Orange County Grand Jury 2017-2018

Final Report

COUNTY OF ORANGE CALIFORNIA

ORANGE COUNTY GRAND JURY
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June 29, 2018

Honorable Charles Margines
Presiding Judge
Superior Court of California, County of Orange
700 Civic Center Drive West
Santa Ana, CA 92701

Dear Judge Margines:

On behalf of the 2017-2018 Orange County Grand Jury, I am pleased to present to you the Grand Jury's Final Report, which consolidates reports of the eight civil investigations completed during its term. To carry out these studies, the Grand Jury visited locations throughout Orange County, watched activities in progress, and interviewed scores of people about the conduct of public business.

We were fortunate in having a wide array of expertise among members of the Panel, whose diverse backgrounds also contributed to the quality of our analysis. For each investigation, the Grand Jury worked diligently to understand the issues, assemble relevant facts, and formulate clear recommendations for improvement. An indicator of success is that fact that the media gave considerable positive coverage to this year's studies. One of the Grand Jury's reports received high praise from a judge of the United States District Court.

Concurrently with these investigations, the Grand Jury conducted six hearings on cases brought to it by the Orange County District Attorney. These occurred throughout the term, and ranged in length from one to six days.

We are grateful for your support during the past year. In addition, we must acknowledge a number of people we relied on this year, and who contributed to the success of the Grand Jury's work:

Honorable Kirk Nakamura, Assistant Presiding Judge of the Orange County Superior Court
Honorable Sheila Hanson, Central Felony Trial Panel of the Orange County Superior Court
Honorable Kimberly Menninger, Supervising Judge, Central Felony Panel of the Orange County Superior Court
Ebrahim Baytieh, Senior Assistant District Attorney
Brock Zimmon, Assistant Head of Court, Orange County District Attorney
Jacqueline Guzman, Senior Deputy County Counsel

Special appreciation is due for Sharon Durbin, Senior Deputy County Counsel. She was primarily responsible for reviewing the proposals for, and reports of, the Grand Jury's investigations. Sharon was always available for consultation when the Grand Jury puzzled over legal issues affecting its work. The Grand Jury was especially grateful

that, in addition to providing her guidance on matters, she gave us extensive reasoning behind the guidance. This was a great help in focusing our efforts, and left us with a deeper understanding of the law.

It is no exaggeration to say that the Grand Jury could not have done its work this year without the solid support we received from Theda Kaelin, Grand Jury Coordinator, and Joyce Mwangi, Legal Processing Specialist. Day in and day out, they served as our guides to the history and procedures of the Grand Jury. They were also our link to the Court, the District Attorney, County Counsel, and the dozens of agencies we interacted with. The assistance provided by Theda and Joyce exceeded anything we might have expected of them.

Finally, the Grand Jury thanks you, and the members of the Grand Jury Recruitment and Selection Committee who interviewed and selected us, for this opportunity to serve the people of Orange County over the past year. It has been an honor and a pleasure.

Respectfully submitted,

Bob Niccum, Foreperson
2017-2018 Orange County Grand Jury

BN:tk

Front row: Patricia Allweiss, Barbara Worsley, Bob Niccum, Stu Newman, Lynn Fenton, Elaine Mata

Second row: Tom Oliver, Rich Carson, Trina S. Dodd, Jim Cast, John Beauman

Third row: Santosh Mohanty, Yvette Hill, Dave Kasabo, Dan McCarthy, Ev Geis, William Postma, Catherine Ford, Joyce Zohar

Orange County Grand Jury 2017-2018

Officers:

Bob Niccum, Foreperson
Stu Newman, Foreperson Pro Tem
Lynn Fenton, Secretary
Rich Carson, Sergeant at Arms
Dan McCarthy, Evidence Recorder
Yvette Hill, Historian
Elaine Mata, Social Secretary

Members and their committee assignments:

Patricia Allweiss	County (Secretary), Criminal Justice, Promotion & Orientation
John Beauman	Cities, Environment & Transportation, Promotion & Orientation
Rich Carson	County, Criminal Justice (Chair), Promotion & Orientation (Secretary)
Jim Cast	Cities, Environment & Transportation, Promotion & Orientation
Trina S. Dodd	Special Issues & Ethics, Environment & Transportation (Secretary), Promotion & Orientation (Chair Pro Tem)
Lynn Fenton	Cities (Secretary), Criminal Justice (Secretary), Continuity & Editorial
Catherine Ford	Cities (Chair Pro Tem), Health & Human Services, Continuity & Editorial
Ev Geis	Special Issues & Ethics, Criminal Justice (Chair Pro Tem), Continuity & Editorial (Secretary), Evidence Recorder backup
Yvette Hill	Special Issues & Ethics (Secretary), Health & Human Services (Chair), Continuity & Editorial
David Kasabo	County (Chair Pro Tem), Criminal Justice, Promotion & Orientation (Chair), Sergeant at Arms backup
Elaine Mata	Special Issues & Ethics (Chair Pro Tem), Health & Human Services (Secretary), Continuity & Editorial
Dan McCarthy	Special Issues & Ethics, Environment & Transportation (Chair), Continuity & Editorial
Santosh Mohanty	County, Health & Human Services, Continuity & Editorial
Stu Newman	County (Chair), Environment & Transportation, Promotion & Orientation
Bob Niccum	Ex Officio all committees
Tom Oliver	County, Criminal Justice, Continuity & Editorial (Chair)
William Postma	Cities (Chair), Health & Human Services, Promotion & Orientation
Barbara Worsley	Special Issues & Ethics (Chair), Health & Human Services (Chair Pro Tem), Continuity & Editorial (Chair Pro Tem)
Joyce Zohar	Cities, Environment & Transportation, Promotion & Orientation

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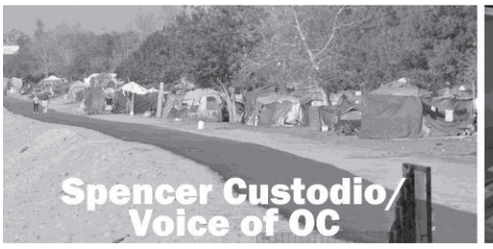

Orange County Grand Jury 2017-2018

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3. Jail Food: Reservation Required
4. Where There's Will, There's a Way: Housing Orange County's Chronically Homeless
5. Orange County Landfills: Talking Trash
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ORANGE COUNTY FIRE AUTHORITY – FINANCIAL FLAMES ON THE HORIZON?

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SUMMARY

The Orange County Fire Authority (OCFA) is under threat. OCFA provides fire and emergency services for twenty-three cities and the unincorporated areas of the County. Payment for these services is through a mandated allocation from property taxes and negotiated contract fees. Rapidly accelerating property values and major growth in the City of Irvine have resulted in significant inequity between Irvine's financial contributions to OCFA compared to the value of services received. Consequently, Irvine has threatened to withdraw from OCFA – a decision which must be made by June 30, 2018 – a rapidly approaching deadline.

Irvine's withdrawal would insert a hole in the middle of OCFA's service area. Further, the loss of Irvine's financial contributions, as well as fire stations and equipment located in the City, would impact OCFA's budget and organizational structure. For Irvine, this withdrawal would result in assuming responsibility for its own fire and emergency needs, immediately losing its seat on the OCFA Board of Directors through the effective withdrawal date of July 1, 2020, continuing mandated contributions until the effective withdrawal date, and potentially assuming a share of OCFA's unfunded pension liabilities.

The Grand Jury recommends that the City of Irvine, OCFA and the County of Orange immediately commence joint discussions to reach an interim agreement addressing Irvine's inequity issue. Without such an agreement by June 30, 2018, these unresolved issues would likely lead to uncertainty, disruption and litigation – significant costs to all concerned.

REPORT 1

REASON FOR THE STUDY

Figure 1: Canyon Fire 2 Photo

Source: Used with permission from Mindy Schauer, photographer, Orange County Register October 9, 2017

The scope and intensity of the two recent Orange County fires, the Canyon Fire and the Canyon Fire 2, demonstrated the importance of a comprehensive regional firefighting capability for Orange County. OCFA, the County's regional firefighting service, provides fire and emergency services to approximately 1.8 million County residents. Due to some member cities' objections to the amount of fire funds they are obligated to pay, OCFA faces potential reduction in budget and services if one or more cities decide to withdraw. The City of Irvine, in particular, is dissatisfied with the level of inequity between increasing payments for fire and emergency services versus the estimated value of services received.

As a result of OCFA's inability to alleviate its concerns, Irvine has threatened to withdraw. If a major funding source like Irvine withdraws from OCFA, the agency would face both financial and operational challenges which would affect services to a significant portion of Orange County

residents living within its service area. The rapidly approaching June 30, 2018 OCFA deadline for members to submit a notice of withdrawal further exacerbates this threat.

METHOD OF STUDY

Local news reports and on-line research led to the investigation of this complex subject through interviews with eleven top decision makers drawn from OCFA management, the OCFA Board of Directors, the Orange County Board of Supervisors, Orange County executive management, city managers and council members of certain OCFA member cities. Concurrently, the Grand Jury carefully examined pertinent budgetary and financial documents, as well as historical and current applicable legislation.

BACKGROUND AND FACTS

Orange County Fire Authority

Prior to May, 1980, fire services for nine cities and the unincorporated areas of the county were provided by the California Department of Forestry. Those nine cities were:

Cypress	Los Alamitos	Tustin
Irvine	Placentia	Villa Park
La Palma	San Juan Capistrano	Yorba Linda

In 1980, the Orange County Fire Department (OCFD) was formed as a County department reporting to the Board of Supervisors. Over the course of the next decade, five new cities were formed from the unincorporated areas and two additional cities contracted with OCFD for their fire services. However, the member cities wanted greater input into how their fire and emergency services were provided and after joint discussions a new governance structure was selected – a joint powers authority (JPA).

As a result, the Orange County Fire Authority (OCFA) was formed as a JPA in 1995. According to the JPA agreement (Amended Orange County Fire Authority Joint Powers Agreement, 1999), OCFA was formed to provide "fire suppression, protection, prevention and related and incidental

services, including but not limited to, emergency medical and transport services, and hazardous materials regulation . . .” to the County of Orange unincorporated areas and member cities. OCFA is an independent organizational entity similar to a special district. It is the largest regional service organization in Orange County, and is one of the largest in California, serving approximately 1.8 million residents (OCFA 2016 Statistical Annual Report). The service area now includes twenty-three member cities and the unincorporated areas of Orange County. A twenty-five member Board of Directors governs and sets policy for OCFA. This Board includes one elected official appointed to represent each of the twenty-three member cities and two representatives from the Orange County Board of Supervisors. OCFA is led by a Fire Chief who is appointed by and reports to the Board of Directors.

OCFA’s regional approach provides many advantages for the members it protects. By pooling resources, OCFA can purchase additional fire engines and specialized equipment – significant expenses – which some cities could not afford on their own. The OCFA does not allocate equipment based on city boundaries. Instead, all member agencies have access to OCFA resources, including helicopters for brush fires and the use of sophisticated rescue equipment to save the lives of accident victims. In addition, administrative functions such as human resources and accounting are not required for each individual member, but are consolidated for all members.

The current twenty-year term of the JPA began July 1, 2010 and ends on June 30, 2030. The JPA will automatically renew in 2030 with the same terms and conditions, with certain exceptions. Member cities have the right to withdraw after the first ten years (in 2020) but to do so they must submit a written notice of withdrawal prior to July 1, 2018 (First Amendment to Amended Joint Powers Agreement, 2008.)

OCFA Member Payment Methods

OCFA’s members pay for fire services through two different payment methods. A basic understanding of these two payment methods is helpful to understand the issues discussed in this report. Sixteen of OCFA’s twenty-four members (fifteen cities and the County) pay for fire

services through the Structural Fire Fund (SFF) property tax allocation and eight members, referred to as "Cash Contract Cities," pay for their fire services through negotiated contracts.

Structural Fire Fund

Prior to Proposition 13 (1978), Orange County paid for fire protection through a property tax levied on properties in the participating cities and unincorporated areas. The County adjusted the amount of these taxes to reflect the estimated cost of providing services to each jurisdiction. This fire protection portion of Orange County's property tax is known as the Structural Fire Fund (SFF) and the cities that receive fire services this way are called "SFF cities." SFF cities have never had their own municipal fire departments. Proposition 13 locked the portion of SFF property taxes, estimated to be approximately 11.6% of the 1% basic levy, into statute (FY2015/16 OCFA Adopted Budget, 78.) Per the JPA agreement, the County is obligated to allocate all SFF funds it receives to OCFA to meet expenses and fund reserves.

The fifteen Structural Fire Fund cities are:

Aliso Viejo	Irvine	Laguna Niguel	Los Alamitos	San Juan Capistrano
Cypress	La Palma	Laguna Woods	Mission Viejo	Villa Park
Dana Point	Laguna Hills	Lake Forest	Rancho Santa Margarita	Yorba Linda

Cash Contracts

Cash Contract Cities were not originally part of OCFA because they had their own municipal fire departments. They later negotiated contracts with OCFA and relinquished their municipal departments. Therefore these eight jurisdictions do not have a fire tax mandated as a portion of their 1% property tax levy. Instead, these eight cities pay for fire services by contract with OCFA through payments from their general funds. Cash contract charges are based on OCFA's annual budget and include a cap provision that governs the maximum amount that the contract charges can increase each year (Amended Orange County Fire Authority Joint Powers Agreement, 1999.)

The current eight Cash Contract City members are:

Buena Park	San Clemente	Seal Beach	Tustin
Placentia	Santa Ana	Stanton	Westminster

Structural Fire Fund – Equity Concerns

For this report, OCFA "equity" refers to the extent to which OCFA revenue (i.e., SFF or Cash Contract payments) received from a member bears a reasonable relationship to the value of fire and emergency services that the member receives.

In 1996, just one year after it was formed, OCFA conducted an equity study on its revenues from participating jurisdictions after some SFF cities expressed concerns about their payments. The City of Irvine has long protested that, because its property values are disproportionally high, its contribution of SFF funds is also disproportionally large and exceeds the funds necessary to provide fire services to the City.

A 1999 amendment to the JPA agreement created a fund to benefit SFF cities. This fund, the Structural Fire Fund Entitlement Fund (SFFEF), created from the unencumbered fund balance each year, offered allocations to SFF cities to offset inequities when financial conditions allowed. The allocations could be used for Board-approved and OCFA-related services or resource enhancements to SFF members. In 2002, legislators enacted AB 2193 (Maddox) in response to the concerns of the Orange County Professional Fire Fighters Association, IAFF – Local 3631 (firefighters' union) that funds were being used for non-fire protection services. This legislation prohibited the use of property taxes received by OCFA on expenditures not directly related to fire protection purposes. However, even while adhering to this restriction, OCFA has been able to distribute some SFFEF allocations in various years, depending upon available funds and mandated calculations.

In March 2012 the City of Irvine raised renewed concerns about inequity to the OCFA Board of Directors. Irvine representatives, due to OCFA taking no action to mitigate their concerns, stated

their intent to exercise their option to withdraw from OCFA in 2020. In response, the OCFA Board formed an Ad Hoc Equity Committee for the purposes of studying the equity issue. Their proposed solution for addressing the equity concerns resulted in the Second Amendment to the JPA agreement (2014, Second Amendment to Amended Orange County Fire Authority Joint Powers Agreement).

The key terms of the amendment stated that SFF agencies contributing more than the average SFF Rate to OCFA would be eligible for "Jurisdictional Equity Adjustment Payments." The Amendment was approved by two-thirds of the OCFA members in 2014, but was later challenged by the County and invalidated by the Appellate Court. The Court held that only the County, not OCFA, can adjust the allocation of SFF property tax revenues, and that OCFA funds must be spent specifically for "fire protection purposes" as defined by Section 6503.1 of the California Government Code. In light of the invalidation of the Second Amendment, the Irvine City Council met in closed session in January 2017 and instructed staff to explore leaving OCFA in 2020 (Irvine City Council Regular Meeting Minutes, January 24, 2017).

In October 2017, the California State Legislature passed SB 302 (Mendoza) which amends Section 99.02 of the Revenue and Taxation Code, and applies very narrowly to Orange County, OCFA and SFF funds. The bill was sponsored by the Orange County Professional Fire Fighters Association, IAFF – Local 3631.

Prior to this legislation, existing regulations in the California Revenue and Taxation Code prohibited transfers of revenues between local agencies unless certain requirements were met. SB 302, specific to OCFA, adds a fifth condition on property tax transfers that applies only to the transfer of SFF revenues. It requires that the transfer of SFF property tax revenues be approved by the Orange County Board of Supervisors, the city councils of a majority of OCFA member cities, and two-thirds vote of the OCFA Board of Directors. Also, the transfer may not violate existing law that requires SFF revenues to be expended by OCFA exclusively for fire protection and related purposes. It is anticipated that the added requirement of the approval of a majority of member city councils will prevent any resolution of Irvine's concerns, as a reduction of Irvine's

and/or other SFF agencies' contributions would likely result in increased charges to cash contract members.

These equity resolution attempts are summarized in Table 1.

Table 1: History of attempts to address OCFA equity concerns

Year	Measure
1997	Equity Formula was placed in the amended JPA to allow allocation of year-end funding (per Board discretion) for enhanced services to member cities/county deemed overfunded, per an agreed-upon formula. (SFFEF)
2010	First Amendment to the JPA made the equity allocations mandatory every 10 years, removing the Board's discretion at each 10th year.
2012	Irvine requested new discussion of equity. In response, OCFA formed an Equity Ad Hoc Committee to review options.
2012-13	A Second amendment was approved by OCFA members, providing for return of funds to eligible overfunded members per a new agreed-upon formula. In return, Irvine agreed to commit as a member of OCFA through 2030.
2013	County of Orange opposed the Second Amendment in a judicial validation process and prevailed. The ruling was jointly appealed to the Appellate Court by Irvine and OCFA.
March 2016	The Second Amendment was nullified by the Appellate Court.
January 2017	Irvine reported out of closed session that the City Council directed staff to explore leaving OCFA in 2020.
October 2017	SB 302 was signed by Governor Brown and enacted.

Irvine's Unique Position

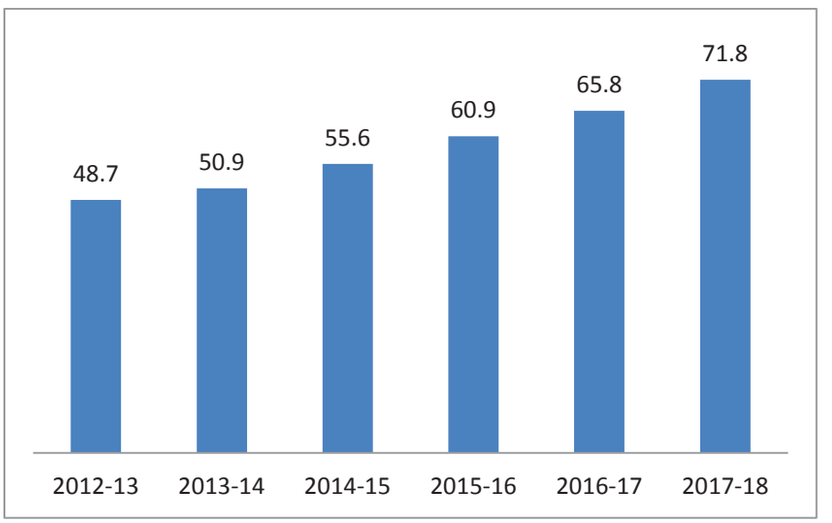
Irvine is one of sixteen SFF members in OCFA, with eleven of the seventy-two OCFA fire stations (15%) located within its boundaries. OCFA's 2016-17 SFF revenue from properties within Irvine represents approximately $79 million, or approximately 35% of the total OCFA SFF revenue (Appendix 1). Property tax (SFF) revenue as a whole represents approximately 42% of OCFA's funding sources (OCFA 2016 Statistical Annual Report, Page 2). Therefore, Irvine's SFF contribution represents approximately 15% of OCFA's total revenues.

A Victim of Its Own Success

Irvine representatives have always maintained that the equity discussion is financially driven, and that they are otherwise satisfied with OCFA services. At the root of Irvine's concern is the degree of inequity resulting from the SFF payment basis. If the revenue flowing to OCFA from an SFF city's property taxes exceeds the estimated value of the fire services that city receives in return, the city is known as a "donor city." Although there are fourteen other cities as well as the unincorporated County areas who are SFF contributors to OCFA, Irvine is in a unique position. Not only is it a donor city, it is a donor city by a much larger amount than any other due to its rising assessed property valuation, resulting in increased SFF payments (Tables 2 and 3).

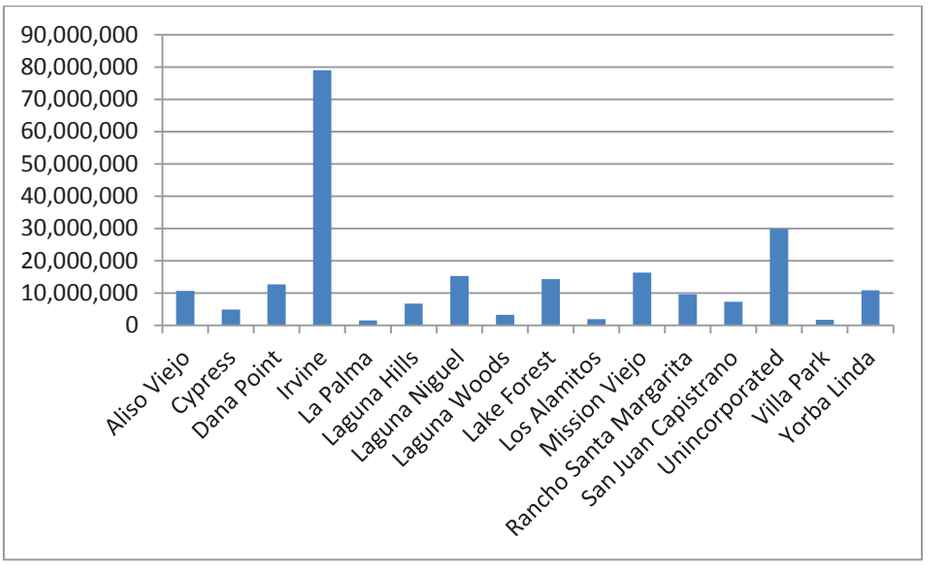
Irvine property owners have the same mandated percentage of their property tax allocated to OCFA as property owners in any other SFF jurisdiction. In actual dollars, however, the City of Irvine pays much more than any other SFF member and continues to face steadily escalating SFF payments that exceed the estimated value of the fire services the City can receive from OCFA. Growth in Irvine's SFF portion of property taxes has resulted from substantial new development and escalating property values (Table 2), compared to older and fully built-out cities in the OCFA region.

Table 2: Irvine Assessed Property Valuation (Billion $)



Source: Office of the Orange County Assessor

Table 3: Budgeted FY 2016-17 SFF payments ($)



Source: OCFA

In 2016-17, with its assessed property valuation at more than $65 billion, Irvine paid an estimated $79 million in SFF dollars to the County, which was passed through to OCFA (OCFA Auditor-Controller Report AT68AD73). It is estimated by both OCFA and Irvine that Irvine's 2016-17 equity share of OCFA services, based upon its population, assessed value, and consumption (number of fire-related/emergency calls), was approximately $56 million. The difference, approximately $23 million, is the basis of Irvine's complaint.

Tax Equity Allocation

To further complicate this issue, there is a mitigating factor for Irvine's property taxes which is not directly related to the SFF payments. According to the Office of the Orange County Auditor-Controller, there are other provisions of the state tax laws which apply to Irvine. Proposition 13 (1978), followed by AB 8 (1979), proportionally compressed the property taxes down to 1% of the assessed value of the property, establishing a "base rate" for each city. These base rates were established in 1978-79 when Irvine's property values and development were significantly less than they are today.

As a result of the established low base rates, some cities were not receiving their fair share of taxes back from the state so AB 709 (1987) and AB 1197 (1988) were enacted. Together they comprise the Tax Equity Allocation (TEA) legislation. These statutes require that some counties shift some of their own tax revenue back to "qualifying" cities. The result was that qualifying cities would receive 7% of the property taxes collected within their boundaries. Counties must make up the difference between what a qualifying city would receive under the normal property tax revenue calculation process and the 7% required by TEA. Orange County has *only one* qualifying city – Irvine. According to the Office of the Orange County Auditor-Controller, under Revenue and Taxation Code 98, the County must make up the difference – the TEA adjustment amount. The following are TEA adjustment amounts apportioned to Irvine for the last three years (Table 4).

Table 4: Irvine – Apportioned tax equity allocation

Fiscal Year	TEA Adjustment Amount
2014-15	$14,788,490
2015-16	$16,379,292
2016-17	$17,774,500

Source: Office of the Orange County Auditor-Controller

Adjusted Equity Calculations

As the basis for their objections, Irvine has estimated that in FY 2016-17 it overpaid OCFA by approximately $23 million. However, the County considers the approximate $18 million TEA apportionment to be an offset to Irvine's SFF overpayment, thereby reducing the estimated overpayment to $5 million. In addition, in 2016-17, Irvine received approximately $530,000 from OCFA's SFFEF - Structural Fire Fund Entitlement Fund (City of Irvine FY 2016-17 Adopted Budget, 72.) Combined with the TEA apportionment, the SFFEF payment reduces the estimated overpayment to $4.5 million (Table 5).

Table 5: Irvine – Equity calculation for FY 2016-17

Calculated Items	$ Million (rounded)
Irvine SFF funds paid to OCFA	79.0
Less: OCFA/Irvine estimated value of services received	(56.0)
Resulting Estimated SFF Overpayment (per Irvine)	**23.0**
Less: Tax Equity Allocation (TEA) from County	(18.0)
Less: SFF Entitlement Funds from OCFA	(0.5)
Resulting Estimated SFF Overpayment (per County)	**4.5**

Source: Based on financial data from OCFA, County of Orange, City of Irvine

Irvine, however, maintains that the TEA funds received from the County should not be applied to the SFF overpayment, but rather to their General Fund revenues. It should be noted that one of the causes of Irvine dropping below the 7% required minimum and qualifying for the TEA payment is due to the large SFF amount passed through to OCFA.

OCFA – Impact if Irvine Withdraws

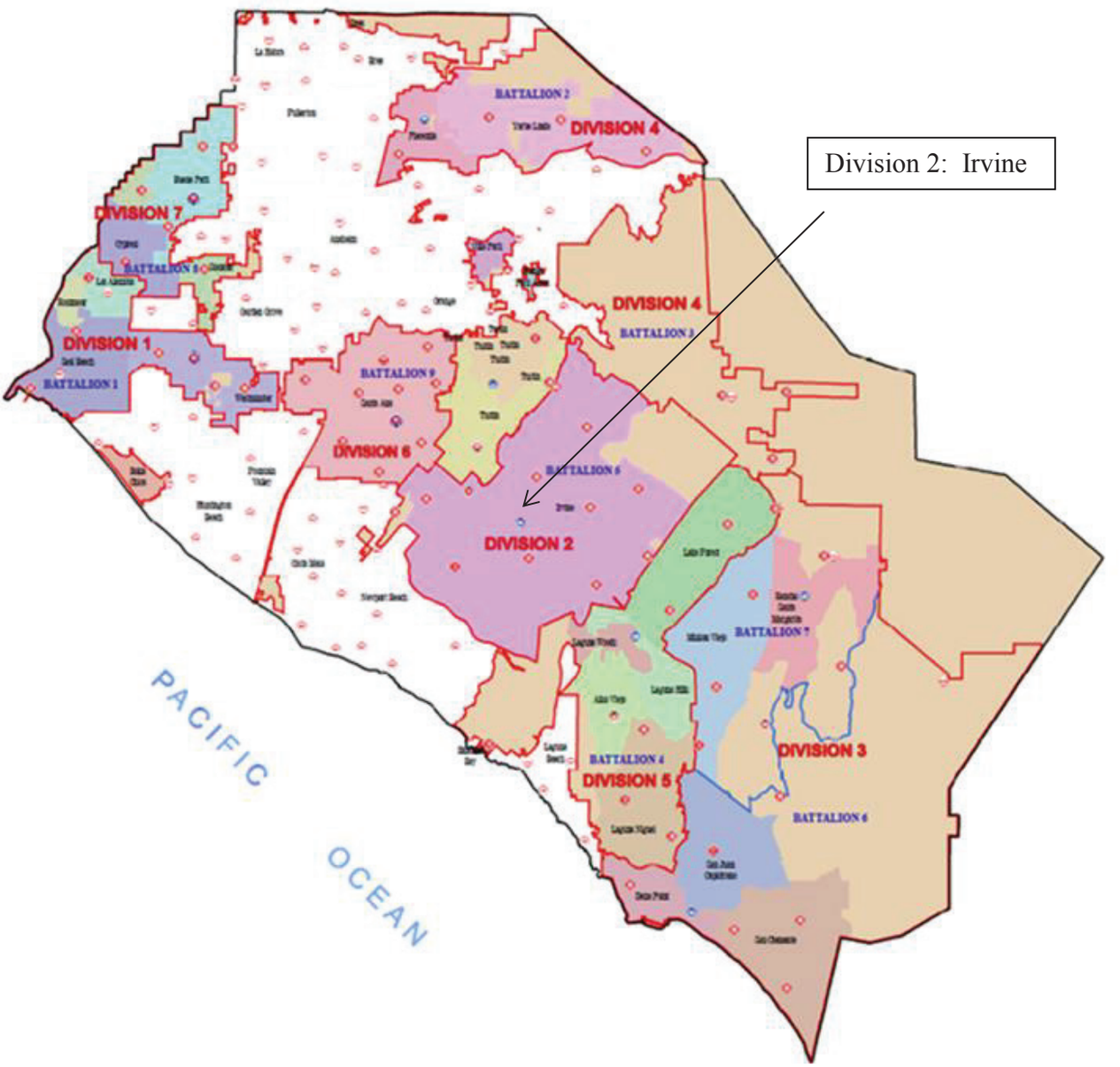
Irvine's withdrawal from OCFA would pose various difficulties for the JPA. Not only does Irvine's SFF contribution represent approximately 15% of OCFA's total revenues, but Division 2 (Irvine) occupies a critical location – central in the total fire service area (Figure 2).

Strategic Location

Irvine's withdrawal from OCFA would insert a hole in the middle of the OCFA's service area, the current Division 2 (Figure 2). Not only is the City of Irvine included in this Division, but Emerald Bay, John Wayne Airport and UC Irvine are as well. Irvine's withdrawal may force OCFA's renegotiation of fire services for these important entities. Additionally, eleven of seventy-two OCFA fire stations (15%) are located in the City of Irvine and the potential loss of

these stations from the organization would force new mutual aid contracts with these three entities as well as with Irvine itself.

Figure 2: OCFA Service Area by Division (Division 2: Irvine)



Source: OCFA

Long Term Unfunded Liabilities

OCFA participates in the Orange County Employees Retirement System (OCERS), a cost sharing, multiple-employer, defined benefit pension plan. OCFA has indicated that much of the excess SFF funds from donor cities has been expended in recent years to pay down OCFA's Unfunded Actuarially Accrued Liability (UAAL) – "unfunded liability." This pay down represents a very large benefit not only to OCFA, but also to OCERS and the county taxpayers as well.

Table 6: OCFA long-term unfunded liabilities (June 30, 2017)*

	$ Amount in Millions	% of Total
Defined Benefit Pension Plan	$400.40	77.00%
Defined Benefit Retiree Medical Plan	98.6	19.00%
Helicopter Lease Purchase Agreement	3.7	0.71%
Accrued Compensated Absences	16.9	3.30%
Total	**$519.60**	**100.00%**

Source: OCFA 2017 Liability Study

*Note: the valuation date for the pension plan is December 31, 2016, instead of June 30, 2017, consistent with OCERS' calendar year basis for financial reporting.

As seen in Table 6 above, the two major elements of the four unfunded categories are the pension plan and the retiree medical plan. The concern over the unfunded liabilities is not new. In September 2013, the OCFA Board of Directors approved an Expedited Pension UAAL Payment Plan (2016 Liability Study – OCFA's Long Term Liabilities, Page 6) which directed using available funds to accelerate the pay down of the liability. In FY 2015/16, the plan was modified to contribute even more funds, and in FY 2017/18 the plan was modified again, adding another source of additional funds.

OCFA has made additional payments towards its UAAL, as shown in Table 7.

Table 7: OCFA – Additional payments toward UAAL

	$ Million
FY 13/14	$5.5
FY 14/15	$21.3
FY 15/16	$15.4
FY 16/17	$13.5
Total	**$55.7**

Source: OCFA 2017 Liability Study

According to OCFA, during the past four years the OCFA Board of Directors' support of the accelerated plan, referred to as the "snowball effect," has enabled OCFA to make accelerated payments totaling $55.7 million. This accelerated reduction of the deficit has resulted in interest savings of $11.5 million as well. OCERS reported that OCFA will achieve 85% funding of the UAAL by December 31, 2020 and 100% funding by December 31, 2027, assuming all other actuarial inputs are held constant.

However, Irvine's possible withdrawal and the resulting potential loss of their SFF portion of OCFA revenue would eliminate the acceleration of the pay down strategy, and the UAAL would continue to escalate with little mitigation.

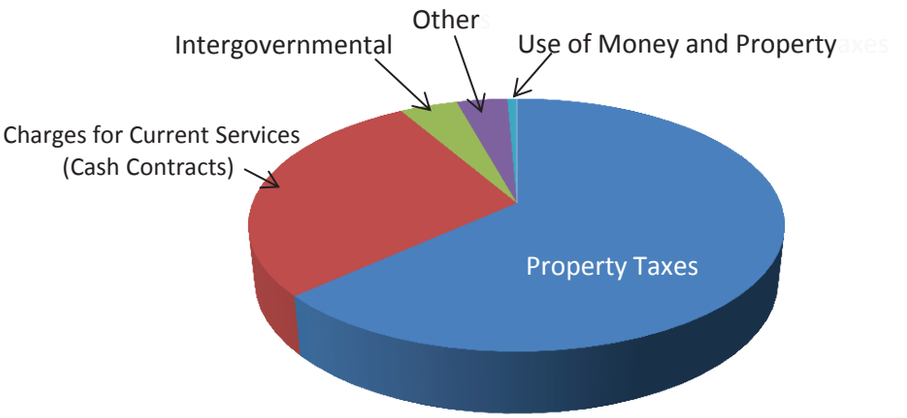
Budget Limitations

The OCFA Adopted Budget for 2017-18 highlights the following points:

1. The General Fund revenue is budgeted at $367 million, and expenditures are budgeted at $350 million.
2. A one-time adjustment of approximately $5.9 million will be used to pay down the UAAL.

Property tax represents approximately 66% of the General Fund's total revenue.

Figure 3: OCFA Budgeted Revenue by Category FY 2017-18



Source: FY 2017/18 OCFA Adopted Budget

It is apparent in Figure 3 that property taxes comprise a large majority of OCFA revenues. Because Irvine represents approximately 35% of those property taxes, the potential loss of that revenue would likely trigger a major reorganization of future OCFA budgets. This could include cutbacks in personnel and equipment throughout the service areas as well as the likely elimination of the UAAL pay down plan.

Irvine – Impact if Irvine Withdraws

Irvine's withdrawal from OCFA would not be without issues and complications for the City. Although withdrawal may seem like the answer to Irvine's inequity issues, nothing about this situation is simple.

SFF Funds

First, if Irvine withdraws from OCFA, its SFF funds do *not* automatically revert to the City as some City representatives have indicated. The JPA agreement specifies that "Withdrawal by a Structural Fire Fund city may be subject to property tax transfer negotiations and such additional notices as required by applicable law." The passage of SB 302 in October 2017 makes the disposition of SFF funds even more complex, with the stipulation that any change to SFF

property tax allocations now requires the agreement of Orange County Board of Supervisors, the city councils of a majority of OCFA member cities, and two-thirds vote of the OCFA Board of Directors.

OCFA Representation

Secondly, if Irvine did submit notice of withdrawal by the June 30, 2018 deadline, the City would immediately lose its seat on the OCFA Board of Directors, per the JPA guidelines. This would mean the City would have no OCFA representation for their remaining two years of membership, while still subject to SFF contributions.

Fire Stations

According to OCFA, the eleven fire stations that are located in the City of Irvine belong to OCFA. Irvine, however, has stated that the fire stations belong to the City. The JPA agreement specifies that any withdrawing member may negotiate with OCFA for return or repurchase of any and all stations and equipment serving that member's jurisdiction. Possible litigation over this issue could be a very large expenditure for both parties.

Source of Fire and Emergency Services

Withdrawal from OCFA by 2020 would necessitate funding, staffing, and equipping a City of Irvine Fire Department within two years, or negotiating for an alternative joint venture (JPA) with surrounding cities that have their own fire departments. As OCFA Division 2 also encompasses John Wayne Airport and UC Irvine, the City may be put in a position to service these entities as well. A two-year window for finalizing such negotiations, organization, and funding would likely not provide adequate time to do so.

Unfunded Pension Liabilities

The question of allocation of OCFA's long-term, unfunded pension liabilities in the event of a member withdrawal is not addressed in the JPA agreement. Irvine representatives have stated that they believe that the City's withdrawal could be accomplished without incurring any of OCFA's pension liabilities. However, it seems unreasonable to assume that Irvine's share of

those liabilities, however they may be calculated, would not follow them if they withdraw. This open question is another possible litigation issue, costly to both parties.

Conclusions

The equity issue within OCFA has been a long-standing one, with multiple attempts made over the years by OCFA and its members to address it. As a result of the most recent legislation (SB 302), however, any proposed resolution will be even more difficult to reach with the addition of more parties needed for agreement.

Strategic and Financial Impacts

As previously noted, OCFA's Division 2, located in the City of Irvine, is situated in the geographic center of the OCFA service area (Figure 2). Irvine's withdrawal from OCFA would disrupt the strategic integrity of a uniform service area with regard to placement of fire stations as well as distribution of firefighting equipment and personnel. The withdrawal would also have a negative effect on OCFA's operating budget, financial stability, response times, and overall operations. These possible effects make it apparent that it would be in the best interest of OCFA, the City of Irvine, other member cities, and the County to negotiate a mutually agreeable solution.

Why Inequity is Inevitable

Inequities are a feature of any representative democratic government. Wealthier communities send more tax revenue to a central government than less wealthy communities, which is redistributed for the common good. These revenues are allocated to give all communities the same basic services as their needs require. A prime example of this is funding for public schools.

In a hypothetical scenario, two homes on the same block may pay significantly different amounts of property taxes, depending upon the date of sale (defined base year) and the assessed value of the home. For example, if a home was purchased in 1975 with a sale price of $95,000 and has not changed hands for the past 43 years, the property taxes would be significantly lower than

those of a home next door which was purchased in the base year of 2017 with a sale price of $975,000. Yet these next-door neighbors receive the same public school accessibility.

This is also true of OCFA, whose fire and emergency services are provided equally to the residents of all member agencies and are not based on the ability to pay. If they were, Irvine would take the majority of fire services and other smaller and less affluent member cities would have a lower level of services. The City of Irvine is not attempting to abrogate its civic responsibilities, but rather is seeking more equitable treatment.

Future Negotiations

Recently there have been informal discussions between the City of Irvine and OCFA regarding the equity issue. These discussions have not included the County of Orange, which might have provided an avenue for additional input or options. Instead, OCFA advised the County that any position they have regarding the equity issue must be presented to the OCFA Board of Directors. Now, with the recent passage of SB 302, all parties to the discussion, including the County, are required to approve any proposed solutions to the equity issue – which would necessitate that all parties participate in any discussions.

If a consensus is not achieved in the short term by June 30, 2018, and no further action is taken before the *next* withdrawal notice deadline of June 30, 2028, then the OCFA JPA will automatically renew on July 1, 2030 – resulting in the same terms and conditions with the same unresolved issues, possibly leading to the breakup of OCFA.

FINDINGS

In accordance with California Penal Code §933 and §933.05, the 2017-2018 Grand Jury requires responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court of California, County of Orange.

Based on its investigation titled "Orange County Fire Authority – Financial Flames on the Horizon?" the 2017-2018 Orange County Grand Jury has arrived at seven principal findings, as follows:

F1. The 1995 OCFA JPA agreement, requiring that all SFF funds be allocated to OCFA, did not anticipate the disproportionate property values and growth in the City of Irvine, resulting in the current inequity issue.

F2. The imminent deadline of June 30, 2018, for members to notify OCFA of intent to withdraw leaves insufficient time to finalize a mutually agreeable plan to resolve the inequity issue.

F3. The bilateral discussions between Irvine and OCFA, without the County's involvement, have not resolved the inequity concerns and cannot resolve them without joint discussions and mutual agreement among all principal parties.

F4. The disagreement between Irvine and the County regarding the application of Tax Equity Allocation (TEA) funds complicates the resolution of the inequity issue.

F5. In the event of a Structural Fire Fund (SFF) member's withdrawal from OCFA, the JPA agreement does not clearly address the disposition of that member's SFF contributions, which may result in litigation.

F6. In the event of Irvine's withdrawal from OCFA, the conflicting positions between the City and OCFA regarding ownership of fire stations and equipment located in Irvine may result in litigation.

F7. In the event of a member's withdrawal from OCFA, the JPA agreement does not define the disposition of that member's share of OCFA's unfunded liabilities, which may result in litigation.

RECOMMENDATIONS

In accordance with California Penal Code §933 and §933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court of California, County of Orange.

Based on its investigation titled "Orange County Fire Authority – Financial Flames on the Horizon?" the 2017-2018 Orange County Grand Jury makes the following six recommendations:

R1. Starting immediately, all three parties (the City of Irvine, OCFA, and the County of Orange) should be included in all discussions addressing Irvine's SFF inequity issue to reach a mutually satisfactory interim agreement to avoid Irvine's withdrawal from OCFA. (F1, F2, F3, F4)

R2. Prior to June 30, 2018, the City of Irvine should adopt a contingency plan to ensure uninterrupted fire and emergency services in the event of the City's intended withdrawal from OCFA. (F2, F6)

R3. By June 1, 2018, OCFA and the County of Orange should provisionally define the disposition of a member's SFF contributions in the event of that member's withdrawal. (F5)

R4. By June 1, 2018, OCFA and the City of Irvine should resolve ownership of the Division 2 fire stations and associated equipment located in the City of Irvine. (F6)

R5. By June 1, 2018, OCFA should provisionally define the disposition of a member's share of OCFA unfunded liabilities in the event of that member's withdrawal. (F7)

R6. All parties should commit to revisiting the JPA agreement with the goal of resolving outstanding issues prior to the 2030 expiration of the JPA. (F1, F5, F6, F7)

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the findings and recommendations of this Grand Jury report:

§933(c)

No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head or any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. . . .

§933.05

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

(1) The respondent agrees with the finding.

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

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

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933(c) are required or requested from:

Responses Required:

Findings:

Orange County Board of Supervisors:	Findings: F1, F2, F3, F4, F5, F7
City of Irvine, City Council:	Findings: F1, F2, F3, F4, F5, F6, F7
Orange County Fire Authority Board of Directors:	Findings: F1, F2, F3, F5, F6, F7

Recommendations:

Orange County Board of Supervisors:	Recommendations: R1, R3, R6
City of Irvine, City Council:	Recommendations: R1, R2, R4, R6
Orange County Fire Authority Board of Directors:	Recommendations: R1, R3, R4, R5, R6

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APPENDIX

Appendix 1: OCFA budgeted Structural Fire Fund revenue by member agency

	FY 2015/16	FY 2016/17	FY 2017/18
Aliso Viejo	10,097,519	10,671,670	11,242,937
Cypress	4,701,843	4,895,673	5,066,753
Dana Point	11,912,343	12,719,236	13,821,426
Irvine	**73,883,489**	**79,010,274**	**86,025,009**
La Palma	$1,483,090	$1,541,453	$1,598,276
Laguna Hills	6,452,428	6,710,687	6,949,145
Laguna Niguel	14,677,182	15,258,914	16,070,368
Laguna Woods	3,064,476	3,243,437	3,450,009
Lake Forest	13,270,443	14,366,062	15,434,382
Los Alamitos	1,820,245	1,889,483	1,990,701
Mission Viejo	15,688,165	16,316,300	16,997,261
Rancho Santa Margarita	9,306,628	9,594,218	10,133,553
San Juan Capistrano	6,969,386	7,341,421	7,749,858
Unincorporated	28,288,451	29,862,289	31,911,074
Villa Park	1,626,437	1,704,792	1,787,383
Yorba Linda	10,439,907	10,905,026	11,432,809
Total	**$213,682,033**	**$226,030,935**	**$241,660,944**

Irvine's Percentage of Total SFF Revenue	**34.58%**	**34.96%**	**35.60%**

Source: OCFA

SAFER SCHOOLS – WHAT CAN WE DO?

Table of Contents

SUMMARY

Breaking News --- Another school shooting has just occurred!

These words strike terror in the hearts of all parents as they pray that it has not occurred in their community. The frequency of violent events on school campuses across the nation is alarming. What are Orange County public school districts doing to minimize the threat of violence on campuses?

Although Orange County public school districts are focused on minimizing the possibility of campus violence, there exists a considerable disparity between schools' readiness in some districts compared to others. Whether it is fencing, visitor protocols, communication devices, or the use of identification badges, the main differentiating factor is each district's access to funding sources for security measures. Schools in districts that have not passed school bond measures or have been unable to obtain grants have increasingly had to turn to local communities, including parents, for material support. Schools struggle to find both time and money to address competing priorities of improving academic achievement while preparing for the very real threat of school violence.

The president of National School Safety and Security Services, a school safety consulting firm based in Cleveland, commented that "The biggest challenge for school districts right now is not only managing safety, but managing parental and community perceptions around safety." (Orange County Register, March 26, 2018).

REASON FOR THE STUDY

School safety is a responsibility we all share. It is difficult, if not impossible, to prevent all violent events on campus, but schools are expected to provide a reasonably safe environment for both students and employees. School administrators have a critical responsibility to prepare for such events in order to protect the students and staff within the Orange County school system.

No one has all the answers, but through conversations and working together, solutions continue to evolve and improve. The primary purposes of this study are:

- To assess how well Orange County public schools are controlling access to campuses during school hours.
- To provide school districts, boards, principals, and parents with information to improve preparation for violent school events.
- To stimulate county-wide discussion identifying underutilized resources and to share problem-solving strategies.
- To develop recommendations which can help school districts ensure schools implement their safe school programs.

METHOD OF STUDY

Information gathering focused on four principal sources:

1. Review of applicable law regarding school safety to determine what is required of Orange County school districts.
2. Interviews with representatives from all twenty-seven school districts in Orange County.
3. A questionnaire submitted to a sampling of elementary, middle, and high schools in Orange County. (Appendix E)
4. Investigation of various school security measures used across the country.

Parties to the study included the office of the Orange County Superintendent of Schools and twenty-seven public school districts in the county, encompassing nearly 600 schools, 20,000 teachers, and an enrollment of just over a half million students (Appendix B).

The focus of the study was the traditional Orange County K-12 public school. “Non-traditional” public schools, i.e., alternative and special education programs, schools within the juvenile justice system, and charter schools were not reviewed.

Areas of focus for the study included the following:

- Grounds and building exteriors – fencing, gates, exterior doors, signage, windows
- Building access – points of entry, entry and exit procedures
- Keys and identification – master key/entry card control systems, staff and student photo ID badges
- Visitor procedures – signs, procedures, sign-in process, deliveries
- Communications systems – two-way radios, phone apps, classroom intercoms
- Monitoring and surveillance – visible presence of law enforcement, camera systems
- School/district culture – parent and student involvement, reporting, staff and student training.

BACKGROUND AND FACTS

Legal Requirements

California Education Code Sections 32280 - 89 require that all California K-12 public schools have school safety plans. Section 32281 makes each school district and county office of education responsible for the overall development of all comprehensive school safety plans. Section 32288 requires each school district or county office of education to notify the State Department of Education of any schools that have not complied with Section 32281.

Although state law requires all public schools in California to have safety plans in case of an emergency and to update them annually, the state does not track schools' individual safety plans. Each school district has leeway as to how such plans are funded and implemented.

There is no state law requiring a safety plan specific to active shooters, but the law does require public schools to follow a multi-step process to develop an overall safety plan. Each year, every public school's School Site Council (typically made up of the school's principal, teachers, and parents) consults with law enforcement representatives for support in writing and developing a safety plan. The Council is required to hold a public meeting at the school to discuss the plan before it is adopted. Following the public meeting, schools submit their plans to the district or county office for approval, no later than March 1 every year.

Historical Perspective

Since the 1999 shooting in Columbine, Colorado, more than 150,000 students attending at least 170 schools have experienced campus violence in the United States. Appendix C contains a list of incidents resulting in fatalities which have occurred since 1998 in elementary, middle, and high schools across the country.

The following three scenarios, as reported in various newspapers, describe actual school shooting events in California that have occurred within the past several months. Each illustrates a different security issue.

North Park Elementary shooting (4/10/17), San Bernardino, CA

A teacher and an eight-year-old boy were shot and killed at San Bernardino's North Park Elementary, when the teacher's estranged husband opened fire inside a special needs classroom. On-site cameras recorded the gunman's failed attempt to enter the school through a locked secondary door. He then went through the main entrance and was permitted entry after he told administrators that he had to drop something off to his wife. He was allowed entry as it was not uncommon for someone to visit a school campus to meet with their spouse, and no one noticed his concealed gun. Staffers had no knowledge of the couple's ongoing domestic conflict and the shooter did not exhibit any signs of agitation. There was nothing to indicate they should not allow him back to his wife's classroom. As a result, on April 13, 2017, the Superintendent of the San Bernardino City Unified School District announced that fingerprinted volunteers would be the only non-staff members allowed into North Park Elementary, and that the school district would review a possible larger application of that rule in the future.

Rancho Tehama Elementary School shooting (11/14/17), Corning, CA

At Rancho Tehama Elementary School, a small rural school in Northern California, a student was shot but nobody died. A gunman shot several people in the community, firing from his

vehicle. It could have been a worst-case scenario for a school shooting: a yard full of playing children with a rampaging gunman just minutes away. The school secretary, upon hearing gunshots from off campus, instituted lockdown procedures without waiting for law enforcement, and staff quickly corralled students into their classrooms. The shooter's vehicle rammed an exterior gate, breaking through a school fence. He exited his vehicle and shot at the buildings and the office but was unable to gain entry. About six minutes after he had crashed through the school's gate, the shooter drove away in frustration.

Salvador Castro Middle School (2/1/18), Los Angeles, CA

Students were wounded by gunfire and a 12-year-old girl was taken into custody after an accidental shooting in a classroom at Salvador Castro Middle School. The weapon was discharged when the backpack in which it was hidden fell from a table. The girl was charged with negligent discharge of a firearm. It was reported that the girl thought the weapon was a toy.

School Safety and Security Measures

What are the top safety priorities for school administrators, teachers, and the community? The U.S. Department of Homeland Security distributes a K-12 School Security Checklist to guide school safety assessments. The checklist cites access control of the building as the number one priority, followed by the building exterior and interior, classroom security, and school culture. Other priorities include the communications system, reporting, security equipment, personnel, and cyber security. Many of these security topics were discussed with Orange County school administrators, but limited funding may prevent implementation of some of the more costly measures.

Controlling School Access

Access control to school campuses and buildings is a top concern for Orange County school officials. Administrators struggle with maintaining a balance between having a welcoming school campus and having a facility which is secure from unwanted intruders. The federal government issues guidelines on school security, but most of the implementation is individually developed by the local school district. The government may recommend that schools control access to their buildings or property, but methods and procedures for doing so vary across Orange County.

The following ideas for improving school access control were shared by Orange County school personnel in interviews and questionnaires:

- Establish one main entrance with identifying signage. Maintain visible signage on campus and on all school doors and gates directing visitors to the main entrance. Some schools post notices advising that individuals who do not follow visitation procedures may be charged with trespassing.
- Create and use strict visitor sign-in, sign-out, and escort procedures.
- Train all school staff, including support personnel, to greet and challenge strangers. Staff should be trained to report strangers to the office if they do not feel safe in approaching someone they believe to be an intruder.
- Educate parents about access control protocol and the importance of following the rules.
- Secure or monitor custodial entrances and delivery doors before, during, and after school hours.
- At high schools and other larger facilities, use surveillance cameras to monitor and record entrance points. While most schools do not have adequate funding to staff full-time monitoring of surveillance cameras, the cameras can serve as a deterrent and, at a minimum, can provide a record of who was in the area.

A school's safety and security plan may have multiple layers to prevent or delay unwanted visitor access to the school: for example, an outer perimeter fence; a security or school resource officer on patrol; and an intercom with a remote door release to the office entrance. Those are

three layers of access control before someone gains access to meet with a receptionist in the school. No one should be able to breach all of those layers without being challenged.

Fencing

Many school campuses in Orange County have been constructed to achieve an open and inviting campus atmosphere with multiple buildings, multiple entrances and big windows. Unfortunately, these design configurations are not conducive to security and lockdown. Campuses constructed in the 1950s and 1960s are now trying to incorporate the principles and practices of crime prevention through environmental design. The use of fencing to bolster school security has become a key issue in discussions of school safety. In a sampling of schools in Orange County, approximately 50% of the questionnaire respondents indicated that their open campuses and lack of secure fencing is their principal concern.

Traditionally, the fencing at a school's property line provides the school's first line of defense against violence or intrusion. The National School Safety Center highlights control of campus access as a central dimension of strategic school preparation (Hanover Research, 2013). While proponents argue that campus fencing not only provides adequate protection but can be aesthetically pleasing, opponents contend that fencing can contribute to an unpleasant environment for children and may not be fully effective in deterring security breaches.

The design principles of access to school grounds rely on physical barriers such as fencing or landscaping and the strategic placement of limited access points such as gates, entrances, or exits. Limited access points allow school personnel to better monitor the comings and goings of individuals during school hours. For example, the main entry to a school can directly funnel into administration offices, helping to control visitor access.

Table 1 - Fencing Types, Advantages and Disadvantages

Material	Advantages	Disadvantages
Chain-link	• Least expensive • Easily installed • Maintain visibility	• Easily breached • Targets for vandalism
Welded wire fabric	• Difficult to cut • Does not unravel • Less expensive than expanded metal	• More expensive than chain-link • Less secure than expanded metal
Expanded metal	• Difficult to cut • Does not unravel	• More expensive than chain-link and welded wire
Ornamental: Wrought iron, Steel, or Aluminum	• Not easily breached or vandalized • Maintain visibility	• Durability and maintenance costs vary greatly

Source: Hanover Research

Fences are useful to control campus access, but they may create additional issues as well. Tall, continuous fencing can block student pathways, forcing students to take a longer route to school where they may be exposed to traffic, crime, or environmental hazards. In an emergency, continuous fencing could restrict rapid egress from the campus. However, strategically placed auto-locking gates can be unlocked and monitored to allow entrance at specific times while allowing exit at any time.

The aesthetics of fencing can be a sticking point between parents and school administrators and planners. Schools districts all over the country struggle with maintaining a balance between creating a user-friendly, welcoming school climate and providing a facility that is secure from unwanted intruders. At least one Orange County school has implemented secure fencing where visitors are seen on camera and must use the intercom to communicate with the office before being admitted.

Figure 1 - Secure Entrance to a School Campus with Camera and Intercom

Source: Used by permission of an Orange County School District

School Visitor Policies and Procedures

All Orange County school districts want to ensure that visitors have an inviting and professional welcome to their schools. Parents, guardians and community members are encouraged to visit the schools and participate in the educational program. Visitor management protocols are in place in all Orange County public schools. Some districts are using an electronic visitor management system that scans government-issued identification and checks it against a national database. While many schools require visitors to sign in at the front desk using such an electronic system, approximately 80% of the schools still use pen and paper to track visitors. In addition, many schools do not require visitors to return through the office to sign out or surrender the visitor badge. Such a sign out procedure not only ensures that all visitors actually leave the campus, but in an emergency such as a fire or earthquake can be used to verify the safety of the visitor.

Procedures vary among districts and campuses as to their protocols for the school visitor and volunteer. Elements may include: use of a single entrance leading to the main office; requirement for picture identification; issuance of a visitor or volunteer badge; use of escorts or other monitoring during the visit; and return and destruction of the badge. An example of a visitor management process, similar to one in place at an Orange County school district, is available in Appendix A.

Staff and Student Identification Badges

Identification badges are another management tool for campus access and control, both for faculty/staff and for students.

Many Orange County schools issue badges to teachers but do not mandate that they be worn. The use of visible staff badges on campus affirms that the individual belongs there and shows an outsider to be out of place. Badges allow staff, first responders, substitute teachers, and visitors to identify at a glance those who belong on campus and also provide an increased feeling of security.

At the middle and high school levels, student badges allow staff and students to easily distinguish the student from the non-student. Since most schools already issue student identification cards for library check-out, for admittance to sporting events, etc., schools may want to consider upgrading the ID cards to badges to be worn on campus.

Emergency Communications

When an emergency situation occurs, every second counts. Poor communication between schools and first responders can impact not only response times, but also the strategic preparation of officers or firefighters before arrival. Landlines, school intercom systems, and cell phones can aid in the response to a crisis, but they can also be unreliable, complex, or

entirely inaccessible when needed most. The district should have an infrastructure in place to create consistent, effective and coordinated communications across each school.

Reaching out to first responders as quickly as possible is paramount, but if the employee on the phone is not witnessing and managing the safety situation, they may not have the most pertinent, current information. Or worse, they may get key facts wrong. Safety and situational parameters can change quickly, making it challenging to relay accurate incident details to first responders, such as which door to enter as the situation unfolds.

Some schools have installed a "panic button" in the office, which, when pressed, immediately notifies local law enforcement of an emergency situation. Some classroom phones also have an emergency button which is connected to the office or to law enforcement

A challenge many districts face is the use of a variety of devices to communicate, including cell phones, intercoms, and two-way radios from multiple vendors. Schools may have poor cell coverage, making cell phones useless at times. Two-way radios may not be fully charged, leaving coaches and playground supervisors without operable communication.

With new hires and changes in personnel, districts recognize the need not only to shift to more reliable technology but also to have employees regularly trained on new communication devices, especially for emergency situations. Training is needed to get school personnel more comfortable with district-wide protocols for crisis situations, including communicating with first responders.

Windows

One often-overlooked area of access control is windows. Few security measures can fully stop a determined intruder, but if security window film is properly installed, it can delay a perpetrator long enough to foil their plans or give those inside precious time to find a way to remain safe. There are many types of window films. Some feature multiple layers of laminate, offering protection from shattering glass, while others are simply tinted or reflective to prevent outside views into the classroom.

Locks, Keys and Smart Cards

It is imperative that classroom doors can be locked from the inside without exiting the room. Some older schools in Orange County have not yet installed upgraded locks for all classrooms, multi-purpose rooms, cafeterias, and offices. These older locks require exiting the room and using a key to lock the door. Many Orange County districts reported the use of "Lock Bloks" on their campus doors. Mounted on the inside of a classroom door, these devices allow outside access to the room only when set to the OPEN position, but can be easily shifted to a CLOSED position from inside the room, immediately locking the door to persons outside (Figure 2).

Figure 2 - Lock Blok

Source: www.doorblok.com/lockblok.html

It is an unfortunate fact that keys are often lost or stolen. Depending upon the number of doors that a particular key may open, it may be financially prohibitive to re-key a school or district if a "master key" is the one missing. There are products on the market that allow electronic access to rooms or buildings. This type of system allows the district to schedule access permissions to specific locks and prohibit access to other locks through the software. The system also allows lost or stolen electronic keys to be immediately disabled.

"Smart cards" are increasingly common in school environments. Teacher ID badges can be formatted as smart cards for building entry, and access by a card can be cancelled within seconds if the card is lost or stolen.

Cameras

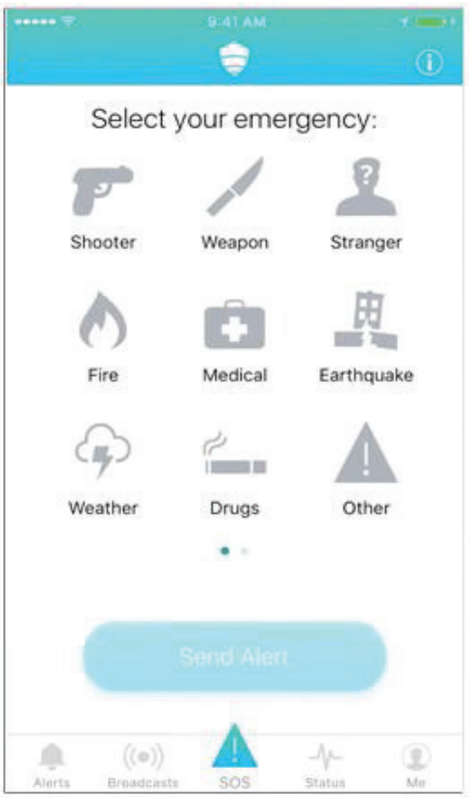
Cameras used for surveillance can reinforce security options for schools with limited personnel. A video surveillance system may be a good budget choice for schools when connected to a monitored video screen in the school's main office, but video feed that is not constantly monitored or analyzed has limited value. Primarily, cameras provide evidence after an incident has occurred, but cannot prevent one from occurring. Some schools, however, have reported a reduction in vandalism after cameras were installed.

Wi-Fi Devices

Mobile phones have become a critical tool for today's campuses in keeping students safe. Technology now exists that can send alerts directly to a phone that is connected to the school's Wi-Fi network. When an emergency occurs, this technology can act as a two-way communication tool: first, by letting a mobile user know of an incident in progress and giving directions, such as "stay where you are," and second, by allowing the mobile user to let the school know that they are safe and accounted for during the incident.

There also are available cell phone applications which allow even more specific responses to emergency situations. One such app, currently in use in at least one Orange County school district, is Titan HST, an emergency two-way communication application (Figure 3).

Figure 3 –
Titan HST Application Sample Screen Shot



Source: www.titanhst.com

Unfortunately, this type of application may be prohibitively expensive for some school districts. It should be noted that the district using this system has its own private server, which minimizes the chances of hacking.

Metal Detectors

After police officials revealed that the shooter at the San Bernardino event had concealed his gun and entered the school through routine means, members of the public wondered what could have helped school staff determine that he had a weapon. Like most schools, North Park Elementary did not have metal detectors. Orange County schools do not have metal detectors like those seen

Source: www.titanhst.com

in airports or professional sporting events, but some high schools do use wand-type detectors at selected events such as sports games or dances.

Many groups say the use of metal detectors can have a negative effect on the school environment. For schools that have a relatively low incidence of crime, the cost of purchasing, maintaining, and staffing the devices may not be a priority compared to other needs.

Information Management System

In order to define threats and risks, it is critical that there be a process of information sharing within and among the school districts. At present, breaches in campus access control are not shared or historically recorded in Orange County school districts. Up-to-date risk information should be a major component of each district's decision-making process regarding security issues.

Audit Tools

A "school security assessment" is a critical on-site review to observe security currently in place, identify security deficiencies, determine what is needed, and make recommendations to eliminate or control risks. A security assessment is used as:

1. A risk management tool for reducing crime and violence threats, risks and potential liability.
2. A school-community relations tool to demonstrate a district's commitment to security prior to a crisis.
3. Documentation of school district needs in advance of a funding campaign, or as part of a grant proposal.

The use of an audit tool by Orange County administrators could provide a snapshot of a school's safety areas needing improvement as well as be a resource tool for the development of the required school safety plan.

The following are four examples of audit tools:

1. *Campus Safety and Security Audit Toolkit* prepared by The Texas School Safety Center School Climate and Culture
2. The Homeland Security *K-12 School Security Practice*
3. *Active Shooter Threat Assessment Checklist: K-12 Education Facilities* prepared by Campus Safety Magazine
4. *Guide for Preventing and Responding to School Violence*, 2nd Edition, International Association of Chiefs of Police and Bureau of Justice Assistance, U.S. Department of Justice (2009).

Conclusions

The Grand Jury found that school safety is a priority in all Orange County school districts. However, in some cases, district administrators and school site staff do not share a common prioritization of the need for specific school safety measures. School districts need to ensure that district administrators, principals, teachers, and School Site Councils work together to implement selected priorities for the individual campuses. Although funding will always be a concern, many safety measures discussed in this report can be accomplished at little or no cost. Higher-priced items can be prioritized as funds allow.

FINDINGS

F.1. School safety and security are priorities in every school district in the Orange County public school system.

F.2. The implementation of security measures for schools, in many cases, is limited by funding.

F.3. Many Orange County school campuses were constructed to reflect an "open and inviting" atmosphere but are now faced with physical and philosophical security issues that challenge this thinking.

F.4. While every Orange County school district reported the use of a campus visitor sign-in process, there is a lack of procedural consistency among school campuses.

F.5. Many districts or school campuses do not require all teachers, staff, and volunteers to wear ID badges while on campus, making identification of authorized personnel difficult for substitute teachers, student teachers, visitors, volunteers, and first responders.

F.6. Currently, student ID badges, which could easily distinguish students from non-students of similar age, are not required to be worn by Orange County middle and high school students.

F.7. Campus personnel and volunteers, while on duty outside the classroom, have an inconsistent usage or availability of communication devices for emergency situations.

F.8. There is no documentation or reporting protocol within the districts of individual campus security incidents, making it difficult to track, analyze, and summarize such incidents.

F.9. While every Orange County school develops a school safety plan, few schools have used an individual school security assessment to identify deficiencies or to develop the required plan.

RECOMMENDATIONS

R.1. School districts should explore all possible funding resources that may be available in order to implement desired security measures. (F.2.)

R.2. School districts should re-evaluate the lack of secure fencing on all school campuses and present a report to their respective boards by December 31, 2018, outlining their plans to make campuses more secure. (F.2., F.3.)

R.3. School districts should implement procedures to ensure that all campuses maintain a complete, daily log (electronic or manual) of every visitor and volunteer entering and exiting the campus, excluding program events such as awards ceremonies or stage or musical productions. (F.4.)

R.4. School districts should implement procedures to ensure that photo identification is required of all campus visitors and volunteers before a visitor's badge is issued. (F.4, F.5.)

R.5. School districts should implement procedures to ensure that all faculty and staff are required to wear visible photo ID badges while on campus. (F.5.)

R.6. All school districts with middle or high school campuses should consider using student ID cards in a format to be worn as student ID badges while on campus. (F.6.)

R.7. School districts should evaluate available communication devices and ensure that custodial and supervisory personnel, as well as safety resource officers, playground supervisors and coaches, have two-way radios or equivalent communication devices with them at all times, enabling instant two-way communication with the office. (F.7.)

R.8. School districts should consider requiring that all campus incidents of unauthorized access be recorded, tracked, and reported to the district office on a quarterly basis. All districts should share these reports with the Orange County Department of Education. (F.8.)

R.9. School districts should evaluate requiring each school to perform a school security assessment to evaluate their current school safety plan. (F.9)

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the findings and recommendations of this Grand Jury report:

§933(c)

No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head or any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. . . .

§933.05

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

(1) The respondent agrees with the finding.

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

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

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Responses Required:

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933(c) are required from:

- The Orange County Superintendent of Schools - Responses to each of the nine principal findings and recommendations.
- The governing body of each of the districts below – Responses to the indicated principal findings and recommendations.

Anaheim Elementary School District
F.1. – F.5., F.7 – F.9.
R.1. – R.5., R.7 – R.9.

Anaheim Union High School District
F.1. – F.9.
R.1. – R.9.

Brea Olinda School District
F.1. – F.9.
R.1. – R.9.

Buena Park School District
F.1. – F.9.
R.1. – R.9.

Capistrano Unified School District
F.1. – F.9.
R.1. – R.9.

Centralia School District
F.1. – F.5., F.7 – F.9.
R.1. – R.5., R.7 – R.9.

Cypress School District
F.1. – F.5., F.7 – F.9.
R.1. – R.5., R.7 – R.9.

Fountain Valley School District
F.1. – F.9.
R.1. – R.9.

Fullerton Joint Union High School District
F.1. – F.9.
R.1. – R.9.

Fullerton School District
F.1. – F.9.
R.1. – R.9.

Garden Grove Unified School District
F.1. – F.9.
R.1. – R.9.

Huntington Beach City School District
F.1. – F.9.
R.1. – R.9.

Huntington Beach Union High School District
F.1. – F.9.
R.1. – R.9.

Irvine Unified School District
F.1. – F.9.
R.1. – R.9.

La Habra City School District
F.1. – F.9.
R.1. – R.9.

Laguna Beach Unified School District
F.1. – F.9.
R.1. – R.9.

Los Alamitos Unified School District
F.1. – F.9.
R.1. – R.9.

Magnolia School District
F.1. – F.5., F.7 – F.9.
R.1. – R.5., R.7 – R.9.

Newport-Mesa Unified School District
F.1. – F.9.
R.1. – R.9.

Ocean View School District
F.1. – F.9.
R.1. – R.9.

Orange Unified School District
F.1. – F.9.
R.1. – R.9.

Placentia-Yorba Linda Unified School District
F.1. – F.9.
R.1. – R.9.

Saddleback Valley Unified School District
F.1. – F.9.
R.1. – R.9.

Santa Ana Unified School District
F.1. – F.9.
R.1. – R.9.

Savanna School District
F.1. – F.5., F.7 – F.9.
R.1. – R.5., R.7 – R.9.

Tustin Unified School District
F.1. – F.9.
R.1. – R.9.

Westminster School District
F.1. – F.9.
R.1. – R.9.

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APPENDICES

Appendix A: Example of Campus Visitor/Volunteer Management Process

General Procedures – Visitors

A visitor is an individual, not a school volunteer, and may include a parent, close relative, or guardian who visits a school for a public or private event involving a student. The definition of visitor also includes other individuals who are under the supervision of a school employee. Visitors will **not** be allowed unless their visit has been pre-arranged with the principal and/or main office.

1. Any person who is not a student or staff shall register at the main office immediately upon entering any school building or grounds when school is in session. **No visitor is permitted to enter the school via any other entrance.** Exceptions to this rule can be made by the Principal during supervised times for special school events (i.e., award ceremonies, musical performances, jog-a-thons, promotion ceremonies, etc.)
2. All visitors must state the purpose of their visit and who has invited them.
3. All visitors may use the kiosk system to scan identification which in turn will issue a badge with the visitor's destination. If a kiosk system is not available, the visitor will produce formal photo identification, (state-issued ID), sign in to the visitor log, and be issued a badge with the current date and the visitor's destination.
    - The staff member will keep the individual's identification card in plain view.
    - The identification card will immediately be returned to the visitor when the badge is handed to them.
    - At no time will a visitor's identification card be kept by the attendant.
4. If the visitor does not have acceptable identification, the Principal will be called to assess the situation.
5. The office will provide an identification badge or sticker for all visitors. **The badge or sticker must be visible and is to be worn at all times by the visitor throughout their visit.**
6. Visitors will be escorted to their destination or their campus contact person will be asked to come to the main office to receive the visitor. The contact will then be responsible for them while they are on site.
7. The visitor must not be allowed to move about the site unsupervised. The Principal on select occasions may employ other procedures to ensure visitors are monitored when traveling to their point of destination.
8. On departing the school, visitors must leave via the main office.
9. A member of the staff must escort the visitor to the main office or call the main office and alert them that the visitor is on their way.
10. Office staff will process the visitor out of the system.
11. Once the visitor has been signed out of the system, the badge must be torn thoroughly so it cannot be reused.

REPORT 2

General Procedures – Volunteers (non-instructional)

A volunteer is an adult (18 years of age or older) serving in an unpaid position who has direct volunteer contact with children. Volunteer (non-instructional) contact is defined as routine interaction with one or more children while under the supervision of a district certificated employee. Volunteers are required to obtain clearances.

Volunteers will **not** be allowed unless their services have been pre-arranged and approved with the principal.

1. Any person who is not a student or staff shall register at the main office immediately upon entering any school building or grounds when school is in session. **No volunteer is permitted to enter the school via any other entrance.** Exceptions to this rule can be made by the Principal during supervised times.
2. All volunteers may use the kiosk system to scan identification which in turn will issue a badge with the volunteer's destination. If a kiosk system is not available, the volunteer will produce photo identification, sign in to the volunteer log, and be issued a badge with the current date and the volunteer's destination.
3. If the volunteer does not have identification available, the Principal will be called to assess the situation.
4. The volunteer will be permitted on campus to perform scheduled activities. The identification badge or sticker must be visible and is to be worn at all times by the volunteer throughout their visit.
5. On departing the school, volunteers must leave via the main office and:
    - Check-out via the kiosk system or sign out of the volunteer log.
    - Once the volunteer has been signed out of the system, the badge/sticker must be torn thoroughly so it cannot be reused.

Appendix B: Orange County Public School Statistics

No	District	Cities Served	Total Approx. Enroll-ment	Elementary Schools	K-8 Elementary / Middle Schools	Middle/ Intermediate Schools	Middle/ High 7-12 Schools	High (Incl. Continuation) Schools	Charter Schools
1	Anaheim Elementary School District	Anaheim	18,000	24	--	--	--	--	--
2	Anaheim Union High School District	Anaheim Cypress Buena Park La Palma Stanton	31,000	--	--	8	--	11	--
3	Brea Olinda School District	Brea	6,000	6	--	1	--	2	--
4	Buena Park School District	Buena Park La Palma Anaheim La Mirada Fullerton	54,000	6	--	1	--	--	--
5	Capistrano Unified School District	San Clemente Dana Point San Juan Capistrano Laguna Niguel Aliso Viejo Mission Viejo Rancho Santa Margarita	49,000	33	2	10	--	6	5
6	Centralia School District	Buena Park La Palma Anaheim	4,500	8	--	--	--	--	--
7	Cypress School District	Cypress Buena Park	4,000	6	--	--	--	--	--

No	District	Cities Served	Total Approx. Enroll-ment	Elementary Schools	K-8 Elementary / Middle Schools	Middle/ Intermediate Schools	Middle/ High 7-12 Schools	High (Incl. Continuation) Schools	Charter Schools
8	*Fountain Valley School District*	*Fountain Valley Huntington Beach*	*6,300*	*7*	*3*	--	--	--	--
9	Fullerton Joint Union High School District	Fullerton Buena Park La Habra	13,900	--	--	--	--	8	--
10	Fullerton School District	Fullerton	13,700	15	2	3	--	--	--
11	Garden Grove Unified School District	Garden Grove Fountain Valley Stanton Westminster Santa Ana	45,000	44	--	10	--	8	--
12	Huntington Beach City School District	Huntington Beach	7,200	7	--	2	--	--	--
13	Huntington Beach Union High School District	Huntington Beach Fountain Valley Westminster	16,000	--	--	--	--	8	--
14	Irvine Unified School District	Irvine	34,000	23	3	6	--	6	--
15	La Habra City School District	La Habra	5,000	7	--	2	--	--	--
16	Laguna Beach Unified School District	Laguna Beach	3,000	2	--	1	--	1	--

No	District	Cities Served	Total Approx. Enroll-ment	Elementary Schools	K-8 Elementary / Middle Schools	Middle/ Intermediate Schools	Middle/ High 7-12 Schools	High (Incl. Continuation) Schools	Charter Schools
17	Los Alamitos Unified School District	Los Alamitos Seal Beach Cypress	10,000	6	--	2	--	2	--
18	Magnolia School District	Anaheim, Stanton	6,400	9	--	--	--	--	--
19	Newport-Mesa Unified School District	Newport Beach Costa Mesa Corona del Mar	22,000	22	--	2	2	2	--
20	Ocean View School District	Huntington Beach Fountain Valley Westminster	8,700	13	--	4	--	--	--
21	Orange Unified School District	Anaheim Garden Grove Orange Santa Ana Villa Park	30,000	27	--	6	--	5	--
22	Placentia-Yorba Linda Unified School District	Placentia Yorba Linda Anaheim Brea Fullerton	26,000	22	--	6	--	5	--
23	Saddleback Valley Unified School District	Lake Forest Laguna Hills Mission Viejo Rancho Santa Margarita Foothill Ranch Trabuco Canyon	29,000	26	--	4	--	5	--

No	District	Cities Served	Total Approx. Enroll-ment	Elementary Schools	K-8 Elementary / Middle Schools	Middle/ Intermediate Schools	Middle/ High 7-12 Schools	High (Incl. Continuation) Schools	Charter Schools
24	Santa Ana Unified School District	Santa Ana	58,000	36	--	9	--	9	6
25	Savanna School District	Anaheim Buena Park Cypress Stanton	2,400	4	--	--	--	--	--
26	Tustin Unified School District	Tustin Irvine Santa Ana	25,000	18		6	--	4	--
27	Westminster School District	Westminster Garden Grove Huntington Beach Midway City	9,400	13	--	3	--	--	--
28	Orange County Dept. of Education	Orange County	6,500	n/a	n/a	n/a	n/a	n/a	12

Appendix C: List of incidents of elementary, middle and high school violence with fatalities, from 1998 to the present. The list does not include suicides or gang-related incidents.

Date	Location	Description
2/14/18	Marjory Stoneman Douglas High School – Parkland, Florida	A 19 year-old opened fire with an AR-15 assault rifle killing 17 people, students and faculty.
1/23/18	Marshall County High School – Benton, Kentucky	A 15 year-old student opened fire with a handgun just before classes started killing two and injuring eighteen. All 20 of the victims were between 14 and 18 years-old.
12/7/17	Aztec High School – Aztec, New Mexico	A shooter shoots and kills two high-school students. The shooter, a former student at the high school dies.
9/3/17	Freeman High School – Spokane, Washington	One student is killed and three are injured in a shooting. The suspect is a sophomore at the school.
4/10/17	North Park Elementary School – San Bernardino, California	An eight year-old and his teacher are killed when the teacher's estranged husband walks into her special needs classroom armed with a large-caliber revolver and opens fire.
9/28/16	Townville Elementary School – Greenville, South Carolina	A 14 year-old male opens fire on the playground, wounding two children and a teacher. One of the wounded children, dies three days later.
10/24/14	Marysville Pilchuck High School – Marysville, Washington	A freshman shoots five people in the school cafeteria, killing one. The freshman dies of a self-inflicted gunshot wound at the scene. The total fatalities are five.
6/10/14	Reynolds High School – Troutdale, Oregon	A 15 year-old, shoots and kills a 14-year-old in the school gym. He later takes his own life.
12/13/13	Arapahoe High School – Centennial, Colorado	An 18 year-old opens fire critically injuring one student and then killing himself. A 17 year-old dies on December 21, eight days after being shot.
10/21/13	Sparks Middle School – Sparks, Nevada	A 12 year-old student takes his parent's handgun to school and shoots three, injuring two 12 year-old male students and killing a teacher.
12/14/12	Sandy Hook Elementary School – Newton, Connecticut	A 20 year-old guns down 20 children, ages 6 and 7, and six adults, school staff and faculty, before turning the gun on himself.
2/27/12	Chardon High School – Chardon Ohio	A 16 year-old student 16, is killed and four others wounded when a 17 year-old opens fire in the school. On February 28, a 16 year-old dies from his wounds and a 17 year-old is declared brain dead in 2013.
1/5/11	Millard South High School – Omaha Nebraska	A 17 year-old opens fire on a Principal and Vice Principal. The gunman then kills himself about a mile from the school. The Vice Principal dies at the hospital.

Date	Location	Description
2/5/10	Discovery Middle School – Madison, Alabama	A 14 year-old dies after being shot in the head in a school hallway. A fellow ninth-grader later pleads guilty and is sentenced to 30 years in prison.
10/16/09	Carolina Forest High School – Conway, South Carolina	A 16 year-old student is shot and killed by a police officer after allegedly pulling a knife and stabbing the officer.
9/23/09	John Tyler High School – Tyler, Texas	A 16 year-old is taken into custody for stabbing and killing a high school teacher. The shooter is later found unfit to stand trial.
9/15/09	Coral Gables Senior High School – Coral Gables, Florida	A 17 year-old fatally stabs a 17 year-old sophomore during a fight. The attacker is later sentenced to 40 years in prison.
8/21/08	Central High School – Knoxville, Tennessee	A 15 year-old shoots and kills another 15 year-old in 2011. The shooter receives 30 years in prison in a plea agreement.
7/3/07	Henry Foss High School – Tacoma Washington	An 18 year-old student fatally shoots a 17 year-old student. The shooter is sentenced in 2009 to more than 23 years in prison for second-degree murder.
10/2/06	Georgetown Amish School - Nickel Mines, Pennsylvania	A 32 year-old goes to a small Amish school and takes 11 girls hostage. Five girls were killed and six others wounded. The shooter then kills himself.
9/29/06	Weston High School – Cazenovia, Wisconsin	A 15 year-old goes to school armed with a shotgun and a handgun. After a struggle with the school janitor, the 15 year-old shoots and kills the school principal.
9/27/06	Platte Canyon High School – Bailey, Colorado	A 54 year-old takes six female students hostage. When SWAT teams enter the school, he shoots a 16 year-old girl. The shooter then kills himself. The 16 year old later dies at the hospital.
11/8/05	Campbell County Comprehensive High School – Jacksboro, Tennessee	A 15 year-old opens fire on a principal and two assistant principals, killing one of them and critically wounding another.
3/21/05	Red Lake High School – Red Lake, Minnesota	A 16 year-old kills his grandfather and another adult, five students, a teacher and a security officer. He then kills himself.
2/3/04	Southwood Middle School – Palmetto Bay, Florida	A 14 year-old stabs to death a 14 year-old. In 2013, an appeals court tosses the attacker's life sentence and remands the case.
9/24/03	Rocori High School – Cold Spring, Minnesota	A 15 year-old shoots and kills a 17 year-old and critically injures another student. The second student dies in October. In 2005, the shooter is sentenced to consecutive terms of life in prison for first-degree murder and 12 years for second-degree murder.
4/24/03	Red Lion Area Junior High School – Red Lion, Pennsylvania	A 14 year-old brings a revolver to school and kills his principal and then himself.

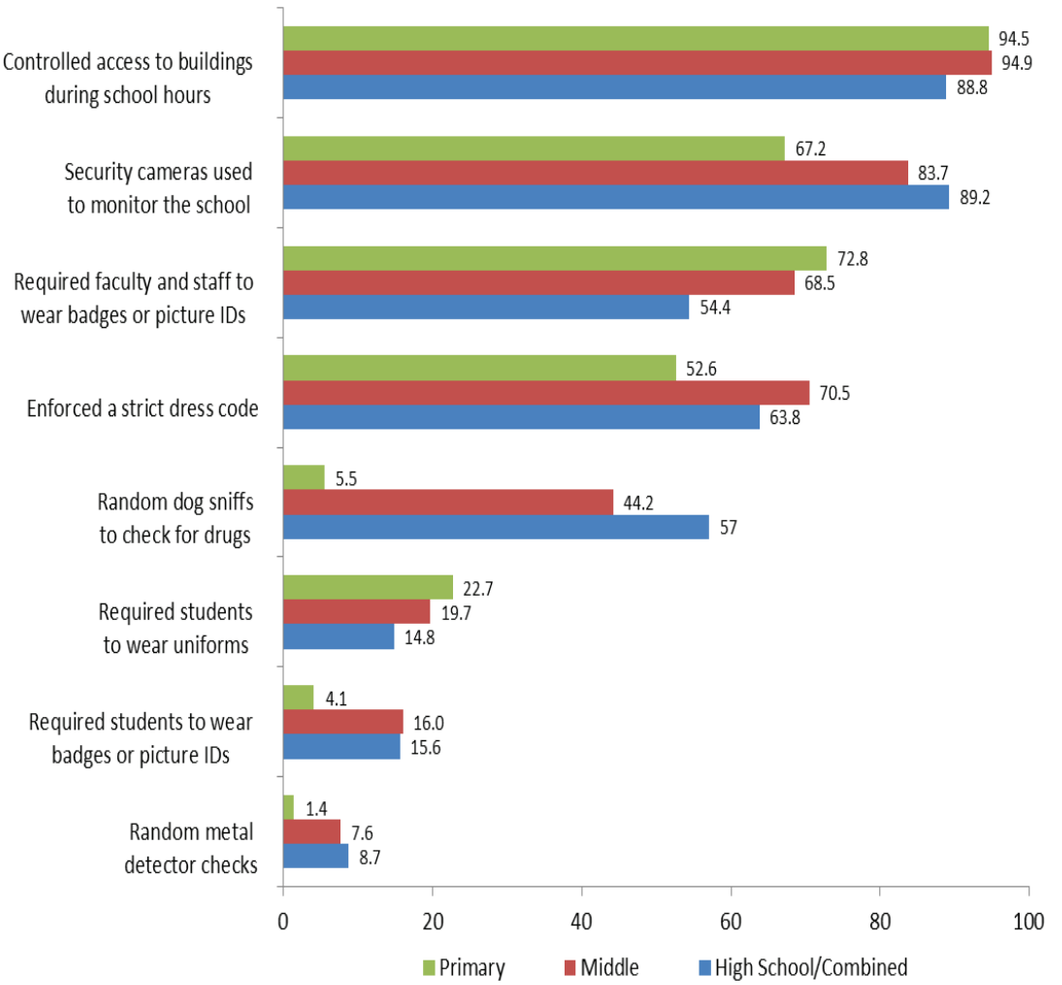
Date	Location	Description
12/5/01	Springfield High School – Springfield Massachusetts	At a high school for troubled teens, a 17 year-old stabs to death a counselor at the school. In 2003, the attacker is sentenced to life in prison.
3/5/01	Santana High School – Santee, California	A 15 year-old kills two classmates, a 14 year-old and a 17-year old, and injures 13. The attacker is sentenced in 2002 to at least 50 years in prison.
5/26/00	Lake Worth Community Middle School – Lake Worth, Florida	A 13 year-old, after being sent home for misbehaving, returns to school and shoots and kills his teacher. The shooter is sentenced to 28 years in prison.
2/29/00	Buell Elementary School – Mount Morris Township, Michigan	An unnamed six year-old boy shoots and kills a six year-old playmate at school. He is removed from his mother's custody and put up for adoption.
11/19/99	Deming Middle School – Deming, New Mexico	A 12 year-old shoots and kills a 13 year-old classmate. He is sentenced to two years in juvenile detention.
4/20/99	Columbine High School – Littleton, Colorado	An 18 year-old and a 17 year-old kill 12 fellow students and one teacher before committing suicide in the school library.
5/21/98	Thurston High School – Springfield, Oregon	After killing his parents the previous day, a 15 year-old returns to Thurston High armed with a rifle. He kills two students in the school cafeteria, 16 and 17 years-old
4/24/98	James Parker Middle School – Edinboro, Pennsylvania	A 14 year old shoots and kills a science teacher at a school dance. He is sentenced to serve between 30 and 60 years.
3/24/98	Westside Middle School – Jonesboro, Arkansas	A11 year-old and a 13 year-old ambush fellow students and their teachers, killing five. The 13 year-old is incarcerated in a youth facility and released on his 21st birthday, August 11, 2005. The 11 year-old is released on his 21st birthday May 25, 2007.

Source: US School Violence Fast Facts:
http://www.cnn.com/2013/09/19/us/u-s-school-violence-fast-facts/index.html

Appendix D: Nationwide Public School Safety and Security Measures

REPORT 2

In the 2013–14 school year, 93 percent of public schools in the United States reported that they controlled access to school buildings by locking or monitoring doors during school hours. Other safety and security measures reported by public schools included the use of security cameras to monitor the school (75 percent), a requirement that faculty and staff wear badges or picture IDs (68 percent), and the enforcement of a strict dress code (58 percent).



Source: United States Department of Education, National Center for Education Statistics (2017). *Indicators of School Crime and Safety: 2016* (NCES 2017-064)

Appendix E: School Access Questionnaire

2017 - 2018 Orange County Grand Jury

School Access Questionnaire (for Schools)

District _____

School _____

Grade Levels _____ Enrollment _____

Date _____

Respondent Name _____

Respondent Title _____

Admonition: This correspondence and your response to it are completely confidential. This means that the contents of this letter/survey and your responses are not to be released to the public or shared with anyone not directly involved in responding to this letter/survey without prior authorization of the Orange County Superior Court or unless you received the express consent of the Orange County Grand Jury.

No.	Question	Answer
1	Does the school have a written school policy regarding visitor/ outsider access to your school campus during school hours?	__ Yes __ No - District Policy Only __ Unsure
2	Is this policy (school or district) available on the school website?	__ Yes (please provide URL/link in Comments) __ No - on district website only __ No - not available on either website
3	Who is responsible for campus access policy review and approval? (Check all that apply)	__ Principal __ Additional School Administrators __ District Admin/Staff __ District Superintendent __ School Board __ Crisis Team Leaders
4	With respect to outsider access to your campus, how is the district involved? (Check all that apply)	__ Policy development __ Policy review/approval __ Training

No.	Question	Answer
5	A <u>printed</u> copy of the campus access policy is regularly given to: (Check all that apply)	__ District Admin __ School Admin __ Teachers __ Substitute Teachers __ Support Staff __ Maintenance __ Parents __ Students __ Volunteers
6	The campus access policy (on-line or printed) is available in the indicated languages: (Check all that apply)	__ English __ Spanish __ Vietnamese __ Korean __ Other (list at right)
7	Who receives specific training regarding outsider access to your campus? (Check all that apply)	__ School Administrators __ Teachers __ Substitute Teachers __ Support Staff (including maintenance) __ Students __ Parents __ School Volunteers __ Others (please specify)
8	How often is training regarding outsider access restriction provided?	__ Annually __ Semi-Annually __ Other (please explain) __ None
9	Your campus conducts active drills for outsider incursions.	__ No __ Yes - campus personnel only __ Yes - campus personnel and students __ Yes - campus personnel, law enforcement __ Yes - campus personnel, law enforcement, and students
10	Is there a system in place to alert classrooms/auditoriums/ cafeterias to unauthorized visitors? (If yes, please describe the system in Comments.)	__ Yes, all of these __ Yes, classrooms only __ Yes, some of these (please list) __ No, none of these

No.	Question	Answer
11	Are classroom doors able to be locked from the inside (without exiting the room)?	__ Yes __ No
12	Are office/auditorium/ cafeteria doors able to be locked from the inside?	__ Yes, all of these __ Yes, some of these (please list) __ No, none of these
13	Is there video surveillance of the campus/hallways?	__ Yes - exterior only __ Yes - hallways only __ Yes - exterior and hallways __ Other (please describe) __ No
14	High Schools Only - How does the staff distinguish between students and visitors of the same approximate age?	
15	Visitors are required to show picture ID and sign in at the office.	__ Yes __ No
16	If a visitor does access the campus without checking in, how is that visitor found/tracked?	
17	Who is required to wear a visible temporary visitor's badge?	__ Parents/Guardians/Family of students __ School Volunteers __ Vendors/Contractors __ Deliveries __ Employees' Family Members __ Other (please describe)
18	Temporary (stick-on) visitor badges include the following information:	__ Name __ Date __ Campus destination __ Other (please describe)
19	Visitors are required to sign out and surrender temporary visitor's badge when leaving the campus.	__ Yes, always __ Yes, sometimes __ No

No.	Question	Answer
20	Our campus utilizes Raptor or other identity verification system for visitors.	__ Yes - Raptor __ Yes - Other system (please describe) __ No
21	If your campus utilizes an identity verification system, who is required to access it before being allowed on campus?	__ Parents/Guardians __ Volunteers __ Vendors/Contractors __ Employees' Family Members __ Other (please describe) __ N/A
22	Who does the school regularly allow onto the campus (with sign-in), other than students and employees?	__ Parents/Guardians __ Volunteers __ Vendors/Contractors __ Deliveries __ Employees' Family Members __ Other (please describe)
23	Who is required to wear photo ID badge while on campus?	__ School Administration __ Teachers __ Substitute Teachers __ Regular Volunteers __ School Staff and Maintenance __ Students __ Other (please describe) __ None
24	Is there a policy in place to alert the office to employees' or student families' active restraining orders?	__ Yes - Employees __ Yes - Student Families __ No
25	What is your biggest concern regarding your ability to secure the school campus from outsider intrusion?	
26	Please add any additional comments you wish.	

Jail Food: Reservation Required

Table of Contents

SUMMARY

Jail food is not home cooking. Inmates, having different taste preferences and coming from a variety of family and cultural backgrounds, find it hard to adjust to unfamiliar food being served. Consequently, inmates complain!

In the past eighteen months, the American Civil Liberties Union of Southern California (ACLU) and the United States Department of Homeland Security Office of Inspector General (OIG) issued reports that included criticism of the Orange County jail's food services based, in part, on inmates' complaints. As a result of these reports, the Grand Jury investigated the practices of the Sheriff's Department Food Services Unit (FSU), including preparation, storage, service, and nutritional value of meals for inmates, as well as the time allowed for meals. The Grand Jury learned that inmates frequently were not allowed enough time to eat their meals. However, contrary to some of the above reports' findings, the Grand Jury found no issues with the fundamental kitchen operations or the condition and nutritional value of the food.

REPORT 3

REASON FOR THE STUDY

During 2017, two reports were issued regarding the Orange County jails, both claiming unacceptable conditions with the jail food services. The first report was issued by the OIG charging, among other things, violations that included slimy, foul-smelling, and spoiled meat. The second report was based on inmate complaints received by the ACLU, including lack of nutritious food, small portions, and insufficient time to consume the meal.

These reports and the associated media coverage attracted the interest of the Orange County Grand Jury. A search of prior Grand Jury reports from 1999 through 2017 showed that no report had specifically focused on jail food.

The purpose of this report is to combine evaluating concerns cited in the two reports mentioned above with sampling of the food served at local jails, as well as direct observation of FSU operations

This study will research the following issues:

- the quality and condition of the food served to Orange County jail inmates
- the nutritional value of the food

- the service of the food
- potential violations of state regulations regarding food service, including time allotted for consumption.

METHOD OF STUDY

The resources identified below were used to investigate this subject:

- videos obtained from the Sheriff's Department showing meal service in jails

- logs and records of FSU inspections

- interviews
  - managers and staff of the Orange County Sheriff's Department including FSU staff
  - Members of the ACLU staff who conducted the study and wrote the report entitled, "*Orange County Jails"*

- site visits to FSU as well as the five Orange County jails
  - Central Jail Facility including the food services, kitchen and food storage
    - Men's Jail
    - Women's Jail
    - Intake Release Center
  - Theo Lacy Facility including food services, kitchen, and food storage
  - James A. Musick Facility including food services, kitchen, and food storage

- food sampling
  - sack lunches
  - dinner
  - food in preparation

BACKGROUND AND FACTS

In November 2016, the OIG made an unannounced inspection of the Theo Lacy jail kitchen. This inspection, conducted for the purpose of ensuring compliance with United States Immigration and Customs Enforcement standards, found foul-smelling and bad-tasting food and

identified regulatory violations including undated open meat packages and uncovered meat stored in walk-in refrigerators.

From August 2015 through April 2017, the ACLU collected complaints from current and former inmates about unsatisfactory and unsafe conditions in the Orange County jail facilities. One area of concern was food services, which focused on the following:

- spoiled food
- inedible food
- small portions
- food which had no nutritional value
- insufficient time allowed for consumption

As a result of these complaints and further investigation, the ACLU issued a report in June 2017 which included findings that the jail's FSU was in violation of its own policies as well as the standards of the California Retail Food Code and the California Board of State and Community Corrections (BSCC). According to the ACLU, the report's findings were based on comments from current and former inmates. The ACLU then followed up with additional inquiries through questionnaires and interviews. These efforts provided valuable information regarding inmate attitudes and concerns regarding food service.

Jail Food Operations

Food service is the responsibility of the FSU. The unit, consisting of non-sworn Sheriff's personnel, is in charge of feeding inmates in the five jails. The James A. Musick and Theo Lacy jails each have kitchens; one central kitchen serves the Men's Central Jail, the Women's Central Jail, and the Intake Release Center.

The logistics of preparing and serving jail food are daunting. The FSU serves more than 6,500 inmates on any given day, three meals per day, and 365 days of the year – over seven million meals per year. Menu development requires detailed attention to dietary needs, caloric requirements, nutritional specifications, special diets, cultural requests, and flavor variety - all compounded by the requirements of state and federal codes and regulations.

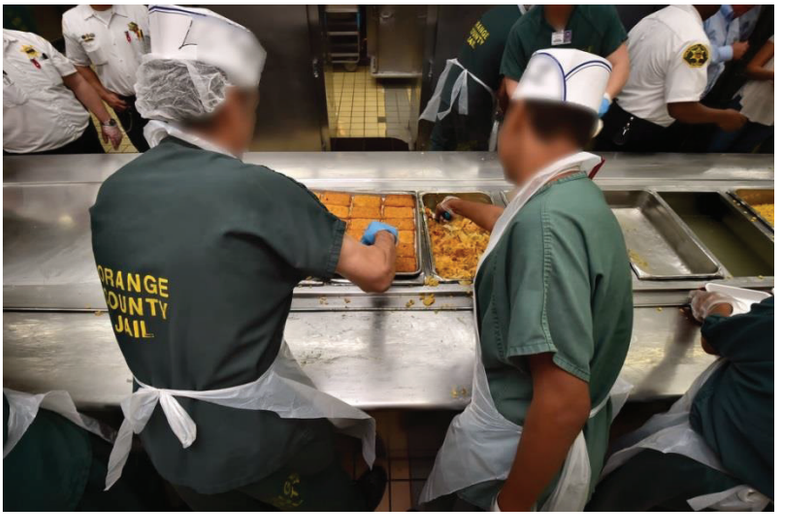
In order to ensure compliance with the regulations, the FSU employs a registered Public Health Nutritionist who is responsible for overseeing inmate meal plans. A twenty-eight day rotation of menus is developed to give inmates a variety of flavors and foods (See Appendix 1 - Sample Menu for Inmates – Orange County Jail). The Public Health Nutritionist is also responsible for

ensuring that meals comply with the caloric and nutritional requirements of two established authorities: the Recommended Dietary Allowances and Dietary Reference Intakes, issued by the Institute of Medicine of the National Academies of Sciences, Engineering and Medicine; and the 2015-2020 Dietary Guidelines for Americans, issued by the United States Department of Agriculture.

Food Preparation and Cleanliness

All meal preparation is supervised by FSU cooks, who are certified California Food Handlers, while inmate food handlers and FSU cook staff handle the actual preparation, service and cleanup. Food preparation utilizes the cook-serve method by which hot cooked food is served immediately to inmates. Other cafeteria service facilities commonly use this method.

Figure 1: Food Preparation at Orange County Jail



Source: Steven Georges, Behind the Badge OC

As required by the California Health and Safety Code, food handlers are inspected to ensure cleanliness, proper attire, and absence of open sores or conditions that might contaminate the food. They are also regularly checked to ensure that their hands and fingernails are clean, that their hair and facial hair are entirely covered by hairnets or caps, and that they are wearing clean garments. The food handlers are required to change protective gloves every time they enter the kitchen.

Checklists (See Appendix 2 - Sample Checklist) showing that these inspections are conducted on a daily basis were provided to the Grand Jury, and indicated that HSC requirements are being

followed. The Grand Jury noted during its site visits that food handlers appeared to be properly groomed, that they changed the protective gloves upon reentering the kitchen area, and that they wore head coverings.

Food and Nutrition

Regulations governing the operations of correctional facilities in California are covered in the California Code of Regulations, Title 15. These regulations mandate that inmates be provided with three nutritionally balanced meals each day, including one hot meal. However, the FSU provides the inmates with two hot meals, breakfast and dinner, and a cold sack lunch. Meal times begin at 4:00 a.m. for breakfast, 11:00 a.m. for lunch, and 4:00 p.m. for dinner. If inmates are required to appear in court or scheduled to be on a work crew, they are provided a sack lunch to take with them. Additionally, inmates who return to jail after dinner has been served are provided a sack lunch.

Figure 2- Food Served at Orange County Jail

Source: Steven Georges, Behind the Badge OC

Four special diets augment the regularly-served menu to accommodate religious and cultural preferences as well as medical needs of the inmates:

- Halal – Food items and drinks which are prepared under strict Muslim dietary laws
- Kosher – Food items and drinks which conform to Jewish dietary laws
- Vegetarian – Meals which contain no meat

- Medical – Menus which are prescribed by the Correctional Health Services staff for those with medical conditions such as diabetes and renal failure, or dietary restrictions for any health reasons such as gluten sensitivity, prenatal status, food allergies, and any other special requirement, e.g., semi-solid/pureed. Medical issues which require a specialized diet supersede all other prescribed diets.
- Special holiday meals are served to the inmates on eleven different dates. Thanksgiving and Christmas meals may include turkey, mashed potatoes and gravy, corn bread dressing, mixed vegetables, green salad, cranberry sauce, roll, spice cake, and milk. The Labor Day menu might include grilled hamburgers, baked beans, potato salad, coleslaw, condiments, cake and milk.

Food Service and Consumption

Most inmates eat breakfast and dinner in the jail dining hall and are served by a system called "blind feed" that maintains anonymity between the food servers and the inmates. Inmates pass through a single serving line with blocked view between the inmates and the servers, to a small open window through which a tray of food is passed. This process prevents inmates and servers from interacting during the meal times, and avoids any potential for contamination of food based on rival gang affiliations, racial issues, and ongoing feuds. In the dining hall, Sheriff's deputies direct the inmates to their designated tables, which seat a maximum of four people, and monitor them while they eat their meal, discard their trash, return their trays, and go back to their cells.

Inmates who are under disciplinary or protective custody must eat in their cells. Delivery of the food to cells is by meal carts with both cold and hot sides, keeping the meals at the proper temperature during the process of distribution. During interviews, the Grand Jury learned that Orange County jails do not withhold food or restrict menus as a means of discipline.

The Grand Jury reviewed videos of the dining areas during meal service. The videos from random dates and meal times showed the dining room as the inmates entered, stood in line, picked up their trays of food, sat at the table, and consumed their meals. The Grand Jury determined that the average time allowed for inmates to consume their meals was seven minutes – a clear violation of both the Sheriff's Food Service Manual and BSCC Title 15 that require "a minimum time of fifteen minutes . . . be allowed for the actual consumption of each meal."

Food Sampling

During its investigation, the Grand Jury examined the kitchen facilities at the Central Jail Facility, Theo Lacy, and the James A. Musick Facility. Each facility had workers in place who were either working on the preparation and service of a meal or handling the cleanup after a meal. During one site visit, members of the Grand Jury ate the same food being served in the dining hall, which included chili con carne, corn tortillas, steamed rice, mixed vegetables, green salad, and choice of milk or milk substitute. Milk substitute, which comes in powder form, has all of the nutritional elements of milk and needs no refrigeration - at about 20% less cost than regular milk. Also, during its investigation, the Grand Jury randomly selected several sack lunches to sample, which included the following: vacuum-packed lunch meat, slices of bread, condiments, a piece of fresh fruit, a dessert item, and milk or milk substitute.

All food sampled by members of the Grand Jury was fresh, nutritious, and in compliance with state regulations. The Grand Jury did not encounter any food having the problems described in the OIG report.

Food Storage

Food storage, which includes dry, refrigerated, and frozen storage, is located adjacent to each of the three kitchen areas. California Health and Safety Code, Division 4, Part 7 (HSC), requires that cold food be refrigerated at 41° Fahrenheit or below, and the United States Department of Agriculture requires that freezer items be kept at 0° Fahrenheit or below. During visits to the facilities, the Grand Jury observed that the thermometers on the refrigerators and freezers showed that the temperatures met these requirements.

HSC also requires that dry storage items be protected from contamination by placement in a clean, dry location, at least six inches above the floor, where they are not exposed to splash, dust, vermin, or other forms of contamination or adulteration. During site visits to the kitchen facilities' dry food storage areas, the Grand Jury noted that the storage areas met the requirements outlined by the HSC.

The Grand Jury was provided with documentation that the following random inspections of kitchen facilities were conducted by FSU staff using the checklist shown in Appendix 2:

- Food preparation and storage areas are inspected on a daily basis by Food Services Supervisors and the chief cooks.

- Preparation and service areas are inspected on a weekly basis by the Food Services Manager as required by CCR Title 15, §3052.

- Other inspections are conducted to ensure the following:
    - food containers (cans and boxes) are not beyond their expiration date
    - containers which have been opened are clearly labeled for use before the expiration of their shelf life
    - all produce, dairy, and meat products are stored at required temperatures
    - all produce, dairy, and meats are properly sealed from contamination by other food products

The Grand Jury observed that each kitchen facility was clean, met the required safety standards, and complied with mandated food-handling procedures.

Food Complaints

Prior to incarceration, individuals choose where to eat and select food that appeals to their tastes or cultural preferences. Behind bars, however, inmates have only limited access to familiar foods – a source for serious behavioral issues. They are served their hot breakfast and dinner, they collect their cold brown bag lunch, and if they do not like the food, they have two choices: eat what is served or leave their food and go hungry.

The report issued by the ACLU highlighted specific concerns expressed by jail inmates, including spoiled and foul-smelling food, small portions, food lacking nutritional value, and insufficient time for consuming meals. These allegations were compiled from telephone calls and written complaints received by the ACLU from current and former inmates. Subsequently, the ACLU made additional inquiries through questionnaires and interviews. Therefore, the Grand Jury wanted to determine what practices FSU has in place to deal with inmate concerns.

FSU staff utilizes a system to review complaints received from inmates about jail food. Inmates primarily complain about being served food which is spoiled, inedible, or cold, or food which differs from the prescribed menu. While some complaints may result from food-borne bacteria, other complaints have been found by staff to be unsubstantiated, with inmates purposely hiding food in their cells and later complaining it was served spoiled or inedible**.** In an attempt to contend with allegations of food-borne illness, the FSU has implemented the Three Day Mainline Tray Sample. This method takes samples of each day's food items served to inmates and retains them for three days in order to determine the source of any contamination. As observed by the Grand Jury, these meal samples are wrapped, dated, and stored in a secure

refrigerator for a minimum of seventy-two hours after serving. If allegations of food poisoning occur, the samples are sent to the Orange County Health Care Agency for analysis.

Commissary Operations

The Commissary is an off-site warehouse which is co-located with the FSU offices. The purpose of the Commissary is to allow inmates to purchase items to which they do not have regular access, such as spices and condiments, dry-service foods (e.g., coffee, instant noodles), sweet items (e.g., candy, cookies), food supplements, and toiletries. Inmates use Scantron® forms to order their supplies. Once the forms are collected and processed, the staff manually fills each order and packages it for delivery. The Commissary handles more than 360,000 orders per year from the five different jail facilities. To use the Commissary, an inmate must have money placed into an account provided by family members or friends. (See Commissary Order Sheet – Appendix 3.)

During the visit, the Grand Jury noted that all Commissary items were neatly stored, easy to identify and access, and that the ordering system was efficiently operated.

Figure 3 - Orange County Sheriff's Jail Commissary

Source: Steven Georges, Behind the Badge OC

Conclusion

The Grand Jury determined that the food served to Orange County jail inmates is fresh, nutritious and in compliance with state regulations. Food handlers are properly groomed to meet the standards for food preparation and service. Kitchen areas are clean, refrigerators and freezers are kept within the standard temperature requirements, and dry storage is properly maintained. The FSU meets the requirements of frequent and regular checks on all food service processes, and has a system in place to determine any potential food contamination which might be identified by inmate complaints. However, the Grand Jury identified one area of serious concern - inmates are not allowed enough time to eat their meals. This is a violation of state and FSU standards and must be addressed.

FINDINGS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Jail Food – Reservation Required," the 2017-2018 Orange County Grand Jury has arrived at five principal findings, as follows:

F1. Meals provided to inmates meet the requirements established by the Institute of Medicine, National Academies of Sciences, Engineering and Medicine.

F2. Food storage areas are clean and neatly maintained by the Food Service Unit in the manner required by the California Health and Safety Code, Division 104, Part 7.

F3. All dairy, produce and meat items are fresh and edible, and stored at the correct temperatures and in accordance with the California Health and Safety Code, Division 104, Part 7.

F4. Food is properly sealed so as not to contaminate or be contaminated by other foods according to the standards set forth by the California Health and Safety Code, Division 104, Part 7.

F5. Inmates are not allowed sufficient time to eat their meals in violation of the Orange County Sheriff's Food Service Manual and the California Board of State and Community Corrections, Title 15.

RECOMMENDATIONS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Jail Food – Reservation Required," the 2017-2018 Orange County Grand Jury makes the following recommendation.

R1. The Orange County Sheriff must ensure that each inmate is provided at least fifteen minutes for meal consumption. (F5.)

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the findings and recommendations of this Grand Jury report:

§933(c)

"No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head or any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. . . . "

§933.05

"(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
(1) The respondent agrees with the finding.
(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
(1) The recommendation has been implemented, with a summary regarding the implemented action.
(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the

governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department."

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

Responses Required:

Orange County Sheriff/Coroner:
F1., F2., F3., F4., and F.5, and R.1

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California Code of Regulations, Title 15, Division 3 Chapter 1, Subchapter 2, Article 1, Canteens.

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California Penal Code §5005.

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Department of Homeland Security, Office of the Inspector General. March 6, 2017. Management Alert on Issues Requiring Immediate Action at the Theo Lacy Facility in Orange, California.

Orange County Sheriff's Department Food Service Manuals:

- Food Services Supervisors Daily Inspection Checklist
- Food Services Inmate Kitchen Worker Job Description
- Food Services Job Descriptions
- Food Services Training Cal/OSHA Guide to Restaurant Safety
- Food Services Training Manual Senior Head Cook
- Food Services Training Manual Senior Institutional Cook
- Food Services Training Recurring Occupational Topics
- Orange County Health Care Agency 2017 Inspection Reports

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Appendix 1

Appendix 1
Sample Menu for Inmates – Orange County Jail

BREAKFAST

Chicken Sausage Patty
Whole Wheat Pancakes
Hominy Grits
Pineapple Tidbits
LF Milk
Margarine
Syrup

Breakfast Burrito
Scrambled Eggs
Corn Tortillas
Hot Farina
Orange, Fresh
NF Milk
Margarine

Country Breakfast
Steamed Rice
Hominy Grits
Wheat Bread
Peach Slices
NF Milk
Margarine

Chicken Sausage Patty
Scrambled Eggs
Simmered Pinto beans
Oatmeal
Cottage Fried Potatos
Corn Tortillas
NF Milk

Scrambled Eggs
Hot Farina
Wheat Bread
Lyonnaise Potatoes
Pineapple Tidbits
NF Milk
Margarine

Country Breakfast
Oatmeal
Wheat Bread
Cottage Fried Potato
NF Milk
Margarine

Chicken Sausage Patty
Whole Wheat Pancakes
Hominy Grits
Lyonnaise Potatoes
NF Milk
Margarine
Syrup

LUNCH

Cajun Chicken
Orange, Fresh
Wheat Bread
NutriCal OrangeDrink
Cookie, Vanilla
Mayonnaise, Mustard

Pastrami Chix
Wheat Bread
Carrot Chips
Apple, Fresh
NutriCal Grape Drink
Cookie, Strawberry
Mayonnaise, Mustard

Salami
Wheat Bread
Orange, Fresh
NutriCal Raspberry
Cookie, Chocolate
Mayonnaise, Mustard

Jalapeno Chix
Wheat Bread
Apple, Fresh
NutriCal Orange Drink
Cookie, Vanilla
Mayonnaise, Mustard

Smoked Chicken
Wheat Bread
Orange, Fresh
NutriCal Berry Drink
Cookie, Lemon
Mayonnaise, Mustard

Hard Boiled Egg
American Cheese
Wheat Bread
Apple, Fresh
NutriCal Grape Drink
Cookie, Banana
Mayonnaise, Mustard

Roast Turkey
Wheat Bread
Orange, Fresh
NutriCal Berry Drink
Cookie, Chocolate
Mayonnaise, Mustard

Sweet and Sour Soy
Steamed Rice
Wheat Bread
Peas & Carrots
Tossed Vegetable Salad
Fruit Cocktail
Orange Gelatin
NF Milk
Margarine

DINNER

Spaghetti Meat Sauce, turkey
Seashetti Noodles
Wheat Bread
Mixed Vegetables
Tossed Green Salad
NF Milk
French Dressing
Margarine

Chix Dinner Sausage
Hot Dog Bun
Vegetarian Bake Beans
Coleslaw
Carrot Salad
Peas & Carrots
NF Milk
Mustard

Creole Macaroni
Wheat Bread
Gingerbread
Carrots
Broccoli,
NF Milk
Margarine

Chili Con Carne
Steamed Rice
Corn Tortillas
Mixed Vegetables
Tossed Green Salad
NF Milk
Ranch Dressing

Breaded Fish Patty
Oven Browned Potatoes
Wheat Bread
Corn, Canned
Carrot Salad
NF Milk
Margarine
Tartar Sauce

Breaded Chix Patty
Wheat Bread
Simmered Pinto beans
Mashed Potatoes
Mixed Vegetables
Coleslaw
Chicken Gravy
Cherry Gelatin
NF Milk
Margarine

REPORT 3

Appendix 2

MAIN KITCHEN HACCP CHECKLIST

Date: Monday, March 19, 2018 Observer:

Directions: Use this checklist daily. Determine areas in your operations requiring corrective action. Record corrective action taken and keep completed records in a notebook for future reference.

GENERAL

PERSONNEL HYGIENE	Yes	No	Corrective Action
• Inmate work crew is briefed, and instructed to sign Training Record Logs "Kitchen Rules/Hygiene" and "Hand Washing."	☐	☐	_____
• Staff and inmate workers are in clean and proper uniforms, including shoes.	☐	☐	_____
• Staff and inmate workers are clean shaven.	☐	☐	_____
• Effective hair restraints are properly worn.	☐	☐	_____
• Hands are washed properly, frequently, and at appropriate times.	☐	☐	_____
• Fingernails are short, unpolished, and clean (no artificial nails).	☐	☐	_____
• Jewelry is limited to basic jewelry, such a plain, solid ring, and a watch. No bracelets or anything that can create a hazard are permitted.	☐	☐	_____
• Inmates are wearing proper PPE. Aprons are not needed when working directly with hot kettles, grills, or braisers.	☐	☐	_____
• Eating or drinking are allowed only in designated areas away from preparation, service, storage, or ware washing areas.	☐	☐	_____
• Burns, wounds, sores, scabs, or splints and water-proof bandages on hands are bandaged and completely covered with a food service glove while handling food.	☐	☐	_____
• Staff and inmate workers appear in good health.	☐	☐	_____
• Staff and inmate workers use disposable tissues when coughing or sneezing and then immediately wash hands.	☐	☐	_____
• Hand sinks are unobstructed, operational, and clean.	☐	☐	_____
• Hand sinks are stocked with soap, disposable towels, and warm water.	☐	☐	_____
• A hand washing reminder sign is posted.	☐	☐	_____
• Restrooms are operational and clean.	☐	☐	_____
• Thermometers are calibrated on a routine basis.	☐	☐	_____

PEST CONTROL	Yes	No	Corrective Action
• No evidence of pests is present.	☐	☐	_____
• There is a regular schedule of pest control by a licensed pest control operator.	☐	☐	_____
• Outside doors are well-sealed.	☐	☐	_____

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KETTLES

FOOD PREPARATION	Yes	No	Corrective Action
• Food equipment, utensils, and food contact surfaces are properly washed, rinsed, and sanitized before and after every use.	☐	☐	_____
• Procedures are in place to prevent cross-contamination.	☐	☐	_____
• Food planning and preparation is done so ingredients are kept out of the temperature danger zone to the extent possible.	☐	☐	_____
• Thawed food is not refrozen.	☐	☐	_____
• Food is prepared in small batches to limit the time it is in the temperature danger zone.	☐	☐	_____
• Production sheets and recipes are followed when preparing meal.	☐	☐	_____
• "Clean as you go" method is adhered to during cooking and prep.	☐	☐	_____
• Food is cooked to the required safe internal temperature for the appropriate time, and tested with a calibrated food thermometer.	☐	☐	_____
• The "Daily HACCP Sheet" is completed prior to issuing food to any SIC. Time, Temperature, and Quantity Issued are accurately recorded.	☐	☐	_____
• Thermometer is cleaned and sanitized after each use.	☐	☐	_____
• Food is tasted using the proper procedure.	☐	☐	_____

HOT HOLDING	Yes	No	Corrective Action
• Hot holding unit is clean, free of food and residue.	☐	☐	_____
• Hot holding unit is pre-heated before hot food is placed in unit.	☐	☐	_____
• Food is heated to the required safe internal temperature before placing into hot holding. Hot holding units are not used to reheat any food.	☐	☐	_____
• Temperature of hot food being held is at or above 135° F.	☐	☐	_____
• Food is protected from contamination.	☐	☐	_____

REFRIGERATION/COLD HOLDING	Yes	No	Corrective Action
• Temperature is appropriate for cooling equipment.	☐	☐	_____
• Refrigerators are kept clean and organized.	☐	☐	_____
• Temperature of cold food being held is at or below 41° F.	☐	☐	_____
• Food is stored 6 inches off floor or in walk-in cooling equipment.	☐	☐	_____
• Food is protected from contamination.	☐	☐	_____
• Thermometers are available and accurate.	☐	☐	_____
• Proper chilling procedures are used.	☐	☐	_____
• All food is properly wrapped, labeled, and dated.	☐	☐	_____
• The FIFO (First In, First Out) method of inventory management is used.	☐	☐	_____

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- Ambient air temperature of all refrigerators and freezers is monitored and documented at the beginning and end of each shift. ☐ ☐ _____

CLEANING AND SANITIZING	Yes	No	Corrective Action
• Kettles are clean, free of food and residue, inside and out.	☐	☐	_____
• Kettle lids are clean, and replaced at the end of service.	☐	☐	_____
• Poles, control boxes, and guard rails are clean of food and residue.	☐	☐	_____
• Floor trough grates are clean, free of food and residue.	☐	☐	_____
• Floor troughs are clean, drain plugs returned.	☐	☐	_____
• Floor drains are clean and drain catches are free of food and residue.	☐	☐	_____
• Area surrounding the Kettles is swept, mopped.	☐	☐	_____
• Hoods have been wiped clean, inside and out.	☐	☐	_____
• Kettle preparation table is clean, top and bottom work surfaces.	☐	☐	_____
• **Can opener clean, free of food and residue (if used).**	☐	☐	_____
• Clean, reusable towels are used only for sanitizing equipment and surfaces, and not for drying hands, utensils, or floor.	☐	☐	_____
• Wiping cloths are stored in sanitizing solution while in use.	☐	☐	_____

REPORT 3

PREP

VEGETABLE PREP	Yes	No	Corrective Action
• Food equipment, utensils, and food contact surfaces are properly washed, rinsed, and sanitized before and after every use.	☐	☐	_____
• Food slicer is clean.	☐	☐	_____
• Food slicer is broken down, cleaned, and sanitized before and after every use.	☐	☐	_____
• Garbage disposal is clean.	☐	☐	_____
• Refrigerators are kept clean and organized.	☐	☐	_____
• The FIFO (First In, First Out) method of inventory management is used.	☐	☐	_____
• Temperature of cold food being held is at or below 41° F.	☐	☐	_____
• All food is properly wrapped, labeled, and dated.	☐	☐	_____
• Food is protected from contamination.	☐	☐	_____
• Thermometers are available and accurate.	☐	☐	_____

OTHER PREP	Yes	No	Corrective Action
• Frozen food is thawed under refrigeration, cooked to proper Temperature from a frozen state, or in cold running water.	☐	☐	_____
• **Can opener clean, free of food and residue (if used).**	☐	☐	_____

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IRC

SERVING/SANITATION	Yes	No	Corrective Action
• Food equipment, utensils, and food contact surfaces are properly washed, rinsed, and sanitized before and after every use.	☐	☐	
• Clean utensils are handled in a manner to prevent contamination of areas that will be in direct contact with food or a person's mouth.	☐	☐	
• Wiping cloths are stored in sanitizing solution while in use.	☐	☐	
• "Clean as you go" method is adhered to during line service.	☐	☐	
• Poles and guard rails are clean of food and residue.	☐	☐	
• Area surrounding the IRC serving line is swept, mopped.	☐	☐	
• Cold-Side serving line is clean, free of food and residue.	☐	☐	
• Hot-Side serving line is clean, free of food and residue.	☐	☐	
• Incell carts are clean, free of food and residue.	☐	☐	
• Butcher shop, used for cart storage, has been swept and mopped.	☐	☐	
• Brown incell trays are clean, free of food and residue.	☐	☐	
• Tray rack is clean and free of residue.	☐	☐	
• Dish machine is working properly (such as gauges and chemicals are at recommended levels).	☐	☐	
• Dish machine temperatures are recorded in the "Diet Scullery" log.	☐	☐	
• Water is clean and free of grease and food particles.	☐	☐	
• Water temperatures are correct for wash and rinse.	☐	☐	
• If heat sanitizing, the utensils are allowed to remain immersed in 171° F water for 30 seconds.	☐	☐	
• Small utensils and trays are washed, sanitized, and air-dried.	☐	☐	
• Diet room scullery walls are wiped down and dry at completion of service.	☐	☐	

SANITATION

MJ SCULLERY/SANITATION	Yes	No	Corrective Action
• Three-compartment sink is properly set up for ware washing.	☐	☐	
• Garbage disposal is clean and operational.	☐	☐	
• Dish machine is working properly (such as gauges and chemicals are at recommended levels).	☐	☐	
• Dish machine temperatures are recorded in the "CMJ Scullery" log.	☐	☐	
• Water is clean and free of grease and food particles.	☐	☐	
• Water temperatures are correct for wash and rinse.	☐	☐	

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- If heat sanitizing, the utensils are allowed to remain immersed in 171° F water for 30 seconds. ☐ ☐ _____
- If using a chemical sanitizer, it is mixed correctly and a sanitizer strip is used to test chemical concentration. ☐ ☐ _____
- Small wares and utensils are stored upside-down and allowed to air dry. ☐ ☐ _____
- Scullery walls are wiped down and dry at completion of service. ☐ ☐ _____
- Drawers and ware racks are clean and free of residue. ☐ ☐ _____
- Chemicals and dry goods have been restocked to the posted par levels. ☐ ☐ _____
- Ice machine is clean. Cleaning log is updated. ☐ ☐ _____
- Wiping cloths are stored in sanitizing solution while in use. ☐ ☐ _____

REPORT 3

GARBAGE STORAGE AND DISPOSAL	Yes	No	Corrective Action
• Kitchen garbage cans are clean and kept covered.	☐	☐	_____
• Garbage cans are emptied as necessary.	☐	☐	_____
• Boxes, containers, and recyclables are removed from site.	☐	☐	_____
• Loading dock and area around dumpster are clean and odor-free	☐	☐	_____
• Black trash bins are clean.	☐	☐	_____

STOCKROOM/STORAGE

DRY/COLD STORAGE	Yes	No	Corrective Action
• All food stored or prepared is from approved sources.	☐	☐	_____
• Food is stored in original container or a food grade container.	☐	☐	_____
• All food and paper supplies are stored 6 to 8 inches off the floor.	☐	☐	_____
• Temperatures of dry storage area is between 50 °F and 70 °F or State public health department requirement.	☐	☐	_____
• Refrigerators and freezers are kept clean and organized.	☐	☐	_____
• Temperature of cold food being held is at or below 41° F.	☐	☐	_____
• Thermometers are available and accurate.	☐	☐	_____
• All food is labeled with name and received date.	☐	☐	_____
• Open bags of food are stored in containers with tight fitting lids and labeled with common name.	☐	☐	_____
• The FIFO (First In, First Out) method of inventory management is used.	☐	☐	_____
• There are no bulging or leaking canned goods.	☐	☐	_____
• Food is protected from contamination.	☐	☐	_____
• All food surfaces are clean.	☐	☐	_____
• Chemicals are clearly labeled and stored away from food and food-related supplies.	☐	☐	_____
• There is a regular cleaning schedule for all food surfaces.	☐	☐	_____

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Appendix 3

JAIL COMMISSARY ORDER SLIP

Last Name _____

First Name _____

Dorm _____ Date _____

Signature _____

BOOKING NO.

Request Welfare Pack

SHERIFF INMATE

BOOKING NUMBER MUST BE FILLED IN

Correct Mark / Incorrect

ORDER MUST BE SIGNED • ALL PRICES INCLUDE TAX

STATIONERY QTY. LIMIT LISTED			
		QTY	COST
3070	(Writing Tablet) 8 1/2x11 (No Limit)	1 2 3 4 5 6 7 8 9	1.00
3030	(Pencil) (Limit 2)	1 2 3 4 5 6 7 8 9	.10
3080	Expandable Folder (Limit 2)	1 2 3 4 5 6 7 8 9	5.00
3040	Erasers (Limit 2)	1 2 3 4 5 6 7 8 9	.20
3060	Tablet 8 1/2x 11 (unlined) (No Limit)	1 2 3 4 5 6 7 8 9	1.20
3050	Colored Pencils (Limit 1)	1 2 3 4 5 6 7 8 9	2.30
3130	(Stamps) - Forever (10 pk.) (No Limit)	1 2 3 4 5 6 7 8 9	5.45
3140	Pinochle Cards (Limit 2)	1 2 3 4 5 6 7 8 9	2.00
3110	Envelope 9x12 no stamp (No Limit)	1 2 3 4 5 6 7 8 9	.50
3000	Playing Cards (Limit 1)	1 2 3 4 5 6 7 8 9	2.00
3090	(Envelope) - legal stamped (5 pk.)	1 2 3 4 5 6 7 8 9	3.45
		1 2 3 4 5 6 7 8 9	
		1 2 3 4 5 6 7 8 9	
		1 2 3 4 5 6 7 8 9	
		1 2 3 4 5 6 7 8 9	
		1 2 3 4 5 6 7 8 9	
		1 2 3 4 5 6 7 8 9	

PERSONAL/HEALTH CARE QTY. LIMIT 2 EACH			
		QTY	COST
1260	Shower Shoes Medium	1 2 3 4 5	1.25
1270	Shower Shoes Large	1 2 3 4 5	1.25
1280	Shower Shoes X-Large	1 2 3 4 5	1.25
1110	Washcloth	1 2 3 4 5	.40
1240	Handkerchief	1 2 3 4 5	1.40
1520	(Toothbrush)	1 2 3 4 5	3.90
1010	(Toothpaste)	1 2 3 4 5	1.25
1800	Soap, Deodorant	1 2 3 4 5	.60
1030	Soap, Moisturizer	1 2 3 4 5	2.10
1150	Hand Lotion 5 pk.	1 2 3 4 5	1.05
1440	Pillow (Limit 1)	1 2 3 4 5	5.30
1510	Deodorant	1 2 3 4 5	2.80
1140	Magic Shave	1 2 3 4 5	6.50
1130	Afta Shave	1 2 3 4 5	4.35
1470	Razor, Security SPC Not available in Medical	1 2 3 4 5	.50
1100	Shaving Cream	1 2 3 4 5	1.20
1420	Blistex	1 2 3 4 5	3.75
1300	Facial Skin Cream, Noxema	1 2 3 4 5	3.15
1380	B Complex	1 2 3 4 5	1.05
1390	Multi-Vitamin	1 2 3 4 5	1.05
1060	Shampoo, Regular 5 pk.	1 2 3 4 5	1.05
1070	Shampoo, Dandruff 5 pk.	1 2 3 4 5	1.45
1080	Conditioner, Rinse 5 pk.	1 2 3 4 5	1.05
1170	Hair Dressing	1 2 3 4 5	4.85
1200	Palm Comb/Brush	1 2 3 4 5	.50
1220	Afro-Pick, Comb	1 2 3 4 5	.50
1190	(Comb)	1 2 3 4 5	.25
1230	Ponytail Holders	1 2 3 4 5	.20
1480	Baby Powder	1 2 3 4 5	1.25
1610	Reading Glasses 1.0 (Limit 1)	1 2 3 4 5	5.00
1620	Reading Glasses 2.0 (Limit 1)	1 2 3 4 5	5.00
1630	Reading Glasses 3.0 (Limit 1)	1 2 3 4 5	5.00
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	
		1 2 3 4 5	

FOOD ITEMS QTY. LIMIT 8 EACH			
		QTY	COST
5060	Soup (Cup Required)	1 2 3 4 5 6 7 8	.60
2300	Tuna Pouch*	1 2 3 4 5 6 7 8	2.75
2280	Beans, Instant*	1 2 3 4 5 6 7 8	1.50
2310	Flour Tortilla 4 pk.	1 2 3 4 5 6 7 8	1.30
2290	Rice, Instant*H	1 2 3 4 5 6 7 8	1.10
2230	Peanut Butter, Singles*H	1 2 3 4 5 6 7 8	.65
2240	Grape Jelly, Singles*	1 2 3 4 5 6 7 8	.40
2250	Cheddar Cheese, Singles	1 2 3 4 5 6 7 8	.80
2260	Jalapeno Cheddar Cheese, Singles	1 2 3 4 5 6 7 8	.80
5150	Poptarts	1 2 3 4 5 6 7 8	1.30
5270	Honey Bun, Jumbo*	1 2 3 4 5 6 7 8	1.50
2820	Chili with Beans, 11.25 oz pkg.	1 2 3 4 5 6 7 8	2.95
2950	Jalapeño Slices*	1 2 3 4 5 6 7 8	.60
2990	Beef Summer Sausage	1 2 3 4 5 6 7 8	2.90
5140	Cloverhill Cream Cheese Cakes*	1 2 3 4 5 6 7 8	1.50
5260	Donuts, Crunch Mini	1 2 3 4 5 6 7 8	1.50
5160	Buttermilk Donuts	1 2 3 4 5 6 7 8	.95
5200	Big Texas Cinnamon Roll, 4 oz.*	1 2 3 4 5 6 7 8	1.50

SNACK/CRACKERS/COOKIES QTY. LIMIT 15 TOTAL			
		QTY	COST
2480	Cheez-it Crackers*	1 2 3 4 5 6 7 8 9 10	.80
2430	Brownies, Bar*	1 2 3 4 5 6 7 8 9 10	1.35
2600	Rice Krispies Treats	1 2 3 4 5 6 7 8 9 10	1.15
2560	Chocolate Chip Cookies*	1 2 3 4 5 6 7 8 9 10	.80
2570	Famous Amos Cookies*	1 2 3 4 5 6 7 8 9 10	1.00
2580	Nutter Butter Cookies*	1 2 3 4 5 6 7 8 9 10	1.00
2390	Hard Granola Bar*	1 2 3 4 5 6 7 8 9 10	.85
2370	Cheese Popcorn	1 2 3 4 5 6 7 8 9 10	.95
2380	Jalapeno Popcorn	1 2 3 4 5 6 7 8 9 10	.95
5230	Oreo Cookies*	1 2 3 4 5 6 7 8 9 10	1.00
5090	Banana Moon Pie	1 2 3 4 5 6 7 8 9 10	1.10
7220	Chocolate Moon Pie	1 2 3 4 5 6 7 8 9 10	1.10
5180	Zingers, Chocolate	1 2 3 4 5 6 7 8 9 10	1.50
		1 2 3 4 5 6 7 8 9 10	

CEREAL QTY. LIMIT 4 EACH			
		QTY	COST
2740	Raisin Bran*	1 2 3 4 5 6 7 8 9 10	1.00
2980	Instant Oatmeal Maple & Brown Sugar (Limit 8)	1 2 3 4 5 6 7 8 9 10	.60
2720	Frosted Flakes*	1 2 3 4 5 6 7 8 9 10	1.00
2830	Cocoa Krispies*	1 2 3 4 5 6 7 8 9 10	1.00
		1 2 3 4 5 6 7 8 9 10	
		1 2 3 4 5 6 7 8 9 10	
		1 2 3 4 5 6 7 8 9 10	

NOTES

1. Adjustments for orders not received, due to transfer, will be done within 2 working days.
2. Flushing your Commissary trash jeopardizes your Commissary privileges. Please don't do it.
   Tirando su basura de la Comisaria en el escusado perjudicara su privilegio de la Comisaria. Por Favor no lo haga.
   Bo rác Commissary vào toilét gây nguy hai cho quyên duoc mua Commissary. Xin dùng làm vày.
3. Valid wrist band/I.D. card required for Commissary.
4. Accounts with a balance of $2.00 or less may request a welfare pack. All requests for welfare packs will be charged $2.00. Outstanding charges will be deducted as funds become available.
   Un internado con $2.00 o menos en su cuenta, puede pedir un paquete de ayuda. Cuando dinero sea depositado en su cuenta, sera cargado por cada paquete recibido, anteriormente.
   Ban co the doi hoi mot tui vat dung ca nhan neu so tien trong truong muc duoi $2.00. Tuy nhien ban se phai hoan tien cho nhung tui vat dung ca nhan do khi truong muc cua ban co $2.00 tro len.
5. Commissary orders for inmates on Loss of Commissary, Loss of all Privileges, or housed in Disciplinary Isolation are limited to those hygiene & stationery items in parenthesis.
6. All purchases for Commissary products will be paid for out of the inmates account.
   Todas las compras hechas por la Comisaria seran cobradas a la propia cuenta del internado.
   Tât ca viêc mua san phâm cua Commissary se du'o'c' thanh toán qua tài khoan cua tù nhân.

ORDERS MUST BE CHECKED FOR ACCURACY IN THE PRESENCE OF THE COMMISSARY DELIVERY PERSONNEL. WHEN YOU LEAVE THE PRESENCE OF THE COMMISSARY PERSONNEL, THE TRANSACTION IS FINAL.

COMMISSARY WILL NOT REPLACE/REFUND AFTER 30 CALENDAR DAYS OF ORDER RECEIPT.

11/2017 * = KOSHER H = HALAL VERSION 2

REPORT 3

Jail Food – Reservation Required

CONDIMENTS QTY. LIMIT 5 EACH			
		QTY	COST
2090	Salsa 4 pk.*	① ② ③ ④ ⑤	1.80
2270	Mayonnaise 5 pk.*	① ② ③ ④ ⑤	1.00
2210	Salt Singles 10 pk.*	① ② ③ ④ ⑤	.90
2220	Pepper Singles 10 pk.*	① ② ③ ④ ⑤	.90
2070	Sugar 10 pk.*	① ② ③ ④ ⑤	.75
2080	Sweet & Low 10 pk.*	① ② ③ ④ ⑤	.75
2030	Creamer 5 pk.*	① ② ③ ④ ⑤	.85
2930	Ketchup, 5 pk.*	① ② ③ ④ ⑤	1.00
2920	Ranch Dressing	① ② ③ ④ ⑤	.75
2960	Tapatio, Hot Sauce, 4 pk.	① ② ③ ④ ⑤	1.20

NUTS & CHIPS QTY. LIMIT 15 TOTAL			
		QTY	COST
2460	Toffee Peanuts*	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.65
2440	Cracklins, Pork	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.50
2520	Pretzel, Jalapeño*	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.05
2490	Cheetos	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.05
2470	Doritos Nacho Cheese	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.05
2550	BBQ Chips*	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.05
2540	Fritos, Twist	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.05
2640	Pretzel, Hot Wings*	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.05
2650	Kettle Chips, Jalapeño*	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.05
2690	Funyuns, Flamin Hot*	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.05
2750	Salsitas - Spicy Salsa Tortillas Round	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.05
2790	Pretzels, Snyders Mini*	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	.70
2970	Sun Chips, Garden Salsa	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.05
5190	Peanuts, Spicy	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.00
5240	Spicy Chile N' Lime Chips	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.05
		① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	
		① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	
		① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	
		① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	
		① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	
		① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	
		① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	
		① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	

BEVERAGES QTY. LIMIT LISTED			
		QTY	COST
2010	Freeze Dry 3 oz. (Limit 6)*	① ② ③ ④ ⑤ ⑥	6.00
		① ② ③ ④ ⑤ ⑥	
2020	Chai Tea Latte (Limit 4)*	① ② ③ ④ ⑤ ⑥	.95
2060	Kool-Aid (Limit 3)*H	① ② ③ ④ ⑤ ⑥	2.10
2100	Lemonade (Limit 3)*H	① ② ③ ④ ⑤ ⑥	2.10
2050	Iced Tea Mix (Limit 3)	① ② ③ ④ ⑤ ⑥	2.10
2840	Juice, Orange/Tangerine (Limit 6)	① ② ③ ④ ⑤ ⑥	.95
2850	Juice, Berry (Limit 6)	① ② ③ ④ ⑤ ⑥	.95
1430	Cup, Plastic (Limit 1)	① ② ③ ④ ⑤ ⑥	2.50
		① ② ③ ④ ⑤ ⑥	
2860	Juice, Apple (Limit 6)	① ② ③ ④ ⑤ ⑥	.95
2940	Coffee, Singles, 5 pk. (Limit 6)*	① ② ③ ④ ⑤ ⑥	1.60
5100	Horchata - Agua Fresca El Mexicano (Limit 4)	① ② ③ ④ ⑤ ⑥	4.50
5210	Cocoa, Single (Limit 10)*	① ② ③ ④ ⑤ ⑥	.40
5220	Cappuccino, Single (Limit 10)*	① ② ③ ④ ⑤ ⑥	.40

GREETING CARDS QTY. LIMIT 10 TOTAL			
		QTY	COST
3400	Birthday, Adult Spanish	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3420	Valentine's, Spanish	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3430	Easter, Spanish	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3440	Mother's Day, Spanish	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3450	Father's Day, Spanish	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3460	Christmas, Spanish	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3470	Romantic, English	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3480	Friendship, English	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3490	Birthday, Adult English	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3500	Birthday, Child English	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3510	Valentine's, English	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3520	Easter, English	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3530	Mother's Day, English	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3540	Father's Day, English	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3550	Halloween, English	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3560	Thanksgiving, English	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3570	Christmas, English	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
3600	Greeting Card Blank	① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	1.70
		① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	
		① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	
		① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	
		① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩	

CANDY QTY. LIMIT 5 EACH			
		QTY	COST
4280	Kit Kat Big*	① ② ③ ④ ⑤	1.40
4030	Hershey Chocolate with Almond*	① ② ③ ④ ⑤	1.40
4050	Twix*	① ② ③ ④ ⑤	1.40
4070	M&M Peanut*	① ② ③ ④ ⑤	1.40
4010	Butterfinger*	① ② ③ ④ ⑤	1.40
4110	Snickers*	① ② ③ ④ ⑤	1.40
4150	Reeses PB Cups*	① ② ③ ④ ⑤	1.40
4510	Payday*	① ② ③ ④ ⑤	1.40
4610	Skittles - Sour	① ② ③ ④ ⑤	1.40
4540	Starburst - Original Flavor	① ② ③ ④ ⑤	1.40
4670	Reese's Pieces*	① ② ③ ④ ⑤	1.40
4120	Three Musketeers*	① ② ③ ④ ⑤	1.40
4720	Rollo Coco/Coconut	① ② ③ ④ ⑤	.75
4730	Chick-O-Stick*	① ② ③ ④ ⑤	.50
4970	Red Hots Chewy, 4 oz.	① ② ③ ④ ⑤	1.40
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	

INTRODUCTORY QTY. LIMIT 4 EACH			
		QTY	COST
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	

SPECIALTY			
		QTY	COST
	Special #1	① ② ③ ④ ⑤	
	Special #2	① ② ③ ④ ⑤	
	Special #3	① ② ③ ④ ⑤	
	Special #4	① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	

MEDICAL QTY. LIMIT 1 EACH			
		QTY	COST
1580	Cetirizine (Allergy)	① ② ③ ④ ⑤	1.70
1790	Ranitidine (Heartburn)	① ② ③ ④ ⑤	9.65
		① ② ③ ④ ⑤	
1650	Bisacodyl (Laxative)	① ② ③ ④ ⑤	1.70
1660	Docusate Sodium (Stool Softener)	① ② ③ ④ ⑤	5.80
		① ② ③ ④ ⑤	
1680	Saline Nasal Spray (Nasal Mucous/Congestion)	① ② ③ ④ ⑤	2.30
1410	Cough Drops (Cough Drops)	① ② ③ ④ ⑤	1.90
1690	Gas X or Beano (Indigestion)	① ② ③ ④ ⑤	10.25
1700	Selenium Sulfide Lotion (Dandruff, Seborrhea, Psoriasis)	① ② ③ ④ ⑤	7.75
1570	Miconazole Cream (Topical Fungal/Infection)	① ② ③ ④ ⑤	1.45
1560	Hydrocortisone Cream (Rash)	① ② ③ ④ ⑤	2.20
1550	Benzoyl Peroxide (Acne Medicine)	① ② ③ ④ ⑤	2.15
1780	Eucerin (Moisturizer)	① ② ③ ④ ⑤	1.40
1720	Analgesic Balm (Superficial Muscle Pain)	① ② ③ ④ ⑤	2.15
1600	Acetaminophen, 500mg (Pain Relief, Ex. Strength)	① ② ③ ④ ⑤	.20
1540	Ibuprofen, 200mg (Pain Relief)	① ② ③ ④ ⑤	.20
1750	Imodium (Anti-Diarrheal)	① ② ③ ④ ⑤	.40
1400	Tums (Antacid)	① ② ③ ④ ⑤	1.35
1590	Sinus Pain (Sinus Pain & Pressure)	① ② ③ ④ ⑤	.20
1730	Cold Pack (Common Cold)	① ② ③ ④ ⑤	1.40
		① ② ③ ④ ⑤	
1710	Contact Lens Solution	① ② ③ ④ ⑤	10.30
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	
		① ② ③ ④ ⑤	

11/2017

REPORT 3

Where There's Will, There's a Way

Housing Orange County's Chronically Homeless

Table of Contents

SUMMARY

> "The true measure of any society can be found in how it treats its most vulnerable members." *Mahatma Gandhi*

Does the County of Orange have the political will to overcome the roadblocks to housing the county's chronically homeless population? The chronically homeless are among our county's most vulnerable residents, many with a complex mix of physical and mental disabilities and life expectancies well below the national average.

Research shows that housing the chronically homeless not only dramatically improves their overall health, but also significantly decreases their costs to the community. Placing the chronically homeless in Permanent Supportive Housing (PSH), which combines subsidized housing with access to supportive services, has proved particularly effective. In fact, estimates show that the average cost of caring for a chronically homeless person on the street could be cut in half if they were placed in Permanent Supportive Housing. However, the supply in Orange County lags behind the need, contributing to overcrowded emergency shelters and an increased unsheltered homeless population.

The Grand Jury discovered a number of roadblocks to developing additional Permanent Supportive Housing in Orange County, none more challenging than the lack of leadership from, and collaboration between, County and city officials. Other significant roadblocks certainly exist, such as resident resistance, the difficulty of locating sites on which to build housing (siting), and the lack of sustainable funding sources. However, the degree of finger-pointing and lack of trust that exists between the County and the cities, and even among the cities themselves, makes it extremely difficult to address any of the impediments identified in this report.

So, what is the answer to the question posed above? If political will is defined as a sufficient number of key decision-makers who are intensely committed to supporting Permanent Supportive Housing as a solution for the chronically homeless, then the answer is "not yet." To improve collaboration and overcome roadblocks, the Grand Jury recommends the County and cities establish a regional body empowered to develop and implement a comprehensive business plan for siting and funding Permanent Supportive Housing development.

A Glossary of Terms can be found in the Appendix.

REASON FOR THE STUDY

Homelessness within Orange County continues to grow, showing an 8% increase in 2017 relative to the previous Point in Time Count & Survey Report (PIT count) performed in 2015. Articles and news reports on homelessness in Orange County appear daily, with the recent clearing of the homeless from the flood control channel dominating the spotlight for months. In the 2018 Chapman University Annual Survey conducted among Orange County residents, 24% of respondents cited "homelessness/poverty" as the most important issue facing the county, second only to "housing affordability" reported at 27%. While homelessness remains prominent in the public eye, an often overlooked issue is the overwhelming physical and mental trauma experienced by those living on the streets. A homeless person in the U.S. has an average life expectancy of about 50 years compared to 78 years for someone with an established home.

Another lesser-known outcome of homelessness is the enormous cost borne by cities, counties and health care providers in caring for them. A 2017 study conducted by Orange County United Way, Jamboree Housing, and UC Irvine estimates that approximately $299 million was spent on health care, housing, and law enforcement for the homeless in Orange County in a 12-month period during 2014 – 2015. In particular, caring for the chronically homeless is especially expensive, with 10% of this group incurring annual costs in excess of $440,000 per person. This study, along with a number of others conducted across the nation, has demonstrated that placing the chronically homeless in housing significantly decreases the costs of caring for them and improves their overall quality of life. Permanent supportive housing (PSH), which combines affordable housing with supportive services such as substance abuse and mental health counseling, dramatically decreases overall service costs for this group.

Given the large reductions in costs and the significant improvements in mental and physical health reported among the chronically homeless placed in Permanent Supportive Housing, the Grand Jury investigated the state of PSH within Orange County to determine if a sufficient quantity exists, and to identify roadblocks to creating more.

METHOD OF STUDY

In conducting its investigation, the Grand Jury examined a broad spectrum of resources associated with homelessness in general and the effectiveness and availability of Permanent Supportive Housing in particular. The Grand Jury interviewed over forty people, some of them multiple times, involved in housing for the homeless, including members of County and

municipal governments, non-profit service providers, academia, and non-governmental organizations.

The following interviews provided the most important source of information for our investigation:

- Municipal employees with relevant levels of decision-making authority selected proportionately from sixteen of the northern, central, and southern Orange County cities.
- Five non-governmental civic associations directly involved with homeless housing issues
- Representatives from three affordable housing developers
- Selected County employees and elected officials who have direct responsibility/decision-making authority for housing and supportive services

The Grand Jury obtained significant information from *Homelessness in Orange County: The Costs to Our Community* as well as *Orange County Continuum of Care 2017 Homeless Count & Survey Report* and from a number of other local and national reports. Additionally, Grand Jury members attended or viewed local symposiums on homelessness, relevant city council and OC Board of Supervisors meetings, and federal court proceedings. A list of references is located at the end of this report.

Finally, it is important to acknowledge that the Grand Jury conducted its investigation over the course of a consecutive eight-month period spanning 2017 – 2018 when the issues surrounding homelessness were being hotly debated and changing weekly. Although the state of discussions and actions on this subject is dynamic, the findings and recommendations of this report are accurate as of the date of publication.

BACKGROUND AND FACTS

An Overview of Homelessness in Orange County

Estimates of Orange County's homeless population primarily derive from the biennial Point in Time Count and Survey conducted most recently in January 2017. A PIT Count is an unduplicated count, conducted on a single night, of people who are homeless, and is carried out across all major metropolitan areas in the U.S.

Similar to trends seen in Los Angeles and San Diego counties, homelessness in Orange County is increasing. The most recent PIT Count revealed a homeless population of 4,792 within the

county, representing an 8% increase compared to 2015. Over the course of a year, approximately 15,000 people cycle in and out of homelessness in Orange County.

While the PIT count provides valuable information about the state of Orange County's homeless population, especially in drawing comparisons between years, some skepticism exists regarding the accuracy of the total count provided. Critics worry that the homeless population, particularly those who are unsheltered, are undercounted since a number may be residing in places that are not visible to the County, city, and agency staffs, and community volunteers who are mobilized to do the count. Nevertheless, the count represents the only countywide estimate for the number of homeless living here and provides a good basis for illustrating and understanding homelessness within Orange County.

Table 1: Total OC Homeless Persons and Living Situation, 2015-2017

	2015	2017	% Change 2015-2017
Number of Sheltered Homeless	2,251	2,208	(2%)
Number of Unsheltered Homeless	2,201	2,584	17%
Total Number of Homeless	4,452	4,792	8%

Source: Adapted from Orange County Continuum of Care 2017 Homeless Count & Survey Report

As shown in Table 1, not only was there an overall increase in the number of homeless within the county, the number of *unsheltered* homeless also increased 17% compared to the 2015 PIT count.

The Debilitating Effects of Homelessness

The debilitating effects of homelessness on the mental and physical health of homeless individuals are well documented. Homelessness not only aggravates existing medical conditions, but can create new ones. In fact, diabetes, hypertension, heart disease, and HIV/AIDS are often found at rates three to six times greater than the general population. Existing conditions can worsen due to lack of access to appropriate medical care. Homeless individuals report higher levels of stress and depression, further increasing their likelihood and incidence of mental illness. It is not uncommon for the homeless to suffer from multiple

conditions with a complex mix of severe physical, mental, substance abuse, and social problems. High stress, unhealthy and dangerous environments, and poor nutrition result in ER visits and hospitalizations. Those experiencing homelessness are three to four times more likely to die prematurely than the housed population, and have a much lower life expectancy. (*Homelessness & Health*, 2011)

HUD Recognizes Housing First as the Primary Approach for Homeless Housing

The U.S. Department of Housing and Urban Development (HUD) has designated "Housing First" as the recommended approach to providing housing for the homeless. Housing First describes an overall system approach to homelessness that prioritizes moving someone into permanent housing as quickly as possible so that they have a stable foundation from which to address other issues, such as finding employment or dealing with substance abuse.

Table 2: Descriptions of Homeless Housing/Shelters within Orange County

Type of Homeless Housing	Description
Emergency Shelter	Provides a short-term stay for an individual or family experiencing homelessness.
Transitional Housing	Provides temporary housing of up to two years along with appropriate supportive services, and is designed to facilitate movement to permanent housing once an individual is deemed ready to do so. This type of housing is often used for people or families who may be at a transition point in their lives, such as those leaving prison, youth aging out of foster care, and women fleeing domestic violence.
Rapid Rehousing	Based on the Housing First approach, this intervention is designed to prevent individuals and families from becoming homeless, or to quickly exit homelessness and return to stable, permanent housing. The program provides assistance in three major areas: locating appropriate housing, rental and move-in assistance, and case management and services. It is typically time-limited and focused on those who can become self-sufficient at some point in the near future.
Permanent Supportive Housing	Also based on the Housing First approach, this model combines rent-subsidized, permanent housing with ongoing access to services such as mental health and substance abuse counseling and is typically targeted at the chronically homeless who may need this assistance for the remainder of their lives.

As shown in Table 2, various types of housing options targeting homeless individuals and families are available within Orange County.

In 2016, the California Legislature passed Senate Bill 1380, which requires all state housing authorities to adopt core components of Housing First, including:

- Low Barrier Access to Housing – must accept applicants regardless of sobriety or use of substances, or participation in treatment or services
- Services Tailored to Tenant Needs– supportive services emphasize voluntary engagement and problem solving without having to meet predetermined goals.
- Tenants have lease protections with all the rights and responsibilities of tenancy

The Chronically Homeless in Orange County

HUD defines a chronically homeless person as "either (1) an unaccompanied homeless individual with a disabling condition who has been continuously homeless for a year or more, OR (2) an unaccompanied individual with a disabling condition who has had at least four episodes of homelessness in the past three years." An "unaccompanied homeless person" means an individual who is alone, and is not part of a homeless family or accompanied by children.

Presence of a disabling condition, such as physical disability, mental illness, or addiction, represents a defining element of chronic homelessness. In some cases, a disability may have been a key factor contributing to homelessness, while in other instances the disability arose due to the mental and physical stress of living on the street. The chronically homeless include some of the most vulnerable individuals among the homeless population, people whose life expectancies and quality of life have been diminished by their time living without shelter.

The Number of Chronically Homeless is Increasing

The 2017 PIT count identified 893 individuals as chronically homeless in Orange County. Of those, the majority – 68% – were unsheltered. The remaining 32% categorized as sheltered were those living in an emergency shelter without a permanent home.

The number of chronically homeless has increased dramatically – 60% – since the 2015 PIT Count.

Table 3: Total Number of OC Chronically Homeless and Living Situation

	2015	2017	% Change 2015 - 2017
Sheltered Chronically Homeless	111	284	156%
Unsheltered Chronically Homeless	447	609	36%
Total Number Chronically Homeless	558	893	60%

Source: Adapted from Orange County Continuum of Care 2017 Homeless Count & Survey Report

Most Chronically Homeless are Longtime Orange County Residents

From the demographic data included in the 2017 PIT count and the 2017 *Homelessness in Orange County: Costs to the Community* reports, the following general observations can be made about the chronically homeless population:

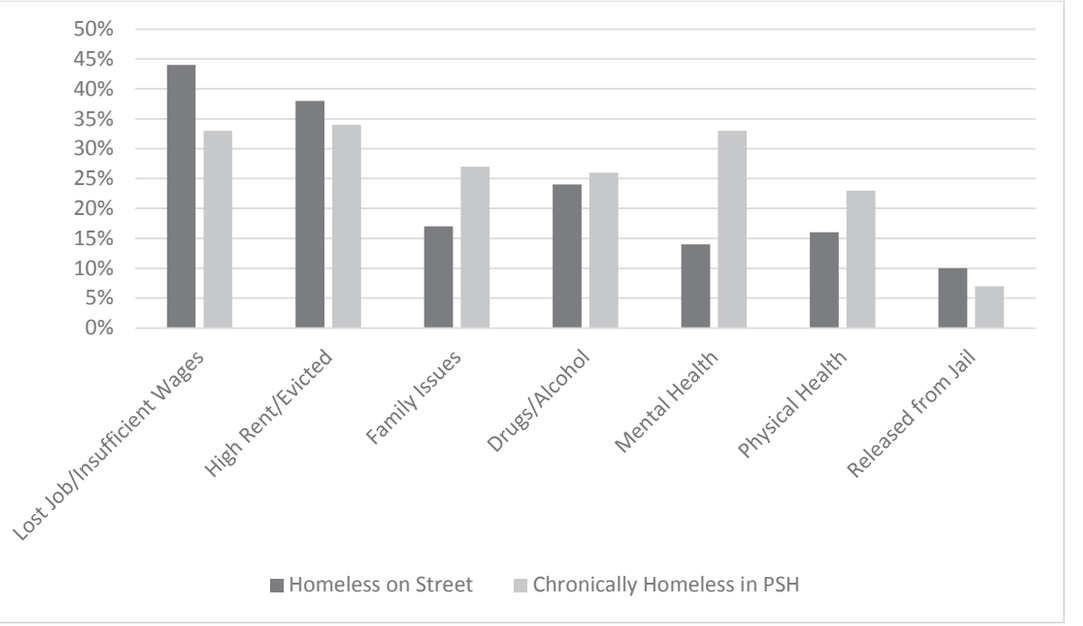
- Most are older males in the 45 – 60 year-old age group
- Females make up about 20 – 25% of this group
- Roughly half are Non-Hispanic white
- About 1 in 7 are Veterans
- The overwhelming majority have lived in Orange County longer than 10 years
- They are predominantly U.S. born

A Combination of Economic Issues and Disabilities Account for much Chronic Homelessness

The causes of chronic homelessness are related to the same factors that produce homelessness in general. Figure 1 shows the various reasons for becoming homeless as reported by those currently living on the street compared to reasons provided by the formerly homeless in PSH.

Among the former *chronically* homeless now living in Permanent Supportive Housing, two primary factors stand out: (a) the most cited reasons for their homelessness were economic in nature, such as job loss or inability to afford high rents; and (b) the relatively high incidence of reported mental and physical health issues underscores the need for ongoing access to supportive services once they are in permanent housing.

Figure 1: Reasons for Becoming Homeless



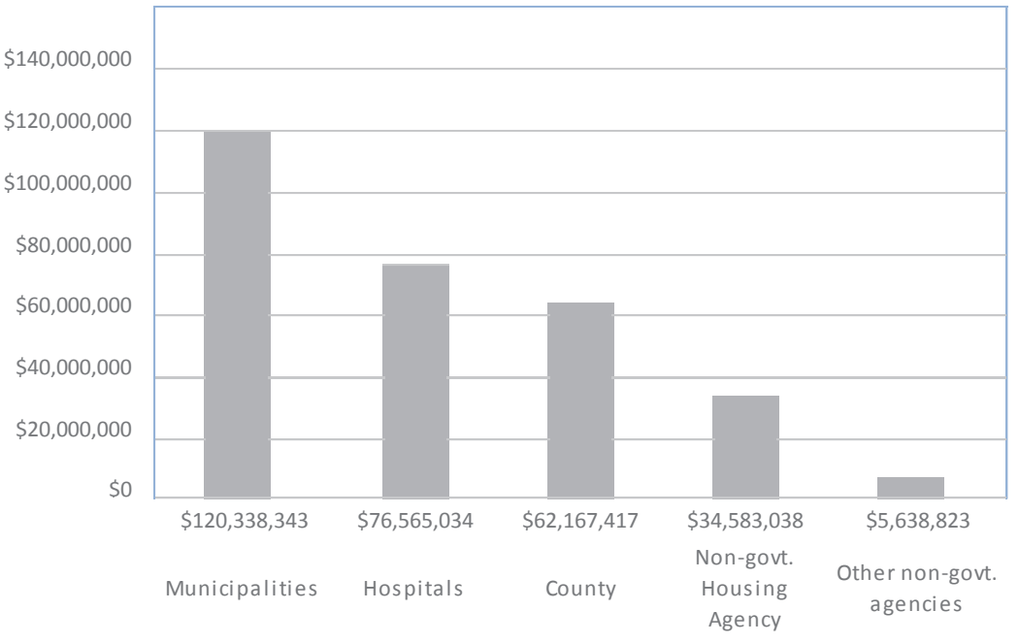
REPORT 4

Source: Adapted from Homelessness in Orange County: The Costs to our Community

Costs to Orange County from Homelessness

The estimated cost for addressing homelessness across all service sectors over a twelve-month period from 2014 - 2015 in Orange County was approximately $299 million. These sectors included municipalities, hospitals, the County, non-governmental housing agencies, and other non-governmental agencies. Of the three biggest sectors, Orange County cities appear to bear the greatest cost burden, funding an estimated $120 million for the year studied. The cost data associated with caring for Orange County's homeless population was reported in a collaborative study, *Homelessness in Orange County: The Costs to our Community* published in 2017 and sponsored by Orange County United Way, Jamboree Housing, and UC Irvine. Data was collected from five primary sources: the County of Orange, the cities within the county, Orange County hospitals, non-profit agencies serving the homeless, and homeless individuals themselves. (In the remainder of this report, the study will be referred to as "The Cost Study of Homelessness").

Figure 2: Cost of Homelessness Across Sectors in OC



Source: Adapted from Homelessness in Orange County: The Costs to Our Community

Other cities and counties across the U.S. have also identified large cost outlays for addressing homeless issues in their areas. For example, in the study entitled "Home Not Found: The Cost of Homelessness in Silicon Valley," (Flaming, et al, 2015) Santa Clara County discovered they had spent approximately $520 million per year providing homeless services over the six-year period covered by the study.

Health Care Costs are the Largest Area of Expense

According to the Cost Study of Homelessness, cities, hospitals, and the County fund the largest area of expense – health care – at approximately $120.6 million per year. This result is in line with many other studies conducted across the U.S. showing the substantial cost of providing health care to the homeless. These cost estimates were derived prior to establishing two new county emergency shelters as well as prior to relocating the homeless on the Flood Control Channel. In addition, many cities recently hired Homeless Liaison Officers and contracted for homeless Outreach and Engagement staff. These actions taken together potentially increase costs across both the city and the county sectors.

Table 4: 2014-2015 Costs of Addressing Homelessness in OC across Three Largest Cost Clusters

Health Care	Housing	Law Enforcement
$120,582,177	$105,932,061	$23,771,292

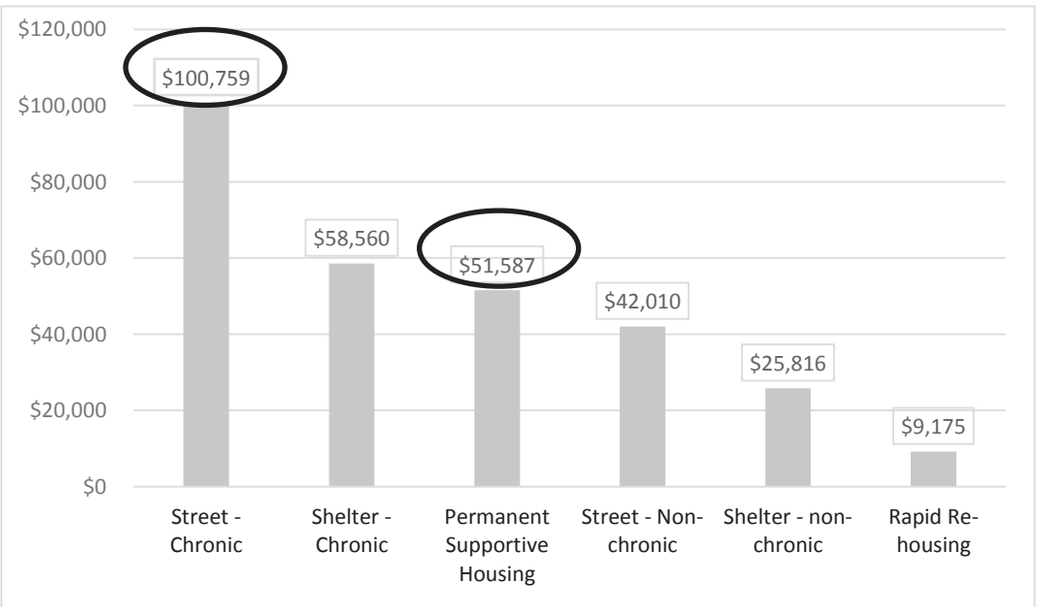
Source: Adapted from Homelessness in Orange County: The Costs to Our Community

Orange County's Chronically Homeless Account for a Significant Portion of Costs

The Cost Study of Homelessness discovered wide disparities in the costs to provide services to the various homeless sub-populations within Orange County. In particular, the costs associated with providing services to the *chronically homeless living on the street* were the highest among any segment of the homeless population. As shown in Figure 3, the average cost of services for a chronically homeless person on the street is almost twice that of a resident in Permanent Supportive Housing – even taking into account the cost of providing that resident with housing and services.

REPORT 4

Figure 3: Average Annual Service Cost per Person by Type of Housing, 2014-2015



Source: Adapted from Homelessness in Orange County: The Costs to Our Community

Chronically homeless persons make greater use of emergency departments, inpatient care, psychiatric care, detoxification services, and jails. Indeed, in comparison to people with similar characteristics who are housed, the homeless use more emergency services and experience more and longer hospitalizations. To underscore the high cost of leaving the chronically homeless unsheltered, the Cost of Homelessness study identified that the costliest 10% of the those living on the streets generated average annual costs of about $440,000 per person– primarily due to high medical expenses.

Many other studies across the U.S. have substantiated these results. For example, in a study entitled "Getting Home: Outcomes from Housing High-Cost Homeless Hospital Patients" (Flaming et al, 2013) the authors found a 72% decrease in average total health care costs among the study participants who moved into supportive housing. Likewise, a study entitled "Begin at Home: A Housing First Pilot Project for Chronically Homeless Single Adults" (Srebnik, 2013) reported 74% fewer hospital admissions among those in supportive housing compared to those not in PSH. As a result of the numerous studies demonstrating the effectiveness of Permanent Supportive Housing for the chronically homeless, HUD increased funding for this model by 39% between 2012 and 2016.

Permanent Supportive Housing Decreases Medical Costs and Police/Jail Contacts

To achieve a stable housing situation, most chronically homeless not only need a rent-subsidized apartment, they also require access to supportive services to ensure they can remain there. For example, someone with mental health issues may need assistance to ensure they get counseling and take medications as prescribed. Likewise, a person suffering from a chronic and debilitating illness may require help managing their diet and ensuring they make their doctor appointments in order to avoid emergency room visits and hospital stays.

As Table 4 demonstrates, residents of PSH access medical services and have brushes with the law less often than the chronically homeless on the streets or in emergency shelters.

Table 5: Average Service Utilization and Criminal Justice Contacts in One Month

	Chronically Homeless in Street or Shelter (# times accessed in one month)	**Permanent Supportive Housing** (# times accessed in one month)	**% Decrease in Incidence Among those in Permanent Supportive Housing**
# times accessed soup kitchen or pantry	19.13	2.22	**88%**
# times in ER	0.58	0.33	**43%**
# times in ambulance	0.27	0.06	**78%**
# times inpatient in hospital	0.17	0.08	**53%**
# times accessed other health services	0.62	1.78	**(187%)**
# times ticketed	0.46	0.08	**83%**
# times arrested	0.15	0	**100%**
# times appeared in court	0.20	0.02	**90%**
# nights in holding cell, jail or prison	0.13	0	**100%**
# nights in shelter or emergency shelter	6.9	0	**100%**
Number of Interviewees	53	49	

Source: Adapted from: Homelessness in Orange County: The Costs to Our Community

The main exception to this pattern of decreasing incidence is the number of times they access "other health services." Authors of the Cost Study of Homelessness theorized these "other health services" represent more routine and preventative services such as visits to doctors' offices and outpatient clinics – activities which are decidedly less expensive than pricey ambulance transports and ER visits.

Why the large decrease in usage of hospital care and contacts with law enforcement? Studies show that the mere fact of having a permanent place where one has a legal right to stay positively impacts a variety of environmental, social, and physiological influences on health and well-

being. Having one's name on a lease greatly reduces the stress associated with not having a permanent place to sleep each night, and stress reduction has been shown to assist with recovery. A person in supportive housing has increased opportunity for employment, family involvement, and maintaining a stable social network, all of which contribute to improved mental and physical health. Research shows that when individuals with mental illness are placed in PSH settings, they have better rates of recovery than those in other settings. (Dohler, 2016)

Many municipalities have enacted ordinances targeting activities such as camping or sleeping in public, begging, loitering, living in vehicles, or storing personal belongings in public spaces. A person provided with PSH, therefore, avoids being ticketed or incarcerated for engaging in these activities, resulting in decreased costs to law enforcement, courts, and jails.

High Retention Rates are Reported with Permanent Supportive Housing

Former chronically homeless individuals living in PSH demonstrate high retention rates, according to studies commissioned by cities and counties. Analyzing data from the years 2011 – 2014, the Los Angeles Homeless Services Authority found that chronically homeless individuals residing in PSH had retention rates of 90 – 96% over a six-month period, and 84 – 90% over a one-year period. In a three-year San Diego study funded by the United Way and entitled "Project 25: Housing the Most Frequent Users of Public Services among the Homeless," twenty-eight homeless individuals who were among the most frequent users of public services, including ERs, hospitals and jails, were placed in PSH. Their use of services was tracked for two years and then compared with their usage of these programs in the year prior to their enrollment. Not only did their service costs decrease by 67% over the two-year period, twenty-five of the individuals – 89% – either remained in PSH or graduated to housing requiring less intensive use of services.

Permanent Supportive Housing in Orange County – Insufficient to Meet the Need

According to the most recent information from Orange County's Housing Inventory Count (HIC), 1,724 adult-only Permanent Supportive Housing beds exist in OC. These units are typically located in small apartment complexes and fourplexes scattered across the county, with the majority found in the central and northern regions. In some of the more recently developed PSH units, an affordable, multi-family housing complex has set aside a portion of its units for PSH. Several projects have involved renovating abandoned hotels and transforming them into

PSH. Some PSH units target a specific sub-population of the chronically homeless, such as veterans, those with mental illness, or the physically disabled. Complexes may employ caseworkers to live onsite to provide ongoing assistance and services to the formerly homeless. Others have case workers visit regularly to check in with residents and provide services.

While the number of PSH units has slightly increased across the county in the past few years, these units are typically at 100% of their capacity with long waiting lists. In fact, the 2017 Housing Inventory Count from the County's Homeless Management Information System (HMIS) indicated a PSH waiting list of over 1,000 people.

Table 6: Number of Adult-Only PSH Units in OC, 2016-2017

	2016	2017	% change 2016 - 2017
Number of PSH units	1,456	1,724	18%

Source: Orange County HMIS - Housing Inventory Count

REPORT 4

A shortage of PSH units within the county contributes to the need for more emergency shelter beds to accommodate those needing an interim place to stay. The Grand Jury heard reports of individuals being housed in emergency shelters for up to a year while awaiting a permanent bed, resulting in a logjam as the newly homeless tried to find a place to stay. Given the concurrent shortage of emergency shelter beds, the ultimate outcome is an increase in the unsheltered homeless population living on Orange County streets.

A Proposal for Increasing Permanent Supportive Housing in Orange County of Orange

During the course of this investigation, the Grand Jury could find no single, agreed-upon estimate for the number of PSH units needed. Several County sources have indicated that a housing strategic plan, which would include a PSH estimate, is in development.

Meanwhile, the Association of California Cities – Orange County (ACC-OC) – a group that provides Orange County cities assistance with policy development and legislative advocacy – recently presented a proposal identifying the need to create 2,700 additional Permanent Supportive Housing units across the county in the next three years. This estimate was determined using the size of the unsheltered homeless population from the 2017 PIT count as a

guide. To underscore the regional nature of homelessness, the proposal recommends allocating these 2,700 units proportionally across all thirty-four cities and unincorporated county areas by population. Thus, larger cities within the county would receive a greater allocation of PSH units while smaller communities would be allocated fewer units.

In April 2018, the County signaled its approval of this proposal by announcing it will take a lead role. Meetings with city officials have already taken place and a working group of interested cities formed. The final business plan for this proposed project is still in development, with major issues such as funding sources, site availability, and degree of city buy-in still to be determined.

Roadblocks and Challenges to Creating More Permanent Supportive Housing in Orange County

Given the critical need for more PSH development within the county, the Grand Jury investigated the various roadblocks and challenges that could impede its development, including the 2,700 units identified in the proposal.

Lack of Consensus and Buy-in within Cities for PSH Solutions

1. Each city trying to address homelessness on its own: A prevailing issue encountered in this investigation was the preference of many cities to address issues such as homelessness in a "silo"; that is, addressing the problem on their own without engaging with other cities to pool resources and knowledge. In one sense, a city's tendency to combat this issue on its own is a natural consequence of how Orange County cities have traditionally operated. Each city has its own city council, city manager and staff, and other supporting departments to allow it to operate autonomously.

   However, a city trying to go it alone ignores the regional nature of homelessness. First, homelessness does not recognize city, or even county, borders. In addition, the magnitude of the issue requires large dollar investments and expertise in navigating the very complex area of siting and funding PSH development – resources and knowledge that often exceed the ability of one city to address on its own. In some cases, cities trying to go it alone have become so overwhelmed that they have responded by establishing rules to only care for "their own" homeless. That is, before providing services of any type, they require a homeless person to show proof that he or she previously resided in their city.

To be fair, some cities approach the issue on their own because they believe no other group is willing or able to provide leadership, be it expertise or in funding. Many cities reported that they have been looking for an entity, such as the County, to step forward and provide leadership on homelessness in general, and housing solutions specifically.

It was instructive to note the number of cities with whom the Grand Jury spoke who believe they are doing more than any other city in the county with respect to providing homeless services and housing. A number of other cities did not necessarily think they are providing the most services, but did believe they are doing more than their fair share. These inequities concern them, in large part, due to the major financial outlays they are making to care for the homeless. In addition, there is significant concern that being a leader in providing services and housing would make their city a magnet for attracting more homeless, not only increasing their financial obligations, but spurring resident outcry as well.

2. Misperceptions and lack of knowledge about PSH: While some city officials - both elected and city staff – have voiced strong support for PSH, others do not appear to understand what Permanent Supportive Housing provides and the benefits it delivers. For some, PSH invokes images of "the projects" – those affordable housing projects constructed in the 1960s and 1970s that were negatively associated with increasing crime and perpetuating poverty. Others voiced concerns that placing chronic substance abusers and the mentally ill into housing would just move the problem from the street into a housing development – not understanding that case management services would be provided to help prevent this from happening.

   Some city officials may be unfamiliar with the 1,724 PSH units currently available within Orange County. By all accounts, these units are successfully integrated into a number of different communities. In fact, in researching these communities, the Grand Jury heard claims that these developments are often the most attractive in the neighborhood and increase, rather than depress, housing prices in the area.

REPORT 4

Rockwood Apartments provides housing and support services for forty-eight formerly homeless families, as well as fifteen Permanent Supportive Housing units for clients receiving mental health services. In conceiving the project, Jamboree Housing made a concerted effort to engage the neighboring community, holding a contest for local school children to name the development, and utilizing harmonious architectural designs that integrated with the surrounding neighborhood. Partners in the development include the City of Anaheim, the Anaheim School District, and the Illumination Foundation, all of which continue to provide supportive services to the formerly homeless residents.

Rockwood was a finalist in the Affordable Housing Finance Reader's Choice Awards for 2017, which assesses its selections based, among other characteristics, on the nominee's role in overall community revitalization; tapping new funding sources or demonstrating new efficiency in capital costs and/or maintenance/operating costs; offering outstanding social services for tenants; and receiving broad community support, including state and local government financial assistance.

3. Lack of understanding of the cost savings provided by PSH: While general awareness of the Cost Study of Homelessness was relatively high among city staff, there was a fair amount of doubt whether their cities would achieve significant savings if PSH is developed. This skepticism appears to primarily arise from the fact that the cost categories outlined in the study don't necessarily align with a city's budget line items, making it difficult to estimate savings from developing more PSH. Providing health care to the homeless, the largest cost area in the study, is typically not a line item in a city budget. While these costs ultimately translate into higher medical insurance rates, they do not correspond to those line items.

4. Local resident resistance to placing PSH projects within their city ("NIMBYism"): Of all the issues identified as roadblocks to siting PSH within Orange County cities, one of the most challenging is resident opposition to placing any type of housing for the homeless within their neighborhoods. Several cities provided examples of projects that had to be abandoned due to overwhelming resident resistance. Others had declined to even bring certain projects forward due to concerns over encountering massive resistance. Cities report their residents

appear resistant to any type of housing that accommodates the homeless near them. This resistance is primarily due to public safety fears, though concerns of negative impact on housing values were also voiced.

While the Grand Jury could find no specific studies detailing crime statistics in areas within OC with PSH, information gathered from other areas of the country suggests that there is little evidence of an appreciable increase in crime. This may be due to the stabilizing effect afforded by living in a house, as well as the presence of housing support staff who can check on residents or call to report suspicious activity. (Coburn, 2015) Studies indicated that housing values in the areas of PSH had remained stable, or had even risen. (*Impact of Supportive Housing*, Furman Center)

NIMBYism certainly isn't unique to Orange County. In November 2013, the Central Florida Regional Commission on Homelessness published the results of a nationwide survey on best practices in addressing homelessness, and a major best-practice theme was dealing with resident resistance to siting housing for the homeless. One of the most frequently mentioned recommendations specified that no program succeeded without educating the community about homelessness and gaining its investment in the solutions.

REPORT 4

The Orange County United Way has enlisted private and philanthropic partners, as well as various city officials, in a campaign to educate people about the causes of homelessness and the need to build more housing. **United to End Homelessness** is focused on building public awareness and engagement in an effort to circumvent resistance to housing the homeless in Orange County communities.

The stated goals of the campaign are to rally community support for Permanent Supportive Housing; to identify homes both through accessing existing rental units and working with partners to support and champion efforts to develop new units; and, working with the County and others to leverage data that helps the community gain insight in order to enhance the overall system of care.

County Leadership that has been Crisis Driven rather than Strategic

The Grand Jury could identify no evidence of a detailed and systematic strategic plan that lays out either the number or type of housing options needed to create more countywide housing for the homeless. A comprehensive regional plan should include elements such as the number of units needed within all housing categories (homeless shelter, rapid rehousing, transitional housing and PSH) and the cumulative funding required over a multi-year landscape to reach this goal.

It might seem unfair to fault County officials for lack of planning and leadership on homeless housing issues given the amount of activity that has taken place on this front over the past

several years. For one, in 2016 they hired a Director of Care Coordination ("homeless czar") that had been recommended by the 1988-89, 1990-91, and 2005-06 Grand Juries – recommendations that were ignored at the time. Within a relatively short time, they opened the county's first all-season homeless shelter, the Courtyard in Santa Ana, and opened the Bridges at Kraemer Place in Anaheim. A number of other projects are in the works, including establishing a much-needed second Crisis Stabilization Unit that can assess and treat the mentally ill homeless population.

While all these activities were certainly necessary, they appeared driven more by the County operating in crisis mode rather than from any strategic plan developed to address the homeless housing shortage. The homeless population at the flood control channel was allowed to grow to over 700 people while the County and the cities debated ownership of the issue. In attempting to relocate them, the County struggled to find appropriate housing for those individuals and spent large amounts of money to do so. In addition, two federal lawsuits were filed against the County on behalf of those living on the flood control channel, resulting in a federal judge's involvement in the equation.

As the County tries to catch up with providing sufficient housing and emergency shelters for the homeless, their efforts are often stymied by cities' refusals to provide locations for these facilities. Since cities are the land use authority within their borders, the County relies on their cooperation to allocate building sites. The County has indicated it is willing to fund shelters, but needs the cities to step up and provide locations.

Lack of Collaboration and Cooperation among County and Cities

Here we arrive at the basic point of contention that framed much of this investigation – that is, the finger-pointing and lack of trust that exists between the County and the cities, and even among the cities themselves, on the homeless issue. The cities believe the County is not providing sufficient leadership in outlining a countywide plan for the homeless and is too frugal in disbursing the state and federal homeless funds it receives. Meanwhile, the County is frustrated that cities are not responsive to repeated requests for siting any type of homeless housing, be it emergency shelters or permanent housing. The cities are mistrustful of each other since each may think they already are providing more homeless services than other cities in their area. However, winds of change may be on the horizon. With the County signaling they will take a leadership role in the 2,700-unit PSH proposal, and with a number of cities indicating strong interest, actual steps toward collaboration could occur.

Over a decade ago, the State of Utah committed to ending chronic homelessness within its borders. As of 2018, it has reduced their number by 91%, from 1900 to 158. The key factor in this success is the formation of a leadership body with the ability to operate "above the silos," according to Lloyd Pendleton, the project's chief "champion." Pendleton advocates establishing a group with limited membership – no more than fifteen people – who are able to implement systemic change and are empowered to control and allocate at least thirty percent of the revenues available for PSH. These champions, as Pendleton calls them, should represent a collaborative of providers, funders, and county and city political leaders who are results-oriented, biased to act, with stamina, a sense of personal responsibility, and a belief in the common good. He maintains that this is the type of coalition necessary to affect a unified vision and plan for addressing homelessness.

Securing Sufficient Funding

REPORT 4

1. Funding sources for PSH are unpredictable and inconsistent. Funding for Permanent Supportive Housing originates almost entirely from state and federal sources. At the federal level, Section 8 housing vouchers, Community Development Block Grants, Emergency Solutions Grants and Continuum of Care funds – among others – are distributed to state and local housing agencies and community development departments to assist with housing development. At the state level, dollars collected from the Mental Health Services Act (MHSA) provide a source of funding to house the mentally ill homeless population. Affordable housing developers apply for federal Low Income Housing Tax Credits, which provide gap financing for affordable housing projects, including PSH.

   However, over the years, funding from these sources has fluctuated depending on the state of the economy and the priorities of the political party in charge. Most recently, the 2018-2019 federal budget initially included major cuts to many of the federal housing programs, though last minute negotiations on the spending bill have apparently reinstated much of this funding. Since state and federal funding for homeless housing can be so unpredictable, and often insufficient, many counties have turned to alternate sources to supplement financing.

In Los Angeles County, voters approved Measure H, while City of Los Angeles voters approved Proposition HHH in 2016. Measure H includes a 0.25% countywide sales tax to fund homeless support services, housing, outreach and development. Proposition HHH will provide $1.2 billion from a general obligation bond to construct 10,000 units of PSH. Alameda County passed the A1 Bond Measure which will raise $580 million to fund affordable housing efforts. In September 2017, San Diego County created the Innovative Housing Trust Fund which recently announced $25 million in gap financing to affordable housing developers to facilitate the construction, acquisition, rehabilitation, and loan repayment of affordable, multi-family housing.

2. New state funding sources are on the horizon, but will require close collaboration between all parties – cities, County, and non-profit – to receive optimum funding.

   In 2016, Governor Jerry Brown signed legislation enacting the "No Place Like Home" (NPLH) program. This program is intended to provide $2 billion in bond proceeds in California for the development of PSH for persons who are in need of mental health services and are experiencing homelessness, or are at risk of homelessness. Specific county allocations have not yet been made, but are expected to be released at some point in 2018.

   A major funding component of the program is the Competitive Program, which will allocate dollars to counties – at least in part – based on a county's population. In addition, a key to achieving greater funding will be an assessment of how closely a county is partnering with its cities and community-based organizations to create PSH and homeless services.

3. Supportive services will require ongoing funding. Once formerly homeless individuals are moved into PSH, they will likely require access to ongoing supportive services, such as mental health or substance abuse counseling, or assistance with a physical disability. Financing 2,700 PSH units is only the first part of the equation; funding for the ongoing services for residents of those units must be planned and budgeted. In fact, one of the threshold requirements of the No Place Like Home Program is a 20-year commitment to provide supportive services to NPLH tenants.

HOME(FUL), a 501(c)3 non-profit, receives and allocates a voluntary fee assessed on the sale of homes originally built by Lennar. The fee is one-tenth of one percent of the sale price; the seller may opt out if he or she does not wish to participate (the information is disclosed on the property title). At the close of escrow this fee transfers to HOME(FUL), which maintains a roster of charitable organizations that provide housing and supportive services to the homeless and distributes funding to those that successfully apply.

HOME(FUL) identifies a number of benefits for those home sellers participating in the program: the fee is tax-deductible; the seller provides a direct, tangible benefit to a person without a home; and the fees generated remain within the community and can contribute to projects typically paid for by taxes. HOME(FUL) estimates they will raise ten billion dollars with this program over the next ten years. Lennar's goal moving forward is to enlist as many builders as possible to participate in the program.

Lack of Adequate Staffing within County Housing & Community Development Department to Review and Facilitate Projects

Housing and Community Development (HCD), a division within Orange County Community Resources, administers the County's affordable housing development, community development, homeless prevention programs, and housing successor agency programs and activities. HCD plays a key role in working with affordable housing developers to notify them when state and federal housing funds become available, and to ensure that projects, such as those targeted for PSH, move through the pipeline as quickly as possible.

The two positions currently budgeted within HCD are now vacant, one for over a year. During the investigation, the Grand Jury heard that lack of staffing interferes with speedy review and facilitation of projects. In some cases, developers had to use back-channel communications to other County officials in order to get a project considered.

REPORT 4

Service Planning Area Meetings Encourage Information Sharing, but do not Promote Action

In an effort to increase collaboration and sharing of best practices among cities on homeless issues, the Director of Care Coordination (the "homeless czar") subdivided the county into three Service Planning Areas (SPAs): north, central, and south. Each planning area holds monthly meetings with a portion of each city's staff and elected officials, as well as with non-profit agencies and advocates serving the homeless.

Feedback the Grand Jury received indicated that SPA meetings are well-attended, since most cities are seeking any available assistance or information to address homelessness. However, a number of city attendees are disappointed that the meetings primarily focus on sharing information rather than promoting action. In some instances, due to city staff frustration with the lack of significant action, lower-level staff now attend meetings in lieu of their bosses. However, these individuals typically do not hold the decision-making authority required if opportunities do arise for joint city planning activities.

Perception that the Homeless are Service Resistant

In conducting its investigation, the Grand Jury discovered that some city and County officials believe that homeless individuals will not accept offers of service, including housing. This

perceived service resistance leads them to question the need for establishing housing options, such as PSH, since, in their view, the homeless will not want to live in this housing anyway.

The Grand Jury spoke with a number of non-profit personnel who regularly interact with the homeless to understand their perspective on the matter. Service providers report that a level of trust must be established with homeless individuals before they will feel comfortable accepting services, including offers of housing. Outreach workers say it may take seven to eight engagements with a homeless person to gain sufficient trust for them to believe you really have their best interests in mind. One service provider indicated that the willingness of homeless individuals to receive offered services depends on who is making the offer and what they are offering. For example, when uniformed officers approach a homeless individual with an offer of help, the offer may be refused out of hand due to that individual's unease with law enforcement. While most providers believe there is a segment of the homeless population that will ultimately be resistant to accepting services, they estimate that segment represents a relatively small percentage of the population – perhaps in the 10-15% range.

At the kickoff of the United Way's "United to End Homelessness" program, Andrae Bailey – Orlando, Florida's former homeless czar who is credited with helping to substantially decrease homelessness in that area – said the following: "Beliefs dictate policy and investments. If you believe the homeless don't want help, that will influence your policy."

Conclusion

The Grand Jury discovered many issues impeding increased Permanent Supportive Housing development, such as funding and a shortage of sites on which to build more PSH units. While these are vital issues that need to be addressed, nothing can be accomplished without leadership and collaboration between the County and cities. During the investigation, the Grand Jury heard both sides level claims of "lack of political will." However, while political will – or the lack thereof – is frequently and glibly used as an accusation, its explicit meaning is vague, making efforts at addressing the real, underlying problems difficult.

In a paper entitled "Defining Political Will" (Post, et al, 2010), the authors state that political will exists when these four components exist:

- A sufficient set of decision-makers in positions of power who *support desired reform*,
- With a *common understanding* of a particular problem and agreement that the problem requires government action,
- Who are *intensely committed* to supporting a fix for the problem,
- And *agree* on a potentially effective policy solution

The Grand Jury identified issues within each of the four components listed above, including the following: cities at odds over whether to allow homeless housing, disagreements over who should lead development efforts for homeless housing, and even conflicts over whether PSH is the best solution for the chronically homeless.

Officials in many cities have not reached consensus among themselves on the value of PSH, making it difficult to create compelling arguments and a unified front to overcome resident opposition to siting these units within their communities. County officials only recently acknowledged they hold lead responsibility for homeless housing in Orange County. Until consensus is achieved on these issues, the County and cities will not be able to overcome the many roadblocks to building more PSH in Orange County.

COMMENDATION

REPORT 4

The Grand Jury was offered significant insight into the issues surrounding homelessness through its interviews and tours of non-governmental organizations serving on the front lines in Orange County cities. For many years, social service non-profits and housing developers have provided substantial leadership and stewardship in the area of housing for the homeless, including advocating for the construction of more Permanent Supportive Housing, emergency shelters, and crisis stabilization units. Despite seemingly intractable resistance to incorporating these types of housing in neighborhoods, these organizations have persevered in their efforts to find the needed funds and political support to realize their mission. The fact that the County currently has 1,724 units of adult-only PSH within its borders can be attributed to their vision and commitment.

Additionally, the Grand Jury commends the civic membership organizations that have taken a public stance in advocating for appropriate housing and services for Orange County's homeless population.

FINDINGS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Where There's Will, There's a Way: Housing Orange County's Chronically Homeless," the 2017-2018 Orange County Grand Jury has arrived at ten principal findings, as follows:

F1. Homelessness in Orange County is a regional problem requiring regional approaches and solutions.

F2 The lack of a regional plan designating specific development goals for Permanent Supportive Housing contributes to an insufficient number of available units to house the chronically homeless.

F3. The County's overreliance on unpredictable and inconsistent federal and state funding risks funds being unavailable for future Permanent Supportive Housing development and supportive services.

F4. Cities' reluctance to provide sites for Permanent Supportive Housing development has contributed to overcrowded emergency shelters and an increased unsheltered homeless population.

F5. A staffing shortage exists within the County Housing and Community Development Department impeding Permanent Supportive Housing development.

F6. Service Planning Area meetings have successfully brought together city, county and non-profit entities to share information on homeless issues, but have not fostered decision-making or action.

F7. NIMBYism has impeded the creation of housing for the homeless, including Permanent Supportive Housing, in the County of Orange.

F8. Orange County cities and the County have engaged in blaming and finger-pointing, hampering the collaborative efforts needed to site, finance, and maintain Permanent Supportive Housing.

F9. Cities have taken a silo approach to developing Permanent Supportive Housing, resulting in inefficient leveraging and pooling of funds across municipal borders.

F10. There is no established, independent leadership body in the County empowered to address regional homeless issues in an effective manner.

RECOMMENDATIONS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Where There's Will, There's a Way: Housing Orange County's Chronically Homeless," the 2017-2018 Orange County Grand Jury makes the following nine recommendations.

To be completed by September 1, 2018

R1. Orange County cities and the County should develop a Permanent Supportive Housing development plan, and should consider a plan structure similar to the proposal put forth by Association of California Cities – Orange County, that proportionally allocates sites among the cities. (F1, F2, F4, F7, F8)

R2. Each Service Planning Area should identify sites for Permanent Supportive Housing proportional to the allocation suggested in the Association of California Cities – Orange County proposal. (F1, F4)

R3. The County Executive Office should organize the agenda and content of the Service Planning Area meetings to promote collaboration between cities on Permanent Supportive Housing and other housing development. (F1, F4, F6, F8, F9)

R4. Cities should ensure decision-makers fully participate in their region's Service Planning Area meetings. (F1, F6, F8, F9)

R5. Orange County Community Resources should add an appropriate number of additional positions to the Housing and Community Development Department beyond the two currently budgeted to be optimally positioned for the increased Permanent Supportive Housing development that will likely arise. (F5)

R6. Cities should collaborate with, and leverage the work done by, United Way on their "United to End Homelessness" public awareness campaign. (F7)

To be completed by June 30, 2019

R7. To streamline shelter and Permanent Supportive Housing development, the County and its cities should establish a decision-making body, such as a Joint Powers Authority, that is empowered to identify and allocate sites and pool funding associated with housing and supportive services for the homeless. (F1, F3, F4, F7, F8, F9, F10)

R8. Such a decision-making body should develop a comprehensive, regional housing business plan that identifies both the number of Permanent Supportive Housing units needed as well as the associated costs of renovating existing units or building new ones. (F1, F2, F3, F4, F8, F9, F10)

R9. Such a decision-making body should propose a plan for securing local, supplemental sources of funding for both Permanent Supportive Housing development and associated support services. (F1, F3, F8, F9, F10)

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the findings and recommendations of this Grand Jury report:

§933(c)

"No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head or any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. . . . "

§933.05

"(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
(1) The respondent agrees with the finding.
(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
(1) The recommendation has been implemented, with a summary regarding the implemented action.
(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the

governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department."

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

REPORT 4

RESPONDENT	FINDING	RECOMMENDATION
Board of Supervisors	F1, F2, F3, F5, F6,F7, F8, F9, F10	R1, R2, R3, R5, R7, R8, R9
City Council of Anaheim	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Brea	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Buena Park	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Costa Mesa	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Dana Point	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Fountain Valley	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Fullerton	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Garden Grove	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Huntington Beach	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Irvine	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Laguna Beach	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Mission Viejo	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Orange	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of San Clemente	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Santa Ana	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Tustin	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.(c) are requested from:

County Executive Office	F5, F6	R3, R5

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APPENDIX

GLOSSARY

1. **Association of California Cities – Orange County (ACC-OC)** – is a membership organization established in 2011 which represents the interests of Orange County cities on regional public policy issues.

2. **Community Development Block Grants (CDBG) -** is a federal program established in 1974 that provides communities with resources to address a wide range of unique community development needs. The CDBG program provides annual grants on a formula basis to 1,209 general units of local government and States.

3. **Continuum of Care Funds -** provides funding for nonprofit providers, as well as State and local governments to quickly rehouse homeless individuals and families, with the goal of minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness. The goal is also to promote access to, and effect utilization of, mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.

4. **Emergency Solutions Grants (ESG)** – assists individuals and families to quickly regain stability in permanent housing after experiencing a housing crisis or homelessness. ESG funds are provided by formula to states, metropolitan cities, urban counties and U.S. territories to support homelessness prevention, emergency shelter and related services.

5. **Homeless Management Information System (HMIS)** - is a local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals, families, and persons at risk of homelessness.

6. **Housing and Community Development (HCD)** – is a County agency that administers the County's affordable housing development, community development, homeless prevention programs, and housing successor agency programs/activities.

7. **Housing and Urban Development** (HUD) – is a federal agency that works to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; and build inclusive and sustainable communities free from discrimination.

8. **Housing Inventory (HIT) Count** - is a point-in-time inventory of provider programs within a Continuum of Care that provide beds and units dedicated to serve persons who are homeless, categorized by five Program Types: Emergency Shelter; Transitional Housing; Rapid Re-housing; Safe Haven; and Permanent Supportive Housing.

9. **Low Income Housing Tax Credits (LIHTC)** - is a dollar-for-dollar tax credit given for affordable housing investments. Created under the Tax Reform Act of 1986, LIHTC provide incentives for the utilization of private equity in the development of affordable housing aimed at low-income Americans. These tax credits are more attractive than tax deductions as the *credits* provide a dollar-for-dollar reduction in a taxpayer's federal income tax, whereas a tax *deduction* only provides a reduction in taxable income.

10. **Not In My Backyard** (NIMBYism) – is a term used to express opposition by local citizens to locating a civic project in their neighborhood that, though valued and needed by the larger community, is considered potentially unsightly, dangerous, or likely to lead to decreased property values.

11. **Point in Time (PIT) Count** - is a count of sheltered and unsheltered homeless persons on a single night in January. HUD requires that Continuums of Care conduct an annual count of homeless persons who are sheltered in emergency shelter, transitional housing, and Safe Havens on a single night. Continuums of Care also must conduct a count of unsheltered homeless persons every other year (odd numbered years). Each count is planned, coordinated, and carried out locally.

12. **Section 8 Housing Vouchers –** a federal program, named for Section 8 of the Housing Act of 1937 (42 U.S.C. § 1437f), for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. In practice, the Section 8 Voucher will pay the balance of a rent payment that exceeds 30% of a renter's monthly income. The participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects.

Orange County Landfills:

Talking Trash

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SUMMARY

Landfills are much more than simply places to dump trash. Orange County Waste and Recycling operates an efficient and finely balanced county system of waste disposal. It is a valuable and essential asset, supplementing County revenue and power generation. As Orange County continues to grow, extending the life of the landfill system is necessary to accommodate the County's expansion. However, there are both near term and longer term issues which could adversely affect the life of our landfills and have a negative effect on Orange County's development. The near term problem is the possible closure of one of the landfills. The longer term factors are the state regulations regarding recycling and the importation of trash from outside the county.

Although one of the three county landfills, Olinda Alpha, is not at its permitted capacity, the current Memorandum of Understanding (MOU) with the City of Brea expires in 2021. It allows for closure if not renewed, which would have major countywide impact. Rerouting trash disposal traffic from Olinda Alpha to the two remaining landfills, Frank R. Bowerman in central county and Prima Deshecha in south county would affect traffic and infrastructure countywide. Waste disposal rates could increase for both residential and business customers because of increased travel distance from the pickup point to the landfill. The Grand Jury recommends that the County and the City of Brea initiate formal negotiations as soon as practicable to ensure identification and resolution of potential issues around Olinda Alpha.

Longer term, laws and regulations regarding recycling are changing. A key factor extending landfill life is recycling, since recycled materials do not enter the landfill. In addition, new state laws will soon require county residents and businesses to divert organic waste from landfill systems.

Another long term factor is the importation of trash from other counties, which increases the rate of fill and decreases landfill life. Importing trash, however, does provide revenue to the County. The Grand Jury recommends that the County should update and publish a cost/benefit analysis

on the imported trash revenue stream and the future costs associated with earlier closures in the landfill system.

REASON FOR THE STUDY

The three Orange County landfills operate under state permits, which must be renewed periodically until the landfills reach capacity and are closed. The State of California also requires that the County reach an agreement with cities impacted by the landfills. County agreements with the City of San Juan Capistrano regarding Prima Deshecha Landfill (PD), and the City of Brea regarding Olinda Alpha Landfill (OA) must be renewed in 2019 and 2021, respectively. The County agreement with the City of Irvine regarding the Frank R. Bowerman Landfill (FB) does not expire until 2025.

While negotiations relative to Prima Deshecha are ongoing, formal negotiations regarding Olinda Alpha have not begun. The Olinda Alpha Landfill is at risk of early closure if the agreement between the County and the City of Brea is not renewed. In addition, Olinda Alpha has only 18% of its estimated capacity remaining; however, Orange County continues to import trash from outside the county into the landfill, which could accelerate closure.

Closure of any of the landfills will affect the balance of the entire system with countywide effects. The Grand Jury sought to evaluate the various factors affecting operation of the landfills and to suggest steps which may extend their useful life.

METHOD OF STUDY

The Orange County Grand Jury interviewed key personnel of Orange County Waste & Recycling (OCWR), representatives from the Cities of Brea, Irvine, and San Juan Capistrano, and three private waste haulers responsible for the majority of the county waste collection. The Grand Jury also reviewed the state's waste disposal and recycling laws and regulations. In

addition to completing extensive online research and document review, the Grand Jury conducted onsite visits to each of the County's active landfills and three major Material Recycling Facilities, as well as the Orange County Sanitation District.

BACKGROUND AND FACTS

Orange County waste disposal system includes three active landfills and four household hazardous waste collection centers (HHW).

Figure 1: Orange County Waste Disposal System

Source: Adapted from Orange County Waste and Recycling, *OCWR Strategic Plan, November 2016*, Appendix 2

Waste Disposal System

Orange County Waste & Recycling Department (OCWR) operates and staffs the landfills with County employees. The HHWs are operated by a subcontractor. The system serves residents and businesses in all thirty-four cities and unincorporated areas of the county. (See Figure 1)

Policy decisions regarding the system are made by the Orange County Waste Management Commission, an eighteen member advisory board formed by and reporting to the Orange County Board of Supervisors. Composed of city council members, an appointed city manager, members of the public and the Director of OCWR, it meets quarterly. The role of the Commission is to advise the Board of Supervisors on matters relating to municipal solid waste and hazardous waste management. It also addresses operations and maintenance of the County's landfills and other facilities related to the County's solid waste disposal system. OCWR provides support staff for the Commission.

The three landfills are the destination of all non-hazardous, non-recyclable solid waste. Typically operating under city or County contracts, commercial trash haulers pick up trash and recyclable material from residences and businesses throughout Orange County. The haulers separate recyclable materials by type and bundle them for sale to a wholesaler or broker, who in turn sells them to domestic or foreign manufacturers. The remaining solid waste is taken to the landfills.

Landfills are located in north, central and south Orange County. Together the County's three landfills accept approximately 16,900 tons of trash per day. In Fiscal Year 2017-18, Orange County landfills will accept an estimated total of 4.9 million tons. Revenues to operate and maintain the landfills come from several sources, principally contract landfill disposal fees paid by the county's commercial trash haulers, landfill gate fees paid by public self-haul, and a portion of revenues from imported trash. Table 1 summarizes key landfill information.

Table 1: Orange County Landfills Key Information

LANDFILL	TOTAL ACREAGE	PERMITTED ACREAGE	TONNAGE PER DAY-ACTUAL	TONNAGE PER DAY-PERMITTED	CAPACITY REMAINING (%)	RENEWAL DATE	ESTIMATED CLOSURE DATE
Olinda Alpha	565	420	7,000	8,000	18	2021	2031
Frank R. Bowerman	725	534	8,500	11,500	67	2025	2053
Prima Deshecha	1,530	678	1,400	4,000	99	2019	2067

Source: Solid Waste Facility Permits 30-AB-0035, 30-AB-0360, 30-AB-0019; Orange County Waste Management Commission; Meeting Agenda of September 14, 2017, and interviews

OCWR also has four regional facilities which accept household hazardous waste from county residents. The facilities are staffed and operated by a national company that specializes in hazardous materials disposal. One of the collection centers is located at the San Juan Capistrano landfill. The other three are located in Irvine, Huntington Beach and Anaheim. All four offer drop-off locations for county residents and have a Materials Reuse Program for residents to obtain free, partially used materials, such as cans of paint. The collection centers are a means of managing hazardous materials and reducing illegal and improper disposal of hazardous waste by residents. Businesses, churches, and schools must use commercial services to dispose of the hazardous materials they produce.

Olinda Alpha Landfill, Brea

The Olinda Alpha (OA) Landfill opened in 1960. It consists of 565 acres, 420 acres of which is permitted for refuse disposal.

Located on unincorporated county land at the base of the Chino Hills range, it is adjacent to the City of Brea. The OA Landfill accepts an average of 7,000 tons per day of both commercial and public trash. It is permitted a maximum of 8,000 tons on any given day. Service areas include Brea, Anaheim, Garden Grove, Fullerton, La Habra, La Palma, Orange, Placentia, Villa Park, Yorba Linda, and north county unincorporated areas. To minimize noise and inconvenience to the adjacent neighborhoods, operating hours are limited to 7 a.m. to 4 p.m. Monday through Saturday.

The OA Landfill produces 32.5 megawatts (MW) of electricity from an onsite Landfill Gas to Energy (LFGE) plant using methane gas collected from decomposing organic waste in the landfill. The power is used to operate the landfill and is also sold to Anaheim Public Utilities, providing electricity to 17,000 homes. Revenue from this operation helps support the operation of the landfill.

Frank R. Bowerman Landfill, Irvine

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The Frank R. Bowerman (FB) Landfill opened in 1990 with a projected closure in 2053. It consists of 725 acres, 534 acres of which is permitted for refuse disposal.

The FB Landfill accepts 8,500 tons per day of commercial trash. The Solid Waste Facility Permit for the FB Landfill permits a maximum of 11,500 tons per day. Service areas include Costa Mesa, Newport Beach, Santa Ana, Fountain Valley, Huntington Beach, Irvine, Lake Forest, Laguna Beach, Laguna Hills, portions of Anaheim, and unincorporated areas in central Orange County.

The FB Landfill accepts commercial trash hauler disposal only. No public self-haul dumping is allowed. Customers must have a valid contractor or business license.

The FB Landfill operates a 20MW onsite LFGE plant serving the landfill and 14,700 homes.

Prima Deshecha Landfill, San Juan Capistrano

The Prima Deshecha (PD) Landfill, opened in 1976, includes two zones: Zone 1 and Zone 4. These two zones encompass 1,530 acres, with 678 acres permitted for refuse disposal.

The PD Landfill currently accepts 1,400 tons/day of commercial and self-haul waste. The Solid Waste Facility Permit allows a maximum disposal of 4,000 tons per day. Zone 1 operation is permitted through 2019, while Zone 4 is permitted through 2067. Negotiations to extend Zone 1 operations are in progress.

Most of Zone 1 is located within the city limits of San Juan Capistrano. Residential subdivisions and San Juan Hills High School are located within a mile of the landfill. To date the relationship between the landfill and its neighbors has been collaborative. Service areas include Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, San Clemente, San Juan Capistrano, and south county unincorporated areas. PD operates a 6.0 MW LFGE plant for landfill needs.

The Highly Regulated Life of a Landfill

The Resource Conservation and Recovery Act, enacted in 1976, is the principal federal law governing the disposal of solid waste and hazardous waste. It is implemented in Title 40 of the Code of Federal Regulations (CFR) entitled "Protection of the Environment." In compliance with 40CFR, California, in turn, regulates every aspect of a landfill's construction, use, and retirement under Title 27, Chapter 3 of the California Code of Regulations – Environmental Protection. The major state requirements for a continuing landfill operation include the following:

- A Solid Waste Facility Permit
- Agreement of affected cities
- Periodic inspections

All landfills have a useful life defined by the amount of trash deposited and the permit restrictions which govern the use of the landfill. Barring disasters such as earthquakes and 100-year floods, a landfill will close when the trash reaches the permitted height above mean sea level. See Table 2.

Table 2: Permitted Landfill Height Above Mean Sea Level

LANDFILL	PERMITTED HEIGHT ABOVE MEAN SEA LEVEL (FT.)
Olinda Alpha	1,415
Frank R. Bowerman	1,350
Prima Deshecha- Zone 1	600
Prima Deshecha- Zone 4	1,010

Source: Solid Waste Facility Permits 30-AB-0035, 30-AB-0360, and 30-AB-0019

Each facility is governed by a Solid Waste Facility Permit which is renewed every five years by the Orange County Healthcare Agency (OCHCA), subject to review by the California Department of Resources Recycling and Recovery (CalRecycle). The landfills are inspected monthly by the Solid Waste Local Enforcement Agency within OCHCA, often in the company of a state environmental inspector. The inspections are detailed and encompass everything from windblown paper on the access roads to holes dug by coyotes on the working face. Permit renewal is not automatic. Facilities with serious, repeated or uncorrected violations can be subject to penalties, including closure.

In addition to the Facility Permit, cities hosting the landfills or within the sphere of influence of landfill activities have input about landfill operations and how they impact the city residents. The agreement between the city and the county takes the form of a Memorandum of Understanding (MOU) or equivalent. The 2013 MOU renewal between Brea and the County, for instance,

included noise reduction measures, odor reduction measures, street upgrades, and amenities for the neighborhoods directly affected by landfill traffic. The MOUs are negotiated for varying terms, but these usually do not coincide with the five-year Facility Permits.

The current MOU between Brea and the County expires in 2021. The current Olinda Alpha Facility Permit expires in 2020. Each of these events could lead to closing of the landfill. If the lack of an MOU threatens a premature closure of a landfill, California state authorities may intervene to prevent the closure. It is likely any such action would result in lawsuits and risk of the landfill being closed by court action.

A landfill puts different parts of its permitted area into use at different times, depending on the availability of access roads, the type of underlying soil, and the accumulated trash height, among other considerations. A portion of a landfill may be retired from use without affecting the rest of the landfill. Plans for closing a section of a landfill must be approved by state and county authorities. A detailed plan is submitted to the Environmental Health Division of OCHA. After the plan is approved there, the request moves to CalRecycle on the state level. The approval process can take months. The landfill operator remains responsible for upkeep of the inactive landfill sections, and of the entire landfill in perpetuity when it finally closes. Even a closed landfill is subject to quarterly inspections. OCWR currently maintains or monitors twenty closed disposal sites.

California Law on Recycling

Extending the life of all the landfills is necessary to accommodate the future growth of Orange County. One way to do this is to increase recycling, since recycled material does not go to a landfill. California has been a leader in passing legislation to encourage environmentally sound waste management practices. New state regulations, coupled with significant landfill technology advances, also contribute to extending the useful life of landfills.

California's Integrated Waste Management Act of 1989 (IWMA, AB 939) established a baseline for recycling. Current recycling of solid waste has reached the IWMA goal of 50%.

Several additional bills have been enacted by the California Legislature which affect the landfills. See Table 3 for key legislation.

Table 3: Summary of Key California Recycling Legislation

Legislation	Key Points
California IWMA (AB 939, 1989)	Divert 50% of all solid waste from landfills by January 1, 2000
AB 341 (2011)	Raised the solid waste diversion goal to 75% by 2020
AB 1826 (2014)	Business organic waste must be sent to organic waste recycling services beginning 2016
SB 1383 (2016)	Waste-produced methane levels, as measured in 2013, should be reduced 50% by 2030

Source: website www.calrecycle.ca.gov/laws

These bills do not specify how local jurisdictions were to achieve these goals, nor how programs will be reimbursed for the cost of achieving them. They do require establishing a process in which organics are diverted from the solid waste stream and recycled. Private trash haulers have begun to develop proprietary plans and technology for compliance. However, many important issues and details remain unaddressed.

Recycled Materials as Commodities

The recycled materials market is a commodities market in which prices continually fluctuate. For foreign markets, prices are affected by exchange rates. The price of each material type varies as manufacturers' needs change. Historically, old newspapers were a valuable commodity. The recent decline in the use of newsprint means supplies are no longer sufficient to make newspaper recycling profitable, although cardboard cartons are beginning to replace it due to the increase in online shopping.

Processors of recyclable materials, especially in China, have begun to require that material bundles have reduced amounts of "contamination" from previously accepted levels. Chinese government regulations introduced early in 2018 require that bales of recycled material contain no more than 0.5% of contamination. Thus a 1,850 lb. bale of cardboard would be rejected by a customer in China if it included more than nine pounds (0.5%) of non-cardboard material, such as plastic sheeting or newsprint. The entire bale would be returned to the original hauler at the hauler's expense and sent to a county landfill. This could lead to higher trash rates and increased fill rates.

Organic Solid Waste

Methane is produced by the decomposition of organic waste at the landfills and is considered to be a destructive greenhouse gas. In the United States discarded food, one type of organic waste, is the single largest component of all municipal solid waste. According to the National Environmental Education Foundation, landfills are the third largest source of total methane. Many landfills, including all three in Orange County, collect the methane and burn it in LGFE plants to produce electricity.

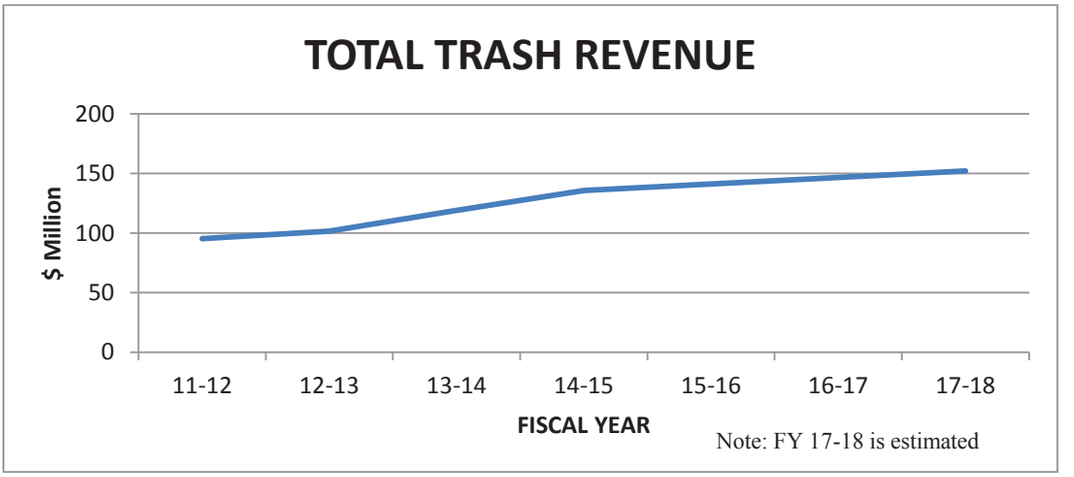
Beginning in 2016, the State required restaurants, supermarkets, large venues and food processors to separate food scraps and green waste for organic recycling. This creates a challenge for the trash haulers, who must collect the organic material and dispose of it in a cost effective manner, or pass on these costs as increased fees for residents and businesses. Regardless of the recycling techniques used, any decrease in organic solid waste will increase the useful life of County landfills and reduce the amount of methane emissions currently used for LFGE facilities that provide electrical power. Less methane means less electricity produced by the LGFEs. Royalties are paid to OCWR by contractors based on the amount of electricity sold. For the three fiscal years 2015-2017 the total amounted to $9 million. Current estimates predict

an appreciable reduction of methane by 2030, but the fiscal impact of the reduction is hard to determine.

Trash Revenue

Not all revenue raised at OC landfills directly benefits OCWR. Fees collected from Orange County commercial trash haulers and self-haulers directly support OCWR landfill operations. Income raised from importing trash is treated differently.

Figure 2: Total Trash Revenue



Source: Waste Management Commission Meeting Agenda of March 8, 2018

Imported Trash

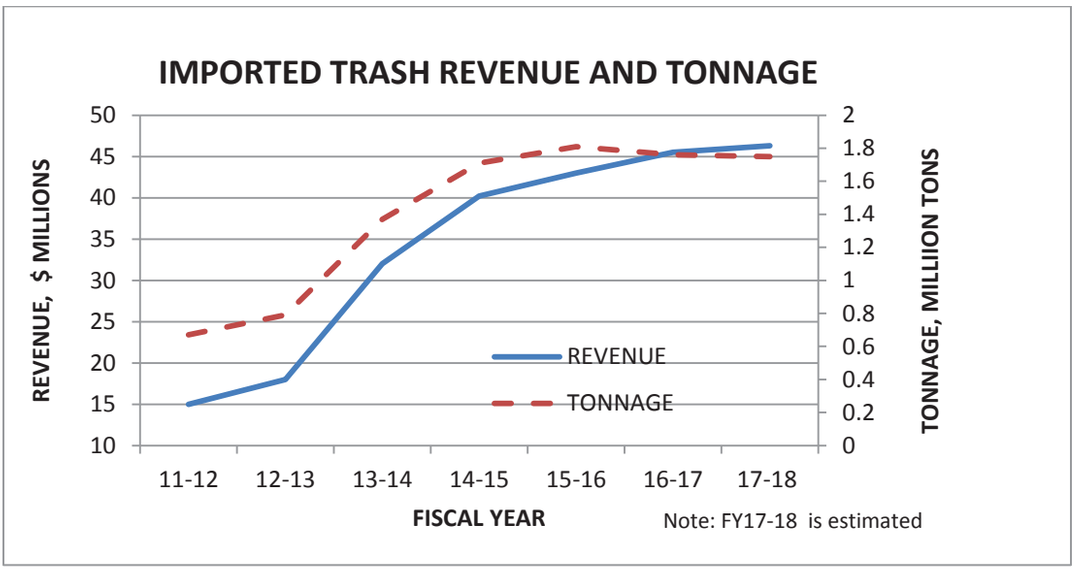
The 1994 Orange County bankruptcy resulted in a fiscal emergency that required extreme measures. Accepting trash from outside Orange County and collecting associated disposal fees was selected as an additional source of revenue for the County to be used toward payment of the bankruptcy debt. In 1995, county landfills began to accept trash from Riverside, Los Angeles

and San Bernardino counties for a fee. Currently, importation is 37% of the total annual waste in the landfills and contributes 30% of the total annual revenue.

In Fiscal Year 2016-17, the County of Orange received $45.5 million from the imported trash fees. OCWR received about 25% of that money for landfill support. About 7% was retained by the County and 5% was used to compensate the host cities. The great majority, 63% or $28.7 million, was used to retire the bankruptcy bonds and to pay other bankruptcy-related expenses.

The bankruptcy bonds were discharged by July 1, 2017, but the County continues to import trash and collect fees, with contracts running until 2025. Most of these fees will be used to pay the $33.3 million owed to a handful of cities, special districts and internal county accounts that elected not to be repaid out of bond proceeds. A surplus, estimated to be between $5-8 million annually, remains beyond that.

Figure 3: Imported Trash Revenue and Tonnage



Source: 1 Waste Management Commission Meeting Agency of March 8, 2018

REPORT 5

The distribution of the imported trash is rebalanced among the three landfills periodically. In 2017, 95% of the imported trash was divided between Olinda Alpha and Frank Bowerman Landfills, with the remainder sent to Prima Deshecha. Over the last two years, the imported trash received by OA Landfill has decreased, but it continues to receive nearly half of the total. (See Table 4)

Table 4: Distribution of Imported Trash per Landfill

	FY 2016/17		FY 2017/18 *(1st two quarters)	
	Total Trash (%)	Tonnage (million tons)	Total Trash (%)	Tonnage (million tons)
OA Landfill	60	1.06	47	0.43*
FB Landfill	35	0.61	47	0.43*
PD Landfill	5	0.09	6	0.05*
Total	100	1.76	100	0.91*

Source: 2 Waste Management Commission Meeting Agency of March 8, 2018

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Olinda Alpha: The Crunch Point

OA Landfill will reach its permitted capacity before the other two landfills. The amount of space remaining at the OA Landfill is approximately 18%. Both FB and PD retain large available capacity: FB has 67% remaining capacity and PD, 99% remaining capacity (Waste Management Commission, Agenda of December 14, 2017 Meeting).

As a result of recycling and other mitigation measures, recent capacity estimates project a closure date of 2028 or later for OA Landfill. However, the MOU between the County and the City of Brea specifies a closure date of 2021. The renewal process, including revision of the

specified closure date, is lengthy, involving multiple state and county reviews. Without a renewal agreement, the continued operation of the OA landfill may be jeopardized, even though it is not at permitted capacity.

Implications for the City of Brea

Half of the total waste truck trips in Orange County, more than quarter of a million per year, travel over Valencia Avenue, the only access road to OA Landfill. Two large Brea master planned communities, Olinda Ranch and Blackstone, border Valencia Avenue. Amenities for these communities include public parks, hiking and equestrian trails and wildlife corridors.

In 2009, after lengthy negotiations, the County and the City of Brea implemented a $35 million package of odor, noise, and traffic mitigation measures, as well as landscape upgrades along Valencia Avenue in exchange for continued operation of OA.

A further extension of the MOU between the OA Landfill and the City of Brea means continuing the daily stream of large trash trucks entering and leaving the landfill. Although the County has made great strides in addressing community landfill concerns, these remain long term considerations for many of those residents. The negotiations between the County and City of Brea to reauthorize use of OA could be as complicated as in the past.

Implications for the Entire County

The closure of the OA Landfill would upset the balance of the entire county landfill system, not just north Orange County and the City of Brea. All self-haul vehicles and heavy trash truck traffic to and from the OA Landfill would be diverted to Irvine and south county via existing highways and local streets. OCWR reports that there were 267,000 truck trips to OA Landfill in 2017. Such a large number of heavy truck trips to the FB and PD Landfills would significantly increase freeway and local street traffic, hastening the degradation of the road infrastructure.

Adding travel distance and time would increase operating costs, resulting in higher trash bills to Orange County residents and businesses.

Conclusion

As Orange County's population continues to grow, so will its waste stream. While the landfills still have capacity, it is in the best interests of residents to keep the Orange County solid waste disposal system intact and extend its life as long as possible. Three major factors affect the system:

- risk of Olinda Alpha Landfill closure in 2021, which would have major negative impact on the system
- imported waste, which adds to the burden of the landfills
- volatility in the market for recyclable material, which could have a negative effect

While there is little that can be done at a local level with regard to the recyclables market, managing the other factors is even more crucial to the future growth and quality of life for Orange County.

Commendation

Orange County Waste and Recycling is to be commended for operating an efficient and cost effective system of landfills and hazardous waste disposal centers that constitutes an important economic asset to Orange County.

FINDINGS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Orange County Landfills: Talking Trash," the 2017-2018 Orange County Grand Jury has arrived at five principal findings, as follows:

F1. The Orange County waste disposal system is efficient, well balanced, geographically distributed, and works to mitigate disturbance to nearby neighborhoods.

F2. The Orange County landfill system would be disrupted by the closure of any one of the landfills.

F3. The Olinda Alpha Landfill is a possible candidate for closure in 2021 if negotiations with City of Brea prove unsuccessful.

F4. Importing trash from outside of the County, initiated to help the County survive the 1994 bankruptcy, continues even though the bankruptcy bonds were retired as of July 2017.

F5. Continued importation of trash tends to decrease Orange County landfill life.

RECOMMENDATIONS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Orange County Landfills: Talking Trash," the 2017-2018 Orange County Grand Jury makes the following two recommendations.

R1. By December 30, 2018, **t**he County of Orange and the City of Brea should initiate formal negotiations to ensure identification and resolution of potential issues with the Olinda Alpha Landfill Memorandum of Understanding. (**F1, F2, F3**)

R2. By June 30, 2019, Orange County Waste and Recycling should update and publish a cost/benefit analysis on the imported trash revenue stream surplus and the future costs associated with earlier closures in the landfill system. (**F4, F5**)

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the findings and recommendations of this Grand Jury report:

§933(c)

"No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head or any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. . . . "

§933.05

"(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
(1) The respondent agrees with the finding.
(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
(1) The recommendation has been implemented, with a summary regarding the implemented action.
(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the

governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department."

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

Responses Required:

Findings:

Orange County Board of Supervisors:	Findings: F1, F2, F3, F4, F5
City of Brea City Council	Findings: F1, F2, F3

REPORT 5

Recommendations:

Orange County Board of Supervisors:	Recommendations: R1, R2
City of Brea City Council:	Recommendations: R1

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APPENDIX – GLOSSARY

Hazardous Waste - Speaking in general terms, hazardous wastes are solid wastes that are toxic, ignitable, reactive, or corrosive according to Chapter 11 of Division 4.5 of Title 22 of the California Code of Regulations.

Household Hazardous - Waste includes paint, antifreeze, used motor oil, batteries, pesticides, caustic cleaners, needles, fluorescent light bulbs, medications, and other items that may present handling problems or other hazards if they are left in the solid waste stream.

Integrated Waste Management - Managing waste by multiple techniques to achieve solid waste and resource conservation goals. The techniques may include waste reduction, reuse, recycling, composting, transformation, disposal to landfills, and other means.

Municipal solid waste or MSW - "Municipal solid waste" or "MSW" means all solid wastes generated by residential, commercial, and industrial sources, and all solid waste generated at construction and demolition sites, at food-processing facilities, and at treatment works for water and waste water, which are collected and transported under the authorization of a jurisdiction or are self-hauled. Municipal solid waste does not include agricultural crop residues (SIC Codes 071 through 0724, 0751), animal manures (SIC Code 0751), mining waste and fuel extraction waste (SIC Codes 101 through 1499), forestry wastes (SIC Codes 081 through 0851, 2411 and 2421), and ash from industrial boilers, furnaces and incinerators.

Organic waste - "Organic waste" means solid wastes originated from living organisms and their metabolic waste products, and from petroleum, which contain naturally produced organic compounds, and which are biologically decomposable by microbial and fungal action into the constituent compounds of water, carbon dioxide, and other simpler organic compounds. Sometimes called **biodegradable waste.**

Recycling - Using waste as material to manufacture a new product. Recycling involves altering the physical form of an object or material and making a new object from the altered material.

Solid wastes - Discarded or abandoned materials. Solid wastes can be solid, liquid, semi-solid or containerized gaseous material. For regulatory purposes, **hazardous waste** is a subset of solid waste.

Waste - Objects or materials for which no use or reuse is intended.

Source: CalRecycle

Can the Emergency Operations Center Survive a Catastrophic Event?

GRAND JURY 2017-2018

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REPORT 6

SUMMARY

The Orange County Emergency Operations Center (EOC) is the heart of the county's response activity during a major disaster. While it stands ready for action at any time, there are issues which could render the facility unusable if a disaster occurs.

Located at the top of Loma Ridge near the City of Orange, the facility is accessed by a 1.3-mile narrow and winding road with only three turnouts, making it difficult for vehicles to pass in opposite directions. The road is dangerous, with a number of blind curves and signs of degradation and slippage. Surrounding both the roadway and the facility are dry, overgrown weeds which could easily catch fire. Inside the building, office equipment and supplies have not been consistently and properly secured to withstand an earthquake.

As a result of its investigation, the Grand Jury recommends the following:

- The County of Orange and the Orange County Sheriff's Department should work collaboratively to address the condition and width of the road to the EOC facility, ensuring that multiple emergency responders can safely travel both to and from the facility to perform their duties when an emergency is declared.

- The Sheriff's Department should immediately take action to ensure that all equipment is properly secured and placed in a manner to prevent injury.

REPORT 6

REASON FOR THE STUDY

During multiple tours of the EOC facility, the Grand Jury noted issues that present major concerns should there be a large-scale disaster such as a brush fire or earthquake. With the current condition of the access road, it is not clear that the road can safely accommodate the volume of traffic that occurs when the EOC is activated. The Grand Jury also reviewed several Grand Jury reports from past years (1998-1999, 1999-2000 and 2014-2015) which focused on the condition of the road to the facility, and discovered that several important recommendations

have not been implemented. Therefore, the Grand Jury initiated a new investigation focusing on access to the facility and internal safety measures.

METHOD OF STUDY

During the investigation, the Grand Jury conducted the following:

- review of previous Grand Jury reports, findings, and recommendations
- interviews with personnel from the Orange County Sheriff's Department
- interviews with personnel from Orange County Parks and Recreation
- interviews with personnel from Orange County Fire Authority
- interviews with personnel of private weed abatement companies
- review of information and reports concerning emergency operations in California and other states
- tours of the EOC during routine days and during activation
- review of aerial photos of the EOC area

BACKGROUND AND FACTS

The Emergency Operations Center Facility

The EOC is the hub for coordinating activity and communication when an event of major proportion occurs, such as an earthquake, fire, tsunami, flood, major chemical spill, mass shooting, or civil disturbance. During activation, one hundred and fifty or more emergency responders may need to assume their positions at the EOC within an hour. (See List of Emergency Responders - Appendix 1.) Emergency responders coordinate all activities and resources required to address the needs of the public, including evacuations, shelters,

transportation, food and clothing, and recovery. However, they do not directly control field assets such as fire personnel and equipment, ambulances, police officers, buses, or evacuation sites – all of which are under the purview of the respective County and city agencies, special districts, and private organizations.

When a local emergency occurs, city and County management contact EOC staff on the twenty-four hour emergency access line to request assistance. The EOC can be activated at one of three levels, depending on the scope of the emergency:

- Level 1 for lower-level, two-city events, or events, which affect a city and the County
- Level 2 for more serious issues requiring the assistance of numerous support agencies and some evacuations
- Level 3 for a large-scale event requiring immediate response from support agencies to assist with evacuations, medical aid, and damage mitigation

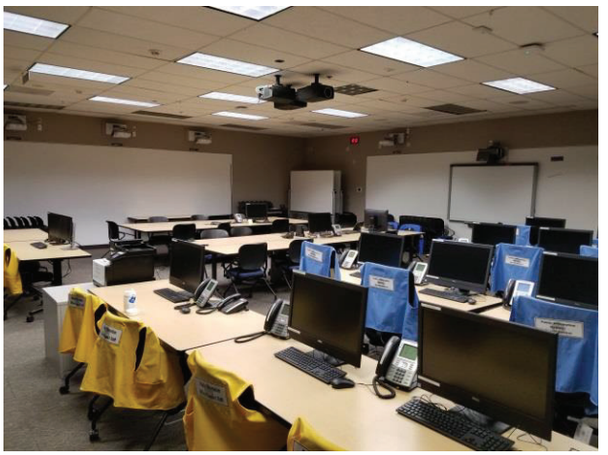
Activation of the EOC requires that emergency responders assume a twelve-hour on, twelve-hour off schedule. To reach their positions, most emergency responders will arrive at the EOC by vehicle, and are expected to arrive within one hour of being called.

In order to ensure centralized and effective coordination of all response and recovery activity, the EOC is set up in the following manner:

REPORT 6

The Command Center (Policy Group) includes upper level County Department, Orange County Fire Authority, and Orange County Transportation Authority managers who are responsible for making strategic policy decisions.

Source – Orange County Grand Jury



Source – Orange County Grand Jury

The Support Center staff provides the support functions for operating the EOC, such as situation analysis, documentation, the Public Information Hotline, and runners.

The Operations Center brings together managers and staff from various agencies and departments who are responsible for coordinating the emergency response and recovery efforts. Represented here are County, cities, special districts, the California Highway Patrol, Caltrans, California Office of Emergency Services and non-governmental agencies such as American Red Cross, Salvation Army, and the Water Emergency Response Organization of Orange County.

Four leadership positions are assigned to the Operations Center to oversee the coordination of all participating agencies: the Operations Center Chief, the Planning/ Intelligence Chief, the Logistics Chief, and the Finance Chief.

Source – Orange County Grand Jury

REPORT 6

The Access Road

Following the 1.3-mile narrow and winding Loma Ridge Road (see Figure 4), the Grand Jury ascended the hill to the EOC facility, approximately 1,273 feet above sea level. The Grand Jury observed signs of road deterioration and earth slippage, and noted that the paved, narrow road, which ranges in width from 16.5 feet to 25 feet, provides little or no room for passing vehicles. Several blind curves impair visibility. As vehicles meet while traveling the road in opposite directions, the vehicle going downhill is required to stop to allow the vehicle coming up to pass. There are three turnouts along the road; however, these turnouts are situated next to very steep drop-offs with no barriers, making them inordinately dangerous. The turnouts average a maximum width of eleven feet from the edge of the paved road, and are approximately sixty feet long. They are located at points 1,025 feet, 2,025 feet, and 3,225 feet from the front gate. The Grand Jury was advised that in a disaster affecting the road the only alternative access to the EOC is by helicopter.

These conditions pose significant danger to the staff working at the EOC on a daily basis. During a disaster, when many more vehicles are using the road to and from the facility, safety issues are magnified.

The 2014-2015 Grand Jury Report concluded that widening the road would be beneficial, but that the road is adequate for fire vehicle access. The 2017-2018 Grand Jury considered the large number of other vehicles accessing the EOC during an emergency and believes this creates a need for immediate road improvements to ensure safety.

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Figure 1 Loma Ridge Road - access to the Emergency Operations Center

Source: Adapted from Google Maps

Weed Overgrowth

As illustrated in Figures 2 and 3, the Grand Jury noted an abundance of overgrown weeds at the edge of the road and on the shoulders, obstructing many of the areas where vehicles must maneuver when trying to pass each other. Not only does this overgrowth affect the ability to drive along the road, it presents a serious fire hazard. The EOC and its surrounding area are located in an area of high fire danger. (See Appendix 2)

According to the guidelines on the County Public Works website, grass, noxious weeds, trash, rubbish, and other flammable material should be removed from vacant lots and areas surrounding buildings.

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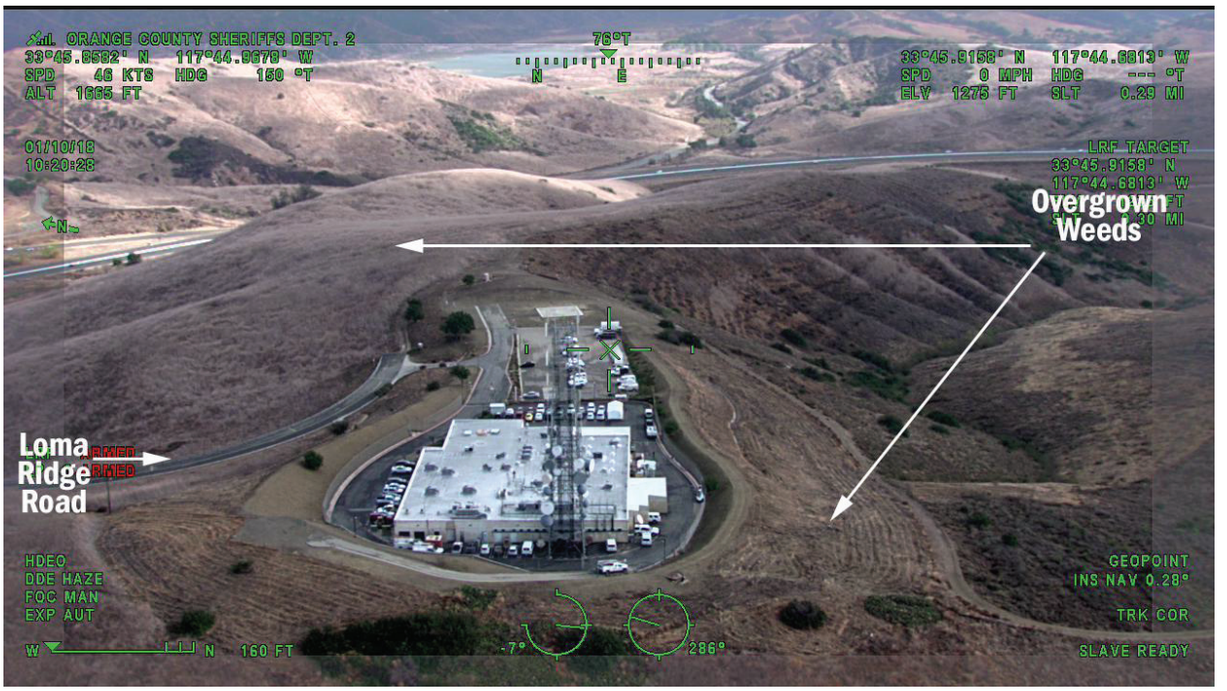
Figure 2: Emergency Operations Center – Aerial View – showing areas where there are dried, overgrown weeds.



Source: Adapted from Orange County Sheriff's Department photo

In 2007, the Santiago Canyon Fire burned the entire brush area surrounding the EOC facility and along the road leading to the facility, putting the staff, equipment, and the building in danger.

REPORT 6

Figure 3: Weed and Brush Overgrowth around the Emergency Operations Center

Source: Orange County Grand Jury

Alternative Access Road

The Sheriff's Department has identified a second potential exit route, which runs along the rim of the ridge. This is the Loma Ridge Jeep Trail (see Figure 4), a very narrow dirt path. Due to its unpaved condition, it is unsuitable for emergency or other vehicles traveling to or from the EOC.

Figure 4: Aerial View Loma Ridge Jeep Trail

Source: Adapted from Google Maps

Who Is In Charge?

In 1991, the Irvine Company gave the County six acres of land on top of Loma Ridge peak to build an Emergency Operations Center. The County was granted an easement for "improvement, construction, stabilization, operation, maintenance and use of a road together with supporting slopes and underground utilities necessary for operation of the Center (EOC), all to be constructed by the County at County's sole cost and expense, for vehicular and pedestrian access to the Center." A new 2010 agreement required that the County maintain all roads, identify and remediate erosion problems on the roads, and conduct weed abatement as necessary.

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During its investigation, the Grand Jury learned that the County assigned the maintenance of the road and the land around the EOC to the Sheriff's Department. In past years, the Sheriff's Department employed a private contractor for this purpose. However, the contract has not been renewed for several years, and is not currently out for bid. Since 2013, the Sheriff has requested $950,000 each year to address the deterioration of the road, but the Board of Supervisors has not provided that funding. The County's Public Works Department has the responsibility for maintenance of roads and trails in unincorporated areas, but has not been assigned that responsibility for Loma Ridge Road.

Inside the Facility

Throughout the EOC are offices and meeting rooms which contain computer equipment; office equipment; wall-mounted televisions and screens; and bookcases, cabinets and closets full of books, manuals, and office supplies. The Grand Jury observed that office equipment and storage cases have not been properly secured to work stations or to the walls. In the event of a major earthquake, equipment could be damaged or made inoperable, potentially impairing emergency operations. Unsecured equipment, books, manuals, and office supplies could become airborne, causing serious injury to EOC staff and emergency responders.

Figure 5: Office area at the Emergency Operations Center

Source: 2017-2018 Grand Jury

REPORT 6

Conclusion

The EOC is a vital link between the County, emergency responders, and the public when a disaster occurs. Like any facility, however, it is vulnerable to natural disasters. Therefore, any hazardous situation which could affect the functionality of the EOC should be addressed completely and effectively.

FINDINGS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Can the Emergency Operations Center Survive a Catastrophic Event?" the 2017-2018 Orange County Grand Jury has arrived at five principal findings:

F1. The only access road to the Emergency Operations Center is narrow, with a number of dangerous winding turns, imperiling safe vehicle passage.

F2. The only alternative exit is an unpaved jeep trail that is narrower and more dangerous than the main access road and is unsuitable for vehicle passage.

F3. The failure to properly maintain the area around the Emergency Operations Center and eradicate the overgrowth of weeds impairs visibility and presents a major fire hazard.

F4. The Orange County Sheriff's Department has been unable to fulfill the County's responsibility to maintain the Emergency Operations Center's access road, including weed abatement and road repairs.

REPORT 6

F5. Office equipment, bookcases, and file cabinets are not properly secured and present a risk of injury and facility damage in a major earthquake.

RECOMMENDATIONS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Can the Emergency Operations Center Survive a Catastrophic Event?" the 2017-2018 Orange County Grand Jury makes the following five recommendations:

R1. By September 1, 2018, the County should consider assigning responsibility for maintaining the land around the Emergency Operations Center, as well as the road to the facility, to the Orange County Public Works Department, which has staff with expertise in this field. **(F1, F3, F4)**

R2. By December 1, 2018, the County should have plans in place to repair and widen the current access road, enhance and add turnouts, or add a new access road to provide safe travel to and from the Emergency Operations Center. **(F1)**

R3. By December 1, 2018, the County of Orange should have a contract in place to ensure regular weed abatement around the Emergency Operations Center and along Loma Ridge Road. **(F3, F4)**

R4. By January 1, 2019, the County of Orange and the Sheriff's Department should initiate a study regarding the ability to use the Loma Ridge Jeep Trail as an emergency exit route from the Emergency Operations Center. **(F2)**

R5. By September 1, 2018, the Orange County Sheriff's Department should ensure that all office furniture and equipment is properly secured to prevent damage or personal injury in a major earthquake. **(F5)**

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the findings and recommendations of this Grand Jury report:

§933(c)

"No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head or any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. . . . "

§933.05

"(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
(1) The respondent agrees with the finding.
(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
(1) The recommendation has been implemented, with a summary regarding the implemented action.
(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion

by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department."

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

Responses Required:

Findings:

Orange County Board of Supervisors: F1, F2, F3, F4

Orange County Sheriff's Department: F1, F2, F3, F4, F5

Recommendations:

Orange County Board of Supervisors: R1, R2, R3, R4

Orange County Sheriff's Department: R1, R2, R3, R4, R5

REFERENCES

- *California Government Code*, Sections 51175-51189.
- County of Orange, "Orange County Operational Area Evacuation Annex Plan", May 2015.
- Orange County Parks. "Irvine Ranch Open Space – Interim Operations Plan". March 2010. Accessed: May 15, 2018. http://cams.ocgov.com/Web_Publisher_Special/Agenda06_29_2010_files/images/O01410-000991E.PDF
- County of Orange, "Loma Ridge Irrevocable Offer of Dedication", March 22, 1991.
- *Orange County [California] Code of Ordinances*, Title 3, Division 1.
- Orange County Sheriff's Department, "Weed Abatement Contract", May 2015.
- County of Orange. "Vegetation / Weed Abatement". Accessed May 22, 2018. http://cms.ocgov.com/gov/pw/agricultural/abatement.
- 1998-1999 Grand Jury Report, "Safety Concerns at the OC Operations Center"
- 1999-2000 Grand Jury Report, "Access Concerns at the Orange County Emergency Operations Center **".**
- 2014-2015 Grand Jury Report, "Can the Emergency Operations Center Loma Ridge survive a disaster?"
- Photos and Maps of Loma Ridge

REPORT 6

Appendix 1

ORANGE COUNTY OPERATIONAL AREA MEMBERSHIP
Effective May 2018

ORANGE COUNTY DEPARTMENTS

Assessor
Auditor-Controller
Child Support Services
Clerk-Recorder
Community Resources
  Animal Care
  Public Libraries
County Counsel
County Executive Office
  Human Resources
District Attorney
Health Care Agency
John Wayne Airport
Probation Department
Public Defender
Public Works
Registrar of Voters
Sheriff-Coroner
  Communications
Social Services Agency
Superior Court
Treasurer-Tax Collector
Waste and Recycling

CITIES

Aliso Viejo
Anaheim
Brea
Buena Park
Dana Point
Fountain Valley
Costa Mesa
Cypress
Fullerton
Garden Grove
Huntington Beach
Irvine
La Habra
La Palma
Laguna Beach
Laguna Hills
Laguna Niguel
Laguna Woods
Lake Forest
Los Alamitos
Mission Viejo
Newport Beach
Orange
Placentia
Rancho Santa Margarita
San Clemente
San Juan Capistrano
Santa Ana
Seal Beach
Stanton
Tustin
Villa Park
Westminster
Yorba Linda

REPORT 6

SPECIAL DISTRICTS

Buena Park Library District
Capistrano Bay Community Services District
Costa Mesa Sanitary District
East Orange County Water District
El Toro Water District
Emerald Bay Community Services District
Garden Grove Sanitary District
Irvine Ranch Water District
Laguna Beach County Water District
Midway City Sanitary District
Moulton Niguel Water District
Municipal Water District of Orange County
Orange County Cemetery District
Orange County Fire Authority
Los Alamitos Unified School District
Lowell Join School District
Magnolia School District
Newport-Mesa Unified School District
Orange County Sanitation District
Orange County Transportation Authority
Orange County Vector Control
Orange County Water District
Placentia Library District
Rossmoor Community Service District
Santa Margarita Water District
Serrano Water District
Silverado-Modjeska Parks Recreation District
South Coast Water District
South Orange County Wastewater Authority
Sunset Beach Sanitary District
Surfside Colony Comm. Service Taxation Dist.
Surfside Colony Community Services
Three Arch Bay Community Service District
Trabuco Canyon Water District
Transportation Corridor Agency
Water Emergency Response Organization of Orange County (WEROC)
Yorba Linda Water District

SCHOOL DISTRICTS

Anaheim City School District
Anaheim Union High School District
Brea-Olinda Unified School District
Buena Park School District
Capistrano Unified School District
Centralia School District
Cypress School District
Fountain Valley School District
Fullerton Joint Union High School District
Fullerton School District
Garden Grove Unified School District
Huntington Beach School District
Huntington Beach Union High School District
Irvine Unified School District
La Habra City School District
North Regional Occupational Program
Ocean View School District
Orange County Department of Education
Orange Unified School District
Placentia-Yorba Linda Unified School District
Saddleback Valley Unified School District
Santa Ana Unified School District
Savanna School District
Tustin Unified School District
Westminster School District

COLLEGES

California State University Fullerton
Chapman University
Coast Community College District
North Orange County Community College Dist.
Rancho Santiago Community College District
Saddleback College
South Orange County Comm. College District
University of California-Irvine

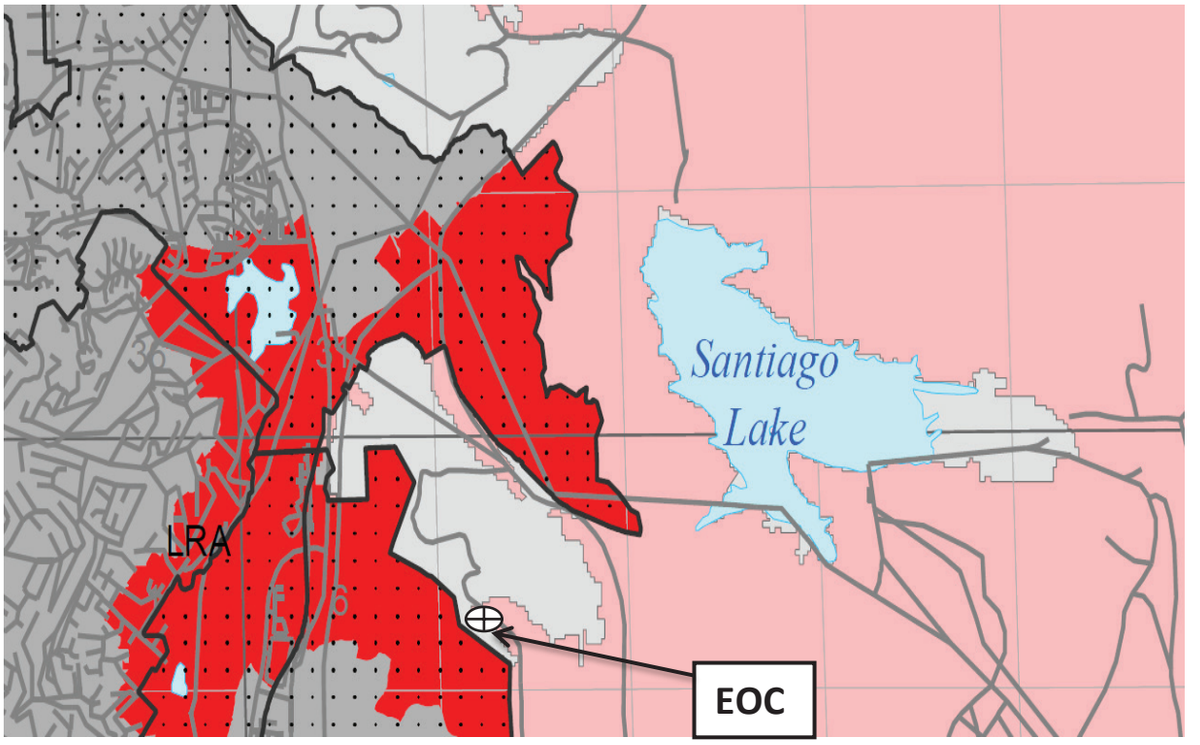
AFFILIATED MEMBERS

American Red Cross of Orange County
California Department of Transportation
Disneyland Resort
Hospital Association of Southern California
One OC
Operation OC
Orange County 2-1-1
Orange County Fair and Exposition Center
Radio Amateur Civil Emergency Service
Salvation Army
Seal Beach Naval Weapons Station

Appendix 2

CAL FIRE Map of Very High Fire Hazard Severity Zones LRA

LRA (Local Responsibility Area)



Note: Very High Fire Hazard Area are highlighted in RED

Source: Adapted from CAL FIRE

REPORT 6

Competition or Collaboration

Orange County's Public Agency Helicopters

Table of Contents

REPORT 7

SUMMARY

There have been numerous incidents in the recent past in which air support units from the Sheriff's Department and Fire Authority have responded to the same Search and Rescue (SAR) events with multiple helicopters. This duplication of effort poses potential safety risks, as both agencies often act independently and without coordination to execute SARs. Moreover, the Orange County Sheriff's Department (OCSD) and the Orange County Fire Authority (OCFA) do not consistently adhere to uniform communications and safety protocols when interacting during these SARs. Aircraft operating in close proximity, often without proper communications, pose a major safety risk. Safety and other concerns become magnified when multiple county and city agency helicopters operate in the narrow altitude corridor between 600 and 1200 feet. Public safety demands that this situation - competition versus collaboration - be immediately rectified.

After conducting an investigation into this matter, the Grand Jury recommends that:

1. Under the direction of the Board of Supervisors, the County should consider forming an ongoing regional council in collaboration with all city and county public agency air units, such as an Orange County air operations safety council, tasked with addressing these issues.

2. OCSD and OCFA move forward with implementing the Board of Supervisors' resolution identifying OCSD as the lead agency for wilderness, remote/off-road Search and Rescue.

3. OCSD evaluate the potential cost and operational benefits of relocating its Air Unit to the OCFA Air Support facilities at Fullerton Airport, where the county's public agency aviation units can leverage each other's resources, reduce operating costs and forge improved collaborative working relationships.

4. OCFA, in collaboration with the OCSD, should identify and implement methods for its paramedics to operate jointly with the OCSD Air Support Unit to the maximum extent practical. (OCFA paramedics often have greater and more current experience.)

5. Ultimately, the county's public agency aviation units should evaluate the potential benefits of centralizing into one aviation support organization led by an experienced aviator-manager, in order to maximize safety and effectiveness and reduce unnecessary costs.

REASON FOR THE STUDY

Over the past two years there have been numerous incidents of both OCFA and OCSD responding to SAR events with helicopter units that have, to varying degrees, interfered with each other. Some of these incidents resulted in allegations that the aircraft operated too closely to one another without using proper communications, at times impairing safe operations. This lack of coordination and communication has fostered negative media attention, has been the subject of Board of Supervisor (BOS) meetings, and has generated public concern. Subsequently, the BOS passed a resolution that, in accordance with the California Office of Emergency Services model, the OCSD shall be the lead agency for remote/wild-lands SAR, with OCFA remaining as lead agency for urban SAR. Despite this action and a long process of mediation, at times both OCFA and OCSD continue to jockey and compete for to remote/off-road SAR activities creating the potential for dangerous consequences. Consistent with its role as the County's civil watchdog, the Grand Jury determined that these conditions should be investigated.

METHOD OF STUDY

The Grand Jury conducted over twenty-five interviews with personnel at OCFA, OCSD, the Air Units of Anaheim and Huntington Beach Police Departments, and the local California Highway Patrol (CHP). Interviews with the five agencies included current and former key personnel. Dozens of incident reports and inter-agency complaints, and many hours of video and audio tapes were reviewed. Six different air support facilities were visited. The Grand Jury reviewed

local news coverage and online commentaries regarding helicopter SAR events in Orange County. In addition, the Grand Jury visited and interviewed San Diego County's air support unit, interviewed San Bernardino County Aviation Division, and also reviewed CAL FIRE documentation.

The Grand Jury examined OCFA and OCSD Air Support Units' pertinent operational, financial, and other documents. The Grand Jury reviewed applicable Federal Aviation Administration (FAA) regulations and California State Office of Emergency Services (Cal OES) documents. Members of the Grand Jury also participated in various air support unit missions as observers.

BACKGROUND AND FACTS

Orange County has four public agency aviation units. These air support units reside within the Orange County Fire Authority (OCFA), the Orange County Sheriff's Department (OCSD), the Anaheim Police Department, and the Huntington Beach Police Department. Collectively, these four agencies operate fifteen helicopters and one fixed wing airplane, providing aerial law enforcement, rescue, and firefighting services. In addition, a regional CHP Air Unit with three helicopters is based in Orange County. This report focuses primarily on the OCSD and OCFA air support units and their operations involving remote/off-road SAR.

OCFA has operated air support units since its formation in 1995. The four-helicopter OCFA unit is based at Fullerton Airport in a large, well-kept hangar complex with extensive aircraft maintenance facilities. They have a wide spectrum of equipment for specialized rescues. The OCFA Fullerton Airport complex also includes a helicopter rescue training simulator with a tower structure, helicopter shell, and hoist to practice lowering and retrieving personnel. OCFA owns the hangar and office building complex, leasing out a large hangar area to private entities.

The OCSD has operated air support units since 1985. The five well-equipped helicopters are currently based in a leased hangar facility at John Wayne Airport. The OCSD Air Support Unit is located in a modest hangar and office complex with maintenance equipment and conference and

ready rooms. The OCSD facility is adequate, although not as well-equipped as OCFA's Fullerton hangar to support as wide a range of specialized rescues.

While any of the public agencies operating helicopters in Orange County can provide various types and degrees of assistance to those in need, OCFA and OCSD are the primary agencies that conduct SARs within the County. There are two main types of aerial SARs in Orange County: remote/off-road and urban. Remote/off-road SARs involve locations in wilderness and geographically hard to reach areas, while urban SARs occur in areas accessible by road. An aerial SAR event may consist of just a search or a search and rescue where someone is provided assistance from the helicopter. In 2017, OCFA and OCSD air units altogether responded to over 220 remote/off-road SAR events.

Staffing and Operations

Helicopter operations are limited by weather conditions and the availability of aircraft and qualified crews. Helicopters are maintenance-intensive aircraft; typically, in order to have two aircraft ready for use, at least a third aircraft is needed to allow for routine and emergency maintenance. Pilots are limited by FAA regulations and other rules regarding the amount of flying time per shift and per day, and must be qualified for certain missions.

There are significant differences in the capabilities and operational characteristics of the aircraft operated by each agency. OCFA's primary aircraft have dual engines with an autopilot feature, making it easier to fly with their one pilot staffing model. OCSD uses single-engine aircraft that do not have the autopilot feature, but which fly with two qualified pilots (one assuming the role of Tactical Flight Officer - TFO) using dual controls.

OCSD Helicopter Operations

OCSD operates five helicopters: two are used mainly for two-person patrols and three are used as rescue and firefighting helicopters, with space for a stretcher and a medic. To staff this fleet, they have 19 qualified pilots composed of both full-time Sheriff's Deputies and part-time trained and qualified volunteers. In the past several years, OCSD has developed an extensive volunteer/Public Safety Reserve (PSR) program for both pilot and crew to support the increased size and complexity of their air unit. All personnel, including volunteers, complete training through the Sheriff's academy. The use of these volunteers adds flexibility and lowers labor costs compared to using only full-time employees. With this large pool of pilots and crew, OCSD can routinely support two helicopters in the air or at the ready close to 24 hours a day, seven days a week. One, and often two, OCSD helicopters are patrolling over Orange County at least 16 hours a day, seven days a week. The use of volunteers to supplement air support units is common in many California county law enforcement and fire agencies.

OCSD routinely staffs both a patrol and rescue helicopter. Unlike OCFA units, they are equipped with high resolution magnification and infrared camera capability, which is very useful in a variety of SAR and patrol scenarios. The OCSD rescue aircraft is stationed on the ground, staffed and ready for takeoff, and is normally available from 6:00 a.m. to 8:00 p.m. The OCSD patrol helicopter is usually airborne and, when called for an SAR event, can arrive at the scene very quickly. The patrol crew is trained in basic first aid and, if necessary, can land the helicopter to render assistance to a victim. When an Emergency Medical Technician EMT/Paramedic is on board, more serious injuries can be treated; but if the victim is in an inaccessible spot, a two-person crew cannot lower a rescuer. If a hoist rescue is necessary, the patrol unit moves to a higher altitude, awaiting the OCSD rescue helicopter's arrival.

OCFA Helicopter Operations

OCFA uses only civilian pilots, who do not go through the fire academy. They have four full-time pilots, and rely upon extensive overtime to meet staffing needs. OCFA is routinely staffed

with one pilot, a crew chief, and a paramedic 24 hours a day, seven days a week. If a second mission is required during a shift, an off-duty pilot must be called in, which may cause a significant delay. OCFA regulations restrict a pilot to seven hours flying time per day.

OCFA response times may be somewhat longer than those of OCSD. Since OCFA does not have a helicopter constantly in the air, the unit response requires starting the helicopter, obtaining air traffic control clearance for takeoff, and proceeding to the vicinity of the SAR event. These steps can be accomplished relatively quickly when the unit is prepped and on-call. When a remote/off-road SAR event occurs, OCFA also dispatches a set of ground units to the nearest road-accessible area in the vicinity as additional support.

Table 1: Comparison of OCSD and OCFA Helicopter Operations

Capability/Asset	OCSD	OCFA
Helicopters	5	4
Full-Time Pilots	9	4
Reserve Pilots	14	0
Minimum daily helicopter staffing	1 Patrol 24 hr. 1 Rescue 6:00am-8:00 pm.	1 on duty 24 hr.
Number of helicopters required for rescue mission	1 or 2	1
Paramedic 24 hour constant staffing	Yes	Yes
Number of medical personnel on rescue helicopter	1 or 2	1 or 2
Search capability w/ high mag & infrared camera	Yes	No
Continuous flight w/o refuel	Patrol 3.5 hrs. Rescue 2.0 hrs.	2.0 hrs.
Twin Engine Helicopters **Single Engine Helicopters**	0 5	2 2
Instrument Flight Certified Pilots	15	2
24 Hour Firefighting and Hoist Rescue Operations	Yes	Yes

Source: Data from OCSD and OCFA

REPORT 7

Section Summary* – *Staffing and Operations

OCSD's larger fleet and crew provide two helicopters, 16 hours per day, with two pilots on board each helicopter (routinely one patrol and one rescue helicopter). The OCFA staffs one helicopter, 24 hours per day, with one pilot on duty.

Helicopter SAR Controversy

A 2010-2011 Grand Jury Report criticized the OCSD for delaying simple rescues because, even after finding the emergency location, its helicopters lacked hoists and could not lower medics or lift victims. As a result, in 2016 OCSD added hoists to some helicopters; now both agencies have the basic equipment to perform all SAR functions. SAR calls are routed to the Orange County Emergency Communications Bureau (ECB), managed by the Sheriff's Department, or to the closest city dispatch center, depending on event location. Theoretically, whichever agency is closest or has the quickest response time handles the call. OCFA claims that the Sheriff's Department, the lead agency at the ECB, usually gets the first call rather than the ECB assessing which agency is best situated to support the call.

Since OCFA had previously performed nearly all remote/off-road SARs, OCFA considered such rescues their responsibility. However, once OCSD added hoists and became fully rescue capable, ECB dispatch increasingly assigned remote/off-road SAR calls to OCSD. OCFA air units continued to monitor all calls and respond as well. Since OCSD is already patrolling in the air when the call comes in, its aerial unit usually arrives on the scene first. The OCFA helicopter then arrives, and sometimes an "aerial dance" ensues – at times with a total of three helicopters: the OCFA unit and the OCSD patrol and rescue units.

In 2015, in recognition of the need for flight safety communications and coordination, the public agency air support units within Orange County (including CHP) held several meetings to discuss these common interests. These meetings were held on an ad hoc basis and had no written

minutes or records. Attendance was inconsistent, and the meetings lacked management oversight. A result of these meetings was a Memorandum of Understanding (MOU) entitled Orange County Public Safety Aviation Unit Multi-Aircraft Coordination Guidelines (see Appendix 1). This MOU standardized communications procedures and frequencies with the intent of enhancing flight safety. OCFA was invited to participate, but attended only one meeting and was the only air support unit not to sign the MOU.

OCSD believed that a prior MOU between OCFA and OCSD regarding air support units required modification after OCSD obtained the new rescue hoists. Despite many months of discussions to revise the MOU, the two agencies could not reach an agreement. In 2017, they entered into a formal mediation effort with a retired judge to reach an agreement on conducting SARs in off-road and wilderness areas. These mediation efforts included hiring outside experts. The mediation effort lasted several months, again without resolution.

A general concern arose that OCSD and OCFA helicopters were racing against each other, often without proper communication, and operating in dangerous proximity, thereby jeopardizing flight safety. The BOS, in an effort to end the remote/off road SAR controversy, passed a resolution in August 2017 affirming that OCSD will be the primary responder to off-road/remote SARs. This resolution follows the California Office of Emergency Services model. However, OCFA officials stated they will continue to consider themselves the primary responders to all SARs regardless of the BOS resolution. The Grand Jury believes this situation will lead to future safety issues, higher taxpayer costs, unnecessary conflict, and the potential for liability or litigation.

Compounding the safety issue of this race to the rescue, air-to-air communication has frequently been inconsistent and improper. Individuals knowledgeable in air operations in Orange County have alleged that, on occasion, OCFA failed to respond on established air-to-air radio frequencies. This claim is supported by documented evidence. Other knowledgeable individuals claim that OCSD sometimes fails to properly utilize the OCFA Incident Response System for communications and coordination. This is also supported by documented evidence

When both agencies race to every remote/off-road SAR event, multiple problems occur:

potential air safety issues with multiple helicopters operating in close proximity without proper, consistent communication

potential liability issues for the County of Orange should an accident occur

waste of taxpayer funds sending multiple helicopters to each event

continued and increased inter-agency dysfunction, mistrust, and enmity that is detrimental to the public good

decreased ability to respond to multiple, concurrent SAR events

Section Summary* - *Helicopter SAR Controversy

The current competition for remote/off-road helicopter search and rescue between the OCSD and the OCFA has created dangerous conditions. Helicopters from the two OC agencies are often approaching the same search and rescue area without agreement regarding communication frequencies or who is the primary responder.

Base Location and Helicopter Density

Figure 1 illustrates the relative positions of the OCSD and OCFA helicopter bases. Since the southern and eastern portions of the county contain the most wilderness areas, remote/off-road SAR events tend to occur in these areas. OCSD usually stations a helicopter at the Emergency Operations Center (EOC) on top of Loma Ridge during the peak hiking season to reduce response times for rescues.

Figure 1: Location of Helicopter Bases for OCFA and the EOC

Source: Adapted from website: http://naosaf.net/california/california-orange-county-map

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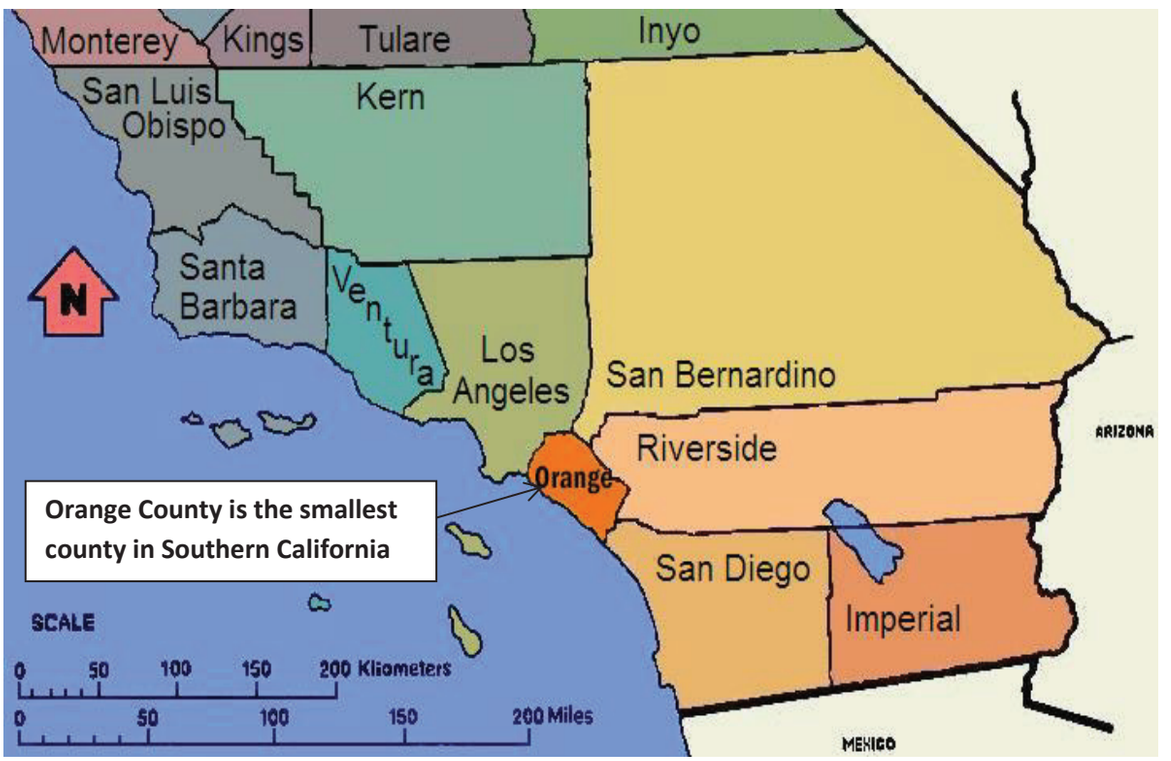
Base location plays a relatively minor role in air unit response time, since the vast majority of the county is within 12 minutes air time by helicopter. Fullerton Airport is the base for the OCFA and several other public agency air units. John Wayne Airport (JWA), the base for OCSD Air Support, is closer to the county center. However, JWA occasionally has fog, so neither JWA nor Fullerton is an ideal helicopter dispatch location for all scenarios.

Far larger counties such as San Diego and San Bernardino use one consolidated aerial support unit base to cover much greater distances than those found in OC.

Figure 2: Orange County's land area compared to other Southern California counties



Source: Adapted from website: https://en.wikipedia.org/wikiSouthern_California#/media/File-Southern_California.png

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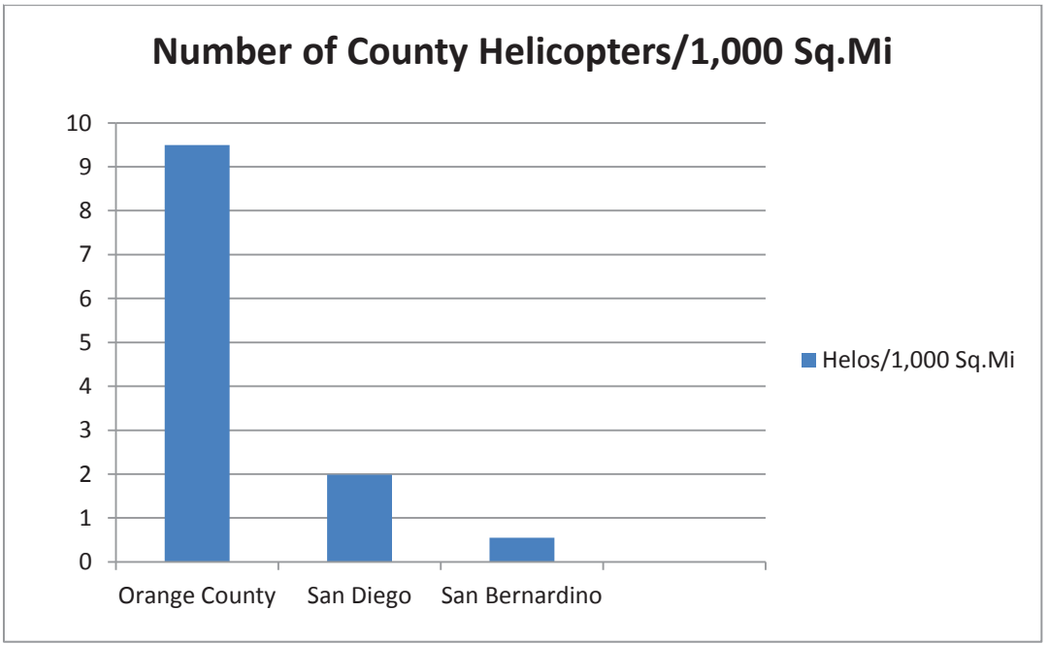
Figure 3 shows the comparison of public agency helicopter density in adjacent counties. Orange County has many more helicopters per square mile than either San Diego or San Bernardino.

Figure 3: Diagram comparing county land areas to number of county helicopter assets



Source: 1Data obtained from various county websites and interviews

Section Summary* – *Base Location and Helicopter Density

Because of the relatively small size of Orange County, John Wayne Airport's central county location has only a slight advantage compared to Fullerton Airport as a helicopter base. This advantage is reduced because of the occasional fog at John Wayne Airport. Orange County has more helicopters per square mile than other southern California county.

Helicopter Operations and Costs

Compared to the consolidated air operations in other nearby counties, operating four separate helicopter air units in Orange County is an expensive way of providing aerial services. Each of the four agencies has its own administrative, maintenance, and training programs thus losing opportunity for coordination, synergies, and economies of scale. Altogether, county and city agencies spend approximately $15.5 million per year operating 15 helicopters and the one fixed

wing plane used by Anaheim Police Department. In addition, significant capital expenditures on new helicopters have been made over recent years. See Table 2 below.

Table 2: Air Support Unit's Operating Expenses (all $ in millions) Fiscal Year 2016/2017

	OCFA	OCSD	Anaheim PD	HB PD	Total
Amount $	$4.28	$3.55	$4.41	$3.25	$15.50
% of Total	27.6%	22.9%	28.5%	21.0%	100%
# of Aircraft	4	5	4 (including one plane)	3	16
Cost/Aircraft	$1.07	$0.71	$1.10	$1.08	$0.97

Source: Multiple OC Agencies

OCFA and OCSD have significantly different hourly operating rates. OCFA's total operating expenses, including crew, fuel, insurance, etc., is $3,863 per hour for a single helicopter. Based on data reviewed by the Grand Jury, a one-hour rescue extraction (take off, transit, hover to deliver EMT/Paramedic, prep patient, retrieve, deliver patient, etc.) costs the OCFA well over $4,000 per SAR event for the air component. Based on similar factors, OCSD's helicopter operating cost is $1,154 per hour, or about 30% of the OCFA rate. However, since many OCSD SARs involve a second helicopter, the comparison is closer to 57% of the OCFA costs.

Of the over 400 SAR missions responded to by OCSD and OCFA County helicopters in each of 2016 and 2017, OCSD executed 32 helicopter extractions in 2016 and 34 in 2017. The majority of OCSD's SAR events involve two helicopters and no ground assets. By comparison, OCFA conducted 39 helicopter extractions in 2016 and 35 in 2017. Although the number of extractions between the two agencies was similar for these remote/off-road SARs, the total associated operating costs for OCFA was considerably greater than for OCSD. Differing flight hours, helicopter types, and OCSD's extensive reserve/volunteer program account for most of the cost differences.

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OCFA does not use volunteers/PSRs for their air support unit, although this practice is common with the Sheriff/Fire consolidated aerial units in other California counties. All of OCFA's higher-cost medical personnel are certified paramedics, most with extensive experience in both urban

and remote/off-road SAR operations. OCFA paramedics generally have broader medical experience than those with OCSD since OCFA paramedics also handle the vast majority of Orange County's medical emergency responses on a daily basis.

Although some OCSD medical personnel are lower-cost volunteers, they are certified by Orange County Emergency Medical Services, and consist of paramedics, EMTs, Advanced EMTs, and registered nurses. OCSD medical personnel, including volunteers, are also armed and trained to respond to active shooter scenarios, SWAT operations, and other dangerous situations. This can be significant if there is a potential for criminal activity or crime scene preservation associated with an SAR operation.

Both OCFA and OCSD helicopters have water tanks and CAL FIRE-certified crew members for aerial firefighting. OCFA has more extensive CAL FIRE certifications and greater experience in firefighting, as that is their core mission. OCFA frequently requests OCSD helicopters for helicopter coordination services. In this capacity, the helicopter crew provides airborne observation for fire commanders and coordination of aerial support for OCFA. Aside from this, OCFA does not use the firefighting capability of OCSD. Both San Bernardino and San Diego counties use sheriff's deputies to pilot the helicopters they provide to other counties for mutual aerial firefighting support. Notably, OCFA might use other counties' sheriff's pilots, but will not take advantage of its own OCSD aerial firefighting resources during fire emergencies.

A review of various remote/off-road SAR events indicates that the majority do not require multiple helicopters from both OCSD and OCFA, in addition to OCFA ground units. This overuse of resources wastes taxpayer funds and creates safety and liability issues. Consolidating these air support units would substantially reduce costs while increasing operational efficiencies.

Section Summary- Helicopter Operations and Costs

The smallest county by area in Southern California hosts four separate air support units comprising one of the largest law enforcement and firefighting helicopter fleets. This set of independent helicopter fleets requires substantial operating expense and large capital outlays.

REPORT 7

Flight Safety

The Grand Jury reviewed many air safety incidents in written, audio, and video form, and allegations of conflicts involving OCFA and OC law enforcement air units. According to data from the National Transportation Safety Board, one-third of national air safety incidents were associated with poor communications. Many of these involved poor radio technique. Following proper safety communication protocols is critically important. As discussed earlier, all of the air support units operating in the County except for the OCFA agreed to an MOU to improve flight safety and communication. These safety incidents demonstrate why all air support units need to comply.

One possible remedy would be to create an air operations safety council, composed of representatives of all public agency aviation units operating inside the county. These agencies could include OCFA, OCSD, the Cities of Huntington Beach and Anaheim, and the local CHP unit. Meetings could be held quarterly and chaired by a representative under the direction of the BOS. This air safety council would focus on airspace safety and, in particular, establish common communications frequencies; promote adherence to FAA regulations and protocols; and review significant aviation safety incidents and issues. One of the first priorities should be establishing common and mandatory communication protocols to be used by all local agencies while flying in county airspace. Such a forum could help restore safety and cooperation, and assist in rebuilding mutual trust between the affected agencies while a more centralized solution is implemented.

Typically, governmental, commercial aviation, and military organizations have air support units embedded within larger departments with former aviators occupying some middle to senior management positions. An experienced aviator-manager can provide effective and critical feedback on the technical operations of air units. For example, only a qualified naval aviator or naval flight officer may command US Navy aircraft carriers (10 USC 5942). The same requirement applies to commanders of both Naval and Marine Corps air stations. Conversely, OCSD and OCFA have no aviation-experienced leadership above the unit level to provide mentoring and accountability. As a result, in numerous aviation conflicts and incidents, reviews

by the higher-level chain of command seem to mirror the perspectives of their air units regarding interagency controversies without further examination.

The public interest is best served by OCFA and OCSD cooperating and reinforcing each other for the benefit of the county, rather than protecting their own turf.

Section Summary* – *Flight Safety

The creation of a formal inter-agency body, such as an OC air operations safety council under the direction of the Board of Supervisors, would help drive agreement among all air support units on common communication and safety protocols. This group could also review adherence to FAA regulations, proper airspace management, and review significant aviation safety incidents and allegations.

Figure 4 OCFA helicopter using hoists

Source: OCFA website

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Figure 5: OCSC using hoists

Source: OCSD website

Air Operations/Search and Rescue (SAR)

In August 2017, The Board of Supervisors decided that the OCSD is in a better position to be the lead agency for SARs in Orange County remote/off- road incidents. This is consistent with guidance from Cal OES. Other facts supporting this decision are:

1. OCSD helicopters usually arrive on scene and complete the search phase of an SAR more quickly.

2. All OCSD patrol helicopters now have installed hoists to lower a responder to make an assessment, render basic first aid, and evacuate victims to a hospital, if necessary.

3. Remote/off-road incidents may need to be treated as potential crimes until proven otherwise. The OCSD is specifically trained in making that determination and preserving evidence if the injury is suspicious (e.g., off-roading while DUI, suspected assault, etc.). Additionally, if the SAR event has potential criminal involvement, OCSD crews and medics are armed and trained in law enforcement.

4. All counties adjacent to Orange County designate their sheriff's departments as lead agency for remote/off-road SARs.

The BOS decision can have greater benefits for the public if the rapid deployment capabilities of OCSD are joined by the paramedic expertise of OCFA. This combination has proved highly successful in other counties. Some incident reports on SAR communications have noted concerns regarding a lack of common rescue terminology between air and ground resources; this concern can be mitigated by combining crews.

Section Summary - Air Operations/Search and Rescue (SAR)

OCSD is most effective serving as the lead in remote/off-road rescues because they will usually arrive on scene more quickly and are trained to preserve potential crime scenes. With experienced OCFA paramedics on board their helicopters, the OCSD OCFA combination could quickly render more effective aid.

Facilities

Substantial efficiencies could be realized if the OCSD Aviation Support Unit relocated to the OCFA-owned hangars at Fullerton Airport. Two of these are underused and leased to private entities. The colocation of OCSD and OCFA Air Support Units at Fullerton Airport would have the following benefits:

- economies of scale in procurement, maintenance, and training
- opportunities for sharing common, high-cost equipment such as hoists, cranes, paint booths, maintenance, fueling stations, and training equipment
- cost savings for hangar space
- a better, larger workspace for OCSD
- enhanced cooperation and trust

Section Summary – Facilities

Colocating allows public aviation units to leverage each other's resources, gain economies of scale in maintenance and training, and encourages use of best practices.

Consolidation

Each agency operates independently; each one has its own pilots, crews, mechanics, administrative staff, maintenance shops, hangars, offices, logistics, training programs, and fueling services – four individual organizations with duplicate operations. Substantial advantages can be gained by consolidating these four separate air support entities.

Ultimately, the close cooperation of the OCSD and OCFA air support units could extend to the creation of one consolidated public agency aviation support organization for the county that includes the cities of Anaheim and Huntington Beach. This consolidation could provide Orange County residents with numerous economies of scale:

- capability to have enough staff, support, and equipment to keep a helicopter in the air around the clock
- significant reduction of overhead, logistical, and operating costs
- better coordination during emergencies
- efficient resource utilization with lower operating expenses
- best practices and pooled expertise for safer operations
- more aviation experience for mentoring
- larger talent pool for development of senior aviation leadership

Examples of at least partial consolidation can be found in San Diego, San Bernardino, and Santa Barbara Counties, which combine elements of County Sheriff and Fire air units into one organization.

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Section Summary* - *Consolidation

Consolidating helicopter air units has proved effective in other California counties and may be in the best public interest of Orange County.

FINDINGS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Competition or Collaboration – Orange County's Public Agency Helicopters," the 2017-2018 Orange County Grand Jury has arrived at eleven principal findings, as follows:

F1. Operating fifteen public agency helicopters in a busy and compressed airspace necessitates close cooperation and communication.

F2. While responding to search and rescue events, Orange County Sheriff's Department and Orange County Fire Authority helicopters have flown too close to each other without adequate communication or coordination, which behavior could result in flight safety issues.

F3. Some air crew members and management personnel of the Orange County Fire Authority and Orange County law enforcement air support units have expressed serious concerns regarding each other's flight safety and aerial rescue operations.

F4. The Orange County Sheriff's Department has sufficient staffing, equipment, and training to implement the Board of Supervisors' resolution that the Sheriff should be the lead agency for remote/off-road search and rescues.

F5. Orange County public agencies have substantially more helicopters per square mile than any county in southern California, which provides opportunity for further cost-benefit analysis.

F6. Sheriff's helicopters and pilots with fire department paramedics onboard are used in many other California counties, including San Bernardino, San Diego, and Santa Barbara and have proven to be an effective combination.

F7. Orange County's public aviation units lack inter-agency coordination, inhibiting efficient and cost-effective resource utilization.

F8. Orange County Sheriff's Department does not have mid- to senior-level leadership with prior pilot experience who can provide appropriate oversight for flight operations and help resolve interagency issues.

F9. Orange County Fire Authority does not have mid- to senior-level leadership with prior pilot experience who can provide appropriate oversight for flight operations and help resolve interagency issues.

F10. Orange County air support units could benefit from colocating at Fullerton Airport where they can leverage existing facilities.

F11. Several nearby counties have gained efficiencies by successfully consolidating their sheriffs' and fire agencies' air support units into one organization within each county.

RECOMMENDATIONS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Competition or Collaboration – Orange County's Public Agency Helicopters," the 2017-2018 Orange County Grand Jury makes the following seven recommendations.

R1. By October 1, 2018, the Board of Supervisors, in coordination with the affected agencies, should consider forming and implementing an Orange County air operations safety council under the direction of the Board of Supervisors. (F1, F2, F3, F7, F8, F9)

R2. By September 1, 2018, the Orange County Sheriff's Department should implement the Board of Supervisors' resolution identifying OCSD as the lead agency for wilderness, remote/off-road Search and Rescue and work with OCFA to establish procedures for communications while either party is providing assistance or backup. (F1, F2, F3, F4, F8)

R3. By September 1, 2018, Orange County Fire Authority management should develop and present its board with proposed procedures for how to work cooperatively with Orange County Sheriff's Department as OCSD implements the Board of Supervisors' resolution identifying OCSD as the lead agency for wilderness, remote/off-road Search and Rescue and work with OCSD to establish procedures for communications while either party is providing assistance or backup. (F1, F2, F3, F4, F9)

R4. By January 15, 2019, the Orange County Fire Authority in collaboration with the Orange County Sheriff's Department should identify and implement methods for its paramedics to operate jointly with the Orange County Sheriff's Department Air Support Unit in its search and rescue operations to the maximum extent practical. (F3, F6, F11).

R5. By December 15, 2018, the Orange County Sheriff's Department and the Orange County Fire Authority should evaluate potential costs and operational benefits of colocating their air units at the Fullerton Airport. The Orange County Sheriff's Department should plan on presenting this evaluation to the Board of Supervisors and publicly post. The Orange County Fire Authority should prepare and present this evaluation to their board and publicly post it. (F1, F2, F3, F7, F10, F11)

R6. By January 15, 2019, the Board of Supervisors, in coordination with the affected agencies, should consider a plan for a centralized approach to public agency air support including colocating and eventually consolidating the various Orange County city and county aerial support units. (F1, F2, F3, F5, F6, F7, F8, F9, F10, F11)

R7. By January 15, 2019, Orange County Sheriff's Department, Orange County Fire Authority and the cities of Huntington Beach and Anaheim air support units should consider the benefits of a leadership plan that brings a manager with pilot experience into positions above the unit level. (F1, F2, F3, F7, F8, F9, F10)

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the findings and recommendations of this Grand Jury report:

§933(c)

"No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head or any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. . . . "

§933.05

"(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
(1) The respondent agrees with the finding.
(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
(1) The recommendation has been implemented, with a summary regarding the implemented action.
(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department."

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

Responses Required:

Findings:
Orange County Board of Supervisors: F1, F2, F3, F4, F5, F6, F7, F10, F11
Orange County Sheriff/Coroner: F1, F2, F3, F4, F5, F6, F7, F8, F10, F11
Orange County Fire Authority Board of Directors: F1, F2, F3, F5, F6, F7, F9, F10, F11
Anaheim City Council: F1, F3, F5, F7, F10
Huntington Beach City Council: F1, F3, F5, F7, F10

Recommendations:
Orange County Board of Supervisors: R1, R2, R3, R4, R5, R6
Orange County Sheriff/Coroner: R1, R2, R3, R4, R5, R6, R7
Orange County Fire Authority Board of Directors: R1, R2, R3, R4, R5, R6, R7
Anaheim City Council: R1, R6, R7
Huntington Beach City Council: R1, R6, R7

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APPENDIX

Memorandum of Agreement between Orange County Sheriff's Department, Anaheim Police Department, Huntington Beach Police Department and California Highway Patrol

ORANGE COUNTY PUBLIC SAFETY AVIATION UNIT
MULTI-AIRCRAFT COORDINATION GUIDELINES

The following guidelines have been established and agreed upon by Orange County Public Safety Aviation Units to standardize procedures and expectations in aircraft operations. This document is intended to enhance safety through improved communications and predetermined operating procedures.

AIRCRAFT INCIDENT GUIDELINES:

The pilot in command (PIC) of all Orange County public safety aircraft responding to an incident involving one or more aircraft should immediately advise and coordinate on 122.85 or 123.025 (depending on location) of the area from which they are responding. The decision to move to a secondary frequency will be coordinated by the PIC's of the aircraft.

The first public safety aircraft to arrive on scene will be designated the primary aircraft and will be in charge of all public safety air operations during the incident. Depending on the circumstances, a second public safety aircraft may be used to assist or relieve the primary aircraft crew.

The PIC of the second public safety aircraft will communicate with the PIC of the primary aircraft. If assistance is requested, the PIC's will coordinate the approach and subsequent joining of the second aircraft with the incident. The secondary aircraft will remain at least 500' above and 500' laterally from the primary aircraft unless coordinated otherwise. **If communication is not established, the second aircraft shall not enter the area and remain at least 1 mile away.**

The PIC of the primary aircraft will decide if and how the incident will be handed off to another aircraft crew. If the incident is handed off, the primary/lower aircraft will depart the area before the secondary aircraft descends to assume primary responsibility. Both PIC's will maintain constant communications and visual reference to each other during the hand off.

Orange County Sheriff Air Support OIC	7-27-15 Date
Anaheim Police Department Air Support OIC	7-14-15 Date
Huntington Beach Police Department Aero Bureau OIC	7.27.15 Date
California Highway Patrol Metro OIC	7.23.15 Date
Orange County Fire Authority Air Operations OIC	Date

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Appendix 2

Government code search and rescue

California Code, Government Code - GOV § 26614

California Government Code, Title 3, Division2, Part 3, Chapter 2, Article 1, §26614

The board of supervisors of a county may authorize the sheriff to search for and rescue persons who are lost or are in danger of their lives within or in the immediate vicinity of the county. The expense incurred by the sheriff in the performance of those duties shall be a proper county charge. Authorization for search and rescue activities shall be consistent with guidelines and operating plans contained in the Search and Rescue Model Operating Plan, as developed and adopted by the Office of Emergency Services in consultation with fire protection and law enforcement service providers. The Office of Emergency Services shall make the plan available to counties and fire protection and law enforcement agencies for use and adoption by the board of supervisors and the governing boards of all search and rescue providers. If the board assigns responsibility for search and rescue activities in a manner that is inconsistent with these model operating guidelines, the board shall adopt a resolution to clarify why the local model provides better protections than the Search and Rescue Model Operating Plan, as developed by the Office of Emergency Services, to residents in need of county search and rescue services. Counties are encouraged to adopt their countywide search and rescue plans and to review them on a regular basis. A review of a countywide search and rescue plan shall include, but is not limited to, changes made to the Search and Rescue Model Operating Plan by the Office of Emergency Services. This section shall not be construed to vest any additional powers for search and rescue upon sheriffs or any other public safety agency that provides search and rescue.

Preventable Deaths in Orange County Jails

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SUMMARY

Like people on the outside, jail inmates die. However, over the last three years, 44% of custodial deaths in Orange County jails may have been preventable. Delays in treatment, failure to identify health threats at intake, failure to diagnose serious mental illness, and lack of timely referral to a healthcare professional have increased the chances that an inmate will not make it out alive. Modest changes in procedures at a relatively low cost could improve survival rates.

REASON FOR THE STUDY

Death in jail, whatever the cause, often provokes public suspicion because of the perceived adversarial relationship between inmates and the correctional system. In July 2017, the Grand Jury read in local newspapers about an inmate allegedly killed by his cellmate inside the Orange County Men's Central Jail. This incident prompted the Grand Jury to research other custodial inmate deaths to identify ways to improve inmates' health and longevity. While safety and security are important in the jail system, inmate health care is also essential and is a critical function that jails must provide under challenging circumstances.

METHOD OF STUDY

The Grand Jury's research began by reviewing the Orange County District Attorney's (OCDA) Custodial Death Investigation Reports. During the period 2014-2017, thirty-four inmates died in custody or within hours of release; these cases were selected for study. After a thorough review of each OCDA report, the Grand Jury reviewed the following documents for comprehensive details on each of these deaths:

- medical intake forms completed by Correctional Health Services (CHS) personnel at the Intake Release Center (IRC)
- all hospital or medical records created during the inmate's incarceration

- autopsy and toxicology reports
- CHS Morbidity/Mortality Review (MMR), required by law within thirty days of an inmate's death
- inmate jail records from the Orange County Sheriff's Department (OCSD)

In its study of the thirty-four deaths, the Grand Jury reviewed a total of 138 reports issued by six County sources.

Particular attention was given to the amount of time in custody before death. The Grand Jury considered active medical conditions and psychological factors at time of intake, medical history, including drug or alcohol addiction, and documented cause of death. Circumstances during incarceration were studied: medications, promptness of medical care, housing assignments, and treatment when a medical emergency alert (man down) was called. Hospital and emergency room records were reviewed, as were medical record procedures, involvement of deputies and medical personnel, and the implementation of any corrective action.

Members of the Grand Jury toured all Orange County jail facilities. They visited the Central Men's Jail and IRC to analyze the medical operations in detail, and toured the toxicology unit in the Orange County Crime Laboratory.

Grand Jury members attended three Coroner Case Reviews in August 2017, November 2017, and March 2018, covering seventeen custodial deaths. They also attended a Sheriff's Department Inmate Death Review.

Interviews were conducted with members of CHS management and personnel who oversee all inmate health care for the County jails. The Orange County District Attorney's office was also interviewed. The Grand Jury examined the County's process for reporting autopsies.

The Grand Jury reviewed the June 2017 report, "Orange County Jails," issued by the American Civil Liberties Union of Southern California. The Grand Jury obtained from the state Attorney General details of all custodial death cases filed by the OCSD.

Because federal law protects the privacy of medical records, the Grand Jury issued three subpoenas to obtain crucial medical details on the inmates who died.

Additional information came from newspaper articles, websites, and government reports. These resources can be found in the Reference and Appendix sections at the end of this report.

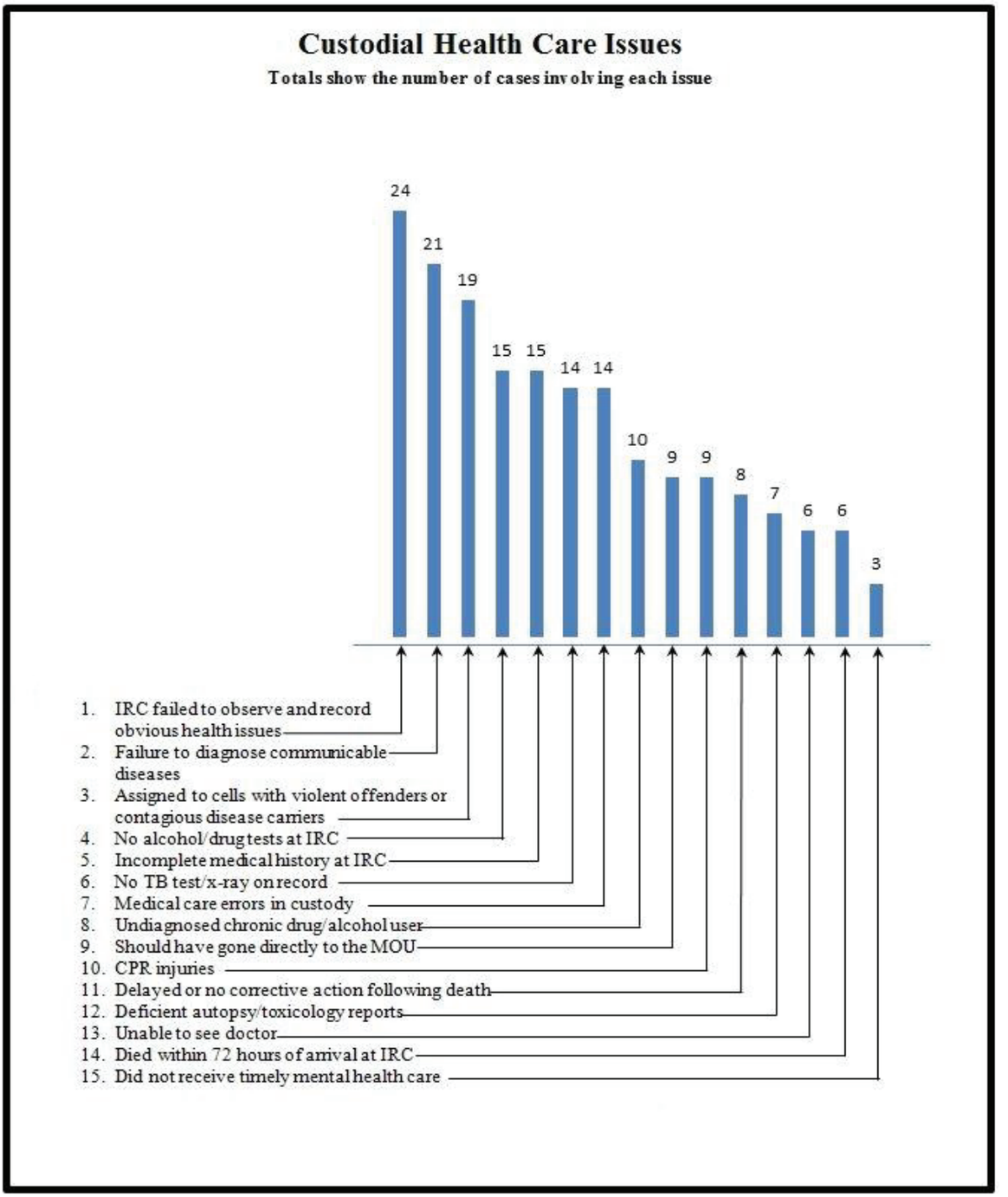
BACKGROUND AND FACTS

Of the thirty-four deaths under study, fourteen could be attributed to natural causes that occurred prior to or during incarceration, including cancer, liver or heart disease, stroke, etc. One death was a suicide and one was a murder committed inside a jail cell. The cause of death of three inmates was unable to be determined. In the remaining fifteen cases, death may have been preventable.

Figure 1 summarizes healthcare issues identified by the Grand Jury, many of which may have contributed to the thirty-four custodial deaths.

Throughout this report, some of the fact patterns relating to individual inmates have been altered to avoid providing information that could identify the individual whose medical conditions or cause of death are being described. No changes alter the descriptions of care given or how that care relates to the Grand Jury's findings and recommendations.

Figure 1: Custodial Health Care Issues



Source: Adapted from OCDA Custodial Death Letters

REPORT 8

Correctional Health Services

Correctional Health Services (CHS), a division of the Orange County Health Care Agency, provides medical services to inmates inside the jails. This agency employs five full-time medical doctors, thirteen full-time nurse practitioners, and over 120 licensed vocational nurses and registered nurses. Appendix 1 contains a flow chart detailing the healthcare process in the jails and recommended changes for improvement.

Intake Release Center Procedures

Acquiring Medical Data

CHS first evaluates and documents an inmate's health at the IRC. Nurses stationed behind a security screen ask incoming inmates an extensive list of medical questions in a noisy, large, and open area. Both nurses and responding inmates use loud voices and sometimes must repeat themselves to be heard. Confidential questions are asked of the inmates pertaining to addictions, mental health issues, sexually transmitted diseases, HIV, and Hepatitis (HEP) B and C. Incoming inmates may be reluctant to fully disclose private information when other inmates are sitting only a few feet away. The federal Health Insurance Portability and Accountability Act provides Americans with assurances that their health information is confidential, but the IRC questioning process makes this almost impossible to achieve.

CHS Health Intake Form

CHS uses a multi-page medical questionnaire for each arriving inmate (See Appendix 2). If an individual returns to the jail system, a new medical questionnaire is completed for each incarceration and the information is updated in the medical database. For the thirty-four cases examined, the medical intake form was difficult to read due to extremely small font size. There is no section for a medical care plan of action initiated by a doctor or nurse practitioner to define an inmate's course of medical treatment. Some of the cases in the study had missing, incomplete, or unclear health data or treatment records.

Urine Drug Screen Tests

Urine drug screen test kits are kept at the IRC medical station. However, urine drug screening is not routinely performed on inmates entering the IRC, even though inmates are known to be a high-risk group for alcohol and drug use. Necessary medical care may be delayed or compromised for incoming arrestees who do not receive this test. These test kits detect twelve of the most commonly used drugs (see Table 1), providing healthcare professionals quick, inexpensive, and reliable test results.

Early urine drug screening greatly aids in intervention and subsequently guides medical planning and treatment. Six of the thirty-four inmates died within seventy-two hours of arrival at IRC, in some cases due to undiagnosed drug intoxication or delayed treatment. Urine tests done at intake could have been useful in averting these outcomes.

Table 1: Twelve Panel Drug Screening and Detection Periods

Drug	Detection Period, Days	Street Names
Cocaine	2-4	coke, crack, blow, nose candy, snowball, tomado
Marijuana	15-30	pot, grass, weed, hash, Mary Jane, dope
Opiates	2-4	heroin, morphine, opium, smack, thunder, hell dust
Amphetamines	2-4	Adderall, Dexedrine, speed, uppers
Methamphetamines	3-5	meth, crank, ice, chalk, black beauties, crystal meth
Phencyclidine (CPC)	7-14	PCP, angel dust, boat, tic tac, zoom
Benzodiazepines	3-7	Valium, Xanax, Librium, Ativan, Halcion, Diazepam
Barbiturates	4-7	barbs, downers, Amytal, Nembutal, Seconal, Tuinal
Methadone	3-5	fizzies, amidone, chocolatedhip cookies
Oxycodone	2-4	Percocet, Percodan, OxyContin, Tylox, Vicodin, oc, ox oxy
MDMA	1-3	Ecstasy, beans, adams, hug, drug
Propoxyphene	1-2	Darvocet, Darvon

Source: Various Suppliers of Drug Tests

HIV / Hepatitis B / Hepatitis C

Blood is not drawn or tested during the IRC process, so blood-borne diseases such as HEP B, HEP C, and HIV are not detected. Unless an incoming inmate informs medical personnel of these diseases during the intake interview, the jail personnel would not know of the inmate's positive infectious status, putting others at risk. Testing for these diseases is done only at the time of autopsy. A review of the thirty-four custodial death cases found that thirty-two had no documentation on the Health Intake Form of any test performed to detect if the inmate was positive for these conditions. When the Grand Jury reviewed toxicology records following the autopsies, it discovered that two inmates were HIV positive, one was HEP B positive, and sixteen were HEP C positive.

Chest X-ray

CHS performs a routine chest x-ray to detect tuberculosis (TB) when an inmate arrives at IRC. Fourteen of the thirty-four reviewed cases had no record that an x-ray had been done, or any result noted. It cannot be verified that the results of a chest x-ray were normal if there is no report stating that finding. The Grand Jury determined that two of the thirty-four inmates had lung and heart conditions that could have been diagnosed through the chest x-ray, but were not because x-rays are reviewed for TB only.

Quick Visual Body Exam

During the intake process, inmates receive a quick visual exam while fully clothed. Critical health conditions can go undetected when inmates are not required to disrobe for a visual exam. The Grand Jury's review discovered two illustrative cases, detailed below, which resulted in death.

Prior to incarceration, an inmate was prescribed a blood-thinning medication following cardiac surgery. However, when he arrived at IRC he did not communicate his medical condition to the intake nurse. Medical personnel were unaware of the long incision in the inmate's chest wall since it was underneath his clothes. He did not receive blood-thinning medication during his incarceration. Within a few days of arrival, he was sent to the hospital, immediately diagnosed as having had a stroke, and later died. Had a visual exam been performed at IRC, the obvious chest scar would have alerted the health care professionals, and appropriate care could have followed.

Upon arrival at IRC, an inmate volunteered various medical information including concern regarding pain at a wound site. However, since the area was underneath his clothes, the nurse did not look at it. In fact, an abscess had developed. A few days later, the inmate suffered significant symptoms and became septic. Jail personnel asked if he wanted to go to the hospital, but since he was being released, he declined the offer. He went to the hospital on his own immediately upon release. He was admitted to surgery upon arriving at the hospital, but he died due to complications of his infection.

Incoming Medical Records

In two special circumstances essential medical information is available for inmates arriving at IRC, but currently does not accompany them. In the first instance, when an arrest is made for a DUI, a test may have been given to determine alcohol or drug intoxication levels. In the second and more serious instance, an inmate is returned from a hospital stay without accompanying medical information. The jail therefor lacks information about procedures that were performed, prescribed medications, and the follow up treatment plan. Hours or even days can go by while CHS personnel track down important medical information, delaying treatment. Although the Grand Jury found that no death was directly attributable to the lack of medical records upon admittance, delayed or missing records substantially increase healthcare risks to inmates.

Medical Care During Incarceration

Sheriff's deputies are often the first responders to inmate health issues, putting them in a position of having to assess the inmate's healthcare needs. This assessment is more difficult when inmates fail to cooperate. Inmates are a high-risk group and are likely to have health problems, including communicable diseases, which may impact the health of other inmates.

Inmate Access to Medical Care

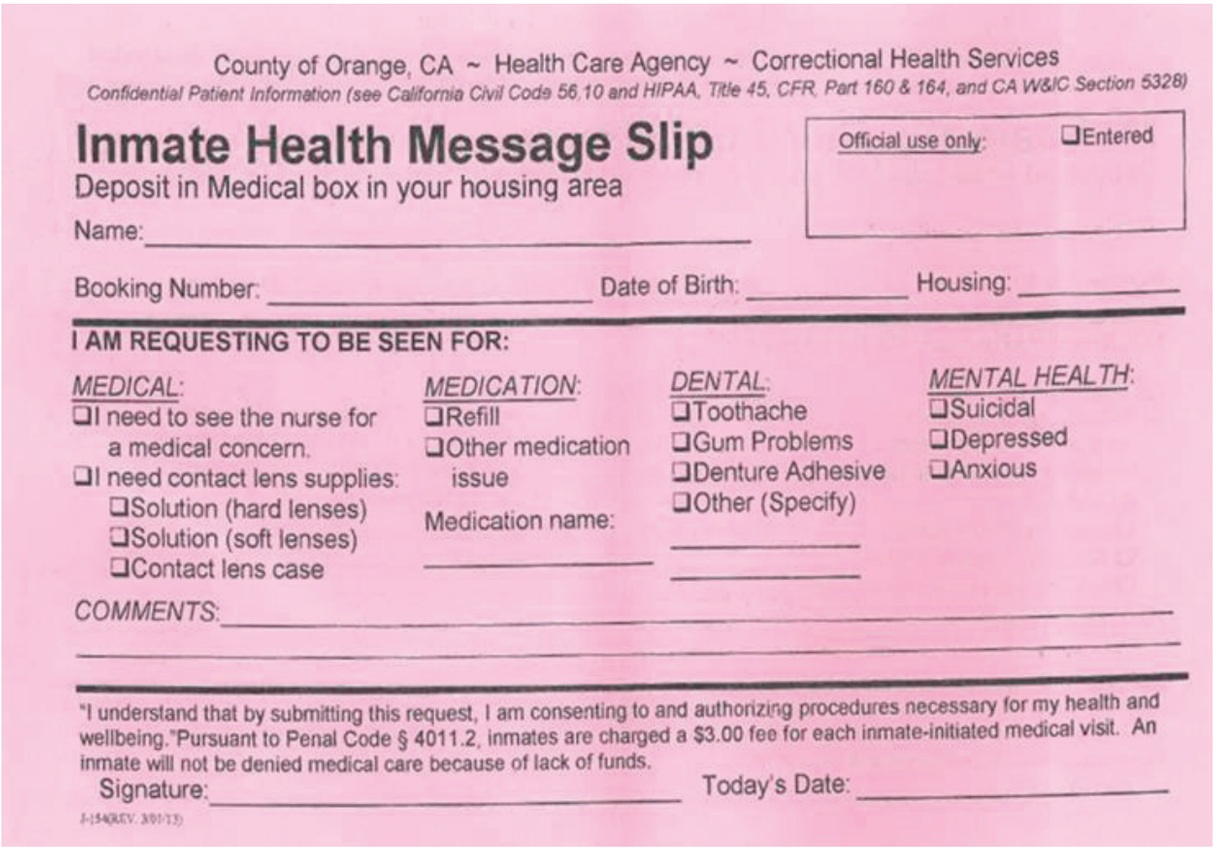
Inmates request medical care by submitting a "pink slip"; CHS policy is to respond within twenty-four hours. (See Figure 3) However, meeting this timeline depends on the availability of CHS staff. In medical emergencies, inmates are transported to a hospital or emergency room.

Review of Sheriff's inmate logs and interviews of CHS staff showed that the inmates' requests to see a doctor normally are met within the required twenty-four hours. However, there are several problems with meeting this standard:

- Inmates may be unable, due to illiteracy or incapacity, to complete a pink slip request for medical care.
- Cellmates may deny assistance in completing the pink slip if the inmate is unable to complete it on their own.
- Deputies may fail to assist with completing the pink slip if needed.
- Inmates appearing in court may miss their scheduled medical appointment.
- The urgent medical need occurs on a weekend or holiday when no doctor or nurse practitioner is on site.

When not available on site, a doctor or nurse/practitioner is always on call for consultation. If an inmate is in a man down condition, the inmate's cellmate can use the emergency call button in the cell to summon help. Deputies will respond to apply lifesaving measures and send for on-duty medical staff.

Figure 2: CHS Pink Slip



County of Orange, CA ~ Health Care Agency ~ Correctional Health Services

Confidential Patient Information (see California Civil Code 56.10 and HIPAA, Title 45, CFR, Part 160 & 164, and CA W&IC Section 5328)

Inmate Health Message Slip

Deposit in Medical box in your housing area

Official use only: ❑Entered

Name: _____

Booking Number: _____ Date of Birth: _____ Housing: _____

I AM REQUESTING TO BE SEEN FOR:

MEDICAL:
- ❑I need to see the nurse for a medical concern.
- ❑I need contact lens supplies:
  - ❑Solution (hard lenses)
  - ❑Solution (soft lenses)
  - ❑Contact lens case

MEDICATION:
- ❑Refill
- ❑Other medication issue

Medication name: _____

DENTAL:
- ❑Toothache
- ❑Gum Problems
- ❑Denture Adhesive
- ❑Other (Specify) _____

MENTAL HEALTH:
- ❑Suicidal
- ❑Depressed
- ❑Anxious

COMMENTS: _____

"I understand that by submitting this request, I am consenting to and authorizing procedures necessary for my health and wellbeing."Pursuant to Penal Code § 4011.2, inmates are charged a $3.00 fee for each inmate-initiated medical visit. An inmate will not be denied medical care because of lack of funds.

Signature: _____ Today's Date: _____

J-154(REV. 3/01/13)

Source: Orange County Correctional Health Services

The Medical Observation Unit

The Medical Observation Unit (MOU) is a large one-room, ward-like facility where inmates requiring skilled nursing care are assigned. The MOU provides for patients' medical needs ranging from paraplegic to post-surgical care. CHS medical personnel observe and care for the patients twenty-four hours a day. Many inmates who should be assigned to the MOU are not because of the lack of urine screening and the difficulty in obtaining information about pre-existing medical conditions at IRC intake.

The second issue in the MOU concerns peripheral IVs, which are frequently fitted to inmates who require regular injections. These are not used to administer fluids because plastic drip lines

can be used as weapons. Instead, patients requiring IV hydration are sent to the hospital where deputies provide security to prevent drip lines from being used as weapons. The Grand Jury learned that in one instance the failure to administer IV fluids in the MOU caused dehydration, contributing to the inmate's death. If a deputy were stationed in the MOU instead of the hospital to allow the use of IVs, treatment could begin sooner and the expense of transportation and hospitalization could be avoided.

Errors Resulting in Harm

Housing Cell Assignments

Inmate proximity in jail facilitates the spread of communicable disease. The Grand Jury's review of autopsy and toxicology reports revealed that CHS and OCSD were not aware that certain inmates had HEP B, HEP C, or HIV, which are spread by blood and other bodily fluids. Infectious skin conditions like scabies also can spread easily. Detection prior to housing assignment would assist in preventing the spread of these diseases.

Inmates housed with cellmates who have undiagnosed mental illness may be subjected to acts of violence. One such incident occurred in the thirty-four cases reviewed.

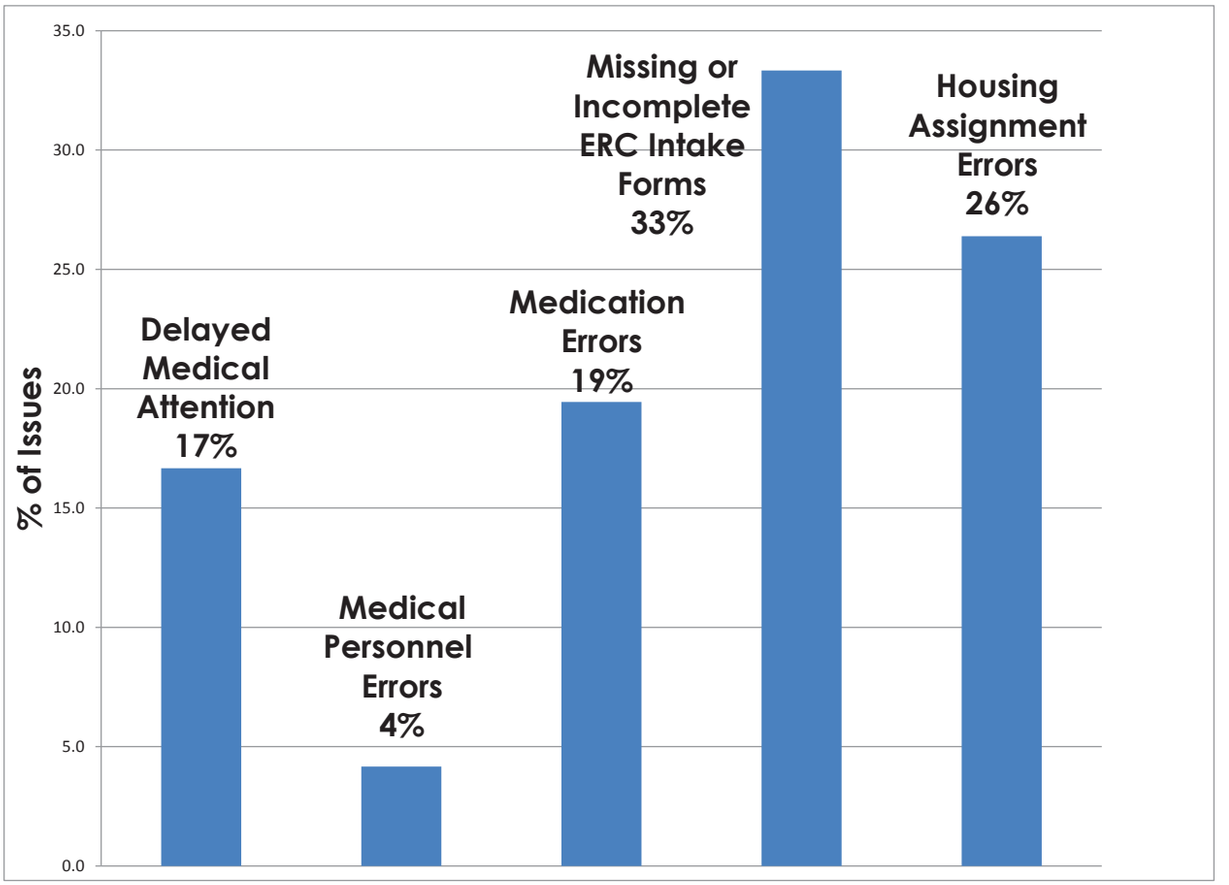
Deficient Healthcare Delivery

The Grand Jury's investigation identified a number of problems with healthcare delivery in the thirty-four custodial deaths reviewed, problems which can be extrapolated to the entire jail population:

- delayed medical attention
- medical personnel errors
- medication errors
- missing or incomplete IRC intake forms
- housing assignment errors

The relative number of occurrences of these deficiencies impacting inmate health care is shown in Figure 4.

Figure 3: Health Care Error Summary



Source: 1 Data from Reports Issued by Orange County District Attorney, Sheriff's Department and Health Care Agency

As required by state regulations, CHS convenes a Morbidity/Mortality Review (MMR) within thirty days of an inmate's death (Appendix 3: CCR Title 15 1046). This review summarizes the inmate's incarceration medical history and explores how the system, as well as actions of individuals, could be improved. The Grand Jury noted that the MMR process provided increased scrutiny of care in the period under study. MMRs in 2017 were more comprehensive, including improved medical event summaries, improved CHS staff training, and database enhancements.

REPORT 8

Medical Personnel Errors

Two specific cases of medical diagnostic errors resulting in death were reviewed.

> The medical staff in a jail facility failed to diagnose the cause of an inmate's persistent and increasing chest pains and shortness of breath. Breathing exercises and psychological treatments were prescribed. Accurate diagnosis was delayed, and the inmate died.

> An inmate processed through the IRC late on a Friday evening did not receive an initial physical exam. Shortly after being assigned to a cell, the inmate began to cry and complain of persistent pain. Pain medication was administered, but the symptoms persisted. The on-call doctor was not consulted; an appointment was scheduled for Monday morning. Eventually, the inmate was in a man down condition. CPR was administered but the inmate died. The autopsy report revealed a tear in the patient's aorta, causing massive internal bleeding.

Major Complications of CPR

CPR is an emergency procedure that combines chest compressions with ventilation in an effort to restore breathing and maintain blood flow to the brain. A man down response begins with CPR, which can be initiated by a deputy, healthcare worker, or paramedic. Nine of the twenty inmates who received CPR suffered three or more broken ribs, a broken sternum, or damaged internal organs – an excessive amount of damage according to the American Heart Association Guidelines.

Two inmates received CPR while in hospitals, and seven received CPR from jail personnel. In one instance at the OC Central Jail, CPR resulted in seventeen fractured ribs, the perforation of one of the heart chambers, and over three pints of blood flooding the chest cavity.

Coroner's Reports for Feedback Improvement

Complete Autopsy and Toxicology Reports

The National Association of Medical Examiners (NAME) is a professional society which establishes standards for the conduct of death investigations. Among these standards are the following:

- An objective forensic autopsy, with findings that include toxicology tests, special tests, microscopic examinations, etc.
- Stated opinions by a forensic pathologist that pertain to the cause and manner of death

In accordance with NAME, Los Angeles and Riverside Counties expect the forensic pathologist to write a report that includes the cause of death, the manner of death, and their opinion regarding both. In contrast, the Orange County District Attorney's office does not require forensic pathologists to comment on the toxicology report or to render an opinion on the cause or manner of death. Without the toxicology report, autopsy findings alone may be insufficient to determine the cause of death.

> In one custodial death, an incoming inmate informed IRC that he had a specified illness and had abdominal pain. The IRC medical staff had the inmate transported to a local ER. The inmate was returned to the Central Jail within two hours without accompanying medical information. Within a short period of time the inmate was found dead in his cell. The toxicology report showed evidence of an acute health issue that would likely have been identified in the health records, and which could have been medically addressed. The pathology report listed seven findings that caused the inmate's death without any reference to this acute issue. Had it incorporated information from the toxicology report, the pathologist's report would have shown the primary or contributory cause of death to be this acute issue.

Peer Review Certification

Participation in a nationally-accredited healthcare review organization has the potential to improve the inmate care that CHS provides. CHS is not audited by any accrediting organization. The National Commission on Correctional Health Care (NCCHC) is available to review correctional health care delivered across the United States. Utilizing this agency or an equivalent would provide an independent assessment of performance. The NCCHC can provide CHS the benefit of an accreditation of its performance and practices. Membership in this peer review organization has the potential to improve efficiency, inmate care, and inmate survival.

Conclusion

Since the Intake Release Center is the gateway to health care in the jail system, it is imperative that health issues be identified there. Many other opportunities exist to improve the health care of inmates and prevent their deaths. The Grand Jury's Findings and Recommendations are intended to assist Correctional Health Services, in cooperation with Orange County Sheriff's Department and Orange County District Attorney's office, in achieving ongoing improvements to inmate health care.

FINDINGS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Preventable Deaths in Orange County Jails," the 2017-2018 Orange County Grand Jury has arrived at twelve principal findings, as follows:

F1. Failure to identify health threats at the Intake Release Center may lead to subsequent medical challenges that could be avoided.

F2. Because the Intake Release Center health assessment does not screen for drug or alcohol intoxication, some inmates have not been appropriately assigned to the Medical Observation Unit to monitor for potential overdose events.

F3. Failure to screen for mental illness at the Intake Release Center exposes other inmates to potential risk.

F4. Failure to detect Hepatitis B, Hepatitis C, and HIV at the Intake Release Center puts the jail population and staff at risk for these diseases.

F5. Inmate health care is compromised when the Intake Release Center x-ray screening is limited to the detection of tuberculosis and not used to identify other significant abnormalities, such as artificial heart valves and aortic aneurysms.

F6. Appropriate health care may be delayed when drug and alcohol screening test results collected by outside law enforcement agencies are not provided to the Intake Release Center with the arrestee.

F7. Appropriate health care is compromised when medical records, diagnoses and treatment plans are not provided by the hospital when the inmate returns to the Intake Release Center.

F8. Inmate care may be compromised because of the lack of a timely referral to a healthcare professional. This is especially problematic on weekends and holidays.

F9. There is no provision to administer intravenous fluids in the Medical Observation Unit, potentially subjecting patients to dehydration.

F10. The Orange County District Attorney does not require its forensic pathologists to comply with national standards, limiting potentially valuable information on cause and manner of death.

F11. Timely receipt of autopsy and toxicology reports provides important information that could assist Correctional Health Services in implementing needed changes.

F12. The Orange County Correctional Health Services' performance is not accredited by any peer review agency; consequently, it lacks the benefits of accreditation as a process improvement tool.

RECOMMENDATIONS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Preventable Deaths in Orange County Jails," the 2017-2018 Orange County Grand Jury makes the following fifteen recommendations:

R1. By October 1, 2018, Correctional Health Services should use a urine drug screen test for all inmates at the time of intake to obtain a more accurate assessment of the inmate's medical condition. (F1, F2)

R2. By June 30, 2019, Correctional Health Services should perform universal Hepatitis B, Hepatitis C, and HIV tests at the Intake Release Center and make an appropriate decision for treatment, vaccination, and housing. (F1, F4)

R3. By October 1, 2018, Correctional Health Services should require the radiologist to examine the Intake Release Center x-rays for any abnormalities in addition to tuberculosis to improve the inmate's diagnosis and care. All x-ray test findings, including normal, should be recorded on the inmate's health record. (F1, F5)

R4. By January 1, 2019, the Intake Release Center health assessment should require the inmate to disrobe for a brief visual medical examination by a nurse practitioner or doctor. (F1)

R5. By January 1, 2019, an improved Intake Release Center health assessment should be used to identify any condition requiring assignment to the Medical Observation Unit. (F1, F2)

R6. By January 1, 2019, the medical intake form should include a summary section and a written plan of action to highlight the health conditions needing attention. (F1, F2, F3, F4)

R7. By October 1, 2018, the Orange County Sheriff's Department should require all outside law enforcement agencies' drug and alcohol test results to accompany the arrestee to the Intake Release Center. (F6)

R8. By October 1, 2018, Correctional Health Services should develop a plan to receive the medical records, diagnoses, and treatment plans from hospitals when an inmate returns to the Intake Release Center. (F7)

R9. By October 1, 2018, the results of the intake health assessment should be included in making appropriate housing assignments. (F1, F2, F3, F4)

R10. By January 1, 2019, Correctional Health Services and the Orange County Sheriff's Department should consider allowing the Medical Observation Unit to dispense intravenous fluids. (F9)

R11. By January 1, 2019, the Orange County Sheriff's and Correctional Health Services staff should ensure pink slips are responded to within twenty-four hours. (F8)

R12. By January 1, 2019, a nurse practitioner or physician should be on site for weekends and holidays, even if on a limited schedule, to address inmates' urgent care needs. (F8)

R13. By October 1, 2018, the Orange County District Attorney's office should require the forensic pathologist's report to follow the standards of the National Association of Medical Examiners (NAME) for custodial death autopsies. (F10)

R14. By October 1, 2018, Correctional Health Services should review the autopsy, toxicology, and pathologist's reports, as soon as they are available, for ways to improve healthcare processes. (F10, F11)

R15. By June 30, 2019, Correctional Health Services should seek accreditation from the National Commission on Correctional Health Care. (F12)

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the findings and recommendations of this Grand Jury report:

§933(c)

"No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head or any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. . . . "

§933.05

"(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
(1) The respondent agrees with the finding.
(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
(1) The recommendation has been implemented, with a summary regarding the implemented action.
(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department."

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

Responses Required:

Findings:

Board of Supervisors	F1, F2, F3, F4, F5, F6, F7, F8, F9, F11, F12
Orange County District Attorney	F10, F11
Orange County Sheriff-Coroner	F6, F7, F8, F9

Recommendations:

Board of Supervisors	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R14, R15
Orange County District Attorney	R14
Orange County Sheriff-Coroner	R4, R7, R8, R9, R10, R11

Responses Requested:

Findings:

Correctional Health Services	F1, F2, F3, F4, F5, F6, F7, F8, F9, F11, F12

Recommendations:

Correctional Health Services	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R15

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5. *California Code of Regulations, Title 15. Crime Prevention and Corrections §1207. Medical Receiving Screening*
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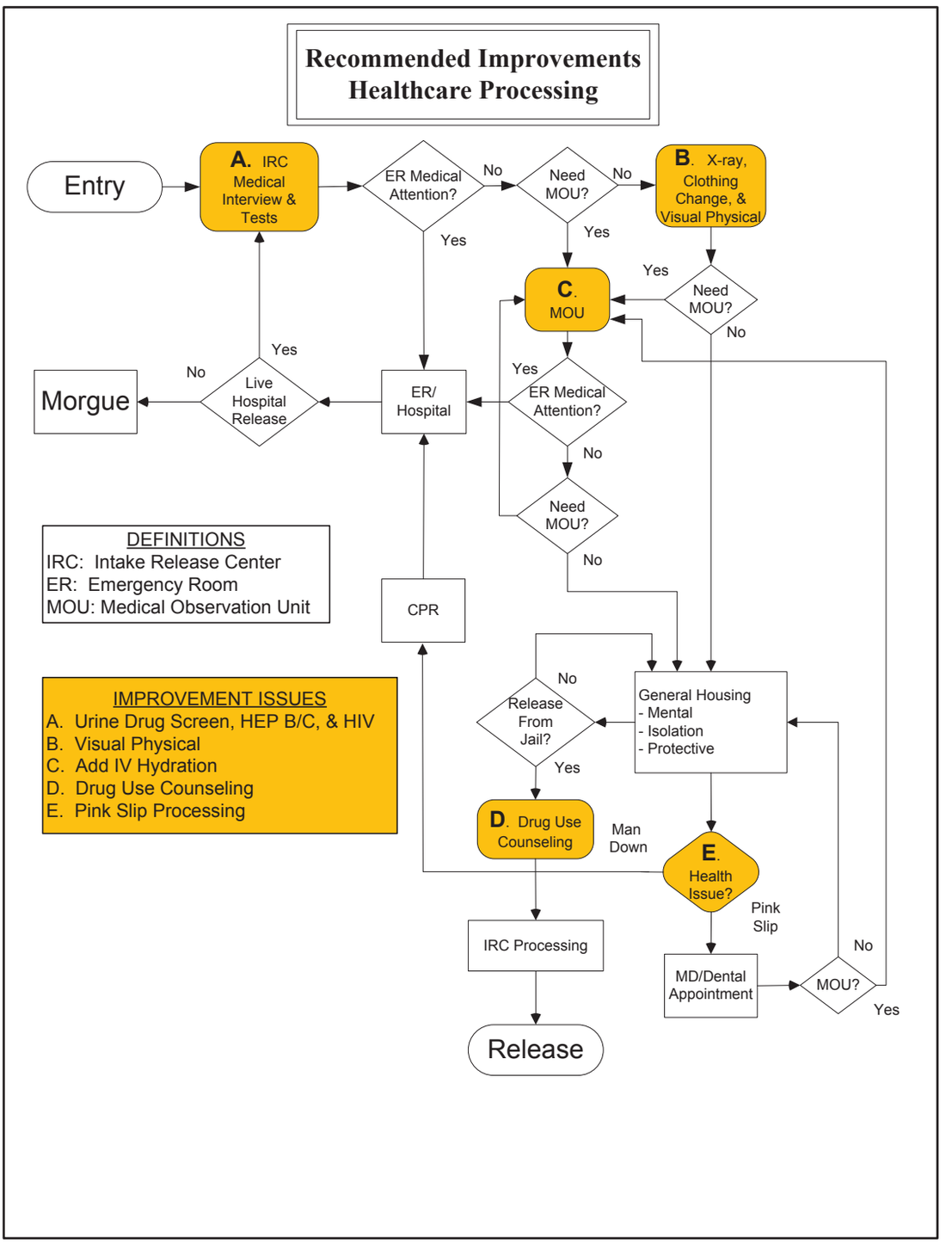
Appendix

Appendix 1



Appendix 2

Orange County Health Care Agency
550 N. Flower Street
Santa Ana, CA 92703

5/23/2018 2:11:42 PM Pacific Daylight Time

RECEIVING SCREENING - Created on 5/23/2018 2:11:41 PM Pacific Daylight Time

PICTURE NOT AVAILABLE

Patient:	test, test	**#:**	(T1209844) T1209844	**Lang:**
DOB:	6/10/1985 (Age=32)	**Sex:**	Male	**Race:**
Housing:		**Court Date:**		**Type:**
Status:	NOT ACTIVE			

Current Allergies

No Known Drug Allergy

☐ Allergy information verified with inmate

TOBACCO SMOKING HISTORY

◯ Smoked GREATER than 100 cigarettes in lifetime.
◯ Smoked LESS than 100 cigarettes in lifetime.
◯ Unknown if ever smoked.

☐ Regularly smokes every day.
☐ Regularly smokes periodically, but consistantly.
☐ Currently does not smoke.
☐ Not known if currently smokes.

MEASUREMENT:

☐ **Patient Refused**

BP	Temp	Pulse	Resp	SaO2	BS	Pain	Height(ft)
/							0

Height(in)	Weight	BMI	MAP
0			

OBSERVATION:

1. Is the inmate unconscious or showing signs of illness, injury, bleeding, pain or other symptoms implying need for emergency medical referrals?

☐ Yes
☑ No

REPORT 8

Pain Scale:

10. Have you fainted or had a head injury (eg. coma, concussion) in the past 72 hours?

- [ ] Yes
- [x] No

11. Do you have any of the following chronic conditions?

- [ ] None
- [ ] HIV/AIDS
- [ ] Hepatitis C
- [ ] Seizure Disorder
- [ ] Sexually Transmitted Diseases
- [ ] Psychosis
- [ ] CAD/CHF/Valve Disease
- [ ] Asthma
- [ ] Thyroid Disease
- [ ] Head Injury
- [ ] Depression
- [ ] Diabetes
- [ ] Hepatitis B
- [ ] Cancer
- [ ] Hypertension
- [ ] Bi Polar

12. Have you ever been diagnosed with any other medical problems?

- [ ] Yes
- [x] No

If yes, what?

13. Have you ever been diagnosed with any other mental health problems?

- [ ] Yes
- [x] No

If yes, what?

14. Do you have any medical or mental conditions that you would like to speak with someone about in private?

- [ ] Yes
- [x] No

15. Have you ever had a serious infectious disease in the past, like a bad skin infection?

- [ ] Yes
- [x] No

If yes, what?

16. Have you been admitted to a hospital in the past year for a medical reason?

- [ ] Yes
- [x] No

If so, what?

Pain Scale:

10. Have you fainted or had a head injury (eg. coma, concussion) in the past 72 hours?

- [ ] Yes
- [x] No

11. Do you have any of the following chronic conditions?

- [ ] None
- [ ] HIV/AIDS
- [ ] Hepatitis C
- [ ] Seizure Disorder
- [ ] Sexually Transmitted Diseases
- [ ] Psychosis
- [ ] CAD/CHF/Valve Disease
- [ ] Asthma
- [ ] Thyroid Disease
- [ ] Head Injury
- [ ] Depression
- [ ] Diabetes
- [ ] Hepatitis B
- [ ] Cancer
- [ ] Hypertension
- [ ] Bi Polar

12. Have you ever been diagnosed with any other medical problems?

- [ ] Yes
- [x] No

If yes, what?

13. Have you ever been diagnosed with any other mental health problems?

- [ ] Yes
- [x] No

If yes, what?

14. Do you have any medical or mental conditions that you would like to speak with someone about in private?

- [ ] Yes
- [x] No

15. Have you ever had a serious infectious disease in the past, like a bad skin infection?

- [ ] Yes
- [x] No

If yes, what?

16. Have you been admitted to a hospital in the past year for a medical reason?

- [ ] Yes
- [x] No

If so, what?

37. Are you currently taking medications for a mental health problem?

- [ ] Yes
- [x] No

38. Do you know of any medical reason why you cannot work in jail?

- [ ] Yes
- [x] No

39. Additional Medical Information:

40. Female information was explained and given to inmate

- [ ] Yes
- [ ] No
- [x] NA

41. Previously Incarcerated. If Yes, the following checked items were completed.

- [ ] Yes
- [x] No

- [ ] Previous EMAR/ Flags were reviewed
- [ ] Previous Problem List was reviewed

Additional Screening Questions

1. Influenza Questions Asked?

- [ ] Yes
- [ ] No
- [x] NA

1a. Do you currently have fever, chills or body ache?

- [ ] Yes
- [ ] No

1b. Do you currently have a cough?

- [ ] Yes
- [ ] No

1c. Do you currently have a runny nose?

☐ No
☑ NA

If yes, when was your last contact with this person or area?

3. Ebola Questions Asked?

☐ Yes
☐ No
☑ NA

3a. Have you, or anyone you live with, traveled or lived in an area with known Ebola Viral Disease (EVD) in the last 21 days Sierra Leone, Liberia, Ginuea, Nigeria, Democratic Republic of Congo, other?

☐ Yes
☐ No

If yes, to what country did you or the person you live with travel to?

3b. Have you had any direct skin contact or exposure to blood or body fluids of an EVD patient, relative or contact?

☐ Yes
☐ No

If yes, Is the patient symptomatic?

☐ Yes
☐ No

3c. Which of the following symptoms do you have?

☐ Headaches	☐ Abdominal pain	☐ Fever
☐ Weakness	☐ Vomiting	☐ Muscle Aches
☐ Diarrhea	☐ Unusual Bleeding	☐ None

4. Measles Questions Asked?

☐ Yes
☐ No
☑ NA

- Yes
- No

James Musick:

- Yes
- No

Suicidal Precautions:

- Constant

Close (specify frequency):

Additional Brief Pertinent Comments:

Appendix 3

§ 1046. Death in Custody.

15 CA ADC § 1046BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
Barclays Official California Code of Regulations Currentness
Title 15, Crime Prevention and Corrections
Division 1, Board of State and Community Corrections
Chapter 1, Board of State and Community Corrections
Subchapter 4, Minimum Standards for Local Detention Facilities
Article 4, Records and Public Information
15 CCR § 1046

§ 1046. Death in Custody

(a) Death in Custody Reviews for Adults and Minors.

The facility administrator, in cooperation with the health administrator, shall develop written policy and procedures to ensure that there is an initial review of every in-custody death within 30 days. The review team shall include the facility administrator and/or the facility manager, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.

Deaths shall be reviewed to determine the appropriateness of clinical care; whether changes to policies, procedures, or practices are warranted; and to identify issues that require further study.

(b) Death of a Minor

In any case in which a minor dies while detained in a jail, lockup, or court holding facility:

(1) The administrator of the facility shall provide to the Board a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted within 10 calendar days after the death.

(2) Upon receipt of a report of death of a minor from the administrator, the Board may within 30 calendar days inspect and evaluate the jail, lockup, or court holding facility pursuant to the provisions of this subchapter. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

Appendix 4

Orange County District Attorney
and Orange County Sheriff's Department

Operational & Procedural Protocol
for Custodial Death Investigations

Effective Date: February 10, 2010

Purpose

To establish recommended uniform protocols for the investigation of custodial deaths.

Adoption

The operating protocol contained herein was officially adopted by the Orange County District Attorney and Orange County Sheriff's Department.

Justification / Need

The purpose of this protocol is to maximize the efficiency and effectiveness of an independent custodial death investigation conducted by the District Attorney in order to eliminate any perceived conflict of interest that may otherwise result. It is recognized that the custodial setting is a distinctive environment and the investigation of custodial deaths are unique. Consequently, these incidents receive a high degree of public scrutiny with regard to officer conduct and the involved agency's policies and procedures. It is essential that the investigation be complete, thorough, unbiased, and impartial to preclude any conjecture of impropriety.

In Orange County the offices of the Sheriff and Coroner are combined under one elected official. This dual role presents a unique circumstance with regard to custodial deaths, and can cause one to perceive a conflict of interest in these types of investigations.

Since custodial deaths generally involve multiple considerations, it is recognized that several separate, but parallel and often overlapping investigations may be conducted. To alleviate concerns of any real or perceived conflict of interest, the District Attorney's Office will take the primary investigative role in custodial deaths involving the Sheriff-Coroner. The District Attorney will also be involved as an independent third party overseeing the Coroner's function.

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Policy / Directive

A custodial death is any death that occurs while the decedent is in the custody or control of an Orange County Sheriff's Department employee, or when the decedent is under orders of confinement in the Orange County Jail System or in any other county confinement facility or any other law enforcement confinement facility involving Orange County Sheriff's Department personnel, or where there is direct involvement by any Orange County Sheriff's Department personnel. The Orange County District Attorney's Office will investigate all custodial deaths and have primary responsibility for the investigation.

The District Attorney will assume primary investigative responsibility for the incident, however, Sheriff Department personnel may be requested to participate in all or select phases of the investigation. The District Attorney may request the Sheriff's Department to conduct the investigation into any underlying crimes involving non-Sheriff Department personnel. It is recognized that this is often necessary for the prosecution of involved suspect(s). The final responsibility for the investigation will rest with the District Attorney.

A. Death following Release from Custody. In cases where a person dies following release from custody, the District Attorney shall be notified of the circumstances but may decline to respond.

B. Serious Injury of Person in Custody which is Life-Threatening. In cases where an individual suffers serious injury which is life-threatening, while in the custody or control of a Sheriff's employee or incarcerated in the Orange County Jail system, the District Attorney shall be notified of the circumstances but may decline to respond.

Agency Responsibility

Orange County Sheriff's Department

1. In accordance with the Sheriff's Department procedures, internal and supplemental resources should be requested as soon as practicable.

2. The Sheriff's Department shall request an immediate investigation by the Orange County District Attorney's Office on all custodial deaths to determine the criminal culpability, if any, of those involved.

3. Any internal /administrative investigation will be conducted separately by the Sheriff's Department.

4. Additional resources such as psychological counselors and risk management response teams may be requested by the Sheriff's Department and should be accommodated to the extent reasonably practicable.

5. The Sheriff's Department shall provide to District Attorney personnel copies of all reports, videos, recordings, pictures, and other relevant material to the case.

6. The Orange County Crime Lab will function as the scientific investigative personnel; and will collect, photograph, and process all physical evidence as directed by District Attorney Personnel.

7. The Sheriff-Coroner shall permit any necessary autopsy to be performed by a pathologist under contract by the District Attorney. The pathologist will be provided all pertinent information concerning the investigation. An Orange County Coroner's pathologist may attend the autopsy as an observer. The toxicology examination will be accomplished by the Orange County Crime Lab. The Orange County Crime Lab staff will also provide identification and criminalist personnel for the autopsy.

8. Coroner's staff will function as an integral part of the investigative team pursuant to their established procedures and legal responsibilities. The Sheriff-Coroner will provide a Deputy Coroner Investigator to conduct the on-scene examination of the body and arrange for transportation of the body to the Coroner's facility. The Coroner's Office will coordinate the Coroner Case Review proceedings for presentation to the Sheriff-Coroner.

Orange County District Attorney

1. The District Attorney will coordinate the activities of all participants at the scene and subsequent investigation. The District Attorney will conduct an independent investigation to determine potential criminal culpability by anyone involved in the incident.

2. District Attorney Investigators will collect reports from all investigative sources and will maintain a master case file of the incident. The District Attorney will be responsible for acquiring reports from other agencies pertaining to the arrest of the involved subject(s) and when applicable, witnesses involved in other pertinent incidents, acts and arrests, will be interviewed.

3. The District Attorney will arrange for an independent forensic pathologist from outside of the Orange County Coroner's Office to perform the autopsy. The District Attorney may also utilize any other pathologist and consult with other forensic, medical, and other experts as deemed necessary to conclude the investigation. It shall be the District Attorney's responsibility to secure such experts.

4. The Sheriff-Coroner's briefing and autopsy will be attended by District Attorney personnel. Death notifications of next-of-kin will normally be accomplished by the District Attorney; however, on request, the assigned Deputy Coroner may make the death notification.

5. At the completion of the investigation, the investigative package will be submitted for a legal review of the incident and written finding will be made as to case disposition and determination if there is any criminal culpability, on the part of anyone involved, in the incident.

6. Upon completion of the legal review, the District Attorney will provide the Sheriff's Department a complete copy of the investigative file.

7. The Coroner Case Review will be attended by a District Attorney Supervising Investigator and other District Attorney personnel as required.

8. The District Attorney's Office will have sole responsibility to review all discovery orders or requests for public records releases of District Attorney reports.

Media Releases and Information Request

A. Unless otherwise agreed, the initial press release should be mutually coordinated between the Sheriff's Department and the District Attorney's office.

B. The District Attorney's office will be responsible for the public release of any information regarding the investigation of an in-custody death.

The District Attorney's office will inform the Sheriff of information involving a member of the Sheriff's Department prior to notifying the media.

Tony Rackauckas
TONY RACKAUCKAS
District Attorney

2/19/10
Date

SANDRA HUTCHENS
Sheriff-Coroner

3/4/10
Date

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