

2018-2019 San Luis Obispo County Grand Jury

FINAL REPORT



San Luis Obispo County Grand Jury



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<https://www.slo.courts.ca.gov/gj/jury-grandjury.htm>





2019-2020 San Luis Obispo County Grand Jury

Back Row, L-R: Jim Fitzgerald; Steve Irey; Gary Milne; Dennis Weaver; Steve Otto; Henry Ribble, Foreperson;
Allen Houser; Ian Watt; Reggie Rini, AA
Front Row, L-R: Ginger Garrett, Presiding Judge; Bill Jackson; Jane Hehnke; Don Christolear, Foreperson Pro Tem;
Casandra Blangsted; Lynlee Blackburn; John Donegan; Kathi Penzes
Insert: Alan Edelman; Robert Smith

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FINAL REPORTS

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GRAND JURY APPROVAL


California Penal Code §933(a) states:


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

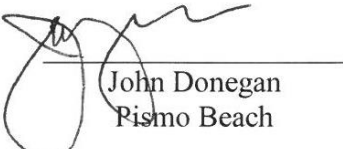
In conformance with the aforementioned Penal Code requirement, the 2018-2019 San Luis Obispo County Grand Jury approves and respectfully submits this report to the Honorable Judge Ginger Garrett, Presiding Judge, Superior Court of California, County of San Luis Obispo.



Henry Ribble
San Luis Obispo


Lynlee Blackburn
Los Osos



Casandra Blangsted
Atascadero



Donald Christolear
Morro Bay

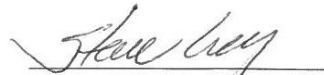

John Donegan
Pismo Beach



Alan Edelman
Arroyo Grande

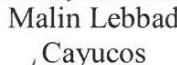

James Fitzgerald
Nipomo

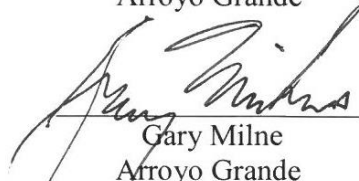

Jane Hehnke
Grover Beach


Allen Houser
Grover Beach



Steven Irey
Arroyo Grande

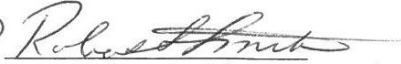

William Jackson
Paso Robles

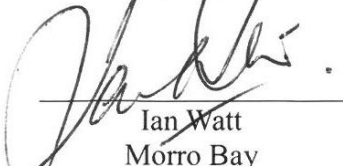

Malin Lebbad
Cayucos

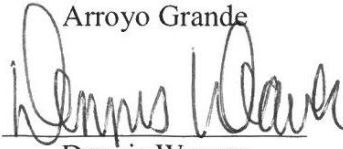

Gary Milne
Arroyo Grande


Steven Otto
Grover Beach


Kathleen Penzes
Arroyo Grande


Robert Smith
Los Osos


Ian Watt
Morro Bay


Dennis Weaver
Nipomo

FOREPERSON'S FORWARD

Traditionally the Foreperson of the San Luis Obispo County Grand Jury writes a commentary which accompanies the jury's Final Report and offers some insight into grand jury service.

Grand Juries in this county consist of 19 members, all of whom are volunteers, selected at random by the Superior Court following a thorough interview process. In addition to the 19 jury members, as many as 11 alternates (more volunteers) may be chosen at random from the same jury pool. Jurors serve a one-year term; an individual juror may serve a second consecutive term at the option of the Court.

The Grand Jury in San Luis Obispo County functions as a "Civil Grand Jury," meaning it has the authority to review and report on the activities of local governments, but it is not asked to return criminal indictments. Originally, county grand juries were tasked by the state with inspecting detention facilities and reporting on the conditions as they found them to the courts. Since that time, the oversight role of county grand juries has been expanded by amendments to the Penal Code to include all local governments.

There are two words that are preeminent in the Grand Jury lexicon: the first is confidentiality. All proceedings of the jury are held in the strictest confidence by jury members and all interviewees are admonished to do the same; the second word is collegiality. Jurors are expected to maintain a collegial environment throughout all jury-related activities.

All reports issued by the Grand Jury have their beginning as either a complaint received from a citizen or resident, or as an investigation initiated from within the jury itself. Neither of those paths necessarily results in a report by the jury.

At the end of each jury year, reports generated by the jury are consolidated into a Final Report, then released to the public, the media, the county's libraries, and the agencies about which the reports have been written.

The 2018-2019 San Luis Obispo County Grand Jury produced six reports. Within those reports are three other important words: Conclusions, Findings, and Recommendations. Their appearance, and the reports that contain them, in this Final Report is due to the dedication, skill, and knowledge of the members of this year's jury. Of special note are the efforts of Dennis Weaver, Kathleen Penzes, Malin Lebbad, and Steve Irej, the chairpersons of the jury's committees, and Ian Watt, the jury's secretary. An additional note: A grateful word of thanks on behalf of the entire jury to the extraordinary administrative assistant who works with the Grand Jury.

Henry Rible, Foreperson
2018-2019 San Luis Obispo County Grand Jury

AUTHORITIES FOR GRAND JURY INQUIRIES

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

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

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

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

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

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

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

AUTHORITIES FOR AGENCY RESPONSES

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

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

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

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

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

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

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

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

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

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

FINAL REPORTS

2018-2019 CONTINUITY REPORT

INTRODUCTION

The San Luis Obispo County Grand Jury (Grand Jury) has no enforcement powers, but its mission is to shed light on various issues. The Continuity Report reviews the required responses to previously published Grand Jury Reports for adequacy, completeness and timeliness. If an agency agreed to make a change by a certain date, the Grand Jury seeks confirmation. This monitoring ensures compliance.

This is an informational report providing a summary of findings and recommendations made by the 2017-2018 Grand Jury, including updates on the status of open recommendations noted in prior

ORIGIN

A continuity report is traditionally prepared by each year's Grand Jury.

AUTHORITY

California Penal Code section 933.05 prescribes responses to findings and recommendations. Responding agencies are directed to report whether they agree or disagree (either partially or wholly) with a finding and whether a recommendation has been implemented, will be implemented, will not be implemented, or requires further analysis. If an agency rejects a Grand Jury recommendation, they are required to provide an explanation, citing why it is either unwarranted or unreasonable. If they respond that the recommendation requires further analysis, a timeframe within six months in which such analysis will be carried out must be included with the

response.¹ The Grand Jury posts all its reports and each agency's responses online each year at <https://www.slo.courts.ca.gov/gi/jury-grandjury.htm>.

NARRATIVE

The 2017-2018 Grand Jury issued six investigative reports that required responses from relevant agencies. The 2018-2019 Grand Jury reviewed all responses from all agencies in preparing this continuity report.

REPORT 1: "Our County Can Do Better: The Crisis Inside the Walls of the Psychiatric Health Facility"

REPORT 2: "A Look at County Behavioral Health Services: A Time for Improvement is Now"

REPORT 3: "Inspection Report for San Luis Obispo County Detention Facilities"

REPORT 4: "Safeguarding the Public's Health"

REPORT 5: "Moving the Dial at the County Jail: The Goal of Reducing Recidivism"

REPORT 6: "Is There a Health Risk from the Dunes? 'The Answer My Friend is Blowing in the Wind'"

¹ California Penal Code 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.

2017-2018 GRAND JURY REPORTS

[Link to all 2017-2018 Grand Jury reports and responses:](#)

<https://drive.google.com/drive/folders/1FzAfNMnFmGOd6amF4dE1YBKEkSENVAtx>

(In some cases agency responses have been summarized, and not all responses are included in this report. Full responses are available at the Grand Jury’s website.)

REPORT 1: “Our County Can Do Better: The Crisis Inside the Walls of the Psychiatric Health Facility”

Link to full report:

<https://drive.google.com/file/d/15wkyFVs0yByyfXsxEvFJIaNGks7s2lvA/view>

This report was originated by the 2017-2018 Grand Jury members based upon citizen complaints and recent events concerning the treatment of behavioral health patients within the county. This was the first inspection of the Psychiatric Health Facility (PHF) in recent years. The 2017-2018 Grand Jury found the PHF to be a 16-bed antiquated facility that does not meet the crisis needs of the county’s mentally ill population and committed staff members. Eight findings and six recommendations were made.

The County of San Luis Obispo Health Agency (Health Agency) was required to respond to six findings and six recommendations, all of which were received in a timely manner. They agreed with one of those findings, partially disagreed with four findings, and disagreed with one finding. Two recommendations were implemented, one was partially implemented, and three were not implemented.

Link to Health Agency responses:

<https://drive.google.com/file/d/1Sbiyyu-uIR0kNd8r680dFqAfdH0ebnfG/view>

The San Luis Obispo County Board of Supervisors (BoS) was required to respond to two recommendations: one recommendation will be implemented, and one will not.

Link to BoS responses:

https://drive.google.com/file/d/1Yp6tX7LjXnJIy_fuQar6i0g_MqjvJFzF/view

Respondents	Findings Agreed with	Findings Partially Agreed with	Findings Not Agreed with	Total	Follow Up Recommended
Health Agency	F6		F2, F3, F4, F5, F7	6	
BoS					

Respondents	Recommendations Implemented	Recommendations to be Implemented	Recommendations Not Implemented	Require Further Analysis	Total	Follow Up Recommended
Health Agency	R1, R2	R4, R5	R3, R6		6	R2
BoS	R2		R3		2	

(In some cases agency responses have been summarized, and not all responses are included in this report. Full responses are available at the Grand Jury’s website.)

The Health Agency partially disagreed with:

Finding 2: The PHF facility is woefully inadequate for a psychiatric hospital.

Health Agency response: “The respondent disagrees partially with the finding. The Psychiatric Facility has consistently passed all licensing reviews for both condition and safety.”

Finding 3: There is not enough room for the programs and therapies required towards a goal of recovery; a separate and dedicated area is lacking for both treatment rooms and physical exercise.

Health Agency response: “The respondent partially disagrees with this finding. The Psychiatric Facility has consistently passed all licensing reviews for both condition and safety.”

Finding 7: The outdoor area is inadequate for the number of patients served and doesn’t provide space for exercise.

Health Agency response: “The respondent partially disagrees with this finding. The Psychiatric Facility has consistently passed all licensing reviews for both condition and safety.”

The Grand Jury recognizes the PHF meets licensing requirements but suggests that an expansion of space could provide a more therapeutic environment for patients and staff. The responses do not address the issues raised by the Grand Jury.

The Health Agency disagreed with:

Finding 5: In the event of an emergency requiring evacuation during the night or evening, the required staffing is insufficient for the safety of the patients, staff, and community. In an area-wide emergency, law enforcement may not be able to respond.

Health Agency response: “The respondent disagrees with this finding. The Psychiatric Facility has consistently passed all licensing reviews for both condition and safety.”

The Grand Jury considers that staff and patient safety are a concern during the night shift. Law enforcement response to an emergency may not be timely and minimal staff are available to manage patients during an emergency.

The Health Agency partially implemented:

Recommendation 1: Even though the PHF second and third shifts meet minimum State standards, staffing levels should be increased for staff, patient, and community safety reasons.

Health Agency response: “This recommendation has been partially implemented through the addition of permanent resources to the PHF in each of the past 5 years. The Department will continue to evaluate staffing needs at the PHF.”

Recommendation 2: The San Luis Obispo County Jail should have its own dedicated psychiatric hospital facility, serving only inmates. This would limit the number of inmates admitted as patients in the PHF. When inmates are admitted to the new PHF, a correctional deputy should be assigned.

Health Agency response: “The recommendation has been partially implemented. The Sheriff’s Office is in the process of establishing a behavioral health unit at the jail for inmates.”

Board of Supervisors response: “The Sheriff’s office is in the process of establishing a behavioral health unit at the jail for inmates that will provide intensive day treatment services. The facility is anticipated to open in FY 2018-19. Additionally, through a Request for Proposal (RFP) process for jail healthcare services, the County included an option for proposals to estimate the cost of staffing and operating a psychiatric health facility at the jail.”

2018-2019 Grand Jury notes that the new behavioral health unit will open May 1, 2019. Future Grand Juries should review how the opening of the new behavioral health unit at the jail impacts the PHF.

The Health Agency will not implement:

Recommendation 3: The County should find or build a new psychiatric hospital facility, with sufficient room for patient treatment and recovery. Funding could come from reserves sources (County and/or MHSA [Mental Health Services Act]) or pursuing a state grant.

Health Agency response: “Recommendation will not be implemented at this time as it is not feasible. If new grants, state, or federal funds become available this option will be evaluated.”

Board of Supervisors response: “This recommendation will not be implemented at this time as it is not feasible. If new funding becomes available or current funding can be redirected, this option will be evaluated. The County is committed to maintaining and improving the existing Psychiatric Health facility (PHF).”

Recommendation 6: The facility should annex additional area from the adjacent County facilities, adding the treatment and therapy environments to improve effectiveness and safety.

Health Agency response: “The recommendation will not be implemented, as it is not feasible. If new grants, State, or Federal funds become available this option will be evaluated.”

The Grand Jury recognizes the difficulty inherent in obtaining funding, but appreciates the county’s commitment to maintaining and improving the existing facility.

REPORT 2: “A Look at County Behavioral Health Services: A Time for Improvement is Now”

Link to full report:

https://drive.google.com/file/d/1F9Reoi_eBj1ebT1dI34xKNH6lgAA2mOF/view

This report examined the San Luis Obispo County Behavioral Health Department. The 2017-2018 Grand Jury investigated the services provided through Behavioral Health by interviewing a wide spectrum of employees, private mental health professionals, and representatives from local non-profit agencies with behavioral health ties. Through these interviews, document review, and facility inspections, the Grand Jury discovered that the County provides programs and services to Medi-Cal beneficiaries among the population of over 5,000 residents with severe mental illness. Twelve findings and seven recommendations were made.

The County of San Luis Obispo Health Agency was required to respond to nine findings and seven recommendations. They agreed with six findings and partially agreed with three findings; two recommendations have been implemented and five recommendations will not be implemented.

Link to Health Agency response:

https://drive.google.com/file/d/1kSM6q2AsX4ipt_gY7qlOEJoJvf-XVIN9/view

The San Luis Obispo Board of Supervisors was required to respond to two findings and five recommendations. They agreed with one finding and partially disagreed with one finding; one recommendation will be implemented and four will not be implemented.

Link to BoS response:

https://drive.google.com/file/d/1_ousUr9hmB3ks3ZgDS63rKDrSBJx9rHr/view

Respondents	Finding Agreed with	Finding Partially Agreed with	Findings Not Agreed with	Total	Follow Up Recommended
BoS	F3,	F1		2	
Health Agency	F3, F5, F6, F9, F10, F12	F1, F4, F8		9	

Respondents	Recommendations Implemented	Recommendations to be implemented	Recommendations Not Implemented	Require Further Analysis	Total	Follow Up Recommended
BoS	R7		R1, R2, R5, R6		5	
Health Agency	R3, R7		R1, R2, R4, R5, R6		7	

(In some cases agency responses have been summarized, and not all responses are included in this report. Full responses are available at the Grand Jury’s website.)

The following recommendations will not be implemented:

Recommendation 1: Increase financial support to Behavioral Health from the County General Fund to accomplish the following within the next fiscal year. (Note: Some of this expense is reimbursable by Medi-Cal.):

- a. Reduce the wait time to enter the Full-Service Partnership program from months to weeks.
- b. Add clinicians and case managers to the mental health clinics thereby reducing wait time below the 10-day requirement and reducing the time between maintenance appointments.
- c. Add full time system navigators to all mental health clinics and encourage Cen-Cal (the local Medi-Cal affiliate) to add them at medical clinics.
- d. Add two additional Mental Health Evaluation Teams, one in North County and one in South County.

Health Agency and Board of Supervisors response: “This recommendation will not be implemented as it is not reasonable. The County will continue to seek additional funding sources to expand mental health services through grants, federal, and state funds. Three new case managers for the Adult Mental Health services division are included in the FY 2018-2019 recommended budget, with funding from MHSA. The County recently received a Children’s Triage Grant which will expand crisis response for youth in FY 2018-2019. A Clinician was approved to be added to the San Luis Obispo Police Community Action Team for outreach to homeless and crisis response

and will start during the summer of 2018. The Adult Full-Service Partnership will increase its open caseload to 40 slots at all times, and additional funding for “service slots” will be evaluated through the MHSA stakeholder process.”

The Grand Jury was notified by the Health Agency in March 2019 that current wait times for initial assessment of adult outpatients is 5.53 days and wait times for treatment are 7 days to a second appointment (this data is for January and February 2019).

Recommendation 2: Increase funding and support for the community and supportive housing programs.

Health Agency and Board of Supervisors response: “This recommendation will not be implemented at this time due to fiscal constraints ...”

Recommendation 4: Combine drug and alcohol treatment with mental health treatment, having all clinicians cross-trained to manage dual-diagnosis patients.

Health Agency response: “This recommendation will not be implemented because it is not warranted. The County’s contracts with the State Department of Health Care Services are very prescriptive for the provision, documentation, and billing for mental health and substance use disorder services. Professional certification and licensure for addiction treatment and for mental health treatment are also specialized and require concentration in specific areas of practice. Clients served within behavioral health may present with needs for co-occurring treatment. Other clients may not be impacted by either substance use disorder or serious mental illness and would not require co-occurring treatment. However, the respondent has increased the number of staff who have training in both mental health and substance use disorder treatment and offers trainings in both specialties to all treatment staff, including contract agency staff.”

The Grand Jury notes that although the Health Agency rejected the recommendation, they stated they have increased the number of staff who have training in both mental health and substance use

disorder services and they offer training in both specialties to all treatment staff. We commend them for this proactive approach.

Recommendation 5: Reorganize the agency to concentrate on the complete behavioral health treatment process.

Health Agency: “This recommendation will not be implemented because it is not reasonable. The organization of the agency is not a factor on the ability to provide appropriate treatment services. As reflected in Recommendation 4, the County is obligated to provide specific treatment services based on diagnosis and functional needs to clients through highly regulated and monitored processes.”

Board of Supervisors response: “This recommendation will not be implemented because it is not reasonable. The County is obligated to provide specific treatment services based on diagnosis and functional needs to clients through highly regulated and monitored processes.”

Recommendation 6: Use innovation and incentives, such as county backed bonds or tax breaks to support the building of private psychiatric and substance abuse facilities within the county.

Health Agency and Board of Supervisors response: “This recommendation will not be implemented as written. However, the County continuously seeks methods and funding to enhance behavioral health services.”

This is not the first time the Grand Jury has reported on the adequacy of mental health services in our county. The 2014-2015 Grand Jury report, “We Are Waiting: Access to County Provided Mental Health Services,” and the 2017-18 Grand Jury report, “A Look at County Behavioral Health Services: The Time for Improvements is Now,” both addressed the need for improved services, more staff, with a more efficient and effective delivery of mental health services in our county. While it is recognized that significant progress has been made toward improving services, it must be acknowledged that more remains to be done. Mental health and drug abuse are

nationwide problems. We have seen in our own communities the devastation that results from untreated behavioral health problems.

Future Grand Juries are encouraged to follow up on the following issues in the above reports:

- *Has the new clinician added to the city of San Luis Obispo's Community Action Team been beneficial to the outreach and the services provided to the homeless population?*
- *Has the Children's Triage Grant improved services to the youth population in our county?*
- *Were the three clinicians suggested in the 2018 budget recommendations approved and hired?*
- *Has the increased substance abuse training within the Health Agency, as cited in the agency responses to the recommendations, been beneficial to the delivery of services to a person seeking/needing treatment for both?*

REPORT 3: "Inspection Report for San Luis Obispo County Detention Facilities"

Link to full report:

https://drive.google.com/file/d/1ttns-1VyBNF_dHjx3FJnVMZDamIuQRJU/view

This report was based on the 2017-2018 Grand Jury's statutorily required annual inspections of all public prisons, including state prison, county jails, juvenile halls and holding cells utilized by law enforcement and courthouses. The Grand Jury took a detailed look at issues related to changes in population and programming in the County Jail. It specifically focused on housing, food, and transportation of prisoners. Studies were conducted of the medical and mental health treatment of the inmates. This report consisted of 20 findings and 10 recommendations.

The San Luis Obispo County Sheriff was required to respond to 15 findings and nine recommendations, all of which were received in a timely manner. He agreed with six findings and partially agreed with eight; he did not agree with one finding. The Sheriff stated that three recommendations will be implemented, three recommendations will not be implemented, and three recommendations required further analysis.

Link to Sheriff responses:

https://drive.google.com/file/d/1ssKQwjTaqBrjBceL0Rki_6Vx-9DCRQJM/view

<https://drive.google.com/file/d/1ckZOVWF5GlzZ9feDHO6mQw9UfCLrw5l0/view>

The San Luis Obispo County Probation Officer was required to respond to one finding and one recommendation. He partially agreed with one finding, and the one recommendation will not be implemented.

Link to County Probation Officer responses:

<https://drive.google.com/file/d/17NDoZtm9zOvr6vlyW0fo9UsGeThhFzpn/view>

The San Luis Obispo County Board of Supervisors was required to respond to two findings and four recommendations. They partially agreed with the two findings; one recommendation will be implemented, two recommendations will not be implemented, and one recommendation required further analysis.

Link to BoS responses:

https://drive.google.com/file/d/12cR4fqKgUjNt4OqUgvpj3xQJ_7f6rW/view

Respondents	Findings Agreed with	Findings Partially Agree With	Findings Not Agreed with	Total	Follow Up Recommended
Sheriff	F1-4, F14, F16	F10, F11, F12, F13, F15, F17, F18, F19	F20	15	
BoS		F10, F17		2	
Chief Probation Officer		F9		1	

Respondents	Recommendations Implemented	Recommendations to be Implemented	Recommendations Not Implemented	Requires Further Analysis	Total	Follow Up Recommended
Sheriff		R3, R5, R6, R7, R8	R1, R2, R9, R10		9	R5, R8
BoS		R5, R7,	R4, R9		4	R5
Chief Probation Officer			R4		1	

(In some cases agency responses have been summarized, and not all responses are included in this report. Full responses are available at the Grand Jury’s website.)

County Courthouse Holding Cells

The Sheriff will not implement the following recommendation:

Recommendation 2: The facility needs an expansion to house the current inmate traffic. The expansion should add segregation cells for Atascadero State Hospital patients and mental health jail inmates. Employee restrooms and a regular holding cell should also be added. This would

improve the safety of both inmates and staff. In light of the increase in mental health jail inmates coming to the courthouse, this expansion is needed immediately.

Sheriff's response: "This recommendation will not be implemented. The Judicial Council of California recognizes the inadequacy of the existing courthouse in San Luis Obispo and lists the construction of a new courthouse as a critical priority. The projected cost of a new courthouse is \$148 million dollars." There are currently 22 other courthouses in California waiting for funding ahead of San Luis Obispo County.

The Grand Jury believes that an expansion for holding cells to segregate offenders is a safety concern and should not have to wait for full funding of all courthouse renovations.

The Sheriff responded that the following recommendations require further analysis:

Recommendation 1: The Sheriff should petition the court for the addition of a close-circuit AV system between the courthouse and the jail to reduce transportation cost and resolve overcrowding at the holding facility.

Sheriff's response: "This recommendation requires further analysis."

The Grand Jury requested follow-up on this matter and in March 2019 an additional response was received:

After further analysis the Sheriff's Office concluded that a closed-circuit AV system between the courthouse and the jail will not be implemented. The Superior Court tried the procedure, but discontinued the procedure in 2009 due to issues. These issues concerned the 6th Amendment right for criminal proceedings to be open to the public and defendants didn't have access to legal counsel. Due to the volume of family law cases, there was a lack of available courtrooms for video arraignments. Legal Counsel for the accused and a Deputy District Attorney were often unavailable because "their presence was required in other courtrooms where defendants were appearing in person." Because the arraignment was by video, the defense was unable to conduct "confidential communications with their client ... or negotiate a plea agreement with the district attorney at the

proceeding.” The court cannot compel the defense attorneys to meet with clients in person before or after a video arraignment.

Recommendation 3: In addition to either of the first two alternatives, the Grand Jury also recommends that cameras be added in the stairwells leading to the courtrooms and to the fenced area outside the sally port.

Sheriff's response: “This recommendation requires further analysis. The Sheriff agrees with the benefits of having cameras in the stairwells. Because the building and camera system are State property the Sheriff's Office will research the addition of cameras for the stairwells with the Presiding Judge.” The sally port is in a restricted and secured parking area and has no inmate movement. There would be no benefit in installing cameras in this area.

The Grand Jury requested follow-up on this matter and in March 2019 an additional response was received:

After further analysis “the Board of Supervisors approved the expenditure \$125,000 for this project and it is currently underway.” The project includes funds for the outside area and the sally port, which was not previously considered for implementation. The new camera system will be digital instead of the analog system that was in use at the time of the inspection. “The project will be completed by June 30, 2019.”

County Juvenile Hall

The following recommendation will not be implemented:

Recommendation 4: The Grand Jury recommends the Board of Supervisors commission a study to investigate repurposing the Juvenile Hall wing currently being used as a recreational/storage/training area as a juvenile and transitional aged youth Psychiatric Health Facility (PHF), with separate exterior access. This could be better use of the facility and fill an urgent County need. For better outside access, the study should consider using the current Coastal Valley Academy (CVA), space and moving the CVA to the unused area.

Chief Probation Officer response: This recommendation will not be implemented “because it is not warranted. The unused Juvenile Hall wing will be used as a recreation room for youth detained at the juvenile [hall]. There is no other legal County use of this wing of juvenile hall.”

Board of Supervisors adopted Chief Probation Officer’s response.

San Luis Obispo County Jail

These recommendations will be implemented in the future:

Recommendation 6: The jail administration should improve the visitor process including adding more parking, the ability to register for visits over the telephone or on-site, and screening of visitors as they enter the facility.

Sheriff’s response: “This recommendation has not yet been implemented, but will be implemented in the future.” The Kansas Jail and Medical Programming Unit construction has impacted parking for jail visiting. Once construction is completed, staff can park their vehicles behind the Kansas Jail. This increases parking in front of the Main Jail for visitors. Visitors can register on site for visits utilizing the kiosk in the lobby. They are unable to register for same day visits. Custody Sergeants are given authority to approve visits for people traveling a significant distance who were unaware of preregistering. The new Jail Management System (JMS) will make it easier to register for visits. “Visitors are not physically screened or searched because they do not enter secured areas of the jail.”

The Grand Jury finds the current visitor process to be adequate. However, visitors pass through the lobby to conduct their non-contact visits and contraband could be present in the building. A proactive approach could prevent an incident.

Recommendation 7: The Sheriff should construct a psychiatric hospital on the jail campus or elsewhere within the County.

Sheriff's response: "This recommendation has not been implemented, but will be implemented in the future." The Behavioral Health Unit will "encompass the previous medical/behavioral health facility (Stahl Hall) and the Modular buildings." The newly remodeled Behavioral Health Unit was funded by community members and partners, as well as the County General Fund. "The Behavioral Health Unit is designed to improve on-going services and has the ability to house a Jail Based Competency Treatment (JBCT) program contracted with the State. The JBCT program will provide on site treatment for 1370 felony inmates so they will not have to wait or be transported to a State Hospital bed. The facility can also be used to assist 1370 Misdemeanor inmates, which will help with crowding issues at the County Psychiatric Health Facility (PHF). The facility is not compatible with, designed for, or properly licensed under the Lanterman-Petris-Short Act (LPS) to house or treat subjects being detained for Welfare and Institutions Code 5150. Subjects detained for W&I 5150 are considered detained and not arrested."

Board of Supervisors adopted the response of the Sheriff.

The Grand Jury requested follow-up on this matter and in March 2019 an additional response was received:

The Behavioral Health Unit is due to open March 29, 2019. Staff will begin using the new unit to treat mentally ill inmates beginning May 1, 2019. They will utilize "part of the Kansas Facility to house JBCT eligible inmates. Minor improvements will be made to accommodate these inmates." No date has been set for the opening of the JBCT.

Recommendation 8: The Sheriff should increase the staffing for the jail mental health workers to reduce the wait time for appointments from five days to one day or less.

Sheriff's response: "This recommendation has not yet been implemented, but will be implemented in the future. The County has a Request for Proposal (RFP) for jail medical and behavioral health services. ...The proposal will address proper staffing levels that meet National Accreditation Standards."

The Grand Jury notes that the jail has contracted with Wellpath for medical, behavioral, and dental services, which will be overseen by the jail's Chief Medical Officer. The 2019-2020 Grand Jury should follow-up to determine whether wait times have been reduced.

The following recommendation will not be implemented at this time:

Recommendation 9: The Sheriff should increase the staff in excess of the nine positions currently unfilled.

Sheriff's response: "This recommendation will not be implemented at this time. Currently all Custody Deputy positions have been filled with someone either hired and in training, or involved in the final stages of the hiring process. More Custody Deputy positions would be welcomed when the County Budget has the ability to fund more positions."

Board of Supervisors response: "This recommendation will not be implemented because it is not warranted at this time." The Board approved the addition of a Backgrounds Investigation Officer, to decrease the time to recruit officers. If more resources are warranted after full staffing is achieved, the Sheriff would need to submit a request.

The following recommendation requires further analysis:

Recommendation 5: The Sheriff should formulate a long-term plan to deal with the problems associated with the condition and layout of the main jail. This plan should include the replacement of the current main jail facility.

Sheriff's response: "This recommendation requires further analysis." The new Kansas Jail and new medical building were well planned and laid out appropriately. The Main Jail is "47 years old and is in need of replacement ... [T]he old style layout no longer meets the needs of the current population, ... A long-term plan will be researched and developed to replace the Main Jail with a modern facility to meet the needs of the new inmate population."

The Grand Jury requested follow-up on this matter and in March 2019 an additional response was received:

In 2017, the Kansas Jail opened to replace an overcrowded Female Jail. The Medical Program Unit opened in 2018 to address the increasing number of high risk medical and mental health inmates. The main jail opened in 1971, and has been maintained by the Sheriff's Office. The last State Inspection did not address any issues other than overcrowding. The Sheriff's Office uses available funds to maintain the jail and monitors state grants. These funds are on a competitive basis and the Board of Supervisors needs to approve any taxpayer funds.

Board of Supervisors response: "This recommendation requires further analysis." There are major capital improvements planned in the near term, and five to 20 year time frame. The County is completing a "\$40 million dollar project to expand the women's jail and medical unit." They continue to "expend funds on deferred maintenance needs at the jail complex. Total jail replacement would need to be ranked and prioritized along with the many other County priorities. ... [P]rojects will be identified in the County's 5-Year Capital Improvement Plan. The Plan receives annual updates based on needs from County departments, analysis done by the Department of Public Works and Administrative Office, prioritization by an Executive Steering Committee, and approval by the Board typically in February of each year."

The Grand Jury notes that there is currently renovation underway at the County Jail. Improvements should be evaluated by future Grand Juries.

County Coroner's Facility

This recommendation will not be implemented:

Recommendation 10: The County should procure and install a back-up generator (fixed or portable) on site to provide back-up power in case of an outage.

Sheriff's response: "This recommendation will not be implemented at this time. The County has several portable generators on trailers that can be utilized should the Coroner's Office lose power. A generator on site not only requires the outlay of initial cost, but preventive maintenance and

testing to ensure the generator will work when needed. The current Sheriff and County generators already have maintenance in place and are available if needed. Adding another generator at this time is not currently budgeted but will be considered in the future when the County has the appropriate funds.”

The Grand Jury acknowledges that much has been done in the past years to address problems in San Luis Obispo County Detention Facilities, including a major project to expand the women’s jail, medical unit and deferred maintenance at the jail complex. As this project draws to a close, and our incarcerated population changes, we need to remain vigilant as to future needs.

REPORT 4: “Safeguarding the Public’s Health”

Link to full report:

<https://drive.google.com/file/d/1AIEbj40RynSn69fQdZQtKf-ZnF8c29-4/view>

This report examined the policies and procedures of the Environmental Health Division of the San Luis Obispo County Health Agency in regards to their handling of complaints. The authority of the Environmental Health Division to regulate extends to several activities such as restaurant and food service inspections, petroleum product storage, beach water quality testing, and inspections of public swimming pools, spas, and hot tubs. In addition to their inspections and testing, the Environmental Health Division also conducts public education programs and collaborative mitigations. In its recommendations, the 2017-2018 Grand Jury addressed the risk of Legionnaire’s disease, the risk of a possible Hepatitis A outbreak, and mosquito abatement programs within the County. Six findings (one of which did not require a response) and six recommendations were made.

The San Luis Obispo County Public Health Department was required to respond to five findings and six recommendations, all of which were received in a timely manner. They agreed with four of those findings and partially disagreed with one finding; two recommendations have been partially implemented and four will not be implemented.

Link to Health Department response:

<https://drive.google.com/file/d/1MdMY3OpbKejGawojOx9dNxH4JLk4VhKu/view>

The San Luis Obispo County Board of Supervisors was required to respond to two recommendations. They were in agreement with the responses provided by the Department of Public Health.

Link to BoS response:

<https://drive.google.com/file/d/1FyHWJMbtSLU3A9BH0hi-Odf1MgplRG6J/view>

Respondents	Findings Agreed with	Findings Partially Agreed With	Findings Not Agreed with	Total	Follow Up Recommended
BoS				0	
Public Health	F2, F3, F5, F6	F4		5	

Respondents	Recommendations Implemented	Recommendations to be Implemented	Recommendations Not Implemented	Requires Further Analysis	Total	Follow Up Recommended
BoS	R4		R3		2	R4
Public Health	R4, R5		R1, R2, R3, R6		6	R4, R5

(In some cases agency responses have been summarized, and not all responses are included in this report. Full responses are available at the Grand Jury’s website.)

The Public Health Department partially implemented the following recommendations:

Recommendation 4: The cost of starting and operating a comprehensive mosquito abatement program (Vector Control) is known. Funding commensurate with that cost should be set aside each year by the San Luis Obispo County Board of Supervisors and County Administration, so that when it becomes necessary, the money will be immediately available.

Public Health response: “This recommendation has been partially implemented. Funding has been made available for mosquito surveillance but not mosquito abatement. On two occasions, in November 2017 and March 2018, the Board [BoS] received an analysis of options for re-instating a local surveillance and control program. At the latter of these meetings, the Board voted to delay consideration of reinstating a mosquito control program until the next budget cycle. However, the County maintains a 5% contingency within its annual budget so it has the ability to address emergencies or unbudgeted issues that occur mid-year.”

Recommendation 5: The San Luis Obispo County Department of Public Health has a program to educate the public about mosquitoes, how to avoid acting as their host, and how to minimize the risk of becoming infected with the diseases they carry. Before mosquitoes carrying the Zika Virus arrive in this County, additional funding should be allocated by the San Luis Obispo County Board of Supervisors to support expansion of EHD's public education efforts.

Public Health response: "This recommendation has been implemented, to some extent. The Public Health Department was allocated an additional \$50,000 from the County General Fund, beginning in Fiscal Year 2016-17 to conduct targeted mosquito surveillance of *Aedes* species and other types of mosquitoes. The actual expense for the surveillance work has been lower than anticipated such that Public Health has been able to leverage a portion of these resources for staff time to develop public education information. This information has been posted online, including the development of a map based GIS viewer on the Environmental Health Services Division website, some press releases have been developed, information has been shared on social media, and more recently, outreach has been conducted at a local elementary school." ... "[T]he Board voted to delay consideration of any mosquito control program efforts until the next budget cycle. However, the County maintains a 5% contingency within its annual budget so that it has the ability to address emergencies or unbudgeted issues that occur mid-year."

The 2020-2021 Grand Jury should follow-up on Recommendations 4 and 5 once the 2020-21 budget has been adopted.

The Public Health Department will not implement the following recommendations:

Recommendation 1: The San Luis Obispo County Department of Public Health should require that customers at commercial hot tub and spa establishments be informed there is a risk of *Legionnaires' disease* inherent in that environment.

Public Health response: "This recommendation will not be implemented because it is not warranted. Legionnaire's disease can cause a serious type of pneumonia, and the spread of *Legionella* bacterium is concerning. State law prescribes signage that public swimming pool

operators are required to post, which includes hot tubs and spas. The department will add links to resource information on public swimming pool safety starting in FY 2018-19, including information on the risks associated with *Legionella* in swimming pools and spas, on the Environmental Health Services Division website.”

Recommendation 2: The San Luis Obispo County Department of Public Health should use only ELITE Program Laboratories to test for the presence of *Legionella* when there is a known case of disease potentially associated with the samples.

Public Health response: “The recommendation will not be implemented because it is not warranted. The Public Health Department uses only certified laboratories for the testing of clinical and environmental specimens for *Legionella*. Centers for Disease Control and Prevention (CDC) Environmental Legionella Isolation Techniques Evaluation (ELITE) designation is a voluntary status. Many reputable laboratories choose not to pursue such a designation and yet deliver reliable testing results.”

Recommendation 3: The San Luis Obispo County Department of Public Health should conduct a vaccination and sanitation outreach program among the homeless population to prevent an outbreak of Hepatitis A in the County. Funding to support the program should be allocated by the San Luis Obispo County Board of Supervisors.

Public Health response: “This recommendation will not be implemented at this time because it is not warranted.” ... “Though the California Hepatitis A outbreak has been declared over by the California Department of Public Health, a response plan was developed and Public Health staff are poised to respond through vaccination and outreach and education messages should a similar problem develop in our county.” ... “Routine reporting to our Public Health Department of new cases of Hepatitis A viral infection is ongoing. Should such reports indicate a new outbreak, action would be taken accordingly.”

The Grand Jury requested information about the above mentioned response plan and it was promptly received.

Recommendation 6: The San Luis Obispo County Department of Public Health website's statistics should be updated at least quarterly.

Public Health response: "The recommendation will not be implemented because it is not warranted. Posting statistics more frequently than annually could provide incomplete and misleading information to the public. In an effort to present the most accurate and statistically valid data, the Public Health Department often pools multiple years of data to support its findings and to be able to conduct trend analysis."

The Grand Jury is satisfied with responses and explanations provided by the Department of Public Health.

REPORT 5: "Moving the Dial at the County Jail: The Goal of Reducing Recidivism"

Link to full Grand Jury report:

<https://drive.google.com/file/d/1-dkbMkZFUmfyntRSHMUQxhXjuSwNqIYD/view>

This report addressed the programs at the San Luis Obispo County Jail including services, classes, and activities offered to inmates, and their role in reducing an inmate's risk of reoffending. The 2017-2018 Grand Jury focused its investigation on programs handled by the Jail Programs Unit (JPU); it did not examine treatment services overseen by the Jail's Chief Medical Officer. The 2017-2018 Grand Jury recommended that jail administration should invest more in evidence-based programs and in programs that address the young adult population. They also advised that efforts to find solutions to classification and housing issues be intensified with the goal of moving the Jail from a warehousing to a rehabilitation environment. Eight findings and eight recommendations were made.

The San Luis Obispo County Sheriff was required to respond to eight findings and seven recommendations. The Sheriff agreed with two findings, partially agreed with four findings and disagreed with two findings. Two recommendations will be implemented, two will not be implemented, and three required further analysis.

Link to Sheriff’s responses:

https://drive.google.com/file/d/1fRBOW5RSPV_P4XyKBe4Z4YXs36RmjA4F/view

<https://drive.google.com/file/d/1ckZOVWF5GlzZ9feDHO6mQw9UfCLrw510/view>

As Chair of the San Luis Obispo County Community Corrections Partnership executive committee, the San Luis Obispo County Chief Probation Officer was required to respond to two recommendations. They will not be implemented because it is not within the Community Corrections Partnership’s authority to do so.

Link to Chief Probation Officer response:

https://drive.google.com/file/d/1gXcHHuiA3B4a6rU0j1lw9xNb9aYenAO_/view

The San Luis Obispo County Board of Supervisors was required to respond to the suggested use of AB 109 reserves noted in Recommendation 1. Recommendation 1 will be implemented (in accordance with response received from the Sheriff, but not the Community Corrections Partnership).

Link to BoS response:

https://drive.google.com/file/d/14GBxWOO0zdYia7pgU4xSm_zmZt54f87G/view

Respondent	Findings Agreed with	Findings Partially Agreed with	Findings Not Agreed with	Total	Follow Up Recommended
Sheriff	F1, F3	F2, F4, F5, F6	F7, F8	8	

Respondents	Recommendations Implemented	Recommendations to be Implemented	Recommendations Not Implemented	Requires Further Analysis	Total	Follow Up Recommended
Chief Probation Officer			R1, R3		2	
BoS	R1				1	
Sheriff		R1, R6	R5, R7	R2, R4, R8	7	R1, R2, R4, R6, R8

(In some cases agency responses have been summarized, and not all responses are included in this report. Full responses are available at the Grand Jury’s website.)

Of the seven recommendations the Sheriff was required to respond to, none had been implemented at the time his response was received.

The recommendations that will be implemented and require follow-up by future Grand Juries include:

Recommendation 1: Jail administration should intensify efforts to make the investment and access the funding to provide behavior change programming across classification and housing boundaries, e.g., one-on-one services (or “virtual participation” using distance learning technology) where needed. The three million dollars in AB 109 reserves currently available is an obvious source. The Sheriff should develop a plan during fiscal year 2018-2019 to address this recommendation and request funds for this purpose from the Community Corrections Partnership as part of his budget for fiscal year 2019-2020.

Sheriff’s response: We are currently in the Request for Proposal process for improving inmate technology systems, which would have the ability to reach “difficult to serve” inmate populations.

The Grand Jury requested follow-up on this matter in March 2019 and the additional response was received:

Two key developments have occurred since the first response was received, which will lead to improvement in behavior change programming across classification and housing boundaries. First, the Jail Programs Unit and the leadership of Wellpath have a plan in place to begin programming with inmates who are placed in restricted housing. Second, a Correctional Sergeant has been selected to lead the new Behavioral Health Unit, which will open soon. It will provide more programming for the most high need inmate population.

Follow-up by 2019-2020 Grand Jury is advised to determine whether continued areas of improvement have been identified after the Medical Programming Unit is fully operational.

Recommendation 6: The construction program manager position at the Honor Farm, funded by AB 109, should be leveraged to provide vocational education opportunities to a broader group of male and female inmates than is currently the case (if or when a replacement is hired to fill the position).

Sheriff's response: "This recommendation will be implemented in the future ... The Construction Program is vocational in nature and focuses on job skills and employment opportunities in the construction industry ... Providing a wide array of opportunities allows inmates to try different skills, leverage skills they already possess, or be introduced to different opportunities they may not have had exposure to out of custody. Construction as a whole provides this avenue by connecting with employers in the community that are looking for a variety of skills (i.e. electricians, general labor, carpenters, basic safety training, plumbing, welding, etc.)."

Follow-up should be conducted by the 2019-2020 and 2020-2021 Grand Juries to determine whether more inmates, both male and female, are being served by vocational education opportunities.

The Sheriff replied that two recommendations will not be implemented, stating that they are not warranted:

Recommendation 5: Programs funded by the Sheriff's Office should be awarded based on competitive bids. This should begin immediately.

Sheriff's response: Requiring competitive bidding on programming contracts that are below the County's specified dollar amount (currently \$25K) "would be overly burdensome if required in all cases regardless of cost."

Recommendation 7: Correctional deputies should have a measure regarding encouraging inmate program participation as a component of their regular performance reviews.

Sheriff's response: "This recommendation is not warranted. Some of the rating areas are as follows: Interpersonal Skills- 1. Cooperates with co-workers to solve problems 2. Utilizes appropriate communication behaviors when dealing with internal conflict, feedback, or problem solving solutions 3. Interacts with the public in a professional manner 4. Makes appropriate changes in work behavior based on constructive feedback from co-workers and the public 5. Maintains a professional demeanor that supports credibility of the Sheriff's Office. Job knowledge- Utilizes accumulated knowledge and experience to complete duties 3. Follows all

policy or procedure changes 5. Exercises constituted authority appropriately 6. Demonstrates knowledge of the goals and objectives of the position. All of these criteria are related to staff ability to deal with a variety of situations, including programming and adapting to the philosophical changes of the jail environment in relation to rehabilitation.”

The Grand Jury suggests that adding a specific measurement about encouraging inmates to participate in rehabilitative programs rather than relying on individual supervisors to mention it would send a clear message that this is now the desired behavior.

The Sheriff cited three recommendations as requiring further analysis:

Recommendation 2: Jail administration should re-examine how to offer programs inside housing units which can be more effective, e.g., sentenced-only housing units, as some who spoke with the Grand Jury have suggested. Sheriff’s Office Custody Manual Policy 516 should be updated to reflect that legal status (pre-trial vs. sentenced) is not used as a criterion for housing assignments if these two inmate statuses continue to be mixed.

Sheriff’s response: “Legal status” has been removed from the Manual and agency staff has reached out to other agencies to identify alternative housing practices that could be adopted at the jail. As of November 2018, jail staff visited and attended training at the Los Angeles County Jail and identified that efficiency of all jail programs should be evaluated. JPU, with assistance from California State Association of Counties (CSAC), completed a full assessment of programs in October 2018 and determined that the 37 current programs should be streamlined with the intent of offering programs that produce the best results and are the best use of staff resources. Assessment of the feasibility of sentenced-only housing was to be completed by December 31, 2018.

The Grand Jury requested follow-up on this matter and in March 2019 an additional response was received:

“The JPU submitted a recommendation in regard to sentenced-only housing in December of 2018 up the chain of command. There has been no official response from administration about the recommendation.”

Follow-up should be conducted by the 2019-2020 Grand Jury on the status of sentenced-only housing.

Recommendation 4: Jail administration should provide more programs with a proven track record, using available AB 109, inmate welfare, and grant funding where programs cost money. During fiscal year 2018-2019, the Sheriff should provide additional evidenced-based programming and re-evaluate programs with no clear link to reducing recidivism.

Sheriff’s response: “This recommendation requires further analysis ... A Grant Proposal was submitted May 2018 for funds from Bureau of Justice Assistance (BJA) to complete the data set matching project and finalize that project to identify recidivism statistics ... Re-evaluation of program success is largely based on the ability to review those statistics but is otherwise difficult to measure or draw conclusions from. If the grant is received, this would be a two-year project completing in December 2020.”

The Grand Jury received notice that the grant has been received. It is recommended that the 2020-2021 Grand Jury follow up on the project results.

Recommendation 8: Rehabilitative programming should be developed and delivered which specifically targets young adult inmates, by replicating or adapting, for example, the evidence-based programs and interventions employed by the San Luis Obispo County Probation Department at the nearby San Luis Obispo County Juvenile Hall. Planning should occur during fiscal year 2018-2019, and programming specifically targeting this population should be put in place by July 1, 2019.

Sheriff’s response: “This recommendation requires further analysis. Currently several JPU staff has been evaluating a variety of programs that are functional in other counties/institutions ... The

Jail Program Unit uses a risk assessment tool (LSI) which reveals if an inmate has a low to high risk for reoffending. Research suggests evidence based programming should be targeted at individuals with a medium to high risk of reoffending. The goal previously set by JPU and Probation providers in our county is to target medium to high LSI scores not necessarily a specific age range.”

The Grand Jury requested follow-up on this matter in March 2019 and the additional response was received:

“With the exception of the Chess Club, all programs offered in Juvenile Hall are being offered in the jail ... 18-25 year olds are housed throughout the facility and can avail themselves of any of the classes offered in their housing unit ...”

The Grand Jury notes that the Sheriff’s initial response focused on programs that provide “one-on-one reentry in-reach” to 18-25 year olds who are about to be released. In his response to the related finding (Finding 8), the Sheriff noted that on January 1, 2018 the Alternative Sentencing Unit waived fees related to Home Detention participation for those 18-25 years old and that there are Jail Programming Unit efforts to target the 18-25 age group. The Grand Jury remains interested in knowing which, if any, current programs specifically target the roughly 16% of the jail population that falls within the 18-25 year old range who are not awaiting release nor have the option of participating in the Home Detention Program.

REPORT 6: “Is There a Health Risk from the Dunes? ‘The Answer My Friend is Blowing in the Wind’

Link to Grand Jury report:

https://drive.google.com/file/d/1L6Go3WZKbABWSCu8XWPDE3GZm52__YeG/view

This report examined the controversial issue of particulate air quality on the Nipomo Mesa from the perspective and interests of the residents of the Mesa and nearby communities. The 2017-2018 Grand Jury reviewed the regulatory actions taken by the San Luis Obispo County Air Pollution Control District (APCD), and the position of the California Department of Parks and Recreation and their responses to District regulatory actions.

A jointly-approved (APCD and State Parks) remediation plan proposed by State Parks was accepted by the APCD Hearing Board. This plan has the potential to reduce particulate air pollution, and its associated health risk to residents of the Nipomo Mesa and nearby communities within a five-year time-frame. Nine findings and four recommendations were made.

The APCD was required to respond to one recommendation and three findings. They agreed with one finding and partially disagreed with two findings; the recommendation will be implemented.

Link to APCD responses:

<https://drive.google.com/file/d/110x3F6phyB9hDy-btRpUOqwIpfqgcZK/view>

https://drive.google.com/file/d/19zvg_0flwhvr5LzCYg3pN2jLWDvVdf4Y/view

The Lucia Mar Unified School District (LMUSD) was required to respond to one finding and one recommendation; they agreed with the finding and will implement the recommendation.

Link to LMUSD response:

<https://drive.google.com/file/d/1PG76DWyHw021-Tktc-TDnBv2zZBiZvOG/view>

The San Luis Obispo County Board of Supervisors was required to respond to three findings and one recommendation. They did not agree with one finding, but did agree with the two fact-based findings; the recommendation will not be implemented.

Link to BoS response:

<https://drive.google.com/file/d/1b7haTZyYBuANwRqmXtio3cWmuF-z-7oa/view>

Respondents	Findings Agreed with	Findings Partially Agreed with	Findings Not Agreed with		Follow Up Recommended
BoS	F6, F9		F7	3	F7
APCD	F4		F1, F5	3	
APCD Hearing Board				1	F8
LMUSD	F2			1	

Respondents	Recommendations Implemented	Recommendations to be implemented	Recommendations Not Implemented	Require Further Analysis	Total	Follow Up Recommended
Bos			R3		1	
APCD	R1				1	
APCD Hearing Board					1	R4
LMUSD	R2				1	

(In some cases agency responses have been summarized, and not all responses are included in this report. Full responses are available at the Grand Jury’s website.)

The agencies did not agree (either partially or wholly) with the following findings:

Finding 1: The District does not have an effective system to follow-up with the public, schools, medical clinics, hospitals, or those who sign up to receive AirAware Alerts and Better Breather Alerts.

APCD response: The following active communication programs related to alerting the public during air quality events include:

- AirAware Text Notification Program
- Better Breather Alert
- Advertising the AirAware Alert System
- Follow-up system for AirAware Alert System

The Grand Jury acknowledges the improvements made by the APCD after the 2017-2018 Grand Jury pointed out that schools were not proactively notified.

Finding 5: When PM10 concentrations were recorded in the hazardous range, the Nipomo Mesa experienced some of the worst air quality conditions in the United States.

APCD response: “This qualitative statement is more of an opinion and cannot be definitively affirmed. The statement would need to be pollutant based, the definition of ‘some of the worst’ defined, and an averaging period specified. There have been hours where Nipomo Mesa monitors showed PM10 in the hazardous range that were some of highest hourly readings reported in the United States at that moment. However, there are no hourly air quality standards for PM10 or PM2.5 and the daily standards have not been in the hazardous range.”

The Board of Supervisors will not implement the following recommendation:

Recommendation 3: The 2017-2018 Grand Jury recommends to the Board of Supervisors that if the Particulate Matter Reduction Plan (PMRP) fails to achieve its required goal of eliminating exceedances of state and federal PM10 air quality standards within the four-year time-frame specified in the PMRP, the Board of Supervisors should within 30 days perform the following:

- a. Rescind State Parks current month-to-month, informal agreement under which State Parks has operated and managed off-highway vehicular activities on the La Grande Tract, and under the Board of Supervisors authority, do the following:
 - o Give written notice to State Parks that all off-highway vehicular activity on the La Grande Tract shall cease after a period of no longer than six months.
 - o Support State Parks' planned transition of off-highway vehicular activity on the La Grande Tract to State owned areas in the southern portion of the ODSVRA located near Oso Flaco Lake within six months.
- b. Choose one of the following two options:
 - o Negotiate a lease with State Parks and include in the lease agreement the stipulation that Le Grande Tract shall only be used for non-vehicular camping or conventional recreational activity and that it not be used for any type of vehicular-recreational activity.
 - o Sell the La Grande Tract to State Parks and include in the sales agreement the stipulation that the La Grande Tract shall only be used for non-vehicular camping or conventional recreational activity, and it not be used for any type of vehicular-recreational activity.

Board of Supervisors response: "The recommendation will not be implemented as it is not reasonable for the current Board to commit to a decision on behalf a future Board of Supervisors that may be in place in four years, when the goals for air quality standards of the PMRP are expected to be achieved. The Board of Supervisors may reevaluate recommendation options at that time."

The 2017-2018 Grand Jury wrote a very detailed report outlining the plan to reduce the dust pollution associated with the Oceano Dunes OHV park. The Grand Jury is aware of how important this agreement is to the residents of the Nipomo Mesa.

There already has been progress. Last year, State Parks installed 100 acres of sand fencing, and according to the APCD, pollution measured at the Cal Fire station on the Arroyo Grande Mesa (which is at the center of the affected area) was 22% lower than predicted by scientific modeling. The number of violations of state standards for particulate matter also dropped from 97 in 2017 to 47 in 2018.

We are aware that stakeholders from both sides of this issue were not happy with the agreement, but it seems to be working. State Parks intends to continue “cooperative efforts” to reduce pollution.

The Grand Jury requests that future Grand Juries follow up yearly on the results of the jointly-approved (APCD and State Parks) remediation plan proposed by State Parks and accepted by the APCD Hearing Board.

OPEN RECOMMENDATIONS FROM PREVIOUS GRAND JURIES

2016-2017 Grand Jury Report “How Long Will the Need Go Unfulfilled?: Residential Detoxification in San Luis Obispo County”

Recommendation 2: The Board of Supervisors should direct the Sheriff and the Health Agency to evaluate the feasibility of and approach to repurposing vacant buildings within the County Jail’s honor farm as a residential detox service. A final report on the feasibility and if indicated the specific steps required to convert this housing to substance-abuse residential and/or treatment facility should be completed by June 2018.

The Board of Supervisors (BoS) response stated this recommendation would be implemented and that the Health Agency and Sheriff would present a report to the BoS for further consideration in June of 2018. After examining the minutes from that BoS meeting, generalized discussion of the “Stepping Up” initiative appears to have taken the place of any presentation on this specific issue.

Recommendation 10: The County Health Agency should direct its Drug and Alcohol Services (DAS) to work with the board of the homeless shelter to develop a plan for operationalizing two detox beds in the yet-to-be-built Homeless Services Center, which could entail the DAS providing onsite outpatient detox services if other treatment options are not viable. This plan is to be developed prior to the opening of the center or by June 2018.

In March 2019 the Grand Jury received the following update from the County Health Agency:

“The County, along with CAPSLO and private donors, have collaborated to fund the construction of a residential treatment facility with medication assisted treatment capacity on the campus of 40 Prado in San Luis Obispo. Once approved by the Board of Supervisors in March, the construction is estimated to be completed in 2020.”

Future Grand Juries should consider evaluating services offered and the number of individuals being served to determine whether they are adequate for our population upon completion of the project.

2016-2017 Grand Jury Report: “Is it Five Minutes to Midnight in Cambria?: An Update on the Risk of Catastrophic Fire”

Recommendation 1: Cambria Community Services District (CCSD) should resume a regular plan for the fire hydrant testing as soon as possible and no later than the end of the calendar year 2017.

CCSD agreed with the recommendation and the CCSD Fire Department stated that they had adopted two new policies regarding fire hydrant maintenance and flow testing. They are testing an average of twelve hydrants a month and, once all hydrants have been tested, they will flush and maintain all hydrants on a two-year basis.

In their continuity report, the 2017-2018 Grand Jury commended Cambria on establishing a testing and maintenance schedule, but noted that private hydrants in California are required to be inspected every year for maintenance and to ensure that they are working. Based on the numbers

provided by the CCSD, it would take 2.5 years to complete the fire hydrant maintenance for initial testing.

The Grand Jury contacted the CCSD in February 2019 for an update on the status of the testing and maintenance progress and received the following response:

“... To date, we have been able to complete 64% of the 368 hydrants within the water system infrastructure. The initial intent of the CCSD was to have all hydrants serviced on a 2-year basis. This would equate to approximately 15 hydrants completed every month. Over the past couple of years, even in the most aggressive months, staff has been limited to completing 12 hydrants per month. Further review suggests that a more reasonable expectation would be in the 10-12 hydrants per month, which would put us on a three-year rotation. In short, we have policies in place, and we are making good progress. We understand and are in complete agreement with the recommendations of the Grand Jury, and continue to evaluate how to best implement the hydrant maintenance program. We currently are evaluating how to best proceed.”

CONCLUSIONS

The 2018-2019 Grand Jury reviewed six reports from the 2017-2018 Grand Jury. In our review, we examined 38 findings and 30 recommendations. The Board of Supervisors and the various agencies that responded to these reports adopted 16 of the recommendations. We recognize and appreciate our leaders, as they show their dedication to improving our county services.

REQUIRED RESPONSES

This is an informational report. No responses are required.

Presiding Judge	Grand Jury
Presiding Judge Ginger Garrett Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910

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EMERGENCY MEDICAL SERVICES – ARE WE COVERED?

The public at large may rarely think about emergency medical services, let alone government's role in providing them. This can suddenly become very important when faced with an actual emergency. The provision of timely, efficient, cost-effective and skilled emergency medical services can provide a comfort and sense of security in the public mind.

WHAT DO WE NEED?

It is always in the interest of government at all levels to provide a range of services the public might reasonably expect, even though the services may not be widely known – or appreciated. Of particular interest to the San Luis Obispo County Grand Jury is the establishment and operation of a privately-owned ambulance service, together with emergency medical services through local government agencies.

Government has an interest not only in keeping its population healthy but also in ensuring that it is protected and served in its time of greatest need. Such is the argument for government-sponsored services that will respond to emergency situations. San Luis Obispo County believes there needs to be some government sponsorship in ensuring that people caught in emergency situations have a safe and reliable means to get from the site of the emergency to hospital care.

The Grand Jury also has an interest in the provision and delivery of services by certified Emergency Medical Services (EMS) personnel, and has researched this area to determine if it:

- is extensive enough in its scope,
- provides coverage to the entire county,
- delivers the best possible outcomes from emergency situations, and
- is cost-effective.

SUMMARY

In its deliberations, the Grand Jury was mindful that across the population of the county there would be a wide-ranging point of view about what constitutes a reasonable level of County support and involvement in providing emergency services. The Grand Jury was also mindful that a wide-ranging review of emergency medical services could be complex, involving multiple services and agencies within the county. The Jury decided to limit its report to a review of paramedic and emergency medical technician services. It is those services that are called upon every day of the year and which the citizenry is likely to experience.

PURPOSE

The Grand Jury chose to investigate this topic in the belief that the public deserves to know the quality and efficiency of services being provided in emergency situations under County jurisdiction. We were particularly interested in the numbers and disposition of EMS personnel in emergency response vehicles. The Jury also recognized that if those needs were being met the County would deserve acknowledgement and support for its initiatives and practices.

ORIGIN

The decision to undertake this investigation/review was initiated within the Grand Jury and is not the result of an official complaint.

PROCEDURE

The Grand Jury interviewed officials from both County and State agencies and San Luis Ambulance. Internet resources were used for additional research.

NARRATIVE

We researched two categories of emergency medical personnel:

- Emergency Medical Technician (EMT), and
- Paramedic.

EMTs are trained and qualified responders who provide a limited range of medical services in emergencies and typically as part of a responding emergency crew throughout the county. They are proficient in their skills, have undergone mandated training and are certificated by the County. They are required to update their skills through annual in-service training and are able to perform basic medical services on emergency calls. They provide Basic Life Support (BLS) level of care, which is defined as follows:

BLS: emergency first aid and cardiopulmonary resuscitation procedures which at a minimum include recognizing respiratory and cardiac arrest and starting the proper application of cardiopulmonary resuscitation to maintain life without invasive techniques until the victim may be transported or until Advanced Life Support (ALS) is available. (County Memorandum of Agreement dated 1/9/2018)

Paramedics are more highly trained than their EMT counterparts. They undergo more rigorous annual training and education as part of their certification renewal process and provide a significantly higher level of medical care in emergency situations. They are registered through the County Office of Emergency Services, which also enforces state and county regulations as required. Paramedics provide ALS level of care, defined as follows:

ALS: for ambulance services, means special services designed to provide definitive pre-hospital emergency medical care, including but not limited to, cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy. Administration of specific drugs and other mechanical preparations and other specified techniques and procedures administered by authorized personal under the direct supervision of a Base Hospital as part of the local EMS system at the scene of an emergency during transport to an acute care hospital and during inter-facility transfer. (County Memorandum of Agreement dated 1/9/2018)

The County uses two agreements to provide the emergency services required of its contractors:

1. A contract (called a Memorandum of Agreement) with the San Luis Ambulance Service, a privately-owned and operated corporation
2. A contract (called the Cooperative Fire Programs Fire Protection Reimbursement Agreement) with Cal Fire

Memorandum of Agreement

The current contract with the San Luis Ambulance Service has a term of 4 years and can be renegotiated to reflect the changing needs of the county. This contract is extensive in nature and specifies a number of parameters that the ambulance service must meet in providing services to the county, metrics that measure the performance of the contract, and the fees which are appropriate for each service, among other administrative requirements. The contract is a public document.

In accepting and complying with this contract, the ambulance service provider is given exclusive rights to provide both emergency and regular ambulance services throughout the county as a sole vendor². Some features of the contract include:

- response times to various parts of the county,
- the provision of paramedics on every ambulance call,
- a complete cost structure for the various levels of service provided,
- a maximum profit margin, and
- a strict reporting protocol of performance against contract metrics.

The Grand Jury studied the contract and interviewed various people familiar with its contents and reporting obligations, as well as reviewing the process by which the contract was negotiated, amended and is managed.

The intent of the Grand Jury inquiry into the ambulance service was to ensure that:

² It should be noted that the northwest corner of SLOCO is covered by Cambria Community Health District and has a mutual aid agreement with San Luis Ambulance and Cal Fire.

EMERGENCY MEDICAL SERVICES
– ARE WE COVERED?

- the aim of the contract to provide the public with an efficient and cost-effective service is being met,
- each ambulance carries at least one fully trained, accredited, and certified paramedic on all calls,
- the performance requirements are being both measured and met, and
- the citizens of the county are receiving a level of service reflecting their needs.

The Memorandum of Agreement between the County and San Luis Ambulance Service includes a plan for the deployment of ambulances:

The general goal of the Deployment Plan is to provide an Advanced Life Support (ALS) Unit, either by Contractor or by an ALS fire service agency, to at least 90% of all potentially life-threatening emergency ambulance requests originating within each Emergency Response Area with a maximum response time of:

- 10 minutes in areas designated urban
- 20 minutes in areas designated suburban
- 30 minutes in areas designated as rural
- 60 minutes in areas designated as remote

(See attachment 1)

Urban, suburban, rural and remote are defined by the California State Emergency Medical Services Authority, EMSA#101: EMS Standards and Guidelines Part 1, as follows:

Urban: All census places with a population density of >100 persons per square mile; or census tracts and enumeration districts with census tracts which have a density population of >100 persons per square mile.

Suburban: All census places with a population density of 51-100 persons per square mile; or census tracts and enumeration districts with census tracts that have a density population of 51-100 persons per square mile.

Rural: All census places with a population density of 7-50 persons per square mile; or census tracts or enumeration districts without census tracts which have a population density of 7-50 persons per square mile.

Remote: Census tracts or enumerations districts without census tracts which have a density population of <7 persons per square mile.

While the County has no commitment to managing air ambulance services within the county, those services are available in emergency situations. Air ambulance service is provided by CalStar based in Santa Maria.

Patient Airway Protection

In an emergency, protecting a patient's airway is of primary importance and often requires a form of intubation. San Luis Obispo County has a policy as to who can perform endotracheal intubation and limits that function to ALS certified personnel (paramedics) who undergo periodic retraining and re-certification. Intubation (inserting a tube directly into the trachea) is a potentially dangerous process if not done correctly.

Most other counties in California have approved use of devices to protect the airway that is nearly as effective as endotracheal intubation but do not require formal certification and so can be used by non-paramedic EMTs. San Luis Obispo County has yet to approve use of these devices.

COOPERATIVE FIRE PROGRAMS AND EMS SERVICES

The County has a contract with Cal Fire for the provision of emergency services throughout the county in areas not served by local fire services. The Board of Supervisors approves an annual appropriation for this contract through the County Fire Officer, who is also Unit Chief for the San Luis Obispo Cal Fire unit.

The contract, called the Cooperative Fire Programs Fire Protection Reimbursement Agreement, works on the basis that the County pays Cal Fire for actual expenses incurred in meeting the requirements of the contract. Cal Fire invoices the County quarterly.

Of particular interest to the Grand Jury was the provision of EMT and paramedic services on Cal Fire emergency vehicles: whether there were sufficient numbers, under what operational circumstances, and at what cost.

EMERGENCY MEDICAL SERVICES
– ARE WE COVERED?

Of the 16 County-funded engines managed by Cal Fire, all are staffed with at least one EMT, but only three are staffed with paramedics. These three engines are based at the Los Osos, Nipomo, and Mesa stations.

Cal Fire has an obligation “to ensure that employees are adequately trained to provide the types of Emergency Services...at the BLS [EMT] and ALS [paramedic] levels.” (Cooperative Fire Programs Fire Protection Reimbursement Agreement 1/23/2018)

CONCLUSIONS

While some people might like to see more medical emergency personnel deployed around the county, the Grand Jury recognizes that good governance requires cost-effective use of funds to deliver adequate protective services to its population.

It is the conclusion of this Grand Jury that the County is providing a level of emergency services commensurate with the needs of its population.

FINDINGS

- F1. Provision of paramedics in the ambulance service meets the requirements of the negotiated agreement.
- F2. Multiple agencies provide paramedic and EMT services.
- F3. EMSA negotiates all costs for the ambulance service.
- F4. San Luis Ambulance Company INC. has the sole contract to provide medical transportation services for the county.
- F5. Only three of the 16 Cal Fire engines funded by the County have paramedics.
- F6. San Luis Obispo County does not allow non-paramedic EMTs to use devices approved in other counties to protect an airway in case of medical emergency.

RECOMMENDATIONS

R1. Additional paramedics should be provided on County-funded engines and added to the next contract.

R2. The County EMS Division should approve more options for airway protection by BLS personnel using equipment that limits risky outcomes. This should be accomplished by January 1, 2020.

REQUIRED RESPONSES

Board of Supervisors shall respond to R1 and R2.

County Public Health, Emergency Medical Services Division shall respond to F6 and R2.

The San Luis Obispo County Fire Chief shall respond to R1 and R2.

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by July 23, 2019. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

AGENCY RESPONSE REQUIREMENTS

The Penal Code Section 933.05 that specifies the format and methodology for agency responses is listed below. All agency respondents are required to respond to all findings and recommendations in the following manner:

- If the respondent disagrees wholly or partially with an item, the respondent must elaborate on the portion of the item that they disagree with, and provide an explanation.
- If a respondent notes that an item will be implemented in the future, the response must include a timeframe for implementation.
- If a respondent notes that an item requires further analysis, the agency must include in the response an explanation of and the scope of what will be studied and the timeframe needed for the study. The timeframe for follow-up from the agency cannot exceed six months.

- If the item will not be implemented or is not reasonable, the respondent is required to provide a detailed explanation.

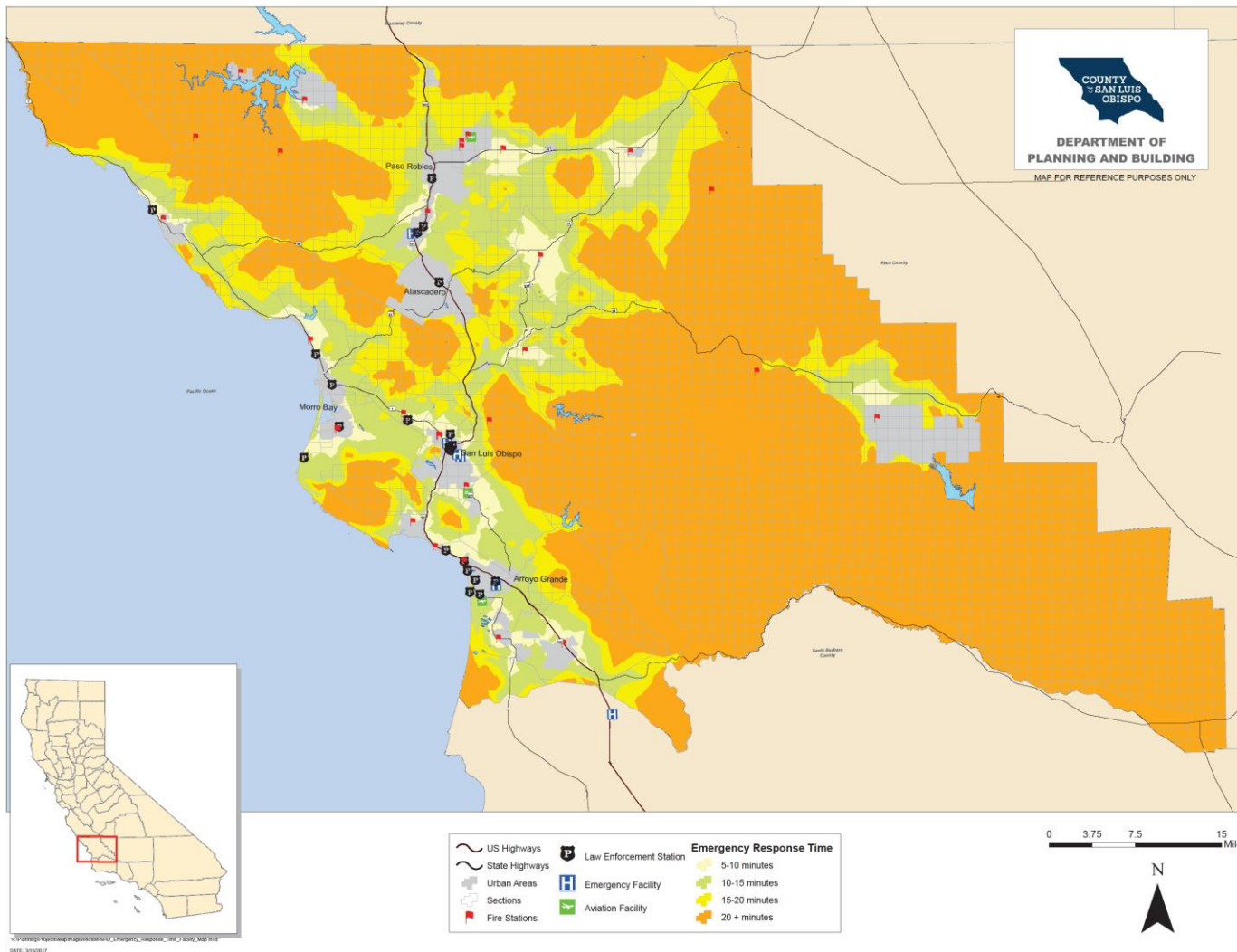
933.05. Findings and Recommendations

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

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

**Attachment 1 – Emergency Response Time and Facility Map
 (from SLO County Department of Planning and Building)**

Emergency Response Time and Facility Map



FIRE RISK MANAGEMENT

CITIES DO IT – WHY NOT THE COUNTY?

California has a long history of wildfires, and in recent years there have been devastating fires causing great loss of life and property. Some of these fires burn for months. The threat of future fires is a reality that we have to live with. One way to minimize the effect of wildfires is to reduce the amount of fuel that feeds them.

SUMMARY

While San Luis Obispo County's vulnerability to wildfires is not necessarily the same as in other counties, we do have similar climate and drought problems. There is no way to prevent a serious fire from happening, but there are steps the county and individuals can take to decrease both the risks of fires starting and their severity. The cities in San Luis Obispo County have created ordinances and guidelines to assist property owners to minimize their risk of fire damage. The County itself, however, has yet to create a weed abatement ordinance.

It should be everyone's goal to find ways to increase safety.

In addition to minimizing fuel for wildfires and reducing risk, we can find better uses of technology and infrastructure. We can also improve communications about evacuation plans in case of emergency and provide clearly defined evacuation routes. The recent Paradise fire is a good example of the need for clear evacuation routes.

PURPOSE

The Grand Jury was unable to identify the existence of any weed abatement policy by San Luis Obispo County (SLOCO). We believe this lack of policy increases the risk of extensive damage in

the event of fires. City jurisdictions each have their own weed abatement policies, and we wanted to investigate the benefits of the county having its own ordinance.

ORIGIN

This report is an internal report produced by the SLOCO 2018-2019 Grand Jury. The problem first came to our attention at a Board of Supervisors meeting. Our interest was fueled by the devastation of recent California fires, and the need for SLOCO to better prepare for and minimize similar losses anywhere within the County.

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts, and records of a county officer, department or function.

PROCEDURE

The investigation started with an analysis of news accounts and the official websites of Cal Fire, SLOCO Fire, and other agencies.

We interviewed fire officials from multiple agencies and asked them to present to us their department's policies and procedures regarding weed abatement. During the interview process we discovered that the terms "weed abatement" and "fuel reduction" do not necessarily mean the same thing and are sometimes used interchangeably.

NARRATIVE

Weed abatement is the term used in most regulations aimed at reducing the available fuels for fires. In our investigation we learned of each city's weed abatement and fuel reduction programs. Several counties in California have weed abatement regulations of their own but SLO County instead

follows fuel reduction guidelines set within State Responsibility Areas (SRA), Public Resources Code (PRC) 4290 & 4291, which are then enforced by Cal Fire SLO.

DEFINITIONS

- **Weed Abatement** is defined by county fire agencies within cities and community service districts as removal of grass and weeds on lots/parcels as prescribed by each agency to be completed within a given time period during a calendar year. Fines and liens against offending parties can be levied for non-compliance.
- **Fuel reduction** is defined by county fire agencies as mowing or discing (plowing) dry heavy grass to less than 4 inches in height, removing dead and dying brush and trees, and the process of limbing up trees (trim tree foliage to a minimum of 4 feet above the ground) to reduce the risk of ground fire laddering into trees, and chipping dead vegetation.

CITY REGULATIONS/POLICIES

Atascadero (www.atascadero.org)

Clearance requirements of vegetative growth (noxious weeds)

Maximum height of 4 inches

- Located within 100 feet of any building or structure, or to the property line, whichever is nearer
- Located within 50 feet from the edge of any improved roadway
- Located within 50 feet from each property line
- Located within 10 feet on each side of driveways

Exemptions shall apply to any land beyond 50 feet from improved streets, as declared by the City, State or Federal Government which has been acquired or is managed, for one or more of several purposes, which can be found on the City of Atascadero website. Additional clarifications are also listed on the website.

As part of Atascadero's very successful weed abatement program, they have a chipping program using their own chipper. If residents reduce their fuel/weed problem, and haul their own wood debris to the street, the city will come by and chip it for free.

Five Cities (www.fivecitiesfireauthority.org/weedabatement)

Guidelines published by the Five Cities Fire Authority state in part:

All combustible materials and/or noxious and dangerous weeds, taller than 4", growing upon or in front of the property ... must be abated by removal and remain abated throughout the fire season. Clearing of R-A lots (one acre or more) requires mowing or disking of a thirty foot (30') wide break around the property perimeter down to mineral soil.

The guidelines also state that property owners must comply with a deadline. Failure to do so will require the Fire Authority to have a contractor clear the property and charge the property owner. This could result in a lien upon such property until the payment is made.

Morro Bay (www.morro-bay.ca.us/142/Abatement-Guidelines)

Current guidelines from the Morro Bay Fire Department are:

- Clear all empty lots to no more than 4 inches high by mowing or weed eater. No discing or rototilling is permitted.
- Remove dead bushes, tree limbs, excess trash, wood and other combustibles.
- All cuttings within 10 feet of adjoining properties, streets or sidewalks must be removed, and sidewalks, gutters and street frontage shall be left clean. No piles or clumps shall be left on the property, however, finely cut materials may be scattered, providing materials will not blow onto adjoining properties or streets.

Paso Robles (www.prcity.com/484/Weed-Abatement)

Guidelines for weed abatement cutting are published by the Paso Robles Department of Emergency Services and include:

- Clear lots by mowing or discing to a maximum height of 4 inches. This includes vegetation that may be green now, but dries later. Remove all cuttings.
- Clearance shall be a minimum of 50 feet in width at the perimeter of a parcel and from any roadway, a minimum of 100 feet around all structures, and 50 feet around oak trees.
- Clear dead leaves, weeds, brush, trees, and tree limbs
- Driveways must be cut a minimum of 10 feet on both sides
- Easement is defined as from the property line to the street, and is the responsibility of the property owner

The enforcement procedure for non-compliance is well defined. Last year there was only one parcel that required action. Previously weed abatement/fuel reduction was a seasonal program, but now it is year-round.

San Luis Obispo (www.slocity.org)

The City of San Luis Obispo has no “weed abatement ordinance” posted on their website, but we found this narrative concerning “vegetation management.”

From the SLO City Website – Vegetation Management

Fire Safe Landscaping

Homes in the San Luis Obispo Local Very Fire Hazard Severity Zones are required to maintain a minimum of 100 ft. around the house and any important structures clear of hazardous vegetation. Certain plants and trees are also discouraged as they contribute to firefighting or fire spread problems. Until irrigated, FireWise landscaping is installed, keep weeds mowed to less than 6" from April through November.

Defensible Space

A defensible space is the base around your home that will give firefighters a fighting chance against fire. It means clearing all dry grass, brush and dead leaves at least 100 feet from your home, and more if on the crest of a hill. The key here is "at least." Call the Fire Prevention Bureau to determine what would be appropriate in your area. Defensible space and a fire safe landscape don't mean a ring of bare dirt around your home. When establishing your landscape, keep trees furthest from your house, shrubs can be closer, and bedding plants and lawns are nearest the house.

Spacing

Eliminate the "fire ladder." Fire needs fuel to burn. You can sap its strength by robbing it of the continuous sequence of vegetation that can carry flames from your landscape to your house.

Group plants of similar height and water requirements to create a "landscape mosaic" that can slow the spread of fire and use water most efficiently.

Space trees at least 10 feet apart, and keep branches trimmed at least 10 feet from your roof. Remove lower branches within six feet of the ground.

Managing Natural Vegetation

For areas where there is not irrigated landscaping keep weeds mowed to less than 6" from April – November. Mow along any roads and driveways. Keep at least 100' mowed around any structure (including a neighbor's home or buildings).

Discouraged Plants: *Do not use the following plants in the Local Very High Fire severity Zones:*

Fir -- Acacia -- California Sagebrush -- Arborvitae
Cedar -- Cypress -- Coyote Brush -- Chamise
Eucalyptus (Gum) -- Juniper -- Eualia Grass -- Pampas Grass
Larch -- Palm -- Fountain Grass -- Black Sage
Spruce -- Pine -- Bamboo -- Arborvitae
Pepper Tree -- Tamarisk -- California Sagebrush -- Japanese Hunnysuckle
Buckwheat -- Hemlock -- Algerian Ivy
Brooms -- Red Shanks

Maintenance

Keep your landscape healthy and clean. Prune and thin shrubs, trees and other plants to minimize the fuel load. Please keep in mind that open spaces outside of the City limits are not managed. It is your responsibility to make your own property fire safe. Do weed mowing before 10:00 am. Once temperatures are hot and humidity low, any spark in the dry grass can start a fire.

SLO COUNTY

The County does not have a weed abatement ordinance in place.

Defensible areas located within SRAs are subject to the state weed abatement law (PRC 4290 & 4291), and county agencies enforce that law. The County has no ordinance to enforce weed abatement in areas not covered by state law. The County has the responsibility to control roadside vegetation, but does not do so uniformly. County land located within city limits is also subject to the weed abatement laws of the city in which it is located.

EMERGENCY PLANNING

EVACUATION PLANS

All interviewed fire officials said they had evacuation plans for their jurisdictions. These evacuation plans are not well-known nor readily available to the communities. Coastal communities in SLO County are all locked to Highway 101 with limited routes eastward or westward. Paso Robles and Atascadero do have some options. It is unknown if there are plans with adjacent counties to restrict traffic into and out of SLO county on Highway 101 to allow for more efficient evacuation in the event of an emergency.

Warning Systems

There is an existing siren system within the county that was built and is maintained by PG&E. This system is currently limited to warnings concerning the Diablo Canyon nuclear power plant, and is not being used in connection to wildfires or any other purpose, though such use is permitted.

A reverse 911 system already exists and automatically sends warning messages to landline telephones. This system does not automatically send messages to phones connected via the internet (VoIP) or to mobile phones, and not enough of the public at large understand they must opt in to receive this service. There are currently no regulations or technology in place to mandate automatic messaging to these types of phones.

The county has made it relatively easy for most people to opt in for this reverse 911 service. It can be done on the Sheriff's website or by mail, but there is currently no phone number to call to initiate receiving this service. The web address explaining how this service works along with the simple procedure to accomplish this is: https://www.slosheriff.org/reverse_911.php

The county currently has Public Service Announcements explaining how to opt in to the reverse 911 service, but this does not seem to be reaching a large enough segment of the population.

FINDINGS

- F1. All urban areas (city jurisdictions) have weed abatement ordinances that are comparable.
- F2. San Luis Obispo County has no weed abatement ordinance, which was also a finding in a report written by Cal Fire and presented to the Board of Supervisors (BoS) in April of 2017. We were unable to find any response to this report by the BoS.
- F3. Information about evacuation plans is not readily available to the general public. This could present confusion and difficulty for residents, many of whom have limited evacuation routes.
- F4. The reverse 911 system is under-utilized by county residents. Registering for this system can be accomplished via the county Office of Emergency Services (OES) or Sheriff's department websites. There is no telephone number available to accomplish this registration. Public Service Announcements alone are not reaching enough people.
- F5. The Diablo Canyon early warning siren system is currently funded by PG&E and is now used solely for Diablo Canyon incidents. If the County plans to maintain this system, there could be a funding problem when Diablo Canyon closes.

RECOMMENDATIONS

- R1. A study should be done to determine the adequacy of state regulations throughout county jurisdictions and determine ways to properly supplement them. This should be accomplished by the end of the 2019-2020 fiscal year.
- R2. As recommended in the previously cited 2017 Cal Fire report, the BoS should implement a county-wide weed abatement ordinance, which should also include agricultural properties. This should be accomplished by the end of the 2020-2021 fiscal year.
- R3. The County should develop a weed abatement ordinance that is consistent with the cities' regulations.
- R4. The County and all city fire jurisdictions should offer a chipping program similar to Atascadero. Funds may be available through the Fire Safe Program. A plan for this should be accomplished by the end of the 2019-2020 fiscal year.

- R5. The County should work with the cities in a concerted effort to educate the public on detailed and coordinated evacuation plans. Various ways to disseminate this information may include all types of county or city mail communications. Public Service Announcements, websites, and other forms of communication are also informative.
- R6. Plans should be implemented to incorporate the PG&E siren warning system to be used as an evacuation warning system for any and all emergencies where evacuation is warranted.
- R7. Cities should investigate installing additional warning systems where there are no existing sirens. A draft plan should be finalized by the end of fiscal year 2019-2020.
- R8. The Sheriff's Office should provide Reverse 911 registration information to county and city agencies for dissemination via bills or other routine mail communication. This information should include a procedure for registering by phone.

COMMENDATIONS

Atascadero's chipping program has been a successful element of their weed abatement programs, making it easier for residents to maximize their cooperation.

REQUIRED RESPONSES

Board of Supervisors shall respond to F2, F3, F4, F5, R1, R2, R3, R4, R5, R6, R8

County Fire Chief shall respond to F2, R4

County Sheriff shall respond to F4, R8

County Office of Emergency Services shall respond to F3, F4, F5, R5, R6, R7

Paso Robles Fire shall respond to R4, R7

Morro Bay Fire shall respond to R4, R7

San Luis Obispo City Fire shall respond to R4, R7

Five Cities Fire shall respond to R4, R7

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by August 6, 2019. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

AGENCY RESPONSE REQUIREMENTS

The Penal Code Section 933.05 that specifies the format and methodology for agency responses is listed below. All agency respondents are required to respond to all findings and recommendations in the following manner:

- If the respondent disagrees wholly or partially with an item, the respondent must elaborate on the portion of the item that they disagree with, and provide an explanation.
- If a respondent notes that an item will be implemented in the future, the response must include a timeframe for implementation.
- If a respondent notes that an item requires further analysis, the agency must include in the response an explanation of and the scope of what will be studied and the timeframe needed for the study. The timeframe for follow-up from the agency cannot exceed six months.
- If the item will not be implemented or is not reasonable, the respondent is required to provide a detailed explanation.

933.05. Findings and Recommendations

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

reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

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

Presiding Judge	Grand Jury
Presiding Judge Ginger Garrett Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910

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SCHOOL DEVELOPER FEES REVISITED: DIFFERING INTERPRETATIONS?

The 2018-2019 Grand Jury received a complaint alleging that persons paying school district developer fees were not being given the notice required by law informing them of their right to protest, and school districts were using developer fees for impermissible uses.

SUMMARY

Anyone wishing to build, remodel to enlarge residential, commercial or industrial buildings in San Luis Obispo County must pay a developer fee to the school district in which the construction is located. These fees are intended to pay for the “construction or reconstruction of school facilities” needed to accommodate the increased enrollment resulting from the new development.

The assessment and collection of these fees have a number of restrictions and requirements. The applicable statutes

- prohibit their use as part of the general fund,
- require that they be maintained in separate accounts,
- require that they be separately reported, and
- require that developers be given a written notice advising them of their right to protest the fee.

In interviewing administrators of several school districts, the Grand Jury found that most districts appear to have adopted a permissive and expansive view of what expenditures are permitted by law. We also found that some developer fee expenditures appear to be outside of those permitted by California statute.

We discovered that the accounting required by the districts for the use of the funds is inadequate and not reasonably accessible to the public. We also discovered that at least one district fails to

SCHOOL DEVELOPER FEES REVISITED: DIFFERING INTERPRETATIONS?

record the fees in a separate accounting format as required by law, and to separately account for the use of these fees.

There is no effective oversight of the use of developer fees beyond that exercised by the local school board itself.

PURPOSE

The 2018-2019 Grand Jury investigated whether or not the legally required notice to developers was being provided. The failure to give this notice may create a risk of extending the liability of districts to legal claims.

The purpose of our investigation was also to determine how developer fees are being used by school districts. We also investigated whether or not any entity other than the school districts themselves has an oversight role in the use of developer fees.

These issues are of importance insofar as the public is entitled to know how these funds are spent.

ORIGIN

Acting on the citizen complaint, we investigated whether or not developers paying the fee are given the legally required written notice for the right to protest the assessment, how the fees are being used, and whether any external supervision is being exercised over the collection and use of such fees.

PROCEDURE

The Grand Jury interviewed the complainant and various representatives from a sampling of the County school districts and the County Office of Education.

As part of our extensive internet research, we reviewed a number of sources including:

- The Report of the 2013-2014 Grand Jury, “Developer Fees: A School Lesson In Justification”
- Reports and accountings for San Luis Coastal, Lucia Mar, Paso Robles, and Atascadero Unified districts
- A range of state statutes and various legal interpretations
- School district websites

NARRATIVE

Following the end of WWII, California experienced a great expansion of housing development. The increased population from the developments placed substantial pressure on the schools to accommodate the additional student enrollment.

During the 1970’s local government faced an increasing resistance to rising property taxes, at the time the primary source of school funding, resulting in the passing of Proposition 13. This limited both the amount of property taxes which could be imposed, as well as the ability of government to increase taxes.

With tax revenues limited, and in order to keep pace with increasing enrollments, local government began the practice of assessing fees on new development to cover the costs of the new school facilities. These fees were called “school-impact fees” or “mitigation fees”. The assessment and collection of school impact fees is authorized by Section 17620 of the California Education Code, and governed by the Mitigation Fee Act contained in Section 66000 of the California Government Code.

The Right to Protest Fees.

The law requires that the district assessing a development fee must give a written notice to the developer notifying them of their right to protest the imposition of the fee within a 90-day period. If the required notice is not given, then the time in which to file a lawsuit (the statute of limitations) appears to extend the possible future financial liability of the district.

We sent inquiries to various school districts in San Luis Obispo County asking how and when developers are given the required notice of their right to protest the imposition of fees. Their responses were as follows:

- San Luis Coastal Unified School District had not been giving the required notice and is now rectifying the situation.
- Lucia Mar Unified School District provides the required notice.
- Cayucos Elementary School District, Atascadero Unified School District, and Paso Robles Joint Unified School District responded but failed to indicate whether or not they do in fact provide the required notice to developers.

Use of Developer Fees.

California Education Code section 17620 limits the use of developer fees to funding “the construction and reconstruction of school facilities”, and specifically prohibits their use for “regular maintenance or routine repair” or the “deferred maintenance” of school facilities. California Government Code section 66006 requires that the districts “expend those fees solely for the purpose for which the fee was collected”. The statute does not specifically define “construction and reconstruction,” thus allowing different interpretations. Grand Jury interviews with administrators of districts in the County revealed most of them tended to view the limitations broadly. Some officials indicated that their attorneys had advised them that this approach was permissible.

This Grand Jury finds the interpretation and use of developer fees varies in districts around the County. Our investigation of the reports and accounts of several districts in the County revealed the following examples of developer fee expenditures that have been made by school districts:

- Construction of a multi-purpose room

SCHOOL DEVELOPER FEES REVISITED: DIFFERING INTERPRETATIONS?

- Construction of an office expansion
- Purchase of a kindergarten playground structure
- Restroom modernization
- Remodel and upgrade rooms
- Aerial survey
- Electrical work, a walkway, and a canopy
- Materials and supplies
- Services and other operating expenditures
- Purchase and installation of an auto lift
- Girl's locker room upgrade
- Ceiling fans
- Water filter delivery system
- Structure gravity columns
- Paint 3 classrooms
- Health Services Room alteration
- Facility Master Plan
- Resurface basketball court area asphalt

While California Government Code section 66006 requires that the districts “expend those fees solely for the purpose for which the fee was collected,” we did not discover any legal action against a district alleging the improper use of such fees.

Maintaining Developer Fees in a Separate Account

California Government Code section 66006 requires that districts maintain the developer fees in a “separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the local agency.” It is difficult to determine whether all school districts are in compliance.

Developer Fee Reports Difficult to Access

The Grand Jury discovered that few if any of the reports of the districts were reasonably accessible to the public or published in a format which could readily be understood. The searchability of the district websites often fails to adequately identify or reference the reports, and the sites may not contain the reports at all. Much of the data contained in the districts' reports came from district financial reports which most members of the public may find confusing. We found it difficult to find the annual expenditure reports required by statute.

No Outside Supervision Over the Use of Developer Fees

The county offices of education provide many services to schools. These services include approving school budgets, calling for school elections, providing assistance in curricula, staff development and training, providing assistance with the design of business and personnel systems, and many other services to meet the changing needs of schools. Of primary concern to us as we researched our report was the oversight aspect of school budgeting. The county superintendent of schools is responsible for examining and approving school district budgets and expenditures. With the passage of Assembly Bill 1200 (1991), the county superintendent was given additional powers to enforce sound budgeting in order to ensure the fiscal integrity of the school district.³ We believe the county superintendent of schools' responsibility to ensure fiscal integrity also extends to developer fees. This includes determining whether:

- developer fee collection and expenditures are appropriate,
- reports are issued in a timely manner, both annually and every 5 years,
- notices are provided that are consistent and accurately reflect regulatory requirements, and
- developer fee studies, reports and expenditures are easily accessed by the general public on each district's website.

Our research determined that the SLO County Office of Education reviews the audits of the school districts, but does not determine whether the developer fees have been used appropriately.

³ *County Offices of Education*, California Department of Education website:
<https://www.cde.ca.gov/re/sd/co/coes.asp>

FINDINGS

- F1. The failure of school districts to provide the required written notice to developers of their right to protest may extend the period in which a developer is allowed to file a suit challenging a fee and may expose the districts to potential future liability.
- F2. In the sampled school districts there is inconsistency in reporting developer fee income and expenditures.
- F3. San Luis Coastal Unified School District had been failing to provide the required written notice to developers but has indicated that they are now providing the necessary notice and sent us a copy.
- F4. Lucia Mar School District has indicated that they are giving the required written notice and provided us a copy.
- F5. The Paso Robles, Cayucos, and Coast Unified school districts have responded with copies of the receipts given to developers, which do not include the required notice.
- F6. Atascadero Unified School District did not respond to the question of whether they give the required written notice to developers, thus it is unknown whether they are in compliance.
- F7. All of the sampled districts take a permissive view of the restrictions on the sort of expenditures which are allowed for developer fees.
- F8. It is difficult to determine whether developer fees are being maintained in a separate fund as required by law.
- F9. Most of the districts in the County either do not publish the required annual and 5-year reports on their use of developer fees, or provide such information in a difficult to access and understand format on their websites.
- F10. There is no general oversight exercised over the use of developer fees beyond that which may be provided by the district school boards.

RECOMMENDATIONS

- R1. All school districts must immediately begin providing the required written notice to developers of their right to protest the imposition of developer fees.

SCHOOL DEVELOPER FEES REVISITED:
DIFFERING INTERPRETATIONS?

- R2. The County Office of Education should provide and require the school districts to use a standardized format for the notice of the right to protest the payment of developer fees. This form should be developed by January 1, 2020.
- R3. The Superintendent of Schools for San Luis Obispo County shall verify that every district is providing the required written notice to developers of their right to protest the imposition of developer fees.
- R4. Each school district must maintain its developer fees in a separate account as required by law, and not comingle these with other funds.
- R5. All districts should report their developer fees, including the mandated annual and 5-year reports, on their websites, in a prominently indexed and reasonably clear and accessible manner.
- R6. The School Boards for each district in San Luis Obispo County shall ensure that their district's developer funds have been properly used and sign a certificate of compliance.

REQUIRED RESPONSES

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

Lucia Mar Unified School District is required to respond to F1, F7, F8, F9, R4

San Luis Coastal Unified School District is required to respond to F1, F3, F7, F8, F9, F10, R1, R4

Paso Robles Unified School District is required to respond to F1, F5, F7, F8, F9, R1, R4

Atascadero Unified School District is required to respond to F1, F6, F7, F8, F9, R1, R4

San Luis Obispo County Superintendent of Schools is required to respond to F1, F2, F7, F8, F10, R2, R3, R6

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by August 6, 2019. Please provide a paper copy and electronic version of all responses to the Grand Jury.

AGENCY RESPONSE REQUIREMENTS

The Penal Code Section 933.05 that specifies the format and methodology for agency responses is listed below. All agency respondents are required to respond to all findings and recommendations in the following manner:

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- If the item will not be implemented or is not reasonable, the respondent is required to provide a detailed explanation.

933.05. Findings and Recommendations

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 - (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.

SCHOOL DEVELOPER FEES REVISITED:
DIFFERING INTERPRETATIONS?

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

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

“AFFORDABLE HOUSING”

AN URGENT PROBLEM FOR OUR COMMUNITY

The lack of housing and the inability to afford housing has become a national crisis. The crisis is being discussed by all levels of government, the non-profit community, and in the media throughout the country. Every month families struggle to pay the rent, buy groceries, or pay medical bills. This crisis is normally discussed using just one term: affordable housing. However, “affordable” is a relative term and often misused. The majority of homes in San Luis Obispo County are affordable to someone, but certainly not by those supporting our service economy, driving a bus, or teaching in a public school.

There are official terms defining the various levels of “affordable,” but we seldom see them used, making them unfamiliar, confusing, and even misleading. For example, “workforce housing” does not refer to housing for most workers who are the backbone of our economy. Instead, as defined by the government, “workforce” refers to much higher income-earners, those making above the moderate-income level. Affordable housing according to government standards, is housing that costs the occupant no more than 30% of their income, including utilities. But affordable housing in today’s market is often applied to housing that is affordable to the workforce, as defined above. In order to adequately address the housing crisis, these official terms all need to be clarified and consistently used so that everyone is speaking the same language.

SUMMARY

We are very fortunate to be able to live in San Luis Obispo County, one of the most beautiful areas in California. Our economy is driven by agriculture and tourism, and our natural beauty draws hundreds of thousands each year to visit and enjoy all that our communities have to offer. However, the very people who support this economy are struggling to survive. The cost of housing has made San Luis Obispo County one of the least affordable places to live in California. Wages paid to workers in our county have not kept pace with the cost of living, much less the cost of housing. Many minimum wage and lower wage employees are living paycheck to paycheck, often just one paycheck away from homelessness.

“AFFORDABLE HOUSING” AN URGENT PROBLEM FOR OUR COMMUNITY

There is an emphasis on housing to meet the needs of those making above the median income in our county and an embarrassing shortage of housing to meet the needs of those making extremely low and low-income wages, the very people we depend on to keep our economy thriving and growing. Developers cite the cost of land, the extreme length of time needed for the permit process, and profitability as reasons for this discrepancy. Local governments most often cite that they cannot force building to happen and can only provide capacity to build. Local developers are allowed to pay nominal fees to avoid building affordable units that are not as profitable.

In this report the 2018-2019 Grand Jury highlights who is in the most need of affordable housing and review what the county and cities are doing about it. We define affordable housing terms as we use them and provide a glossary of the important terms that are used in conjunction with the discussion of this topic (see the Glossary in Attachments). We discuss the disproportionate construction of market-rate housing and recommend alternatives to be considered.

PURPOSE

In exploring the problem of inadequate housing, the 2018-2019 Grand Jury believes it is critical to share a common understanding of the subject, including the vocabulary and data. It is too easy for governments to claim action on “affordable” housing when little is being done to provide lower income housing.

ORIGIN

This investigation/review was self-generated in accordance with government guidelines for the Grand Jury. Early in the term of the 2018-2019 Grand Jury, many officials were invited to discuss their various roles, successes, and challenges. The subject of affordable housing often came up in these briefings. Perhaps not surprisingly, we were presented with an abundance of new and confusing terms. These terms do not help explain the housing crisis, how we got into it, or what officials are doing to attempt solutions. We therefore decided to shine a light on the crisis and to provide some clarity to the conversation.

PROCEDURE

We chose to focus our investigation on the three lower levels of income-earners where there is the most need. These groups are defined later. We researched a number of aspects of the problem by looking at:

- how the various arms of government create housing projections and report them,
- how these entities actually perform against their projections, and
- how the local and county governments deliver this information to the public.

We interviewed officials from the county and city governments as well as private entities. Additional research was undertaken through Internet resources.

BACKGROUND

Since 1969, California’s Housing Element Act has required that the General Plan of all local governments must include a component to meet the housing needs of everyone in their community, at all income levels. This is also known as the Housing Element Law. Housing policy in California rests largely on the effective implementation of local housing elements, which are intended to adequately address the housing needs of each local community. Local governments are required to report to the state on an annual basis how they are providing opportunities for housing development by removing barriers and increasing building capacity.

California law requires the Department of Housing and Community Development (HCD) to project statewide housing needs and allocate these needs to each region. In consultation with the San Luis Obispo Council of Governments (SLOCOG), HCD develops the Regional Housing Needs Allocation (RHNA). SLOCOG then distributes the RHNA to the County and incorporated cities. This process allocates the number of units needed to be built for each income level in each jurisdiction and requires a report on their progress each year. What this means in common language is that the members of SLOCOG work together to determine how the regional housing needs will be distributed among our communities, allocating the number of housing units needed at each income level for each community.

“AFFORDABLE HOUSING” AN URGENT PROBLEM FOR OUR COMMUNITY

The median income for a family of three in SLO County is \$74,900. The California Health and Safety Code defines these income levels as follows:

- Extremely Low – up to 30% of the county’s median income, or up to \$22,500 for a household of three
- Very Low – up to 50% of the county’s median income, or up to \$37,450 for a household of three
- Low – up to 80% of the county’s median income, or up to \$59,900 for a household of three
- Moderate – up to 120% of the county’s median income, or up to \$89,850 for a household of three
- Workforce – up to 160% of the county’s median income, or up to \$119,840 for a household of three⁴

NARRATIVE

When we think of people who can’t afford housing, we often think of people receiving public assistance and those working at minimum wage or entry level jobs. Yet, in this county, some of the people who cannot afford housing includes elementary school teachers, bank tellers, and many government workers. It includes most of the people working in our largely agriculture and tourist-driven economy. Failure to ensure adequate housing for these groups of people greatly impacts the quality of life and economic future of the county. Yet, there continues to be inaction and resistance to efforts to provide housing for the very workers who enable communities to thrive.

What does “affordable housing” actually mean? Generally speaking, housing is considered “affordable” when the cost (including utilities) of either the mortgage or rent payment is 30% or less of the total household income. For specifics on affordability based on income and numbers of people in the household, see Attachment Affordable Housing Standards.

⁴ Workforce is not defined by the Health and Safety Code. Title 22 of the County Code defines “Workforce” as up to 160% of the county’s median income. Our research shows that most cities default to the Title 22 definition when planning for workforce housing.

“AFFORDABLE HOUSING” AN URGENT PROBLEM FOR OUR COMMUNITY

Any meaningful discussion on affordability of housing must recognize the basic fact that affordability depends on the amount of income. The 2018 report from the National Low Income Housing Coalition shows that housing is out of reach for many in California. A worker making minimum wage in San Luis Obispo County, earning \$11 an hour, must work 100 hours each week to be able to afford a modest one-bedroom rental at the current fair market rental rate. A very low income wage earner in San Luis Obispo County, one who makes 30% of the area median income, can only afford a rent of \$605 per month, which is way below the current \$1100 fair market rental rate. The report also shows that in order to afford a two-bedroom apartment at market rate, a worker must earn \$27.44 an hour.⁵ A complete picture of the housing and wage discrepancy in San Luis Obispo County can be seen in the 2018 report linked here: <https://reports.nlihc.org/oor/california>

Buyers and Renters

San Luis Obispo County is one of the most attractive regions in the entire United States. Yet, as we have established above, renting, much less owning, a home is out of reach for most. In June 2018, according to the California Association of Realtors, the median cost of a home in the County was \$638,660. According to Zillow, the median rental price in 2019 is \$2,580 per month. Yet, the median income for a family of three is \$ 74,900, which means they may be able to afford a home around \$300,000 or pay rent under \$2000 a month. According to these numbers, less than ¼ of the county’s residents can afford to purchase a median-priced home. The current emphasis is on building homes that are unaffordable to ¾ of the county’s residents, and which only addresses the needs of those with an annual income of \$120,000 and above.

According to the July, 2018 edition of the county’s Community Health Assessment, 59% of the county’s residents reported spending 1/3 or more of their income on housing costs in 2016. Seventy-six percent of Spanish-speaking renters reported spending over 1/3 of their household income on rent. The October 9, 2018 edition of the San Luis Obispo Tribune reported that 52% of renters were cost-burdened, i.e. paid over 30% of their income on rent in 2017.

⁵ National Low Income Housing Coalition Report, 2018

“AFFORDABLE HOUSING” AN URGENT PROBLEM FOR OUR COMMUNITY

The high cost of housing in the City of San Luis Obispo, where a significant number of the County’s jobs are located, results in a work/housing imbalance. Many of the employees commute to the city from North or South County (or Santa Maria in Santa Barbara County), where housing is less expensive. The result is an overloaded Highway 101 during peak hours.

To put this in perspective, we created this likely scenario that illustrates the difficulties hard working people face. “Evelyn” is a young single mom with two small children. She works full-time at a local grocery store where she earns \$16/hr. (\$33,280 gross), which puts her in the middle of the Very Low Income category for a household of three. Affordable rent for her at 30% of her income is under \$900 for a two-bedroom apartment. At the 40% level she would have to pay over \$1100 per month. She contacts the Housing Authority of San Luis Obispo (HASLO) to apply for subsidized housing. She is told that the waiting list for the voucher program is currently closed. She is advised that the waiting list for this program can be from one to two years long. She is provided with a list of affordable rental properties and is told she will need to call the manager of each property to see if there is a vacancy or to put her name on the waiting list. She does this, but finds nothing is available.

Because this is the reality for many, families who can’t find housing often double up, living with more than one family in a single-family unit.

Providing Housing and the Role of Government

Developers are not motivated to build low income housing. The challenge for all builders is the cost and availability of land and the length of the permitting process, which can be anywhere from three to five years. Labor and materials continually increase in cost.

There are several variables that affect the “affordability” of housing whether it is directed at the rental or home-buying market:

- Availability and cost of land
- Holding costs while development is approved and construction completed
- Cost of construction, and
- Profit margin.

“AFFORDABLE HOUSING” AN URGENT PROBLEM FOR OUR COMMUNITY

The reality is that building for the lower income groups is less profitable. Government entities recognize the need for low income housing, but in our discussions we were often reminded that they are not in the business of construction. The local government role is to provide the capacity and the incentives to encourage development for all levels of housing. However, the capacity is very limited and the current incentives do not appear to work to accommodate the need of housing for all levels.

Non-profit builders have the ability to tap into affordable housing trust funds held by the County and in each of our seven cities in order to develop low income housing. The money from these funds can then be used as seed money by non-profits, such as Peoples Self Help Housing (PSHH) and Habitat for Humanity, to obtain additional funding through grants.

In the past, PSHH and Habitat for Humanity have specialized in “sweat-equity” homes, i.e. homes where the potential owners work a required number of hours helping to build the home in exchange for the down payment. While PSHH still builds a small number of these homes, their emphasis in today’s market is on rentals. This includes provision of a wide array of ongoing family services. To supplement their income, PSHH partners with other developers to manage rental units. In addition, they provide consulting services and business services to groups and organizations around the country. Organizations such as Habitat for Humanity and San Luis Obispo County Housing Trust Fund⁶ contribute to efforts to provide low-income housing through financing and rehabilitation of existing homes.

As part of their General Plan, the cities and County must file an annual report on their progress in building housing across the five income levels. In this report on their five-year Housing Element they outline their goals and describe the policies and specific programs utilized to accomplish them. It is very difficult to find all of these annual reports on the city and county websites. This difficulty identified a problem with both availability and transparency of policy and reporting.

⁶ All jurisdictions are members of the San Luis Obispo County Housing Trust Fund (HTF), which operates as a revolving loan fund to finance affordable housing projects.

“AFFORDABLE HOUSING” AN URGENT PROBLEM FOR OUR COMMUNITY

In reviewing these reports, we found that local governments have a number of incentives in common to encourage the development of low income units. These incentives increase significantly depending on the percentage of lower income housing in the project, including:

- Reducing and deferring permitting fees
- Providing density bonuses, relaxed parking restrictions, setback reductions, and waivers for required off-site improvements
- Providing direct financial assistance for housing from their affordable housing trust funds
- Promoting the construction of second residential units on single-family zoned parcels (referred to as Accessory Dwelling Units or ADU’s), which is a more recent incentive

A common method used by jurisdictions to encourage affordable housing is to institute an inclusionary housing ordinance. An inclusionary housing ordinance requires developers to build a set number of affordable units within a market rate project. Developers are often allowed to pay a fee instead of building the required affordable units. These fees are called “in-lieu fees,” and payment of these fees allows the developer to build all units at the market rate. In-lieu fees are deposited into a local housing trust fund to help finance low income housing.

In-lieu fees are controversial and can be seen as a loophole for developers. By paying the fee, which is often well below the cost to build the unit, developers are able to avoid building any required inclusionary units and maximize their profit by building at market rate.

Any discussion about encouraging the development or rehabilitation of existing property for low income housing should include the need to revisit the payment of in-lieu fees. If utilized as an incentive, in-lieu fees should be set at a level that is realistic to the production of housing. San Luis Obispo County has instituted a new housing policy which will adjust in-lieu fees and is described in more detail later in the report.

Unfortunately, the figures reported on the yearly Housing Element reports for 2014 - 2018 indicate that these incentives are not successful in meeting the housing targets for the three lowest income groups. New construction for these groups for this five-year period is:

- 0% of their targets in Morro Bay,
- 13.4% in Grover Beach,

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- 19.4% in Pismo Beach,
- 25.8% in the County’s unincorporated area,
- 31.6% in Arroyo Grande,
- 42.5% in San Luis Obispo,
- 46.25% in Atascadero, and
- 75.0% in Paso Robles.

In contrast, the new housing numbers for the highest income group are:

- 379.9% for Pismo Beach,
- 278.3% of the county’s unincorporated area target,
- 167.6% for San Luis Obispo,
- 166.2% for Morro Bay,
- 152.2% for Grover Beach,
- 150.5% for Arroyo Grande,
- 149.8% for Atascadero, and
- 75.1% for Paso Robles.

Five times more housing was produced for the highest income group than for lower income groups.

There are some positive signs...it’s not all negative

Working with a broad-based coalition, including contractors, non-profit builders, the Housing Authority of San Luis Obispo (HASLO), the Chamber of Commerce, and others, the County has revamped its long-established “Title 29 Affordable Housing Fund.” Beginning in 2019, new single-family construction in excess of 2200 square feet will be assessed a surcharge. The intent is to grow the Fund from .4 million to 4 million dollars within three years. These funds will then be awarded to qualified housing projects. The County is also reviewing a number of options for additional funding revenue, including a Vacation Rental Impact Fee and increases in sales tax and the Transient Occupancy Tax.

The City of San Luis Obispo (SLO City) has indicated that it is exploring the possibility of partnering with San Luis Coastal Unified School District to build housing projects on an unused school site. It has also re-zoned some of its major commercial streets to allow for increased density

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and mixed-use structures. These are typically ground floor commercial and second/third floors residential buildings. This includes the waiving of parking requirements.

Other programs from SLO City include encouraging the building of smaller residential units (200-250sq. ft.) as well as the use of tiny homes. SLO City has reported that it is also working with Cal-Poly to support the university’s completion of its Master Plan for student/faculty housing by 2035. This could result in moving a large number of students and faculty from city housing to campus housing.

Grover Beach and Paso Robles have waived ADU Development Impact Fees for FY 2018-2019. According to the City’s sample fee schedule this means more than a two-thirds reduction in fees paid for securing a building permit for the construction of a second residential unit on a single-family zoned parcel.

Two major long-term planning efforts are in the works: the next HEU for 2020-2028, as well as the County initiative to create a Regional Infrastructure and Housing Plan. In terms of planning for, and actually building housing for lower income residents, this is an opportunity for the public to become involved in the development of these plans. In addition to local efforts, the State is increasing pressure on cities and counties to facilitate the building of more housing by passing legislation with consequences for non-compliance.

Alternatives to consider:

Other options that could bring down the cost of housing are tiny homes, manufactured homes (mobile homes or trailers), modular homes and pre-fabricated homes. These types of homes cost less to build than their site-built counterparts and can be built faster, making them a viable option for low-income families. However, the purchase and costs associated with holding land during permitting processes remains an impediment to the development of low income housing.

Across the United States, various companies are taking the lead in building housing projects as a means of supporting employee retention. We feel that employers in the County can learn from this example. We recognize that this does not address the issue of low-income rentals.

CONCLUSIONS

Providing affordable housing has been identified as a very complex problem. California and local governments have been trying to address the state’s housing crisis since 1969. The crisis worsens each year, making home ownership unrealistic for the majority of our residents and rental units unaffordable. With the exception of Paso Robles, all cities and the County underperformed in the production of low-income housing. In addition, they significantly overproduced market-rate housing.

A May 9, 2019 article in the Tribune, authored by its editorial board, outlined the most recent calculations from the State for San Luis Obispo County’s housing goals, assigning a new goal of 10,810 houses for our county.⁷ The State also provided a breakdown of the percentage of housing units that should be added, by category:

- Very Low Income: 24.6% (for households of 3, maximum income \$37,450/year)
- Low Income: 15.5% (for households of 3, maximum income \$59,900/year)
- Moderate Income: 18% (for households of 3, maximum income \$89,850/year)
- Above Moderate: 41.9% (no restrictions on income above moderate)

SLOCOG has the responsibility to distribute the number allotted by the State to our County. The largest allocation is to San Luis Obispo City because it has the largest number of jobs. It would appear, however, that these new goals continue to reflect the type of building that occurs in our county, that of overbuilding for those making a great deal of money.

The State’s assignment of the housing goals for our county only requires that counties plan for this growth, not that they actually build the numbers cited. We question how the State arrives at these numbers, given that California, and specifically our county, continues to be the least affordable area in which to live. We encourage the county to examine what our real needs are: housing for the low and very-low income families that we rely on to support our economy.

⁷ “SLO County must plan for 10,810 more homes in 8 years. And they can’t all be mansions.”, Tribune Editorial Board, May 9, 2019

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The incentives used by the government have proven to be largely unsuccessful in providing housing for those most in need. Our tourist, service, and agricultural economies depend on these workers and support our way of life. It is time to invest in new and innovative solutions to this crisis. No community can thrive if its workers can’t afford to live there.

FINDINGS

- F1. The unaffordable costs of renting and buying homes on the Central Coast is of crisis proportions for those defined in the extremely low, very low, and low-income categories.
- F2. The lack of “affordable housing” for the three lower categories presents a long-term threat to the economic vitality and social fabric of the county.
- F3. The range of terms being used in the “affordable housing” debate creates confusion and perhaps misdirection for renters, home buyers and builders.
- F4. The supply of rental units available to lower income families is insufficient.
- F5. The jobs/housing imbalance places a burden on the transportation infrastructure and is costly for those who can least afford it.
- F6. Most of the required annual housing element updates are difficult to access by the public.
- F7. The length and cost of the building permitting process is a major barrier to the construction of all housing, especially low income housing.
- F8. The overwhelming majority of new housing units in the Housing Element cycle (2014-2019) have been built for families earning in excess of \$89,850 per year for a family of three.
- F9. All cities and the County have “affordable housing” funds which collect and hold the in-lieu fees, but the fees are not achieving the desired outcome.
- F10. All cities and the County have the ability to maximize their “affordable housing” funds by partnering with non-profit builders.
- F11. Housing that costs less, such as tiny homes, pre-fabricated, modular, and manufactured homes, are underutilized in this county.

RECOMMENDATIONS

- R1. Reassess and improve processes to fast-track building and planning permit approvals within 12 months from date of application. This should be implemented within FY 2019-2020.
- R2. Create, file, and publish the required housing element documents and reports on time and in a form easily accessible to the public. This should be done by the next report cycle.
- R3. Either increase in-lieu fees to realistically support the construction cost of inclusionary housing units or eliminate the fees altogether and require low-income housing construction. This should be accomplished within FY 2019-2020.
- R4. The cities and County should concentrate on promoting rentals for families earning below moderate incomes by increasing the percentage of required inclusionary housing units.
- R5. Increase the opportunities through re-zoning for non-traditional housing options, such as modular homes, pre-fabricated homes, and mobile home parks. This should be accomplished within FY 2020-2021.
- R6. The cities and County should detail their specific plans to engage the public in the formulation of the 2020-2028 Housing Plan Update.

REQUIRED RESPONSES

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

All San Luis Obispo County City Managers are required to respond to F6, F7, R1, R2, R4, R5, R6

The County Administrative Officer is required to respond to F6, F7, R2, R4, R5, R6

San Luis Obispo County Director of Planning and Building is required to respond to F6, F7, R1, R2, R3, R5, R6

San Luis Obispo County Board of Supervisors are required to respond to F6, F7, R1, R2, R5, R6

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by August 20, 2019. Please provide a paper copy and electronic version of all responses to the Grand Jury.

AGENCY RESPONSE REQUIREMENTS

The Penal Code Section 933.05 that specifies the format and methodology for agency responses is listed below. All agency respondents are required to respond to all findings and recommendations in the following manner:

- If the respondent disagrees wholly or partially with an item, the respondent must elaborate on the portion of the item that they disagree with, and provide an explanation.
- If a respondent notes that an item will be implemented in the future, the response must include a timeframe for implementation.
- If a respondent notes that an item requires further analysis, the agency must include in the response an explanation of and the scope of what will be studied and the timeframe needed for the study. The timeframe for follow-up from the agency cannot exceed six months.
- If the item will not be implemented or is not reasonable, the respondent is required to provide a detailed explanation.

933.05. Findings and Recommendations

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (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

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- reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

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

ATTACHMENTS

GLOSSARY

Accessory Dwelling Unit (ADU): A secondary house or apartment that shares the building lot of a larger, primary house.

Affordable Housing: Housing which is deemed affordable to those whose income is below the median household income. Generally understood as housing in which the rent or mortgage payment is no more than 30% of their income, including utilities.

Affordable Housing Standards: Housing standards set by cities or counties to summarize the income levels and housing affordability levels. These standards are used to define the extremely low, very low, low, median, moderate, and workforce levels of income in the area.

Affordable Housing Trust Funds (AHTF): An affordable housing production program that complements existing Federal, state and local efforts to increase and preserve the supply of decent, safe, and sanitary affordable housing for extremely low- and very low-income households, including the homeless. The funds are distributed by HUD annually according to a formula.

California Department of Housing and Community Development (HCD): By administering programs that provide grants and loans from both state and federal housing programs, HCD creates rental and home ownership opportunities for Californians, including veterans, seniors, young families, the disabled, farmworkers, and the homeless. Through long-term monitoring, HCD ensures the developments continue to be safe, well maintained and financially sound.

Community Reinvestment Act (CRA): A federal law designed to encourage commercial banks and savings associations to help meet the needs of borrowers in all segments of the communities, including low- and moderate-income neighborhoods.

Commercial Development: Any development or property used solely for business purposes.

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Community Development Block Grant Program (CDBG): An entitlement programs that provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities, by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons.

Deed restricted affordable housing: A long-term restriction placed on the deed to a property, to preserve it as a low- and moderate-income housing unit. The property can only be sold to a buyer whose household meets certain income requirements and at a price that is affordable to that household.

Density bonus: An incentive-based tool that permits a developer to increase the maximum allowable development on a site in exchange for setting aside a percentage of units as affordable housing.

Habitat for Humanity: A global non-profit housing organization that partners with families and communities to build or improve affordable housing, often through owner-builds that allow a family to assist with construction in exchange for an affordable home.

Housing Authority of San Luis Obispo (HASLO): A public housing agency in San Luis Obispo which provides assistance to the county’s lower income citizens to secure and maintain long-term housing. Housing Authorities are funded primarily by the U.S. Department of Housing and Urban Development (HUD), along with rents from housing, county development block grants, and other grants, tax-credit loans, and local funding.

Housing Cost Burdened: A situation caused when over 30% of a household’s income is spent on housing costs. Severe housing cost over-burdened occurs when a household pays over 50% of their income to housing costs.

Housing Allocation: The total number of housing units (by affordability level) that each jurisdiction must accommodate in their Housing Element, generally referred to as Regional Housing Need Allocation.

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Housing Element Report: An annual report required by each jurisdiction to report on the status and progress of its general plan using forms and definitions adopted by HUD.

Impact fees: A fee that is imposed by a local government on a new or proposed development project to pay for all or a portion of the costs of providing public services to the new development.

Inclusionary Housing: Municipal and county planning ordinances that require a given share of new construction to be affordable by people with low and moderate incomes.

Infill Housing: The insertion of additional housing units into an already approved subdivision or neighborhood as a strategy to accommodate growth.

In-Lieu Fees: Optional fees paid by developers into a housing trust fund, to be used along with other local funding, to finance low income housing. This is paid as an alternative to building inclusionary housing units.

Infrastructure: The government, such as roads, buildings, sewer systems and power supplies.

Low-Income Housing Tax Credit (LIHTC): A tax credit created under the Tax Reform Act of 1986 to encourage housing investment in affordable housing for low income households. Commonly called Section 42 credits, which references the IRS tax code, the tax credit allows for a dollar for dollar reduction in a taxpayer’s income tax based on the investment.

Manufactured home: Manufactured housing is a type of prefabricated housing that is built under HUD Title 6 construction standards, assembled in a factory and then transported to the site of use.

Market Rate Housing: Housing built by for-profit developers for households generally above 120% area median income. The rate charged for the housing is generally the same rate as that charged for surrounding properties.

Median Income: An income level in a given area, where half of the households earn income above that level and half earn income below; the middle-income level in an area.

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Mixed-use development: A pedestrian friendly development strategy that blends residential use with commercial, cultural, and or industrial uses to assist with community design and development, to encourage a live-work relationship, and to strengthen community relationships.

Mobile home: A large trailer or prefabricated structure that is situated in one particular place and used as a permanent living accommodation; not built to uniform construction standards.

Modular home: Prefabricated buildings or houses built to the local state code standards, constructed in sections or modules in a factory, and then transported to the intended site and attached permanently to the land.

Off-site improvements: Access roads, sidewalks, curbs, sewers, and utility lines that are off the land being developed, that add value to the entire development.

National Housing Trust Fund: An affordable housing production program that complements existing Federal, state and local efforts to increase and preserve the supply of decent, safe, and sanitary affordable housing for extremely low- and very low-income households, including homeless.

People’s Self-Help Housing (PSHH): This is a private, non-profit agency that builds supportive housing for lower income people, which includes site-based services that offer the opportunity to change lives and strengthen communities.

Pre-fab home: A prefabricated home, built offsite in a factory and then shipped to a building site in pieces to be assembled on the home lot.

Regional Housing Needs Allocation (RHNA): The state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its Housing Element.

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San Luis Obispo Council of Governments (SLOCOG): An association of local governments made up of the seven cities and the County of San Luis Obispo. Its prime responsibilities include transportation planning and funding for the region. It prepares the Regional Housing Needs Allocation (RHNA) and the Sustainable Communities Strategy as part of the Regional Transportation Plan

Subsidized Section 8 Housing: The Federal government’s major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Participants are free to choose any housing that meets the requirements of the program, through housing vouchers administered by the local public housing agency.

Tax Credits: See Low-Income Housing Tax Credit (LIHTC)

Tiny home: With no real definition established but based on a social movement that advocates living simply in smaller homes, a tiny home is a residential structure under 400 square feet.

US Department of Housing and Urban Development (HUD): A federal housing agency created to help Americans meet their housing needs, by increasing home ownership, supporting community development, and increasing access to affordable housing free of discrimination through federal housing laws.

Workforce Housing: Housing that can be afforded by those with an income above 160% of the median income, and located close to their jobs.

TABLE 1

Table 1: How the Cities and the County are Incentivizing the Construction of Lower Income Housing Units¹

	Arroyo Grande	Atascadero	Grover Beach	Morro Bay	Paso Robles	SLO City	SLO County	Pismo Beach
Inclusionary Housing Ordinance requiring Low/ Moderate Income Construction	Policy	Policy	Policy	Ordinance	No Ordinance or Policy	Ordinance	Ordinance	Policy ²
<i>Applies at....</i>	5 units		5 units	5 units		5 units ³	12 units	5 units
<i>Option to pay in lieu fee (with conditions)</i>	Yes	Yes	Yes	Yes		Yes	Yes (All individual units pay over 2200 sf)	Yes
If Policy only, allows paying in-lieu fee	Yes	Yes	Yes					Yes
Project Incentives (typically 5 units or more) ⁴								
• Density Bonus	Yes	Yes	Yes	Yes	Yes	>35%	Yes	Yes
• Relaxed parking requirements	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
• Setback reductions	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
• Impact fee waivers			Yes	Yes	Yes	Yes	Yes	
• Financial assistance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Second residential units (ADU's) ⁵	26 ADU's permitted in 2018	8 ADU's permitted in 2018	See Note 5	9 ADU's permitted in 2018 See Note 5	See Note 5	Main incentive: no additional on site parking required	28 ADU's permitted in 2018	2 ADU's permitted in 2018
<i>Observations:</i>	<i>5 PUD's permitted in 2018</i>	<i>See Note 5</i>	<i>Two parcels assembled for 19 unit project (3 for low income) in 2018</i>	<i>4 PUD's permitted in 2018</i>	<i>Has active "Housing Constraints & Opportunities Committee"</i>	<i>See Notes 6 and 7</i>	<i>Completed map that identified five large areas suitable for housing⁸</i>	<i>Appears that City will participate in next 2020-2028 HEU</i>

¹ Based on a review of websites of each jurisdiction. The information recorded derives from published data.

² Pismo Beach's Inclusionary Housing Policy has not been amended since 1998.

³ Program Policy 4.6 states: "Consider amending the City's Inclusionary Housing Ordinance and Affordable Housing Incentives to require that affordable units in a development be of similar number of bedrooms, character, and basic quality." The time frame recorded in the HEU to complete this review was "July 2016." The 2018 report on the "Status of Program Implementation" indicated: "Not Complete."

⁴ Similar incentives apply for smaller projects 2-4 units (typically "PUD's), but on a scaled back formula depending on project size.

⁵ All jurisdictions allow for ADU's, attached or detached, typically to maximum 1200 sf. Grover Beach and Paso Robles provide for a 2/3 reduction in development fees. Morro Bay and Paso Robles waive any additional fees for water/sewer connection.

⁶ 2018 Implementation Status for Program 1.1-9 states: "The City is reviewing the Inclusionary Housing Policy and looking at ways to encourage the development of residential units that are affordable-by-design, including reducing impact fees for smaller units and capping unit sizes for high density residential projects." Also noted re Program 1.1-3 is that "14 modular homes have been installed since 2014."

⁷ 2018 Implementation Status for Program 6.23 notes that the City has completed a Study that identified vacant/under- utilized City land to assist in the production of affordable housing

⁸ Drawn from larger 2018 Study "Constraints and Opportunities Analysis for Residential Development." The initial study identified eight large land areas around the County. Additionally, for purposes of increasing "Infill Capacity," this Study identified 3,032 vacant single-family parcels and a cumulative 113 acres of vacant multi-family parcels in the unincorporated areas.

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TABLE 2

Table 2: Performance of Housing Element Updates (HEU) projections against actual builds 1/1/2014 – 12/31/18¹

Projected number of starts by income groups ²	Arroyo Grande		Atascadero		Grover Beach		Morro Bay		Paso Robles ³		SLO City		SLO County		Pismo Beach ⁴		<u>Combined Five Year Totals</u>	
	T	P	T	P	T	P	T	P	T	P	T	P	T	P	T	P	T	P
Group 1 Low Income	98	31	160	74	67	9	63	0	200	150	464	197	547	141	62	12	1661	614
Group 2 Moderate Income	43	0	69	171	29	0	27	0	87	114	202	13	237	156	27	3	721	457
Group 3 Above Moderate Income	101	152	164	244	69	108	65	108	205	154	478	801	563	1567	64	243	1709	3377
Grand Total	242	183	393	489	165	117	155	108	492	418	1144	1011	1347	1864	153	258	4091	4448
Percentage of total built	75.6%		124.4%		70.9%		69.6%		85.0%		88.4%		138.4%		168.6%		108.7%	
Percentage of actual builds against projected builds Group 1	31.6%		46.25%		13.4%		0%		75.0%		42.5%		25.8%		19.4%		36.9%	
Percentage of actual builds against projected builds Group 2	0%		247.8%		0%		0%		131.0%		6.4%		65.8%		11.1%		63.3%	
Percentage of actual builds against projected builds Group 3	150.5%		149.8%		152.2%		166.2%		75.1%		167.6%		278.3%		379.9%		197.6%	

¹ Source: Extracted from HEU Annual Report(s) or General Plan Annual Report(s) published by each jurisdiction on its website. For Morro Bay: supplemented with material published in the SLO “Tribune” of 3/31/19.

² “Extremely Low,” “Very Low” and “Low Income” categories as Group 1. Group’s 2 and 3 record “Moderate Income” and “Above Moderate” (or “Workforce”) Income categories, respectively. Per “Affordable Housing Standards” established by the County of San Luis Obispo (updated May 1, 2019) annual household income for a family of three for these categories are: up to \$59,900 for Group 1, up to \$89,850 for Group 2, and above \$89,850 for Group 3.

³ Paso Robles percentages reflect final RHNA allocation.

⁴ Pismo Beach is not in compliance with State mandated filing of Housing Element Update (2014-2019). Nevertheless, Pismo Beach has filed annual reports with the State for each of the five years per its RHNA allocation.

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TABLE 3

Table 3: Review of Monies Held by Local Jurisdictions for Funding Lower Income Housing Projects; includes “Special” Funds and from Federal Sources, also Other Local Funds for Affordable Housing¹

	Arroyo Grande	Atascadero	Grover Beach²	Morro Bay	Paso Robles	SLO City	SLO County	Pismo Beach
Title of Special Fund Account	In-Lieu Affordable Housing	In-Lieu Low/Moderate Housing Fund	<i>Unable to obtain information on City's Website</i>	Affordable In-Housing In-Lieu Fund	<i>Unable to obtain information on City's Website</i>	Affordable Housing Fund	Title 29 (Inclusionary Housing) Fund	<i>Unable to obtain information on City's Website</i>
Fund Designation	232	232		941			Title 29	
Funds Available	\$625,684 (projected 6/30/19)	\$4,610 (projected as of 6/30/19)		\$216,701 (projected 6/30/19)		\$1.75 million (as of 1/2018)	\$302,154 (as of 9/4/18)	\$3.5 million ³
SLO CO Title 29 Funded Projects (typically in partnership with Federal grants)	\$48,000 (2018) \$165,286 (2019)		\$100,000 (2019)		\$30,198 (2018)	\$56,319 (2018)	\$35,012 (2019)	
<u>Federal Grants:</u>								
• CDBG (Housing projects) ⁴			\$465,116			\$294,899	\$82,000	\$23,112
• HOME	\$165,286		\$100,000		\$250,000		\$340,000	

¹ Based on a review of websites of all eight jurisdictions. The information recorded derives from published data.

² Grover Beach is a “non-entitlement” jurisdiction. It is not a participant in the SLO CO managed Consolidated Plan, but is eligible to complete for other Federal housing funds on it own through the State directly. In July 2018, \$2.5 million in CDBG grants was awarded to Grover Beach, \$465,116 of which is for low income housing programs. The \$100,000 HOME grant is administered directly by SLO CO.

³ SLO “Tribune” of February 1, 2019: “City Manager Jim Lewis....Every time I meet with developers, I let them know I’m sitting on \$3.5 million in affordable housing funding....And nobody is taking me up on it.”

⁴ “Draft numbers as of 1/8/2019” as prepared by SLO CO and included in their “2019 Action Plan ‘Draft.’” On behalf of the County and six participating jurisdictions, SLO CO prepares a five-year Consolidated Plan as the basis and justification of follow on CDBG and HOME grants. As indicated, Grover Beach does not participate.

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AFFORDABLE HOUSING STANDARDS



Affordable Housing Standards

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center San Luis Obispo, California 93408 Telephone (805) 781-5600

This bulletin summarizes the county's affordable housing standards including maximum household incomes, home purchase prices and rents. It applies to new projects in both the Coastal and Inland portions of the County.

Income limits:

The state defines family income groups as follows: **"Extremely Low Income"** is defined by Health and Safety Code Section 50106 as 30% of county median income; **"Very Low Income"** is defined by Health and Safety Code Section 50105 as 50% of county median income; **"Lower Income"** is defined by Health and Safety Code Section 50079.5 as 80% of county median income; **"Moderate Income"** is defined by Health and Safety Code Section 50093 as 120% of county median income; **"Workforce"** is defined by Title 22 of the County Code as 160% of county median income. The following income limits are effective as of April 26, 2018.

Persons in Household	Extremely Low Income	Very Low Income	Low Income	Median Income	Moderate Income	Workforce
1	\$17,500	\$29,150	\$46,600	\$58,250	\$69,900	\$93,200
2	\$20,000	\$33,300	\$53,250	\$66,550	\$79,900	\$106,480
3	\$22,500	\$37,450	\$59,900	\$74,900	\$89,850	\$119,840
4	\$25,100	\$41,600	\$66,550	\$83,200	\$99,850	\$133,120
5	\$29,420	\$44,950	\$71,900	\$89,850	\$107,850	\$143,760
6	\$33,740	\$48,300	\$77,200	\$96,500	\$115,850	\$154,400
7	\$38,060	\$51,600	\$82,550	\$103,150	\$123,800	\$165,040
8	\$42,380	\$54,950	\$87,850	\$109,800	\$131,800	\$175,680

Sample maximum sales prices: (see footnotes)

Unit Size (Bedrooms)	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Workforce
Studio	\$44,000	\$89,000	\$133,000	\$263,000	\$367,000
1	\$53,000	\$100,000	\$155,000	\$304,000	\$423,000
2	\$63,000	\$120,000	\$178,000	\$345,000	\$479,000
3	\$73,000	\$136,000	\$200,000	\$386,000	\$535,000
4	\$80,000	\$149,000	\$218,000	\$419,000	\$579,000

- Note 1: Homeowner association due (HOA) assumption per month is 150.00
 Note 2: Mortgage financing assumed at a fixed rate for 30 years (per HSH Associates) is 4.14%
 Note 3: Prices shown are preliminary estimates and may be revised. Round to the nearest 1000th.
 Note 4: Actual sales price limits will be determined by the County on a case-by-case basis.

Updated: 5/1/2019

**“AFFORDABLE HOUSING” AN URGENT
PROBLEM FOR OUR COMMUNITY**

Maximum rents: (see footnotes)

Unit Size (Bedrooms)	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Workforce
Studio	\$437	\$728	\$874	\$1,602	\$2,184
1	\$499	\$832	\$998	\$1,830	\$2,496
2	\$562	\$936	\$1,124	\$2,060	\$2,809
3	\$624	\$1,040	\$1,248	\$2,288	\$3,120
4	\$674	\$1,123	\$1,348	\$2,471	\$3,369

Note 1: These rent limits include allowances for utilities as determined by the Housing Authority of the City of San Luis Obispo (805-543-4478).

Note 2: Rent limits are updated when the State issues its annual update to median incomes, generally in April of each year.

Updated: 5/1/2019

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INSPECTION REPORT FOR SAN LUIS OBISPO COUNTY LAW ENFORCEMENT AND DETENTION FACILITIES

In this report, the 2018 -2019 San Luis Obispo County Grand Jury documents the results of our inspections of the County's detention facilities and the Coroner's facility.

SUMMARY

The 2018 -2019 San Luis Obispo County Grand Jury inspected the Coroner's Facility, Crime Laboratory, Evidence Room, County Jail, Juvenile Hall, Psychiatric Health Facility (PHF), all city and county holding facilities, and the California Men's Colony State Prison (CMC). Grand Jury questions were addressed by supervisory staff. The jury learned many facilities were built decades ago and several have been renovated to improve safety and functionality. The County Jail is currently completing a remodel to buildings enabling staff to provide more rehabilitative and educational programs. The Medical and Psychiatric programs are also being expanded, with the County Jail outsourcing these programs to Wellpath, a national for-profit provider of jail healthcare. Wellpath will operate within the jail under the supervision of the jail's Chief Medical Officer. The Psychiatric Health Facility has made some physical improvements since last year's inspection and we suggest the PHF expand into other areas of the building it currently occupies. Overall, the Grand Jury was satisfied with the management of the facilities.

INTRODUCTION/PURPOSE

The State of California requires county grand juries to inspect all jails and prisons within their county on a yearly basis. This report combines the results of inspecting city, county and state facilities where individuals can be detained including the Psychiatric Health Facility. Additionally, the San Luis Obispo County Grand Jury inspected the San Luis Obispo County Sheriff's Crime Lab, Evidence Room and Coroner's facility.

AUTHORITY

The issuance of this report is authorized under investigative powers of the Grand Jury pursuant to California Penal Codes § 919, 921 and 925.

METHOD/PROCEDURE

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

- California Men’s Colony (CMC)
- County Jail, including:
 - Main Jail
 - West Jail Facility
 - Men’s Honor Farm
 - Women’s Jail (Kansas Facility)
 - Medical Programs Unit
- Juvenile Hall
- Holding cells⁸
 - San Luis Obispo
 - Pismo Beach
 - Paso Robles
 - Grover Beach
 - San Luis Obispo County Courthouse Holding Facility
- San Luis Obispo County Coroner’s Facility
- San Luis Obispo County Crime Lab Facility
- Psychiatric Health Facility

The data for this report came from inspecting each of the above facilities, interviewing various officials during and following those visits, as well as reviewing policies, procedures, and statistics from facility records.

⁸ Note: The cities of Arroyo Grande, Atascadero, and Morro Bay do not operate holding cells.

This report's Appendix contains the inspection guidelines that were utilized during the site inspections to gather the information. Representatives of the County Jail were provided written questions prior to the inspection. The Grand Jury interviewed individuals associated with custody, educational programming, and medical care at the County Jail and Juvenile Hall. The CMC, County Jail, and Juvenile Hall responded to additional written questions submitted after the physical inspections.

Additionally, the Grand Jury reviewed the following documents:

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

NARRATIVE

CALIFORNIA MEN'S COLONY STATE PRISON

The general organization of the California Men's Colony (CMC) and governing regulations has been well documented in prior reports. Little variance was seen from what has been previously reported by the grand jury. CMC has a large variety of offerings for inmates with regard to basic and vocational education and work opportunities. In addition, CMC offers cognitive behavioral treatment (CBT) including substance abuse, anger management while recognizing criminal thinking, and family relationships.

As described in prior grand jury reports, the CMC is divided into an East and West facility. Basic design and construction of the East facility was completed in 1961 with additional buildings added through the years. The addition of an electrified security fence around the perimeter has eliminated the need for 24-hour staffing of security towers. The East facility consists of four yards surrounding a central plaza. Superficial inspection of the facility suggests adequate maintenance, but the age of the facility is evident. Unlike the majority other California State Prisons, each yard shares activities

INSPECTION REPORT FOR SAN LUIS OBISPO COUNTY
LAW ENFORCEMENT AND DETENTION FACILITIES

in the central plaza, such as medical, educational, commissary, work, and chapel. Mixing of inmates from different yards does not occur in most other prisons.

Inmates are placed into security classifications by a point system that rates them as Levels 1– 4. Level 4 inmates are the highest security risks. Most high-level prisoners are housed in the Administrative Segregation Unit (ASU). Inmates who violate prison rules or who are trying to leave gangs might be housed in the ASU as well. Construction is being completed on a medical building adjacent to the ASU for treatment of segregated inmates. This will eliminate the need for transporting them to the Central Clinic.

The West facility is reported to be a level 1 - 2 prison, housing inmates requiring less security than the CMC East facility and includes many inmates who are approaching the end of their sentences. Its core buildings are repurposed from Camp San Luis Obispo, a World War II Army camp, but there are also newer buildings and ongoing construction. The West facility contains extensive vocational and behavioral rehabilitation classrooms. Some West facility inmates provide assistance to Cal Fire and there is an ongoing innovative program to train service dogs for veterans and first responders with PTSD or other special needs.

Inmates assigned to the CMC are pre-screened but on arrival can opt not to participate in “programming,” the general term for vocational and educational opportunities at CMC. An effort is made to reassign prisoners to other institutions who choose to opt out of programming.

Inmate participation in California Prison Industries Authority (CALPIA) work activities is voluntary. Those who volunteer to work in the CALPIA earn a small salary and some time off their sentences. Yet, the percentage of prisoners volunteering is reported to be declining with many unfilled positions in the factories. Recidivism in CALPIA participants is reported to be as much as ten times less than the general population. Those who participate in CALPIA activities are a self-selected and presumably a more motivated group. However, declining participation rates suggest that the traditional character of CMC inmates is also changing in ways that could have future implications for management of the facility. Comparable results with regard to recidivism were

reported for those participating and completing basic and vocational rehabilitation programs, educational programs, and cognitive behavioral treatment programs.

Many concerns were expressed by CMC staff about a series of state mandated cutbacks in the number of guards and supervisors. The cutbacks were described as an attempt to apply a uniform staffing level at all California prisons. Concern was expressed that these cutbacks do not take into account the unique physical characteristics of the East facility. As detailed above, the East facility inherently requires mixing of prisoners with known grievances and gang rivalries as the separate yards are not self-contained units. It was reported that at the West facility, where inmates with lower classifications or near the end of their sentences are housed, staffing ratios can go as low as one guard for 180 inmates. Staff answered that “Standardized Staffing” imposed by the State of California will result in fewer officers per inmate. The State does not mandate a specific officer to inmate ratio.

The demographics of the inmate population are changing as a consequence of AB 109, which shifted inmates from state prisons to county jails. With a larger percentage of higher risk inmates combined with the reported declining numbers of prisoners participating in activities, such as the prison industries, we are seeing this change. Prison gang membership is increasing along with decreasing voluntary participation in rehabilitation programs. Although the CMC staff stated they could not attribute any incidents that may have occurred due to this change in demographics, the lowered staffing ratios could lead to a “perfect storm” where a riot like that which occurred in September 2017 is more likely and will be more difficult to control.

SAN LUIS OBISPO COUNTY JAIL FACILITY

The San Luis Obispo County Jail has four main sections: the Main Jail, the West Jail, the Men’s Honor Farm, and the Kansas Jail (Women’s Jail). As noted in prior Grand Jury reports, the county jail facilities have had to undergo considerable expansion of the physical facilities and services offered since the passage of AB 109.

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LAW ENFORCEMENT AND DETENTION FACILITIES

The West Jail is a newer facility containing classrooms for programming and education. The Kansas Jail is the newest facility, also containing classrooms for programming and education.

These facilities appear to be well maintained and staffed.

At the time of this inspection a new medical facility was under construction at the jail. This facility will operate under an outside contractor, Wellpath, a national healthcare company that specializes in providing inmate medical, mental health and dental services. Wellpath will operate under the supervision and evaluation by county personnel.

The Honor Farm contains several buildings which are used for vocational training and classrooms that also support educational programming. The Honor Farm houses inmates who have demonstrated they are low-risk and have earned the additional freedoms and responsibilities that living in barrack-style housing entails.

Deaths at the county jail, discussed in prior Grand Jury reports, are currently the subject of federal investigations and therefore will not be commented upon in this report. Policy changes made in the wake of those events can be reviewed in Sheriff's reports and news articles.

The SLO County Sheriff's Office provided answers to questions submitted by the Grand Jury regarding the health and safety of jail inmates, which we have summarized below:

- The Stepping Up Initiative is a national program aimed at reducing the numbers and improving the treatment of mentally ill inmates in American jails. The Sheriff's Office collaborates with other County Departments on this nationwide initiative. The Sheriff's Office recognized the need for more space to provide treatment for inmates suffering from mental health issues. Specific areas within the jail were identified as facilities, which could be most quickly adapted to provide additional space for a program to be developed for these types of services.
- The Sheriff's Office continues to assess the current facility layout. For inmates with mental illness, a jail Capital Improvement Project proposal was submitted to the San Luis Obispo

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County Department of Public Works. In Phase II of the jail construction project the existing Women's Jail yard will be repurposed for use as an additional exercise yard. They have also adjusted the current schedules to provide more yard time by allowing access during previously unused nighttime hours.

- Senate Bill 10 was passed by the California state legislature intending to reduce the number of inmates who might be housed for long periods of time awaiting trial simply because they cannot afford to make bail. The Sheriff's Office has collaborated with the Probation Department, Public Defender's Office, District Attorney, and the Court on the implementation of a Pre-Trial Services Program that would allow low-level offenders to be released on their own recognizance while awaiting trial without going through a court procedure. Members of the Sheriff's office have visited counties with Pre-Trial Services in place. An assessment process will be developed to determine eligibility for this program.
- The Sheriff's Office is collaborating with Central Coast Veterans Helping Veterans to help ensure eligible veterans in custody receive all available services. This is an organization that serves the needs of veterans in Northern Santa Barbara, San Luis Obispo, and Southern Monterey Counties that have faced problems transitioning from military to civilian life.
- Safety Cells are used in the county jail to temporarily house mentally ill inmates considered a threat to themselves or others. As a result of recent deaths, the Sheriff's Department adopted a new policy in July 2017, limiting time spent in Safety Cells. Security checks are to be completed every 15 minutes. An Assessment Team consisting of the On-Duty Sergeant and a member of Jail Health Services evaluates the need for continued retention every four hours.
- Up to 15% of inmates being booked into the jail self-report using psychotropic medications. Inmates evaluated to be in a mental health crisis, (attempting to injure themselves or others), are immediately given emergency medication when appropriate. They are placed on a Welfare and Institution Code 5150 hold and transferred to the Psychiatric Health Facility (PHF). If an arresting officer requests a mental health evaluation

INSPECTION REPORT FOR SAN LUIS OBISPO COUNTY
LAW ENFORCEMENT AND DETENTION FACILITIES

on a person charged with a misdemeanor, the arresting officer is required to provide the arrestee with a medical clearance prior to booking. This helps facilitate transfer to the PHF if needed.

- When mentally ill jail inmates are transferred to the PHF, there is no system in place for having a guard present at the PHF. That is because any person working onsite at the PHF, including a sheriff's deputy, would have to meet several requirements including licensing and specific background checks, training in HIPAA⁹ confidentiality laws, and the California Medical Information Act. It would be prohibited for that guard to carry a weapon because of the potential for being used by a patient at the PHF.
- Since January 1, 2018, Jail health staff have screened each new booking for mental illness using the nationally recognized Brief Jail Mental Health Screen. The Sheriff's Office is finalizing plans for an in-house Jail Based Competency Treatment Program for persons found to be Incompetent to Stand Trial (IST) and requiring competency restoration to stand trial. The Jail Based Competency Treatment Program is a nationally recognized program being instituted in many California counties.
- Over the past two years the Sheriff's Department has instituted other mental health programs including 24 hours a day/seven days a week telephone Psychiatric coverage. They have expanded in-house mental health staff coverage with 24-hour coverage four days a week and with 16 hours per day coverage three days a week. They have increased staff training in writing Welfare and Institution Code 5150 holds for persons in danger of hurting self, others, or are gravely disabled secondary to mental illness. When necessary, inmates will be involuntarily medicated for mental health crises. A new Behavioral Health Unit is projected to be opened in May 2019, to increase programming and services for mentally ill inmates.

⁹ HIPAA (Health Insurance Portability and Accountability Act of 1996) is United States legislation that provides data privacy and security provisions for safeguarding medical information.

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- Correctional Deputies receive eight hours of Standard Training for Corrections approved Suicide Prevention/Mental Health training in the Core Academy, the latter a part of the training program for Deputy Sheriffs. In addition, the Sheriff’s Office facilitates a 40-hour Peace Officer’s Standards and Training/Standards and Training for Corrections approved Crises Intervention Training for all sworn custody and patrol personnel. The Sheriff’s Office Community Action Team Deputies have an office inside the jail. They work closely with Jail Staff, Jail Medical/Mental Health Services, and several private agencies in the community to aid with at-risk inmates.
- A Level of Service Inventory is performed for inmates to classify an offender’s risks of reoffending and what might be offered to try to avoid repeat offenses or recidivism. The Sheriff’s Office believes inmate participation in rehabilitation programs will likely result in less recidivism and is developing methods for tracking the outcomes for inmates who participate in these programs.
- The Sheriff’s Office offers many short-term programs throughout the jail. Examples cited were Grief and Loss, a six-session therapeutic course that takes place twice per week for three weeks, enabling inmates who have shorter-term sentences to participate and complete the entire course. The Pathways to Employment Workshop is conducted by Goodwill Central Coast. This workshop is scheduled as a two-day, back-to-back, three-hour workshop that can accommodate un-sentenced inmates because of the short duration. Educational programs in the fiscal year 2017-2018 resulted in 11 inmates receiving a high school diploma. Ten inmates passed the high-school equivalency test.
- In response to questions about violent activities within the jail, the Sheriff reported that in the past five years 33 correctional or non-sworn personnel have been assaulted. During that same period a total of 339 inmate assaults involving 790 inmates have occurred. The Sheriff’s Office reported no fatalities as a result of altercations.
- The implementation of AB 109 has resulted in longer periods of incarceration for inmates at the county jail and has also caused an increase in gang related issues. Gang rivalries have created a “more hostile jail environment” which the sheriff’s office described as a “steady

rise in sophisticated gang activity within the jail.” The sheriff noted the jail is now housing gang members with both county and out-of-county affiliation.

JUVENILE HALL

The San Luis Obispo County Juvenile Hall is a detention facility for males and females up to 18 years of age and in certain cases up to age 21. This is a 50-bed capacity facility. These juveniles are incarcerated for minor criminal acts or violations of probation.

Staffing at the facility consists of Juvenile Service Officers, teachers, medical staff, mental health therapists, and social services. Medical services are provided by doctors, nurses, and nurse practitioners provided by the Public Health Department. County Mental Health therapists provide services as needed. As there are no safety cells for suicidal youth, these juveniles are transferred to Ventura, Bakersfield or Santa Rosa for treatment. Youth currently at the facility who are designated as 5150 (a danger to self or others) remain at the facility until appropriate placement through Mental Health is available.

The facility has a Juvenile Justice Court with a presiding judge, stenographer, and court assistant. This Court deals with detention hearings and sentencing for incarcerated youth.

Attendance is required on a 246-day school year schedule with teachers provided by the San Luis Obispo County Office of Education. The Juvenile Court School is accredited by the Western Association of Schools and Colleges and a student can earn their high school diploma. All teachers at the Court School have both a general education credential and a special education credential. The school staff is like any public school with an administrator, a registrar, a data technician, and a school psychologist, as well as a program specialist, behavior specialist, and a Foster/Homeless counselor. This program has three classrooms and is coed. The curriculum offered can lead to a High School Diploma or a High School Equivalency Test. The behavior focus follows the Positive Behavioral Intervention Strategies (PBIS) program and youth are treated as students and not inmates. It is noteworthy that the school analyzes the incoming students’ transcripts so they can

be enrolled in the proper classes. Before the student's release, an updated transcript is sent to the student's former school to help with their transition.

The Coastal Valley Academy (CVA) is located within the facility in a separate wing that has its own recreation yard, dining area, classroom and living area. This program is for 14 to 17-year-old youth with moderate to high-risk needs requiring residential treatment and is an alternative to group homes. Coastal Valley Academy engages the family in the treatment with the goal of reunifying the family. The Family Care Network and the San Luis Obispo County Office of Education provide services. Youth are ordered to stay up to 12 months and receive intensive case management, PBIS, and educational services. Of note is that the program is set up with a family type setting and includes (earned) off-site activities, community service projects as well as home passes.

Staff at the facility are highly trained and meet weekly to review individual cases. Data collection is required for everything that occurs on a daily basis and is effective in dealing with ongoing problems.

During calendar year 2018, Juvenile Hall had a minimum of 12 and a maximum of 31 youth. There was a total of 15 occupants at the time of the Grand Jury's visit. As mentioned earlier, Juvenile Hall has a 50-bed capacity. Recent statistics show California juvenile crimes have dropped substantially, and San Luis Obispo County is no different, leaving this facility with extra space.

HOLDING CELL INSPECTIONS

Holding cells for the cities of Grover Beach, Pismo Beach, Paso Robles and San Luis Obispo, along with the County holding facility at the Courthouse were inspected by members of the 2018-2019 Grand Jury. These members met with the responsible officers and performed a physical inspection of the facilities for health and safety issues. Each of the city holding cells, as well as the County courthouse holding cells, were found to be in compliance. Prior to this year, there were no security cameras in the stairwells that access the County courthouse holding cells. Security cameras have now been installed.

City facilities do not handle a high volume of inmates. In fact, most city holding cells are not used at all, and if they are used it is only for a short time until the detainee can be transported to jail. It is important to note that Grover Beach, Pismo Beach, and Paso Robles do not put juveniles in holding cells but keep them with an officer in a room until a parent or guardian can pick them up or they are placed in custody. In the City of San Luis Obispo, when an officer cannot be present with a juvenile, the detainee is kept in an interrogation room with a two-way mirror and surveillance cameras.

SAN LUIS OBISPO COUNTY CORONER'S FACILITY

The Coroner's Facility is located across town from the Sheriff's Office. The Sheriff-Coroner oversees the department. A sergeant, who is also responsible for the crime lab at the Sheriff's Office, supervises the office. The facility provides service to all cities and unincorporated areas of San Luis Obispo County. In 2017, the San Luis Obispo County Board of Supervisors approved the hiring of the first full-time medical examiner, a physician with more than 30 years' experience in forensic pathology.

The Grand Jury conducted a site inspection of the facility, and found it to be very clean and well maintained. The Coroner's Office investigates the cause and manner of death, where a death occurred outside of a hospital or the presence of a physician. This includes homicides, suicides, accidental death, and deaths due to suspicious circumstances. There are 1,500 to 2,000 deaths in San Luis Obispo County per year. Approximately 600 - 800 deaths require detectives assigned to the Coroner to respond. The unit is comprised of three detectives who specialize in death investigations. The assigned detectives are committed to work in the Coroner's Office for five years, which promotes continuity. It is the responsibility of the coroner to determine the necessary level of inquiry into any death. The Medical Examiner currently averages six or seven autopsies per week. The refrigerated storage unit can hold 19 bodies and, in an emergency, can be doubled up to hold 38. Mortuaries in the county will hold bodies at their facilities until the Coroner's Office is ready to receive them. The assigned detective and at least one other person will assist in an autopsy, which averages two and a half hours depending on the complexity of the case. Homicide

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autopsies can take five to eight hours per case. All autopsy findings are documented. The detectives and a part-time assistant are responsible for clean-up between autopsies.

The evidence room stores samples in secured lockers which can only be opened by the detective assigned to the case. Written logs are maintained whenever the room is accessed. Toxicology samples are stored into evidence and testing is conducted at Central Valley Toxicology Lab in Clovis, California.

The facility, leased by the County, is approximately 2,500 square feet and may expand in the future. The office is well organized and makes efficient use of available resources. There are contingency plans in place to deal with a mass casualty event. In case of a power outage a generator will be transported from the Sheriff's Office.

Detectives assigned to the Coroner's Office have a high volume of cases. Performing cleaning duties takes away time they could be using on their investigations. The hiring of a full-time assistant will allow for more efficient use of the detectives' time.

SAN LUIS OBISPO COUNTY CRIME LABORATORY

The crime lab is operated by the San Luis Obispo County Sheriff's Department and is staffed by deputies and county personnel. This department does all the crime scene investigations for every law enforcement agency in the county if requested.

All DNA samples collected are transported by the Sheriff's Office to the Department of Justice located in Goleta. Training is provided by the lab's staff to all Sheriff's deputies in avoiding contamination when collecting evidence from an incident/crime scene. They do not provide the same level of training to other law enforcement agencies that work with the crime lab. Crime Lab staff indicated a willingness to provide this training to other agencies but have no mandate or funds to provide the training.

PSYCHIATRIC HEALTH FACILITY

The Psychiatric Health Facility (PHF) is a hospital facility licensed by the State Department of Health Care Services (DHCS) to treat 16 patients at any one time from 72 hours to 14 days. The PHF serves:

- Individuals who, per Welfare & Institutions code 5150 (W&I), may be involuntarily detained due to indications they are, as a result of a mental disorder, a danger to self, danger to others, or may be gravely disabled.
- Misdemeanants in custody of the County jail, determined by the court to be incompetent to stand trial (per Penal Code 1370). Inmates are treated at the PHF to restore them to competency, in order for them to participate in their legal proceedings.
- Conserved individuals (gravely disabled and permanently housed elsewhere) in need of stabilization.

The PHF is located within the former San Luis Obispo County General Hospital complex.

The building was in the process of some moderate remodeling during our inspection. The interior was being repainted in a modern hue and lighting upgrades were being added to provide a more calming atmosphere. A new main entrance to the PHF was nearing completion with the addition of a locking double door, which should make the PHF more secure. Supplies were stored in rooms formerly used by juveniles whom this facility no longer accepts.

Although County Health has made improvements to the existing facility, it remains a small cramped space for the number of staff working and patients being treated at the site. Currently inmates from the County Jail with acute psychiatric problems are transferred to the PHF and mix with other patients without any guards in attendance from the Sheriff's office.

CONCLUSIONS

San Luis Obispo County is working to have quality facilities for staff and detainees within our county. However, these efforts are constrained by the age of some facilities, as well as finances.

FINDINGS

California Men's Colony

F1. CMC offers extensive rehabilitation opportunities for inmates.

San Luis Obispo County Jail

F2. The SLO County Jail has undergone and continues to undergo expansion to the physical facilities since the passage of AB 109.

F3. The SLO County Jail has instituted new educational programs since the passage of AB 109.

F4. General and Mental Health facilities and programs have undergone expansion over the last several years.

F5. Medical, mental, and dental services have been outsourced to Wellpath, an independent contractor.

F6. Procedures for dealing with acute mentally ill inmates have been revised since in-custody deaths.

F7. Gang activity is increasing in the county jail.

Juvenile Hall

F8. The excess space in Juvenile Hall is not utilized to its full potential.

San Luis Obispo County Coroner's facility

F9. Detectives assigned to the Coroner's Office have high caseloads.

F10. Detectives are performing clean-up duties after autopsies as well as working their caseloads.

F11. The Coroner's Office does not have a facility expansion plan.

San Luis Obispo County Crime Lab facility

F12. City law enforcement agencies do not receive the same training as Sheriff's deputies in handling DNA evidence.

Psychiatric Health Facility

F13. The PHF has made minor upgrades to its small, antiquated facility.

F14. According to the Sheriff's office, placing a deputy at the PHF is not an option because of existing county policies and procedures.

RECOMMENDATIONS

County Jail

R1. Monitor and report clinical outcomes from medical treatment provided by Wellpath.

R2. Implement a best practices study of ways to manage increasing gang activity.

San Luis Obispo County Coroner's facility

R3. Hire a full-time assistant to perform autopsy clean-up and other duties to make daily operations more efficient.

R4. Provide a Coroner's Facility expansion plan by the end of the fiscal year 2019-2020. This will include sources of funding and focus on future needs of the department.

R5. The empty airport terminal buildings be considered for additional space since there are no current plans for redevelopment.

Crime Lab

R6. Crime Lab should provide the same training to city law enforcement agencies for handling DNA evidence as they do for Sheriff Deputies.

Psychiatric Health Facility

R7. Continue physical improvements to the existing PHF.

R8. Consider expansion into other areas of the building.

REQUIRED RESPONSES

The San Luis Obispo County Sheriff is required to respond to: F2, F3, F4, F5, F6, F7, F9, F10, F11, F12, F14, R1, R2, R3, R4, R5, and R6.

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LAW ENFORCEMENT AND DETENTION FACILITIES

The San Luis Obispo County Chief Probation Officer is required to respond to: F8.

The San Luis Obispo County Health Department Director is required to respond to: F13, F14, R7, and R8.

The San Luis Obispo County Sheriff's Chief Medical Officer is required to respond to: R1 and R3.

Police chiefs from city law enforcement agencies (San Luis Obispo, Pismo Beach, Paso Robles, Grover Beach, Arroyo Grande, Atascadero, and Morro Bay) will respond to R6.

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court within 60 days of receipt of this report. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

The San Luis Obispo County Board of Supervisors is required to respond to: R3, R4, R5, R6, R7, and R8.

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by August 20, 2019. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

933.05. Findings and Recommendations

(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 disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 9ss, 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 implanted in the future, with a timeframe for implantation.

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

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

Presiding Judge	Grand Jury
Presiding Judge Ginger Garrett Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910

APPENDICES

INSPECTION GUIDELINES

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

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

INSPECTION REPORT FOR SAN LUIS OBISPO COUNTY
LAW ENFORCEMENT AND DETENTION FACILITIES

- 8) Drugs
 - a) Drug overdoses
 - b) Drug deaths by overdose
- 9) Deaths
 - a) Other deaths
- 10) Training (title, hours, and instructor credentials for each type)
 - a) Managing inmate violence
 - b) Handling mental health behaviors
 - c) Responding to drug/alcohol related problems