranger and an acquaintance. While this type of distinction may be useful, there is no data supporting that this is misleading the public into a false sense of security. The data cited in the Annual Report is from a nationally recognized association; Rape, Abuse, Incest National Network (RAINN) and is consistent with previous data analysis as reported in the 2005-07 Annual Report.

The data shows that the City is safer in 2023 than in previous years. The Uniformed Crime Report shows a decrease in rape by 26% from 2022 to 2023, and a decrease in Domestic Violence cases by 34% from 2020 to 2021 and a decrease of 14% between 2022 and 2023.

If the Commission chooses to reconsider its previous decision on which metrics SCPD should provide to the Commission, including stranger rape, SCPD will provide that information. SCPD supports the collection of this information but would prefer the Commission decide on all the metrics they are interested in and show how it will be useful towards the prevention and education mission of CPVAW. SCPD feels both national statistics on stranger rape and local metrics are important to provide the public with a local view as well as a broader perspective.

F3. The lack of attention to long-time Commission programs such as the Safe Place Network and the Bar Coaster program leaves residents and visitors without important resources for their personal safety.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Commission believes in leveraging their funds to partner with community-based organizations who specialize in providing victims of domestic violence and rape with much needed financial support to continue their successful programs and services. These organizations provide tangible resources that the Commission could not provide nor have the expertise to provide. In 2024, the Commission provided the following with sponsorships to support local non-profit organizations: \$2,000 to Walnut Ave Women's Center, a non-profit organization based in Santa Cruz that provides direct services to survivors of domestic violence including prevention and education and \$6,000 to Monarch Services, another local non-profit that offers immediate crisis response to survivors of domestic violence, sexual assault and human trafficking.

The Commission has created new programs to promote personal safety. In 2023, the Commission partnered with the Santa Cruz City School district to provide high school students with an on-line course through Vector Solutions. This program offered targeted courses for grades 6-8 and 9-12, which reached approximately 2,000 students. This mandatory program enabled the school to extend its reach, empowering more students to make informed choices, resist peer pressure, and foster healthy relationships. Topics included: Dealing with Stress and Anxiety; Self-Harm Awareness and Resolving Disagreements. Additional content included Mental Health and Wellbeing, Healthy Relationships & Inclusion, Personal & Community Safety and Student Safety and Wellness.

The City is the only local agency to have a Victim Advocate on staff in the Police Department. This important resource keep victims informed of their rights in the legal system and makes referrals to local agencies. The Advocate works with victims to ensure they are treated with fairness and respect.

With regards to the Bar Coaster Program, the Commission agrees with continuing this program. As of July 1st, State Law requires all bars that do not provide food to provide drug testing kits to customers. The Commission supports this new law. In June of 2024, the Commission purchased an additional 500 drug testing coasters to distribute to bars located in the City of Santa Cruz.

The Commission had a program entitled Safe Place Network which is no longer active. The program began over 25 years ago by providing a window sticker to

businesses stating they were a “Safe Place”; however, there was very little to no training provided for businesses and their staff. The program also lacked a comprehensive marketing and outreach plan to inform visitors and the community of its existence. There are no metrics or data to substantiate the claim that not having this program has left residents and visitors without important resources for their personal safety. However, the Commission could consider re-establishing the program if it chooses to do so in the future.

- F4.** The loss of the in-person self-defense program for boys and girls in Santa Cruz City Schools lessens students' ability to prevent sexual assault and interpersonal violence, inconsistent with the mandate of Ordinance 81-29.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Commission has offered self-defense classes either through City Schools and/or the Parks and Recreation Department. Over the years, participation in the Parks & Recreation program significantly declined, leading to the cancellation of classes.

In FY2023, the City Council approved a budget of \$15,000 for self-defense classes to be administered by the Commission. In November of 2023, the Commission considered how best to use the funds at a regularly scheduled public meeting. The Commission considered two options: 1) Self Defense program through the City Parks & Recreation Department, or 2) A proposal by City Schools for an on-line course through a private contractor, Vector Solutions. The Commission chose the City Schools proposal.

This program offered targeted courses for grades 6-8 and 9-12, which reached approximately 2,000 students. This mandatory program enabled schools to extend their reach significantly, empowering more students to make informed choices, resist peer pressure, and foster healthy relationships. Topics included: Dealing with Stress and Anxiety; Self-Harm Awareness and Resolving Disagreements. Additional content included Mental Health and Well-being, Healthy Relationships & Inclusion, Personal & Community Safety and Student Safety and Wellness.

Vector Solutions is already being used in other school districts across the country to reduce violence against women. This valuable program will help prevent violence against women by providing students with the knowledge and skills they need to make healthy choices and build positive relationships.

In addition, the Commission authorized an additional \$5,000 to enable one Commissioner to work with the Parks and Recreation department to offer a self-defense course. Unfortunately, the program never came to fruition, and the funds were not spent.

In the FY25 Budget, the City Council approved re-authorization of \$15,000 to continue offering these types of programs. The Commission will consider how to utilize those funds at their meeting on September 4, 2024.

- F5.** The City's replacement of a dedicated 20-hour per week Commission staff position with rotating staff with minimal hours has resulted in a loss of visibility for the prevention of rape and domestic violence, a loss of community connections, a lack of programs, inadequate resource distribution and less public awareness.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The part-time Events Coordinator position was eliminated in 2016/2017 and replaced with a more senior staff member to provide enhanced support to the Commission. From 2017 to 2020, there were three staffing changes involving personnel from both the City Manager's Office and the Police Department. The Commission also saw turnover among its members during this same period. Additionally, the COVID-19 pandemic severely limited the Commission's ability to organize and participate in public events, as well as to support local non-profits and schools until 2022.

In 2023, as the community began to recover from the pandemic, the Commission resumed its participation in and organization of events.

As part of the Fiscal Year 2024, the City Council also approved funding for an Administrative Assistant III staff position that will dedicate half of their work week (20 hours per week) to supporting the Commission's work. With the addition of this new position, the Commission will have more staff support than it has had for the last several years.

Notably, crime data indicates that the city is safer in 2023 than in previous years. The Uniformed Crime Report reveals a 26% decrease in rape incidents from 2022 to 2023, as well as a 34% drop in domestic violence cases from 2020 to 2021, and a further decline of 14% between 2022 and 2023.

F6. The City's refusal to allow the Commission continued access to redacted police reports prevents the Commission from making recommendations for police training and evaluating community complaints as required by Ordinance.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Commission received redacted police reports from approximately 1984 to 2010. However, around 2010-2017 the Commission began to receive summary demographic data from SCPD. From approximately 2017-2022 there was significant turnover in staff to the commission and a world-wide pandemic which impacted the commissions receipt of rape and domestic violence data. In 2023, a request was made by the Commission for the City Attorney to attend a CPVAW meeting to discuss and provide a recommendation to them regarding the ability to receive redacted police reports. Given the extremely sensitive nature of these police reports, even when redacted, the City Attorney's Office recommended not to provide redacted police reports to the Commission for the following reasons:

- (1) Under the Brown Act, there is no legal basis for the Commission (or the Commission's Police Subcommittee) to review the redacted police reports in a confidential or closed session (see Gov't Code § 54962).
- (2) While the Commission is not permitted to meet in closed session, the Commission could hypothetically meet in open session to review the reports. However, review of police reports in open session would waive any applicable exemption under the Public Records Act (Gov't Code § 7921.505), and the City would be required to release those redacted reports to any member of the public that requests them. In other words, if the Commission were to review the redacted police reports in open session, the City would be waiving the future confidentiality of those reports, without the consent of the individuals who are referenced in that report, and without input as to how that lack of confidentiality might impact their lives.
- (3) The City is legally prohibited from releasing some reports, even in redacted form. For example, state law prohibits the release of a police report where a juvenile is the subject of the report (Wel & Inst Code § 827.95), or reports involving mandated reports of suspected child abuse and neglect (Penal Code § 11167.5). Various Constitutional provisions, such as The Victims' Bill of Rights Act of 2008: Marsy's Law, Section 28 of Article I of the California Constitution, or the right to privacy afforded by Section 1 of Article I of the California Constitution may also be considered when determining whether to release a police report. Even for reports that the City is not legally prohibited from releasing, all of the referenced police reports are generally exempt from disclosure to the public pursuant to Government Code section 7923.600.

Based on the foregoing, including the advice of the City Attorney's Office, the Commission voted to *not* require the SCPD provide redacted police reports to the Commission or the Commission's Police Sub-Committee. However, the Commission did vote to include additional California Penal Code Sections, all Domestic Violence cases, and the FBI Uniform Crime

Reporting data in the monthly data SCPD reports to the Commission.

The Commission still retains the ability to hear citizen complaints regarding the SCPD's service to women who have been raped or battered. With improvements in technology and changes in state law and City Council requirements, citizen complaints go directly to the SCPD Professional Standards Unit, the Chief of Police, and the Independent Police Auditor. Any concerns about a Police Department employee's conduct, actions or service are investigated by the Police Department's Professional Standards Unit. All completed investigations are reviewed by the Independent Police Auditor to provide an independent review of the citizen complaint process. The Independent Police Auditor provides an annual report to the City Council in a public meeting on the level of thoroughness and objectivity of these investigations. The process to file a complaint can either be started in person at the Police Department, online on the SCPD website, or directly through the Independent Police Auditor.

The City also employs a Victim Advocate and is the only one in the county that does so. The Advocate provides information to victims about their rights and the criminal legal system and makes referrals to local agencies when appropriate. The Advocate works alongside SCPD personnel to ensure all victims of domestic violence and sexual assault are treated with fairness and respect. The Victim Advocate also provides training to officers and detectives to provide the highest level of professional service to the victims.

With regards to Police Training, the CPVAW Police Subcommittee received a presentation on November 1, 2023, from SCPD on their training standards. This provided an opportunity for the Commission to review and provide input on SCPD's training program. The Police Subcommittee intends to conduct an annual review of the SCPD training program. All SCPD training records are kept up to date and in accordance with State law and Peace Officer Standards and Training (POST) standards.

F7. The SCPD’s decision to drop stranger rape alerts and case-by-case updates leaves the community unaware about this serious crime and therefore less safe.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

Response explanation (required for a response other than **Agree**):

SCPD has not made the decision to drop stranger rape alerts and case-by-case updates. If there was a stranger rape case and an alert to the community was appropriate, SCPD would not hesitate to make the community aware. SCPD is very active on social media, and transparently shares valuable information with the community.

- F8.** The inconsistencies the Grand Jury found in SCPD's rape numbers means the public, the CPVAW and the City have no accurate metrics about reported rape, leaving the community ill-informed and Annual Commission Reports unreliable.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

City of Santa Cruz Ordinance No. 81-29 establishes specific responsibilities and cooperation between SCPD and CPVAW:

- **Section 5(e):** The Commission for the Prevention of Violence Against Women, in carrying out its duties shall have the authority to call upon members of the Police Department to present information which is not defined as confidential by State law. The Santa Cruz Police Department shall offer full and open cooperation to the Commission.
- **Section 6(b):** The Police Department shall create a separate statistical report form to document and consolidate all domestic violence and women beating calls. This shall be compiled monthly.

The SCPD has adhered to these requirements, explicitly providing data as the Commission requested. Before the February 7, 2024, CPVAW meeting, where the SCPD's statistical report (Appendix A – Figure 8 Full Table) was first presented, the SCPD had been producing a simplified statistical monthly report. This report included data on domestic violence calls, domestic violence cases, rape cases, sexual assaults, stalking cases, and intimate partner homicide cases.

At the November 1, 2023, CPVAW meeting, upon a specific commissioner's request and approved by the Commission, sodomy and forcible sexual penetration with a foreign object were separated from the generalized rape column, and assault to commit rape was added. In the following two meetings (February 1, 2024, and May 1, 2024), SCPD complied and continued to make improvements to provide an accurate and comprehensive statistical report. Improvements included updating all the monthly summary values to reflect the addition of any cold cases when they occurred, not when reported, and footnotes were added to provide clarifying language. This was to try and explain why the old numbers had changed from previous reports.

Discrepancies in Appendix A – Figure 8 Full Table were due to the removal of cases involving minors during the development of the new table format and improper communication of this omission. The oversight was corrected in the following report (Appendix B – Figure 9 Full Table), presented to CPVAW on May 1, 2024, and included up-to-date data encompassing all genders, adults, and minors.

The SCPD would like to respond to the Grand Jury's assessment of the SCPD's statistical report (Appendix A – Figure 8 Full Table). The Grand Jury compared the year 2021 Case Totals to SCPD's website UCR figure of reported rape totals for the same year and

questioned why the two values - 34 vs. 26 did not match and therefore concluded the statistical report was inaccurate. As defined in the SCPD response to the Grand Jury's R4 question, UCR data reports out monthly victim counts, while NIBRS reports on the total number of rape-related offenses.

In effect, the SCPD's monthly statistical report does both, but special consideration is needed when summing values. Rape cases can involve multiple offenses, and a case typically involves only one victim. The SCPD statistical report breaks out rape-related offenses but places an asterisk next to any offense that is already associated with another offense listed in the same case. By excluding any value with an asterisk while summing values, the SCPD statistical report will provide a rape case count similar to UCR Summary data. If all rape-related values are summed, ignoring the presence of asterisks, the SCPD statistical report will generate a rape offense count similar to NIBRS data.

Due to the confusion reported in the grand jury report, the SCPD has reservations regarding the effectiveness of the current format of the monthly statistical report in keeping the community well-informed. The SCPD requests that the Commission review what data is needed to better understand the nature and extent of rape-related crimes in the community and asks the Commission to provide details on how it intends to use the data to tailor prevention and intervention strategies. A better understanding of the Commission's work plan will help improve the collaborative work between the Commission and the SCPD.

To add to the confusion, one member of the Commission has requested certain metrics not consistent with the other members of the Commission. The SCPD, trying to be collaborative and responsive, provided this information but it has been taken out of context, creating confusion and the perception the SCPD is changing the data. The SCPD recommends, prior to producing any future data or metrics, the Commission decides exactly what information they are looking for and what they will do with the information in the world of prevention and education. There are many different means to produce the data, but it will be clearer to the Commission and the public if we can agree on one methodology and then understand the nuisances of that data.

The SCPD remains committed to providing accurate and comprehensive statistical reports, ensuring transparency and continuous improvement in response to the Commission's needs.

- F9.** The SCPD and the Commission's lack of a consistent definition of rape leads to public confusion and potential undercounting of rape crimes in the City.

AGREE
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

When the Federal Government changed the definition of rape in 2013, SCPD immediately included the additional penal codes that now fall under the new definition and have been reporting these numbers since this change. The lack of consistency is more related to the different data collected and methodologies between UCR data, NIBRS/CIBRS, and specific metrics requested by the Commission.

F10. The Five Year Strategic Plan's failure to include the prevention of rape and domestic violence leaves the community less aware and less safe.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The absence of rape and domestic violence prevention from the Public Safety focus area of the Five-Year Strategic Plan does not lessen its significance as a priority for the City. The recently adopted strategic plan serves as a framework that balances community needs with the City's resource capacity. It reflects the policy priorities set by the City Council and acts as a high-level roadmap for future actions. The plan includes a vision to guide future focus, seven focus areas to direct organizational efforts, goal statements, strategies for achieving these goals, and a workplan for implementation.

The lack of specific mention of the Commission in the Five-Year Strategic Plan does not imply that the community is less informed or safe regarding the prevention of rape and domestic violence. Moreover, it does not undermine the Council's commitment to these issues. Notably, the Commission is the only advisory body that receives a dedicated budget and staffing from the City Council. The Council has demonstrated its commitment by increasing the Commission's budget by over 150% for FY25, enabling additional staff support and resources to further the Commission's goals in preventing rape and domestic violence in Santa Cruz.

F11. The City Manager’s Weekly Update to the community has not highlighted the work of the CPVAW for the past two years, effectively relegating the prevention of rape and domestic violence to a low priority, leaving the public uninformed.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

There is no evidence to suggest that the absence of the Commission’s activities in the City Manager’s Weekly Updates has left the public uninformed or perceived as a low priority. The Weekly Update is a communication tool that shares relevant city activities and projects, drawing information from City Departments and highlighting key city council actions and significant projects. The Commission is encouraged to submit updates about its work to the City Manager’s office for inclusion.

The Commission focuses on partnering with community-based organizations that specialize in supporting victims of domestic violence and sexual assault. In 2024, the Commission provided funding to local non-profits, including \$2,000 to the Walnut Avenue Women’s Center, which offers direct services to survivors, and \$8,000 to Monarch Services, which provides crisis response for survivors of domestic violence, sexual assault, and human trafficking. These organizations have a broader reach than the City Manager’s Weekly Update, effectively disseminating more information to the public.

Furthermore, the Commission has significantly increased its community presence by participating in events such as co-sponsoring the "Stronger Together" Fun Run/5K with Monarch Services in September 2023 and 2024, marching in the Dyke March and the 2024 Pride Parade, and taking part in the 2024 March to End Homelessness and the “She is Beautiful” race. These events enhance awareness and provide crucial information on preventing rape and domestic violence.

Additionally, the Commission has launched a dedicated newsletter to highlight its events and activities, allocating funds for two publications in FY25. It also uses social media platforms to promote and inform the community about the initiatives of the Commission.

Recommendations

R1. The Grand Jury recommends that the City Council fund a dedicated staff person for the Commission with skills commensurate to the need for program and resource development, community outreach and visibility, data research and report writing and have such position advertised by December 31, 2024. (F5, F3)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

As part of the FY25 Budget, the City Council has approved a part-time (20 hours per week) Administrative Assistant III to support the work of the Commission. The recruitment is scheduled to begin in late August or early September 2024.

R2. The Grand Jury recommends that the City Council reevaluate the legal ability of CPVAW commissioners to access redacted police reports of rape as described in this investigation, and present the results of that research by December 31, 2024. (F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

Police reports documenting instances of rape, sexual assault, or domestic violence are extremely sensitive. These reports provide intimate details about horrific crimes. Even if heavily redacted, it is likely the reports would still include details that would enable some to identify the victim or parties involved.

Given the extremely sensitive nature of these police reports, even when redacted, the City Attorney's Office recommends not to provide redacted police reports to the Commission for the following reasons:

- (1) Under the Brown Act, there is no legal basis for the Commission (or the Commission's Police Subcommittee) to review the redacted police reports in a confidential or closed session (see Gov't Code § 54962).
- (2) While the Commission is not permitted to meet in closed session, the Commission could hypothetically meet in open session to review the reports. However, review of police reports in open session would waive any applicable exemption under the Public Records Act (Gov't Code § 7921.505), and the City would be required to release those redacted reports to any member of the public that requests them. In other words, if the Commission were to review the redacted police reports in open session, the City would be waiving the future confidentiality of those reports, without the consent of the individuals who are referenced in that report, and without input as to how that lack of confidentiality might impact their lives.
- (3) The City is legally prohibited from releasing some reports, even in redacted form. For example, state law prohibits the release of a police report where a juvenile is the subject of the report (Wel & Inst Code § 827.95), or reports involving mandated reports of suspected child abuse and neglect (Penal Code § 11167.5). Various Constitutional provisions, such as The Victims' Bill of Rights Act of 2008: Marsy's Law, Section 28 of Article I of the California Constitution, or the right to privacy afforded by Section 1 of Article I of the

California Constitution may also be considered when determining whether to release a police report. Even for reports that the City is not legally prohibited from releasing, all of the referenced police reports are generally exempt from disclosure to the public pursuant to Government Code section 7923.600.

Based on the foregoing, including the advice of the City Attorney's Office, the Commission voted to *not* require the SCPD to provide redacted police reports to the Commission or the Commission's Police Sub-Committee.

- R3.** The Grand Jury recommends that the City Council begin evaluating options with the Santa Cruz City School District to reinstate the in-person self-defense program for middle and high school students of all genders by January 31, 2025. (F4)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Commission has previously offered self-defense classes either through City Schools and/or the Parks and Recreation Department. Over the years, participation in the Parks & Recreation program significantly declined, leading to the cancellation of classes. Based on the lack of participation, free classes sponsored by the Commission are no longer offered through Parks and Recreation.

In FY2023, the City Council approved a budget of \$15,000 for self-defense classes to be administered by the Commission. In November of 2023, the Commission considered how best to use the funds at a regularly scheduled public meeting. The Commission considered two options: 1) Self Defense program through the City Parks & Recreation Department or 2) A proposal by Santa Cruz City Schools for an on-line course through a private contractor, Vector Solutions. The Commission chose the City Schools proposal.

This program offered targeted courses for grades 6-8 and 9-12, which would reach approximately 2,000 students. This mandatory program would enable the school to extend its reach, empowering more students to make informed choices, resist peer pressure, and foster health relationships. Topics included: Dealing with Stress and Anxiety; Self-Harm Awareness and Resolving Disagreements. Additional content included Mental Health and Wellbeing, Healthy Relationships & Inclusion, Personal & Community Safety and Student Safety and Wellness.

Vector Solutions is already being used in other school districts across the country to reduce violence against women. This valuable program will help prevent violence against women by providing students with the knowledge and skills they need to make healthy choices and build positive relationships.

In addition, the Commission authorized an additional \$5,000 to enable one Commissioner to work with the Parks and Recreation department to offer a self-defense course. Unfortunately, the program never came to fruition, and the funds were not spent.

In the FY25 Budget, the City Council approved re-authorization of \$15,000 to continue offering these types of programs. Consideration of how to utilize these funds will be considered by the Commission at its meeting on November 6, 2024.

- R4.** The Grand Jury recommends that the SCPD update its website to include the detailed metrics on Rape Incidents submitted to NIBRS and CIBRS, ensuring all data entries are accurate and available at each meeting of the CPVAW, and have this in place by January 31, 2025. (F8, F9)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The publication of metrics on rape incidents from the National Incident-Based Reporting System (NIBRS) and California Incident-Based Reporting System (CIBRS) would introduce an additional data set to the two preexisting data sets regularly published by the Santa Cruz Police Department (SCPD) – Uniform Crime Reporting (UCR) data and its own monthly statistical data report provided to the Commission. SCPD believes this would increase public confusion regarding rape incidents within the City of Santa Cruz. All three data sets report on rape occurrence, but variations in methodology, scope, and level of detail make direct comparisons unsound.

Uniform Crime Reporting System (UCR)

The UCR Summary system reports are based on when a crime is reported, not when the crime occurs. For example, in many rape-related cases, individuals come forward weeks, months, or even years after being victimized. This limitation can distort monthly victim counts and create erroneous trends within a community. Another constraint lies in how the data is prioritized. UCR Summary data reflects the hierarchy rule, which states that only the most severe crime contributes to an agency's monthly crime totals when more than one offense occurs within an incident. For example, an incident involving a murder, robbery, and rape, the stats only reflect the homicide for the monthly totals, as homicide is the highest offense on the hierarchy.

UCR data is calculated by the number of victims and does not account for multiple offenses committed against one victim during one incident. For example, a victim of rape (261 pc) could also be a victim of oral copulation (288a pc) and sodomy (286 pc). All of these offenses fall under the definition of rape per the new definition in 2013 but there are different penal code sections and charges. UCR data will calculate this example as one incident because it only includes one victim. However, in other reporting methodologies like NIBRS or metric collecting like CPVAW has requested, the one incident can be counted multiple times depending on the number of penal code sections or charges brought forward on the perpetrator.

National Incident-Based Reporting System (NIBRS)

NIBRS collects detailed data on each reported crime incident, including information on the victim, offender, location, weapon used, and circumstances surrounding an incident. Unlike UCR Summary, NIBRS captures all offenses reported in a single incident, providing a more complete picture of criminal activity. NIBRS' labile data set allows for constant updates to monthly summaries as cold cases are reported.

Publishing static monthly NIBRS/CIBRS data on SCPD's website or through the Commission's meetings immortalizes data designed to change over time, offering little added benefit to the public. NIBRS/CIBRS data is not updated until several weeks after the end of each month, producing the data monthly would cause more confusion and provide inaccurate data to the public.

The level of detailed data provided by NIBRS allows law enforcement agencies, policymakers, and researchers to better understand the nature and extent of crime in their communities, identify emerging trends, and tailor prevention and intervention strategies accordingly, but may not be suitable for public consumption without proper analysis and a simplified synopsis.

Additionally, unlike UCR data, NIBRS/CIBRS data will change based on when a crime occurred versus when the crime was reported. Therefore NIBRS/CIBRS data is fluid and could constantly change. However, UCR data is locked once each month is complete. This adds to the confusion and perception of the inaccuracies to the data.

- R5.** The Grand Jury recommends that the SCPD reinstate community alerts for incidents of stranger rape, with case-by-case updates, by December 31, 2024. (F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

SCPD never stopped executing community alerts for incidents of stranger rape when the circumstances were necessary to keep the community safe and well-informed.

R6. The Grand Jury recommends that the Commission and the SCPD submit comprehensive annual reports as called for in Ordinance 81-29, using the 2005-07 reports as a model, with the 2024 Annual Report placed on the Commission's agenda by December 31, 2024 and future reports submitted on a consistent, annual basis. (F1)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Annual Report as required by Ordinance No. 81-29, Section 5.(d), requires the Commission to "...submit annually, and the City Council review and act upon a report documenting, in detail, City, community, and police efforts to carry out the purposes of this ordinance." The Ordinance does not require the Annual Report to provide detailed metrics on rape. However, various Annual Reports over the years have included data on rape and domestic violence, including the most recent Annual Report for 2023. The 2023 Report includes details the FBI Uniform Crime Report for Rape and Domestic Violence from 2015 to 2023, and data from 2010-2023 on the following California Penal Code Sections relating to Rape: 220 Attempted Rape; 261/262 Rape; 286 Sodomy; 387/288 Oral Copulation and 289 Penetration with a foreign object. The Commission will continue to provide comprehensive reports as required by the Ordinance.

The 2023 Annual Report is modeled after the 2005-2007 and the 2008-2010 Annual Report. Both of those reports were a Joint Report by the Commission and the Santa Cruz Police Department, same as the 2023 Report. Both reports contain data on sexual assault including incidents by Penal Code Violations. However, the previous reports did not contain information on Domestic Violence which the 2023 report contains. The previous reports include an analysis of demographics within each rape case which has not been conducted since 2017. The Commission, not individual commissioners, must decide what information or metrics they would like to see and how the information will be used towards prevention and education. There needs to be an agreement of what set of data and metrics will be evaluated because the combination of different sets of data causes confusion and the perception of deception.

The Annual Report should include a full years' worth of data, therefore presenting an annual report in December would not include a full years' worth of data. In order to provide the community with a comprehensive report, with a full year's worth of data, the report will be presented at the February meeting of the following year.

- R7. The Grand Jury recommends that the 2023 Report be amended to remove the national entry on stranger rape, replacing it with accurate data for the City of Santa Cruz by December 31, 2024. (F2)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The 2023 Annual Report provides a comprehensive data analysis over a 14-year period on rape and 16 years' worth of data on domestic violence cases in the City of Santa Cruz. While the Annual Report does not distinguish between acquaintance and stranger rape, the data is accurate. The Ordinance does not require the Annual Report to provide crime data, however, because the data on the number of cases is readily available and is compiled by the SCPD it is included in the Annual Report. Ordinance No. 81-29, Section 5.(d), requires the Commission to "...submit annually, and the City Council review and act upon a report documenting, in detail, City, community, and police efforts to carry out the purposes of this ordinance."

SCPD supports the collection of this information if the Commission decides on all the metrics they are interested in and shows how it will be useful towards the prevention and education mission. SCPD feels both national statistics on stranger rape and local metrics are important to provide the public with a local view as well as a broader perspective. The data SCPD has presented is accurate, but some confusion has arisen based on the different methodologies of UCR data, NIBRS/CIBRS, and specific requests from the Commission.

R8. The Grand Jury recommends that the CPVAW update the status of the Safe Place Network and the Bar Coasters program. If the programs are to be discontinued, a public CPVAW meeting is advised for that decision. If the programs are to be continued, the date of January 31, 2025 is recommended for the full reinstatement of these programs. (F3)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Commission will agendaize the Safe Place Network at their February 5, 2025 meeting to consider whether or not to continue the program.

The Bar Coaster program is in place. As of June 2024, an additional 500 coasters were purchased to be distributed to local bars.

- R9.** The Grand Jury recommends that Focus Area 5, Public Safety of the 2023-28 Five Year Strategic Plan include an entry prioritizing the prevention of rape and domestic violence, as mandated by Ordinance 81-29, and published by February 28, 2025. (F10)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The absence of rape and domestic violence prevention from the Public Safety focus area of the Five-Year Strategic Plan does not lessen its significance as a priority for the City. The recently adopted strategic plan serves as a framework that balances community needs with the City's resource capacity. It reflects the policy priorities set by the City Council and acts as a high-level roadmap for future actions. The plan includes a vision to guide future focus, seven focus areas to direct organizational efforts, goal statements, strategies for achieving these goals, and a workplan for implementation.

The lack of specific mention of the Commission in the Five-Year Strategic Plan does not imply that the community is less informed or safe regarding the prevention of rape and domestic violence. Moreover, it does not undermine the Council's commitment to these issues. Notably, the Commission is the only advisory body that receives a dedicated budget and staffing from the City Council. The Council has demonstrated its commitment by increasing the Commission's budget by over 150% for FY25, enabling additional staff support and resources to further the Commission's goals in preventing rape and domestic violence in Santa Cruz.

R10. The Grand Jury recommends that the City Manager increase the visibility of the CPVAW programs and events by publishing relevant information, at least quarterly, in the City Manager’s Weekly Update and that the first article be published by December 31, 2024. (F11)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

There is no evidence to suggest that the absence of the Commission’s activities in the City Manager’s Weekly Updates has left the public uninformed or perceived as a low priority. The Weekly Update is a communication tool that shares relevant city activities and projects, drawing information from City Departments and highlighting key city council actions and significant projects. *The Commission is encouraged to submit updates about its work to the City Manager’s office for inclusion when appropriate.*

The Commission focuses on partnering with community-based organizations that specialize in supporting victims of domestic violence and sexual assault. In 2024, the Commission provided funding to local non-profits, including \$2,000 to the Walnut Avenue Women’s Center, which offers direct services to survivors, and \$8,000 to Monarch Services, which provides crisis response for survivors of domestic violence, sexual assault, and human trafficking. These organizations have a broader reach than the City Manager’s Weekly Update, effectively disseminating more information to the public.

Furthermore, the Commission has significantly increased its community presence by participating in events such as co-sponsoring the "Stronger Together" Fun Run/5K with Monarch Services in September 2023 and 2024, marching in the Dyke March and the 2024 Pride Parade, and taking part in the 2024 March to End Homelessness and the “She is Beautiful” race. These events enhance awareness and provide crucial information on preventing rape and domestic violence.

Additionally, the Commission has launched a dedicated newsletter to highlight its events and activities, allocating funds for two publications in FY25. It also uses social media platforms to promote and inform the community about the initiatives of the Commission.



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Commission on the Prevention of Violence Against Women-Grand Jury Response

Lisa Murphy <LMurphy@santacruzca.gov>

Mon, Sep 9, 2024 at 9:47 AM

To: "katherine.Hansen@santacruzcourt.org" <katherine.Hansen@santacruzcourt.org>,
"grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Cc: Gina Liebig <gliebig@santacruzca.gov>, danielle long <daniella.long@sbcglobal.net>

Good Morning,

The City of Santa Cruz Commission on the Prevention of Violence Against Women is pleased to submit their response to 2023-2024 Santa Cruz County Civil Grand Jury's report entitled "City of Santa Cruz: Preventing Rape and Domestic Violence, Where's The Priority?"

Included in this email is a copy of the Commissions Action Minutes approving the response from the Commission. The minutes will not be final until the Commissions meeting scheduled for November 6, 2024.



Lisa Murphy

Deputy City Manager

City of Santa Cruz


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Email: lmurphy@santacruzca.gov

Web: www.cityofsantacruz.com






2 attachments

 **CPVAW_Grand Jury Response_CPVAW Invited Response Request 09-04-24 Revision by CPVAW_FINAL.pdf**
219K

 **09-04-24 CPVAW Action Summary.pdf**
62K

ACTION SUMMARY

City of Santa Cruz
809 Center Street
Santa Cruz, California 95060

COMMISSION FOR THE PREVENTION OF VIOLENCE AGAINST WOMEN (CPVAW) REGULAR MEETING

September 4, 2024
Action Summary prepared on September 6, 2024

6:30 PM

Call to Order - at 6:30 p.m.

Roll Call - Commissioners Barrett, Feinman, Novak, Simonton, Trigueiro; Vice Chair Madura.

Commissioners Absent: Chair Long (Chair Long arrived at the meeting for Item 4)

Statements of Disqualifications - None.

Oral Communications - Vice Chair Madura opened the public comment period at 6:31 p.m. Vice Chair Madura closed the public comment period at 6:43 p.m.

Announcements - Staff member L. Murphy made announcements about a new stipend program and changes to terms of commissions.

Consent Agenda

1. Minutes of the August 7, 2024 Commission for the Prevention of Violence Against Women Meeting

Motion carried to approve as amended.

Presentations - None.

General Business

2. Santa Cruz Police Department Update

The Commission received the report and provided direction on the Santa Cruz Police Department (SCPD) monthly statistical rape and domestic violence

report.

3. Santa Cruz County Civil Grand Jury Response (Continued from 8/7/24)

Motion carried to authorize the Chairperson to submit responses to the Santa Cruz Civil Grand Jury on behalf of the CPVAW for the “City of Santa Cruz: Preventing Rape & Domestic Violence: Where’s the Priority?” report with the following edits:

- a) Section F1, leave the statement: “Given the complexities of sorting rape data” and add a statement under programming to include “a half hour program being used by county schools to start difficult conversations on male rape.”
- b) Section F2, paragraph one, change “may be” to “is” and fix typo “rate” to “rape” and paragraph two, change “FBI NIBR” to “FBI NIBRS.”
- c) Section F8, remove everything from “SCPD response...” to the end of that section and fix typo “Ordinance” to “Ordinance’s.”

4. Ad-Hoc Committee Appointments & Fund Allocation (Continued from 8/7/24)

Motion carried to form ad-hoc committees for upcoming FY25 projects and to allocate funding in November as discussed.

5. Funding for to Support Shared Data Page (Continued from 08/07/2024)

Motion carried to approve funding in the amount of \$5,600 for the Coalition Facilitator and \$500 Annually for Website Development and Hosting for a Shared Data Page.

Information Items

6. FY25 CPVAW Work Plan

Update on street banners, will work with publicity committee to implement for October domestic violence month, reminder about work plan, event called “Stronger Together” on September 22nd at Aptos High School.

Reports from Ad Hoc and Standing Committees

Police Subcommittee - no update

Publicity Ad-Hoc Committee - gave a brief update on social media

Event Ad-Hoc Committee - Monarch event on October 10th.

Items Initiated by Members for Future Agendas

Santa Cruz City Schools - Vector Solutions (Nov)

FY26 Budget (Nov)

CPVAW Annual Report (Feb 26)

Annual SCPD Training Report (Feb 26)

Election of Officers (Feb)

Adjournment - At 8:40 p.m., motion carried to adjourn.



The 2023–2024 Santa Cruz County Civil Grand Jury
Invites the

**Commission for the Prevention
of Violence Against Women**

to Respond by September 25, 2024

to the Findings and Recommendations listed below
which were assigned to them in the report titled

**City Of Santa Cruz: Preventing Rape and Domestic
Violence**

Where's The Priority?

Responses are **invited** from appointed agency and department heads, appointed committees, and non-profit agencies contracted to the county which are investigated by the Grand Jury. You are not required to respond by the California Penal Code [\(PC\) §933\(c\)](#).

If you choose to respond, please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.

3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown
in our minutes dated Sept 4, 2024.

4. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

- F1.** Since 2016, the lack of comprehensive Annual Reports with detailed metrics on rape, including the tracking of stranger rape, leaves the community less informed, more vulnerable, and less safe.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Commission partially agrees with the assertion that the community is "less informed" due to the Annual Report lacking detailed metrics on known and stranger rape. The Commission disagrees that the lack of detailed metrics leaves the community more vulnerable and less safe as a result, due to the fact that there are no known data on what kinds of reporting create community safety, per se. We want the Annual report to consistently include both current and historical data on rape and domestic violence and anticipate being able to reach this goal with the support of our new part time staff. Ordinance No. 81-29, Section 5. (d), requires the Commission to "...submit annually, and the City Council review and act upon a report documenting, in detail, City, community, and police efforts to carry out the purposes of this ordinance." The Annual Reports historically included more detailed metrics on Rape and Domestic Violence. While we concur that no reports were prepared during the 2017-2019 years, the 2023 Report provided a full recovery of the available data for those years. The 2023 Report includes data from FBI Uniform Crime Report for Rape and data from 2010-2023 on the following California Penal Code Sections relating to Rape: 220 Attempted Rape; 261/262 Rape; 286 Sodomy; 387/288 Oral Copulation and 289 Penetration with a foreign object. Additionally, the 2023 report also includes domestic violence statistics from 2015 to 2023.

The Commission partially agrees with the Grand Jury's claim that a lack of detailed metrics leaves the community more vulnerable and less safe. FBI Uniformed Crime Report shows a 26% reduction in rape from 2022 to 2023, along with a 34% decrease in Domestic Violence cases by from 2020 to 2021 and a decline of 14% between 2022 and 2023. Due to reporting timeline issues, a recent seeming uptick in rape numbers for 2024 is likewise not the full picture until we see the aggregate for the year. In its efforts to determine a more informative set of metrics for assessing community risk types for reporting, the Commission voted in November 2023 to accept a revised reporting format for rape and domestic violence statistics to include all FBI UCR Data, and various California Penal Code Sections on Rape and Domestic Violence. If the Commission chooses to reassess the metrics requested from SCPD, including stranger rape data, the SCPD has indicated it is prepared to provide that information. The Commission is still gathering information to determine what metrics are most informative to its work in relation to prevention and education. Understanding how SCPD reports NIBRS/CIBRS is a work in progress.

Given the complexities of sorting rape data, The Commission continues to focus on enhanced outreach to the community by collaborating with other Community Based Organizations to raise awareness about prevention and available services for survivors. This includes co-sponsoring with Monarch Services the “Stronger Together” Fun Run/5K Race in September 2023 & 2024, partnering for the past two years in both the Dyke and Pride Parades, the 2024 March to End Homelessness, and the She is Beautiful race. The production of a 30-minute film, “How to start difficult conversations on rape” which is being shown in local schools. Additionally, the Commission partnered with Monarch Services and approved allocation of \$6,000 to support their efforts to end domestic violence and to provide assistance to all survivors of sexual assault.

F2. By highlighting a generic national statistic on stranger rape, rather than assessing local metrics in the CPVAW 2023 Report, the City is minimizing stranger rape and misleading the public into a possible false sense of security.

- AGREE**
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

The Commission partially disagrees with the assertion that presented data leads to a false sense of security. The CPVAW 2023 Annual Report includes, as approved by the Commission on November 1, 2023, data from the US Department of Justice, Federal Bureau of Investigations, Uniform Crime Report on Rape which is data specific to the City of Santa Cruz. The Annual Report also includes specific data on 5 penal code categories of Sexual Assault violations which together reveal accurate rape statistics of crimes committed in the City of Santa Cruz. It is correct that this data does not distinguish between a stranger and an acquaintance. While this type of distinction is useful, there is no data supporting that this is misleading the public into a false sense of security. However, we do agree that publishing stranger rape alerts to our community would increase capacity for safety. The data cited in the Annual Report is from a nationally recognized association; Rape, Abuse, Incest National Network (RAINN) and is consistent with previous data analysis as reported in the 2005-07 Annual Report.

The data showed that the City was safer in 2023 than in previous years. The Uniform Crime Report showed a decrease in rape by 26% from 2022 to 2023, and a decrease in Domestic Violence cases by 34% from 2020 to 2021 and a decrease of 14% between 2022 and 2023. We may be well served to adopt the FBI NIBRS data as the county and the City of Scotts Valley utilize and publish these data. This merits a further discussion with SCPD.

Again, the Commission is reviewing its effective range of data for evaluation and appreciates SCPD cooperation in providing such data as is determined to be most informative to our efforts to realize the intent of the Ordinance.

F3. The lack of attention to long-time Commission programs such as the Safe Place Network and the Bar Coaster program leaves residents and visitors without important resources for their personal safety.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Commission is currently (see budget FY 24 and 25) leveraging their funds to partner with community-based organizations who specialize in providing victims of domestic violence and rape with much needed financial support to continue their successful programs and services. These organizations provide tangible resources that the Commission could not provide nor have the expertise to provide. In 2024 the Commission provided the following sponsorships to support local non-profit organizations: \$2,000 Walnut Ave Women's Center, a non-profit organization based in Santa Cruz that provides direct services to survivors of domestic violence including prevention and education and \$6,000 to Monarch Services, another local non-profit that offers immediate crisis response to survivors of domestic violence, sexual assault and human trafficking.

The Commission supported new programs to promote personal safety. For example, the Commission created PSAs aired on local channels to promote local safety; in 2023 the Commission partnered with the Santa Cruz City School district to provide high school students with an on-line course through Vector Solutions. This program offered targeted courses for grades 6-8 and 9-12, which would reach approximately 2,000 students. This mandatory program would enable the school to extend its reach, empowering more students to make informed choices, resist peer pressure, and foster health relationships. Topics included: Dealing with Stress and Anxiety; Self-Harm Awareness and Resolving Disagreements. Additional content included Mental Health and Wellbeing, Healthy Relationships & Inclusion, Personal & Community Safety and Student Safety and Wellness. The Commission funds self-defense programming each year. The City is the only local agency to have a Victim Advocate on staff in the Police Department. This important resource provides victims with information pamphlets outlining their rights, needed resources and advocate support through the legal system; and makes referrals to local agencies. The Advocate works with survivors to ensure they are treated with fairness and respect.

With regards to the Bar Coaster Program, the Commission has continued this program in FY 23 and 24. It is budgeted again in FY25. As of July 1st, State Law requires all bars that do not provide food to provide drug testing kits to customers. The Commission supports this new law. In June of 2024 the Commission purchased an additional 500 drug testing coasters to distribute to bars located in the City of Santa Cruz. These have been distributed into the community and we would welcome the opportunity do more, as our budget is allocated for it.

The Commission had a program entitled Safe Place Network which is no longer active. The program began over 25 years ago by providing a window sticker to businesses stating they were a "Safe Place", however there was very little to no training provided for businesses and their staff. The program also lacked a comprehensive marketing and outreach plan to inform visitors and the community of its existence. There are no metrics or data to substantiate the claim that not having this program has left residents and visitors without important resources for their personal safety. However, the Commission could consider re-establishing the program if they should choose to do so in the future.

Of further note, the Commission requested and was awarded for FY 25 a half time staff person dedicated to Commission business. This will greatly enhance our efficacy in general and with sustaining event and distribution protocols, budget management, program development and implementation, and is a strong indicator of City Council recognition of the critical work the Commission produces for community safety. Getting resources out to the community requires coordination and support from staffing. We anticipate great improvement.

- F8.** The inconsistencies the Grand Jury found in SCPD's rape numbers means the public, the CPVAW and the City have no accurate metrics about reported rape, leaving the community ill-informed and Annual Commission Reports unreliable.

AGREE
 PARTIALLY DISAGREE
 DISAGREE

Response explanation (required for a response other than **Agree**):

City of Santa Cruz Ordinance No. 81-29 establishes specific responsibilities and cooperation between SCPD and CPVAW:

- **Section 5(e):** The Commission for the Prevention of Violence Against Women, in carrying out its duties shall have the authority to call upon members of the Police Department to present information which is not defined as confidential by State law. The Santa Cruz Police Department shall offer full and open cooperation to the Commission.
- **Section 6(b):** The Police Department shall create a separate statistical report form to document and consolidate all domestic violence and women beating calls. This shall be compiled monthly.

We are working with the SCPD to meet these requirements, and to access more accurate metrics and data to deliver to the community. Before the February 7, 2024, CPVAW meeting, where the SCPD's statistical report (Appendix A – Figure 8 Full Table) was first presented, the SCPD had been producing a simplified statistical monthly report. This report included data on domestic violence calls, domestic violence cases, rape cases, sexual assaults, stalking cases, and intimate partner homicide cases.

At the November 1, 2023, CPVAW meeting, the Commission approved a metrics change and sodomy and forcible sexual penetration with a foreign object, and forced oral copulation were separated from the generalized rape column, and assault to commit rape was added. In the following two meetings (February 1, 2024, and May 1, 2024), SCPD complied and continued to make improvements to provide an accurate and comprehensive statistical report. Improvements included updating all the monthly summary values to reflect the addition of any cold cases when they occurred, not when reported, and footnotes were added to provide clarifying language. This was to try and explain why the old numbers had changed from previous reports.

CPVAW continues to develop our understanding of the available and appropriate metrics to support the work from the Ordinance mandate. We want to be collaborative with the SCPD and our community partners as well as the community in general to advocate for the best possible shared information and responses.

Recommendations

- R4.** The Grand Jury recommends that the SCPD update its website to include the detailed metrics on Rape Incidents submitted to NIBRS and CIBRS, ensuring all data entries are accurate and available at each meeting of the CPVAW, and have this in place by January 31, 2025. (F8, F9)

- **HAS BEEN IMPLEMENTED** – summarize what has been done
- **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Commission understands, and the SCPD webpage via the City of Santa Cruz portal, that the UCR reporting system is phased out and the CIBRS/NIBRS metrics and data collection are being implemented. We look forward to working with SCPD to align our understanding and reporting of data as of 2024 in the new systems.

- R6.** The Grand Jury recommends that the Commission and the SCPD submit comprehensive annual reports as called for in Ordinance 81-29, using the 2005-07 reports as a model, with the 2024 Annual Report placed on the Commission's agenda by December 31, 2024, and future reports submitted on a consistent, annual basis. (F1)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Annual Report as required by Ordinance No. 81-29, Section 5.(d), requires the Commission to "...submit annually, and the City Council review and act upon a report documenting, in detail, City, community, and police efforts to carry out the purposes of this ordinance." The Ordinance does not require the Annual Report to provide detailed metrics on Rape. However, various Annual Reports over the years have included more detailed metrics and data on Rape and Domestic Violence, including the most recent Annual Report for 2023. The 2023 Report includes aggregate numbers from the FBI Uniform Crime Report for Rape and Domestic Violence from 2015-2016 and 2021 - 2023, and data from 2010-2023 utilizing California's Rape Law definition. The Commission will continue to provide comprehensive reports as required by the Ordinance, including enhanced reporting with qualified metrics and data

The 2023 Annual Report is modeled after both the 2005-2007 and the 2008-2010 Annual Report. Both of those reports were co-authored by the Commission and the Santa Cruz Police Department. The earlier joint reports contained data on sexual assault including incidents by Penal Code Violations. However, the previous reports did not contain information on Domestic Violence, which the 2023 report contains. The previous reports include an analysis of demographics within each rape case, which has not been conducted since 2017. The Commission must decide the metrics and data that will serve the mandate of the Commission.

To be meaningful, the Annual Report must include a full years' worth of data. In order to provide the community with a comprehensive Annual Report, the CPVAW Annual Report will be presented at the February meeting of the following calendar year.

- R7. The Grand Jury recommends that the 2023 Report be amended to remove the national entry on stranger rape, replacing it with accurate data for the City of Santa Cruz by December 31, 2024. (F2)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The Commission appreciates SCPD's continued support in the collection of appropriate metrics and data that are useful towards the prevention and education mission. The Commission shares the perspective with SCPD that both national statistics on stranger rape and local metrics are important to provide the public with a wide and deep perspective. The data SCPD has presented is accurate in part; however more work is needed to resolve inconsistencies due to the different methodologies of UCR data, NIBRS/CIBRS. We look forward to collectively refining this work.



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

City of Santa Cruz City Manager Response

Lisa Murphy <LMurphy@santacruzca.gov>

Mon, Sep 16, 2024 at 4:40 PM

To: "katherine.Hansen@santacruzcourt.org" <katherine.Hansen@santacruzcourt.org>, Santa Cruz Grand Jury <grandjury@scgrandjury.org>

Cc: Gina Liebig <gliebig@santacruzca.gov>

Good Afternoon,

Attached you will find the City of Santa Cruz City Manager Response to "City of Santa Cruz: Preventing Rape and Domestic Violence, Where's the Priority?"

	<p>Lisa Murphy</p> <p>Deputy City Manager</p> <p>City of Santa Cruz</p> <p>809 Center St, Santa Cruz, CA 95060</p> <p>Phone: 831-420-5365</p> <p>Email: lmurphy@santacruzca.gov</p> <p>Web: www.cityofsantacruz.com</p> <p>     </p>
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2024-9dl_RapeData_SantaCruzCM Invited Response Request.docx

155K



The 2023–2024 Santa Cruz County Civil Grand Jury
Invites the

Santa Cruz City Manager

to Respond by September 25, 2024

to the Findings and Recommendations listed below
which were assigned to them in the report titled

**City Of Santa Cruz: Preventing Rape and Domestic
Violence**

Where's The Priority?

Responses are **invited** from appointed agency and department heads, appointed committees, and non-profit agencies contracted to the county which are investigated by the Grand Jury. You are not required to respond by the California Penal Code [\(PC\) §933\(c\)](#).
If you choose to respond, please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

- 1. For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.

- 2. For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.

- 3. When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F11. The City Manager's Weekly Update to the community has not highlighted the work of the CPVAW for the past two years, effectively relegating the prevention of rape and domestic violence to a low priority, leaving the public uninformed.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

There is no evidence to suggest that the absence of CPVAW activities in the City Manager's Weekly Updates has left the public uninformed or perceived as a low priority. The Weekly Update is a communication tool that shares relevant city activities and projects, drawing information from City Departments and highlighting key city council actions and significant projects. The Commission is encouraged to submit updates about its work to the City Manager's office for inclusion.

The Commission focuses on partnering with community-based organizations that specialize in supporting victims of domestic violence and sexual assault. In 2024, the Commission provided funding to local non-profits, including \$2,000 to the Walnut Avenue Women's Center, which offers direct services to survivors, and \$8,000 to Monarch Services, which provides crisis response for survivors of domestic violence, sexual assault, and human trafficking. These organizations have a broader reach than the City Manager's Weekly Update, effectively disseminating more information to the public.

Furthermore, the Commission has significantly increased its community presence by participating in events such as co-sponsoring the "Stronger Together" Fun Run/5K with Monarch Services in September 2023 and 2024, marching in the Dyke March and the 2024 Pride Parade, and taking part in the 2024 March to End Homelessness and the She is Beautiful race. These events enhance awareness and provide crucial information on preventing rape and domestic violence.

Additionally, the Commission has launched a dedicated newsletter to highlight its events and activities, allocating funds for two publications in FY25. It also uses social media platforms to promote and inform the community about CPVAW initiatives.

Recommendations

R10. The Grand Jury recommends that the City Manager increase the visibility of the CPVAW programs and events by publishing relevant information, at least quarterly, in the City Manager's Weekly Update and that the first article be published by December 31, 2024. (F11)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain the scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Required response explanation, summary, and timeframe:

There is no evidence to suggest that the absence of CPVAW activities in the City Manager's Weekly Updates has left the public uninformed or perceived as a low priority. The Weekly Update is a communication tool that shares relevant city activities and projects, drawing information from City Departments and highlighting key city council actions and significant projects. *The Commission is encouraged to submit updates about its work to the City Manager's office for inclusion when appropriate.*

The Commission focuses on partnering with community-based organizations that specialize in supporting victims of domestic violence and sexual assault. In 2024, the Commission provided funding to local non-profits, including \$2,000 to the Walnut Avenue Women's Center, which offers direct services to survivors, and \$8,000 to Monarch Services, which provides crisis response for survivors of domestic violence, sexual assault, and human trafficking. These organizations have a broader reach than the City Manager's Weekly Update, effectively disseminating more information to the public.

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Additionally, the Commission has launched a dedicated newsletter to highlight its events and activities, allocating funds for two publications in FY25. It also uses social media platforms to promote and inform the community about CPVAW initiatives.



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Grand Jury Response

'Kris Munro' via Santa Cruz Grand Jury <grandjury@scgrandjury.org> Mon, Aug 19, 2024 at 12:27 PM

Reply-To: Kris Munro <kmunro@sccs.net>

To: Katherine.Hansen@santacruzcourt.org, grandjury@scgrandjury.org

Dear Honorable Judge Hansen and Members of the Grand Jury,

Thank you all for your service to our community. Please see my requested response to the Grand Jury's findings attached to this email.

Best regards,
Kris

--

Kris Munro

Superintendent
Santa Cruz City Schools
133 Mission Street, Suite 100
Santa Cruz, CA 95060
831-429-3410 x220

Engaging Students Hearts and Minds -- Every student, every day!



2024-9eI_RapeData_SantaCruzSS Invited Response Request.pdf
195K



The 2023–2024 Santa Cruz County Civil Grand Jury
Invites the

Superintendent, Santa Cruz City Schools

to Respond by September 25, 2024

to the Findings and Recommendations listed below
which were assigned to them in the report titled

**City Of Santa Cruz: Preventing Rape and Domestic
Violence**

Where's The Priority?

Responses are **invited** from appointed agency and department heads, appointed committees, and non-profit agencies contracted to the county which are investigated by the Grand Jury. You are not required to respond by the California Penal Code [\(PC\) §933\(c\)](#).
If you choose to respond, please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. ***For the Findings, mark one of the following responses with an “X” and provide the required additional information:***
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.

2. ***For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:***
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The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

- F4.** The loss of the in-person self-defense program for boys and girls in Santa Cruz City Schools lessens students' ability to prevent sexual assault and interpersonal violence, inconsistent with the mandate of Ordinance 81-29.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

When the in-person self-defense program was provided by the City, school principals fielded complaints from staff about the programming. Middle and high school teachers and other staff stated that there was a disconnect between the staff who came to train students and the students themselves. It was reported that while the trainers had knowledge and skills in self-defense, their lack of formal training negatively impacted students gaining the desired skills. Efforts were made to mitigate these issues, but at the same time that the City was evaluating the program, the District came to the conclusion that these offerings should be suspended and instead implemented a broader curriculum.

The in-person self defense classes were only one part of a broader curriculum that the district uses to prevent sexual assault and interpersonal violence amongst our students. We have an articulated plan that utilizes credentialed science teachers, in-person speakers from Monarch Services, and interactive videos by Vector Solutions at every grade level and for every year from 6th to 12th grade.

Middle school science teachers have attended and have been trained by staff who are contracted through the Santa Cruz County Office of Education and other community partners including the Cardea Training, an organizational development and research firm, to teach age-appropriate Sex Education. There are many components to these 6th through 8th grade units that address topics such as awareness, healthy relationships, teen dating violence, sexual harassment, active consent, bystander intervention, and more. These trained professionals use creative techniques that include role playing, student team presentations, expert videos, guest speakers from partners such as the Walnut Avenue Family and Women's Resource Center, and more. The middle school science teachers meet and collaborate regularly to ensure clear grade level articulation and to share strategies. The entire Sexual Education Unit spreads across roughly one month of school each year.

In each SCCS high school, all students take a semester-long Health Education Class in 9th grade. In these classes, students are taught lessons similar to middle school, and the lessons evolve in complexity as students mature. These trained and credentialed Health teachers also use their expertise to engage students in thought provoking and critical thinking activities that connect to students' lives as they learn characteristics of healthy vs. unhealthy relationships. Teen dating violence, sexual harassment, human trafficking, and active consent are also covered.

Each year, from 10th through 12th grade, students are taught these essential skills. Our high schools partner with Monarch Services to educate students on topics such as dating and domestic violence, healthy relationships, active consent, power dynamics, social media safety, and more. The presenters from Monarch Services bring a wealth of expertise from their agency, and classroom teachers reinforce these lessons by facilitating discussions with students before and after the presentations.

This past year at Santa Cruz High, we piloted Vector Solutions for these lessons. The Vector courses are designed to be engaging and age-appropriate, featuring diverse peer presenters to help all students relate more easily to the content. The courses are customized for grades 6-8 and 9-12. Along with the videos, students took pre- and post-tests, which showed an increase in knowledge following the lessons. Topics for 10th through 12th graders included Dating Violence Awareness, Healthy Relationships, Resolving Disagreements, Stress and Anxiety, Youth Suicide Risk, and more.

In addition to our programming for grades 6-12, we also teach personal safety, boundaries, problem-solving, and conflict resolution to our elementary students using the evidence-based Second Step Social and Emotional Learning curriculum. Furthermore, we've partnered with Kidpower International to support our TK-5th grade students. Kidpower uses an 8-point boundary framework to help prevent and address issues quickly and effectively, including stopping unwanted touch and attention.

Recommendations

- R3.** The Grand Jury recommends that the City Council begin evaluating options with the Santa Cruz City School District to reinstate the in-person self-defense program for middle and high school students of all genders by January 31, 2025. (F4)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

As addressed in our response to Finding #4, the Grand Jury appears to be unaware of the comprehensive programs and activities currently implemented by the Santa Cruz City School District for preventing sexual assault, interpersonal violence, and promoting personal safety. Our present curriculum and systems offer a significantly broader and more in-depth safety education compared to the in-person program previously provided in partnership with the Commission for the Prevention of Violence Against Women (CPVAW). The former program did not adequately equip students with the necessary skills to navigate the complexities of domestic violence and sexual assault.

Since then, our programs have evolved substantially. The advancements in data, technology, and educational techniques over the past several years have enabled us to develop a more relevant and effective approach to safety education. Unlike traditional self-defense courses that primarily focus on physical defense, our current programs emphasize the importance of understanding healthy relationships, addressing teen dating violence, and recognizing active consent. These areas are crucial, given that, according to the National Sexual Violence Resource Center, in eight out of ten rape cases, the victim knows the perpetrator. Our programs, including Vector, which was funded by CPVAW in 2024, are designed to address these crucial aspects.

It is regrettable that the Grand Jury did not consult the Santa Cruz City School District to gain a full understanding of our current curriculum before making its assessment and recommendations. We take great pride in our comprehensive programming, which spans all grade levels and focuses on personal safety and prevention of sexual harassment, sexual assault, and interpersonal violence. We continuously review and refine our safety and prevention programs, lessons, and partnerships to enhance student engagement and learning outcomes. We appreciate the ongoing support of CPVAW for the programs we have in place and look forward to continuing our collaborative efforts.

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