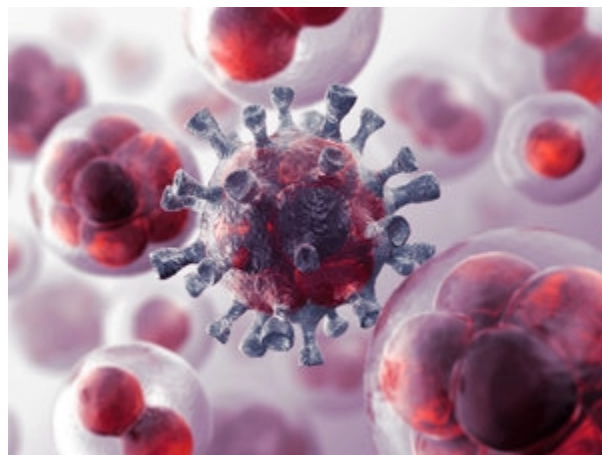


Santa Cruz County Civil Grand Jury 2020–2021 Consolidated Final Report

Virtual Reality...



In The Year of the Pandemic



COVID-19

The 2020-2021 Santa Cruz County Civil Grand Jury is publishing its reports during the evolving and unprecedented conditions of the COVID-19 pandemic. Although the county is emerging from the crisis, and government attention remains focused on critical public health concerns, operational difficulties and financial challenges continue throughout the county.

Our start was delayed for three months due to the uncertainties of the pandemic in the summer of 2020. We met virtually by video conference: conducting Grand Jury business, meeting with our Superior Court and County Counsel support, and interviewing witnesses. Nevertheless, we completed and now publish our reports which we hope will garner the proper attention to ultimately improve the effective and efficient operation of government.

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County of Santa Cruz

Civil Grand Jury
701 Ocean Street, Room 318-I
Santa Cruz, Ca 95060
(831) 454-2099

June 30, 2021

HON. Syda Cogliati, Assistant Presiding Judge
Superior Court of California, County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Dear Judge Cogliati,

On behalf of the 2020-2021 Civil Grand Jury of Santa Cruz County, I present our Consolidated Final Report to our residents. This report covers a wide ranging set of topics. As always, our objectives have been to best inform the public and to improve the operational effectiveness and efficiency of our local government. In doing so, we enable the public to hold government officials accountable to their constituents.

This has been a particularly challenging and unique year for the grand jury. As has been the case for all of our community, we needed to learn how to adapt and continue to function in this trying time of the COVID-19 pandemic. Our session was three months delayed from its usual start in order to ensure that we would have the full complement of jurors. This presented the challenge of coming together and working through our "forming - storming - norming - performing" progression in an accelerated time frame. Observing the COVID-19 protocols meant that we needed to forego the usual face-to-face meetings which enable collegiality and collaboration. Instead, we conducted all of our business by video conferencing, whether among our team or when engaging the public officials in our interviews.

Nevertheless, we have published eight reports which we believe are of value to the community. As you might expect, we gave attention and focus to the most pressing issues: the pandemic itself, in how the county responded with resources for protecting the health and safety, education, and network capabilities so needed in these trying times; the extreme impact and risk of the CZU Lightning Complex Fire and its consequences; and the issues of safe operations of our corrections facilities and pesticide management and control. Finally, we did our due diligence to follow up on past reports to assure the public that our government officials followed up on their commitments.

We are not experts. Rather, as the wisdom of the grand jury system affords, we are ordinary citizen volunteers who ask the questions any of our residents would ask their government to understand how they serve the community. This does not go unaided, however. We were blessed to have an outstanding County Counsel, Tamyra Rice, to

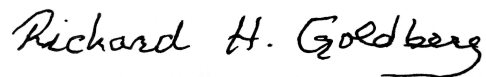
guide us on the legal and ethical pathways to get answers to our questions and formulate our reports to tell our stories. We benefited from the experience and training of the California Grand Jury Association. And we thank you, Your Honor, for giving us guidance and support.

Our work would not be possible without the steadfast support and experience of our volunteer clerks, John Rible, David Heintz, and Chris Hofmann. They continue to work tirelessly to give us a foundation of information systems and processes with which to operate. Their innovation was key to our productivity and success. They have been fantastic throughout the year.

Our grand jury, coming together as strangers and leaving as colleagues and friends, must be commended for their efforts. This has not been an easy experience. We have lived up to the challenge and persevered. As we stood on the shoulders of past grand juries and added another chapter to the ever-growing chronicle of analysis and advocacy for improvement of our government, we leave with a satisfaction of a job well done.

I thank everyone for their support in navigating an interesting year as their foreperson. We hope that these reports inspire our government to consider how it can demonstrate accountability, and inspire all of us to continue to invest time and energy to honor the obligations of citizenship.

Sincerely,

A handwritten signature in black ink that reads "Richard H. Goldberg". The signature is written in a cursive style with a prominent underline under the word "Goldberg".

Rich Goldberg
Foreperson, 2020-2021 Santa Cruz County Civil Grand Jury

2020-2021 Santa Cruz County Civil Grand Jury & Clerks



Grand Jurors:
Top Row Jeff Bernhardt, Janis Bolt, Sylvia Caras, Everett Downs
2d Row Debbie Friedman, Rich Goldberg, Jim King, Suzanne Mann
3d Row Maureen Moncrieff, Tara Neier, Liz Picco, Laurie Radovan
4th Row Hallie Richmond, Arthur Rolston, Dinah Sapia, Miles Standish
5th Row Elaine Sugasawara, Dena Taylor

Clerks, from left:

David Heintz,
 Chris Hofmann,
 John Rible





Chasing the Pandemic

Role of Testing and Contact Tracing

Summary

Public health officials work to keep healthy people healthy, keep them from being exposed to infectious people and work to get sick people proper treatment. How to tell which people are healthy and which are not is where testing and contact tracing comes into play.

This Report is the Santa Cruz County Grand Jury's assessment of the effectiveness of the County's COVID-19 testing and contact tracing efforts. We found that the Public Health officials in the county government are experienced professionals who met high expectations and did, indeed, mitigate the consequences of the COVID-19 pandemic by promoting testing and tracing in Santa Cruz County. The county instituted a pandemic crisis management initiative called "Save Lives Santa Cruz County" much like a crisis center established during a wildfire.

The Grand Jury recommends that the Santa Cruz County Health Services Agency publicize their efforts to keep the residents healthy during a pandemic.

Background

We have been thick in the middle of a worldwide virus-driven infectious and deadly disease (COVID-19) during 2020-2021 – a pandemic.^[1] There is an unrelenting tension between efforts to isolate people from one another to avoid virus spread and to allow people to perform those interactive activities that make us a functioning society.

There are basically four things that can be done to slow or stop an epidemic:

1. Isolate infected people.
2. Urge everyone to follow procedures like wearing masks and social distancing to slow or stop the silent movement of viruses from one person to another.
3. Conduct extensive testing and contact tracing in order to identify those at risk.
4. Develop and deliver vaccines.

Importance of Testing and Contact Tracing

It is undeniable that testing and contact tracing saves lives but is nearly impossible to quantify. Lives are saved by reducing the spread when public health officials call for more testing. Testing and tracing can stop an epidemic dead in its tracks in cases when contact tracing moves faster than the infection can spread. In those cases it is clear that lives were saved. Unfortunately, this is not the situation for COVID-19.^{[2] [3] [4]}

Our investigation focused on testing and contact tracing in large part because we found it complex, critically important and not well publicized.

Testing and Contact Tracing

Who is in charge of testing and contact tracing in Santa Cruz County? Well, nobody and everybody! Our Local Health Jurisdiction is operated by the Public Health Division (PHD), a division of the Santa Cruz County Health Services Agency (HSA).^[5] It is a part of the nationwide public health infrastructure, responsible for implementing mandates from federal, state and local sources.^{[6] [7]} A Local Health Officer of the County is legally empowered to issue binding health orders.^[7]

Who is doing testing is quite different from who is doing contact tracing.

Testing

Let's talk first about testing; that is, testing to see if a person actually has the COVID-19 infectious disease. The PHD seldom does any testing itself. So who does? Well that's where the "everybody" comes in and it includes:

- Dominican Hospital and Watsonville Community Hospital (we have those 2),
- healthcare clinics (we have 7 federally qualified healthcare centers),
- healthcare companies like Sutter/PAMF, Dignity, and Kaiser (we have those 3),
- skilled nursing facilities (of which we have 7),
- residential healthcare facilities (of which we have over 30),

- detention facilities (of which we have 6),
- schools (more than 27 private and 57 public),
- drug stores and grocery stores (3 chain drug stores, 5 groceries chains with pharmacies),
- other healthcare facilities like doctors' offices (a large number),
- special testing sites established by the state and organized more locally (we have 2),
- and even individuals in their own homes.

This is the “everybody.” Is this diversity/complexity good or not? We attempt to shed light on this question in the Investigation section below.

The Two Parts to Testing

All of these places do not produce test results directly on site. They collect specimens from the patients and most send the obtained specimens to licensed clinic laboratories that must have a Clinical Laboratory Improvement Amendments (CLIA) certification.^[8] Some offer testing with on-site results. There are rules and laws requiring that every test be logged into a state Internet based website/database.^[9] This is, in part, to enable contact tracing. Becoming a CLIA certified site includes being able to register all test results with the state. Some companies who sell on-site tests also offer tools for registering results with the state.

Contact Tracing

Contact tracing is a labor intensive activity: gathering information from an infected person and attempting to contact each person they might have infected. Unlike testing, this is inherently a centralized activity orchestrated by our PHD and includes HSA personnel as well as volunteers.^[10] Tracers access the state database and follow all reported positive cases.

Other Government Health Agencies

There are four other government health agencies that influence our local healthcare infrastructure: the Center for Disease Control and Prevention (CDC),^[11] the Food and Drug Administration (FDA),^[12] The Federal Emergency Management Agency (FEMA)^[13] and the California Department of Public Health (CDPH).^[14] More about these agencies is discussed in context of the Investigation section below.

There is much more to tell about testing and contact tracing in Santa Cruz County, the healthcare infrastructure including the requirement for a local fast-turnaround laboratory, and how well the public has been informed about COVID-19 related activities. As investigators, we found we were rather uninformed before we started. A well written article from the Missouri Department of Health and Senior Services lays out the scope of local public health organizations.^[15]

Scope and Methodology

The Grand Jury conducted many interviews. We sought to understand what testing is done in the county, where it is done and how citizens get tested. We also dug into what testing is all about and how the federal efforts, in the early days of the pandemic, thwarted local efforts and set the direction for testing and contact tracing for the rest of the pandemic.^{[16][17]}

The investigation reviewed a few documents from people interviewed. The investigation also looked at a large number of reports, data and media articles found on the Internet. This opened and deepened our understanding and our view of the United States public health infrastructure and history, and how it impacts our local public health programs.

Investigation

Terminology Check

In the discussion that follows and in order to be precise, we offer the following:

- Viruses are officially named by the International Committee on Taxonomy of Viruses and on February 11, 2020 they named the one that has caused the 2020-2021 pandemic “SARS-CoV-2” (severe acute respiratory syndrome coronavirus 2).^[18]
- Diseases are officially named by the World Health Organization (WHO) in the International Classification of Diseases and they named the disease caused by the SARS-CoV-2 virus “COVID-19” also on February 11, 2020.^[18]

CDC and Laboratory Tests to Detect SARS-CoV-2

The United States Food and Drug Administration (FDA)^[12] must give approval to the manufacturers of most medical equipment, medicines and procedures before they can be deployed. In addition, laboratories that process specimens taken from patients must also obtain a Clinical Laboratory Improvement Amendments (CLIA) license from the Centers for Medicare & Medicaid Services.^{[8][19]}

Before the start of 2020 there were no mass tests devised to detect if a person was infected with the SARS-CoV-2 virus. On January 13, 2020 the WHO published a recipe from a WHO partner laboratory for how to configure such a test, a reverse transcription polymerase chain reaction (RT-PCR) test.^[20] Concurrently the U.S. CDC began to develop its own recipe for a RT-PCR test for distribution to laboratories in the U.S. This CDC effort has been the standard practice in the past for other infectious diseases. It is a testament to the US researchers’ scientific knowledge and skill that the tests were developed quickly.

The CDC obtained an Emergency Use Authorization (EUA) from the FDA for its testing process on February 4, 2020 and soon thereafter began shipping the necessary reagents and instructions to U.S. laboratories – “testing kits.”^[21] Soon, after 120 laboratories began to use the CDC materials, the tests were found to produce too many

false positives (detected the disease falsely). Use of the tests was halted and caused the country to miss approximately 47 days of testing at the very early stages of the pandemic when testing is most critical.^[22] The CDC plan was for the tests to be more sensitive than the WHO test, and also include checks for influenza. Making a more complicated test was a contributor to the delay.^[16] There was also a report of contamination in one of their laboratories.^{[23][17]} Weeks were spent within the CDC research laboratories to find a fix for the test and by February 26, 2020 the CDC again began shipping its kits.^[16]

The main point for explaining this is that clinical laboratories in the U.S. were expecting to use the methods and supplies that would be provided by the CDC as they had done many times in the past; this time to test for SARS-CoV-2.

The CDC delay contributed to the FDA decision to relax its rules allowing private companies to develop and market tests based upon self assessment.^[24] Under self assessment, the quality of the tests mirrors the quality and honesty of the company producing them and the quality of the tests available using an EUA varies from *nearly useless* to comparable to the final version of the CDC tests. If the FDA had certified tests as being effective rather than by self assessment, it could have been a boon.

This FDA offer of EUAs opened the floodgates for hundreds of companies to offer tests of undetermined value making a complex situation even more confusing. By April 23, 2021, 358 tests and sample collection devices had been authorized by the FDA under EUAs. See [Appendix A](#).

Testing to Prevent Breakouts (Diagnostic Testing)

Healthcare Facilities

Hospitals, doctors' offices, urgent care centers and any other place where sick people go for care, have to protect themselves from a contagious disease breakout. A breakout in one of these places not only impacts the people who get the disease but it will likely shut down the facility for weeks. They need to know if a new arrival has, say, COVID-19, within minutes not days. So shipping test specimens off to laboratories just doesn't work. Those laboratories were so busy that their delays sometimes reached a week or more. Below we discuss how scientists at the University of California at Santa Cruz (UCSC) Molecular Diagnostic Laboratory did the extraordinary thing of establishing a local authorized fast-turnaround commercial facility.^[25]

Congregate Living Facilities

Of concern for breakouts equal to that of healthcare facilities are congregate living establishments, like skilled nursing facilities, residential healthcare facilities and detention facilities. One infected person in these close living quarters can infect the whole place in a matter of a day or two. If all the residents are COVID-19 free and do not leave the facility, then the real risk is the staff and caregivers who come and go from their own homes. County programs were put in place to test the non-resident workers of these facilities regularly.^[26]

Our Local Response

During the spring of 2020 the pandemic was still very modest in the United States compared to the end of 2020. At a peak in April, over 34,000 cases a day were reported in the US. At the end of July 2020 there was another peak at 70,000 new cases every day and by the first week in January 2021 a peak of nearly 260,000 new cases a day were logged.^[27] California and Santa Cruz County both followed these national patterns.

In spring 2020, our local public health officials, as well as other groups such as the Community Foundation of Santa Cruz County,^[28] Community Health Centers^[29] and researchers and administrators at UCSC,^[25] were concerned that the county would not be prepared if the pandemic developed more rapidly and more intensely. As early as April 10, 2020 the Director of the HSA drafted a call to action to prepare for the more serious phases of the pandemic to come. See [Appendix B](#).

The Lab

Prominent among needs facing the county was for a local fast-turnaround PCR^[30] testing laboratory. UCSC is famous for its DNA research^[31] and its talented scientists^[25] were anxious to work toward developing a COVID-19 test. They felt that they could build a local testing laboratory to return results within 24 to 48 hours when the typical commercial laboratories were taking 4 days or more. Commercial laboratories were suffering from a lack of available resources to conduct the diagnostics concurrent with a demand surge. COVID-19 test results are not useful when they take more than a couple of days.

The UCSC scientists also felt they could develop a testing procedure that would not require chemicals in short supply at most of the nation's testing laboratories.^[32] A UCSC chancellor and dean supported this idea to be able to get fast turn around for specimens from the UCSC Student Health Department as well as helping the underserved in the county. The Community Foundation of Santa Cruz County and the Public Health Division of the Santa Cruz County Health Services Agency supported the laboratory to overcome emergency certification hurdles and by paying for the individual tests.

The UCSC effort culminated on May 1, 2020 when they opened for business processing specimens from the Student Health Center, the two Community Health Centers and Salud Para La Gente.^[33] By July 9, 2020 the PHD had arranged for \$620,906 of CARES Act funds to buy equipment for the laboratory.^[34] The laboratory gradually ramped up its capacity. By August 2020 they planned to be able to process 600-800 specimens per day after using additional PHD CARES Act funds of \$805,049 to purchase more equipment.^{[32] [35]}

The University paid for testing at the Student Health Center. The Community Foundation paid for tests for the Santa Cruz establishments and was reimbursed 80% by the Federal Emergency Management Agency until late fall when the PHD took over making those payments out of the CARES Act funding. With expanded capacity in late

2020, the PHD advanced \$200,000 for testing at detention centers, the East Cliff Family Health Center, all the skilled nursing facilities, and the Homeless People's Health Project.^{[36] [26]}

Creation of the UCSC COVID-19 Laboratory received recognition. Less well known is the amount of financial support arranged by the Health Services Agency and the Community Foundation.

PHD Early Response

In June 2020, the PHD notified their health system and their laboratory partners that they would request funds available from the CARES Act for those partners to buy enhanced testing equipment and supplies.^{[37] [26]}

- Watsonville Community Hospital purchased a Biofire Film Array Torch System and additional testing modules.^[38]
- The HSA Emeline Clinic Laboratory purchased BD Max and Biofire systems.^{[39] [38]}
- As noted above, the UCSC Laboratory bought equipment to establish and expand their testing system.
- Dominican Hospital was able to cover the costs of their own testing equipment.

Testing without a Laboratory

In many cases, laboratory turnaround of one or two days is too long. The pressure for quick testing spurred the development of antigen tests^[30] that could be evaluated on the spot, much like a pregnancy test. Examples of these tests are the Abbott BinaxNow^{[40] [41]} and the Becton Dickenson Veritor.^[42] During October 2020 and November 2020 the PHD purchased 1,000 of these and made them available to detention facilities, to two Federally Qualified Health Centers – Salud Para La Gente and the East Cliff Family Health Center – to all the skilled nursing facilities in the county and to the Homeless People's Health Project.^{[26] [43]}

Later in 2020 the PHD made an additional 1,500 antigen test kits available.^[26] By April 2021, the PHD had delivered over 23,000 kits.^[44] These give test results within 15 minutes and do not require any equipment except the material supplied in a “kit.”^[40] The tests are not as good as the laboratory processed PCR tests but if a person is found positive with a BinaxNOW or Becton Dickenson test they can be re-tested with a PCR test for a more definitive answer.^[45] These “quick” tests augmented the laboratory PCR testing provided at UCSC.

Further, the PHD created websites (also called “kits” but with a different meaning) for skilled nursing and residential healthcare facilities to help them maneuver the complex state and other government requirements instituted to prevent breakouts in such homes.^{[46] [47]}

Limits to Testing Due to Limited Supplies

For the better part of 2020 the CDC recommended diagnostic testing only for those people who:

1. currently have symptoms of COVID-19, or
2. have been in close contact with someone who has tested positive, or
3. were recommended to have a test by a doctor or other health professional.^[48]

During that period the majority of testing in the county was to prevent breakouts.^[49]

Only one site in the county, the Ramsey Park State testing site in Watsonville, circumvented these recommendations. They provided a COVID-19 test for an individual without meeting the restrictive CDC criteria or without being an established patient/member of a healthcare organization. A second state sponsored site was established at the Santa Cruz Civic Center in late December 2020. These state testing sites have enabled more surveillance testing for vulnerable groups.^[50] In 2021 the limits to testing became more relaxed but many sites still required a doctor's referral.^[51]

Asymptomatic Infection

From the early days of the COVID-19 disease in January 2020, there was concern that a person could be infected and infect others without showing symptoms (asymptomatic). Typically a person is infectious a couple of days before showing symptoms but it became clear that some people became infected, had a course of the disease, and never knew it. As many as 40% of those that have been infected were asymptomatic.^[52]^[53] So, for example, if 10 cases of infection were detected in your community on one day, there could be another 3-4 cases that went undetected. These undetected people make controlling the spread of the virus nearly impossible if people congregate in groups.

Why Test Apparently Healthy People?

There are several reasons why the restrictions on who could get tested have been detrimental to fighting the virus. The only way to find asymptomatic, yet infected, people is to test people that appear healthy. For example, the regular "surveillance" testing in aggregate living facilities has been one path to finding asymptomatic people.^[54]

Routine testing of essential workers, especially those that work in close contact with others, finds asymptomatic infected cases if done often enough.^[55] The Santa Cruz County Jail has had no breakouts of COVID-19 among inmates because of testing staff and inmates alike, and doing contact tracing.^[56] Other local agencies, especially those concerned with underserved communities, urged everyone to go to one of the state sites for testing (Ramsey Park and Santa Cruz Civic Center).^[57]

Contact Tracing

Testing and contact tracing are decades old established public health practices for combating contagious disease breakouts by isolating and treating infected people.^[26]

Contact tracing is a labor intensive activity. Interviewing an infected person to gather contact information and attempting to contact each person they could likely have infected requires skill, patience and time. Testing and tracing is a required element of the CDC's ten essential services needed to promote and protect public health and to which the HSA Public Health Division subscribes.^[58] The numbers of people tested proportional to the population has also been one of the criteria used by the State of California to determine the "color-coded tier" controlling the openness allowed in each county.^[59]

When done early in a breakout, testing and contact tracing can slow or stop the breakout, saving lives and suffering. A breakout can grow to a level where tracing becomes futile. However, as a breakout comes under control, testing and tracing can, again, be an effective means to eliminate the disease entirely.^{[60] [61]} Testing is also the primary means to gather statistics for guiding future actions.

Testing and contact tracing are also effective in closed-group situations such as healthcare sites, skilled nursing facilities, assisted living facilities, jails, schools, etc. Success in avoiding a breakout in the County Jail is exemplary.^[56] Regular and frequent testing can assure small groups that they are free of risk to their members and others: groups such as essential workers which must occupy a common indoor space, grocery store employees, farm workers, farmer's market workers, construction crews, etc. See [Appendix A](#).

Reviewing the Actions taken by Santa Cruz County Public Health Division

As was noted in the earlier Background section, the Santa Cruz County Public Health Division (PHD)^{[62] [63]} seldom does any testing itself. It is, however, responsible for the general health and well-being of the residents of the county. Assuring the health of the public is incredibly far reaching, involving medical care, education, contagious diseases, water, waste, power, housing, mental health, and more, all in the broadest sense. For example, housing can include homelessness, home sanitation, heat, water, power and overcrowding which impacts residents' health. Normally the PHD has established liaison and cooperation arrangements with many, if not most, of the other agencies within the county government – a huge effort.^[64]

PHD Reacted Early

Responsible for the local public health in Santa Cruz County,^[6] the PHD keeps an eye on possible epidemics and pandemics that could reach our county. As early as December 2019, even before any cases of COVID-19 were diagnosed in the United States, the PHD was following the COVID-19 breakout in China. Our public health department is local but far from parochial.

Early activities included:

- January 5, 2020: The County Health Officer issued an order suspending elective surgeries and elective procedures due to the COVID-19 pandemic to make sure that our healthcare facilities and healthcare workers would be available and prepared for COVID-19 patients.^[65]
- February 28, 2020: The HSA: Department of Operations Crisis Center was activated.^[66]
- March 9, 2020: The Board of Supervisors declared a County Health Emergency which enables the county to be reimbursed for emergency health activities from the state and federal governments.^[26]
- March 16, 2020: The County Health Officer issued a Shelter in Place Order.^[67]
- April 28, 2020: The PHD announced the Save Lives Santa Cruz County campaign.^[66]
- May 1, 2020: The UCSC Molecular Diagnostic Laboratory (later renamed the Colligan Clinical Diagnostic Laboratory) was issued a CLIA license to operate a COVID-19 testing laboratory with support from the Public Health Division and the Community Foundation.^[25]

By March 17, 2020, the county had only 14 diagnosed cases of COVID-19 and no deaths from the disease. The actions listed above were, indeed, very early as:

- On January 21, 2020 the Center for Disease Control and Prevention declared the first COVID-19 case in the United States.^[68]
- On March 6, 2020 the first case of COVID-19 in Santa Cruz County was registered.^[69]
- On March 11, 2020 the World Health Organization declared COVID-19 a pandemic.^[1]
- On March 19, 2020 the Governor of California issued an Executive Order to shelter in place. (Before that, on March 16, 2020 the County Health Officer had already issued a Shelter in Place Order.^[67])

Save Lives Santa Cruz

On April 28, 2020, the Director of the HSA announced an initiative called “Save Lives Santa Cruz County.” It was a multi-agency team drawn from a number of agencies, hospitals, etc. who were charged with designing and implementing plans for a county-wide program to fight the pandemic. This program was modelled after those used to manage natural disasters like wildfires.^{[26] [66] [70] [71] [67]} The team reported to the Incident Commander of the Public Health Division Operations Center (DOC). The team consisted of over 160 people who spent at least part time working on DOC initiatives.

The nine planning objectives for the Save Lives program are:^[66]

- Minimize death and illness from COVID-19;
- Mitigate spread of COVID-19;
- Use an equity lens in all decision making;

- Build community capacity for long-term COVID-19 resiliency;
- Ensure health, safety, and welfare of responders and their families;
- Provide a coordinated response with cooperating, allied, and assisting agencies;
- Provide consistent and accurate guidance to healthcare providers;
- Provide consistent and accurate information to the public; and
- Maintain fiscal responsibility for COVID-19.

The Save Lives program developed operational periods, usually one week long, for which they produced objectives for the upcoming period. Reports from early November 2020 and from April 2021 are available. These period reports contain a “Significant Events” list which includes an impressive summary of the Save Lives Santa Cruz County activities with links to important documents, starting with December 31, 2019. For example, one entry is a reference to a press release from October 29, 2020 noting that the HSA had disbursed \$619,900 of CARES Act funds to organizations supporting the underserved in the county.^{[72][73]}

At least 30 period objectives including some specific to testing and tracing are in those plans and reflect how professional and effective this team has been:

- *provide targeted COVID-19 testing to special needs cases to mitigate COVID-19 spread and to provide consultation and training services for specific settings (assigned to Rapid Response Team).*
- *ensure increased testing capacity, testing volume, and ease of access to address health equity issues by partnering with local organizations/agencies (assigned to Private Testing Partnerships Teams (UCSC and Salud Para La Gente).*
- *provide clinical expertise regarding testing modalities and supply chain issues (assigned to the HSA Clinical Laboratory).*^{[74][66]}

PHD and Contact Tracing

On March 26, 2020, the County Health Officer issued an order that requires the results of all COVID-19 tests to be submitted to state public health officials using the California Reportable Disease Information Exchange (CalREDIE) system.^[9] The cases are then transmitted to the state website CalCONNECT for investigation and tracing.^[26] The Health Officer’s Order includes this sentence: “By sharing high quality test result data at scale, state and local health authorities can better track COVID-19, predict its spread, and better focus public resources to end this global pandemic.”^[9]

The reports submitted to CalCONNECT include the identification and contact information for the persons tested. PHD case managers have been accessing the CalCONNECT system daily to start management for positive cases found in the county. They assign trained contact tracers to each positive case within 24 hours of when the test was entered into CalCONNECT.

By now we are all familiar with the “exponential” growth phenomena where one person infects two who each infect two, who each infect two and the total numbers infected reaches very high levels in a relatively small number of cycles. The number two is not

special and even greater numbers expand the growth dramatically. This is how epidemics and pandemics happen. Stopping an infected person from infecting others is the key way to break this growth.

Each person who performs contact tracing needs to go through a 20-hour state online training class that typically takes a full week to complete. Additionally, contact tracers are taught to use the online platform CalCONNECT to input their data.^[26]

It was reported that in the summer of 2020 the county had 40 tracers available, growing to 80 in December 2020. On average, one case consumes eight hours of a contact tracer's time.^[26] The number of cases of COVID-19 reported in the county is shown in the graph provided in [Appendix C](#). A sketch of the number of cases assigned to contact tracers is shown in Table 1.

Table 1. Number of Cases Assigned to Contact Tracers^[27]

In 2020, From	In 2020, To	Average Daily Cases	Remarks	Cumulative total at end of period
March 6	March 6	1	single day	1
March 17	March 17	13	single day	14
March 23	June 23	4	period peak day: 12	295
June 23	August 31	21	10 days over 40	1,760
September 1	October 31	19	5 days over 40	2,887
November 1	December 31	95	30 days over 100	8,747

These figures show that 40 contact tracers could handle the load during the summer of 2020 up to about the beginning of November 2020. The tracers were not expected to work 24/7 and there were short periods where the numbers exceeded the tracers available but overall tracing was happening close to 100%.

As the number of trained tracers in the county grew to 80 in December, they were beginning to get overwhelmed by the number of reported cases. In addition to the county employees already working on contact tracing, area residents were urged to join the Volunteer Initiative Program.^[10] There are practical limits to how many tracers can be hired and trained. In December the county reached those limits but their goal was still to do contact tracing on 100% of the cases reported. They prioritized cases in congregate settings.^[26] More details on tracing can be found in the Save Lives Period 62 Report.^[75]

COVID-19 Does Not Fit The Model

The ideal scenario for diagnostic testing and contact tracing to prevent breakouts of COVID-19 would be:

1. A person's symptoms are so severe that they visit their personal healthcare facility within a day or two of the onset of symptoms.
2. The healthcare professional takes a specimen from the person and expresses it to a laboratory for testing for COVID-19.
3. The laboratory notifies the healthcare worker of the test results within one or two days.^{[33] [76]}
4. The healthcare professional logs the patient's personal identification information and contact information into a government database together with the results of the test.
5. A case worker who watches the government database picks up this case within one day if the test results were positive.
6. The case worker immediately assigns this case to a trained contact tracer.
7. The original healthcare worker treats the infected person by either prescribing stay at home or care in a hospital.^[26]

In this scenario, the infected person is definitively determined to be infected, or not, in approximately five days from their original infection. The healthcare worker will have advised them to take precautions to avoid infecting other people until the test results are known, lest they test positive.

Unfortunately, the COVID-19 disease does not fit the above model very well.

1. Not all infected people seek professional attention; approximately 40% have no symptoms at all – the “asymptomatic” ones.
2. Only some of the infected people that do feel sick, feel bad enough to seek medical help.
3. COVID-19 transmission from person to person is very high, especially in poorly ventilated spaces.
4. People can infect others for about 10-14 days while they are infected.
5. The turnaround time for just the laboratory results can be more than four days. The time from when a person gets infected until they are notified that they tested positive can be as long as 10 days and they may not even be infectious by the time the results are received.^[26]

These difficulties mean testing and contact tracing do not work as well with COVID-19 as they might. Nonetheless, testing and contact tracing still save lives by preventing infected persons from infecting others. They also allow people to get early treatment.

The slow turnaround when shipping specimens to laboratories was mitigated in the county by:

- making sure hospitals had the equipment to do their own tests,
- getting a local fast-turnaround laboratory established at UCSC and
- delivering nearly 3,000 results-in-house tests for the congregate facilities.^[26]

The difficulties that COVID-19 presents for testing and tracing emphasize how important it is for people to wear masks and socially distance.^[77]

Santa Cruz Did Well

The state has tracked COVID-19 data county-by-county and makes that data available through a website.^[78] Santa Cruz County has done much better than most other counties in the state according to data extracted from this website on April 30, 2021.

Santa Cruz County is a beach destination for people outside the county on weekends, holidays and for vacations. At those times, the population swells well beyond the permanent resident count used for reporting cases per 100,000 population. The objective of stay-at-home orders is to slow the movement and mingling of people. Santa Cruz might have done worse than most other counties in the state – *instead, Table 2 shows it had one of the best records.*

**Table 2. California COVID-19 Data by County,
March 1, 2020 through April 30, 2021^[78]**

Measure	Santa Cruz County	Range for All Counties	n th Best of 58
Cases/100K	5,825	4,650 up to 17,096	20 th
Deaths/100K	95	0 up to 376	26 th
Test logged/100K	534	80 up to 1,248	11 th
Testing Positivity Rate	0.6%	0.0% up to 9.6%	7 th

Santa Cruz County did not have its 10th COVID-19 death until 9/16/2020.

Santa Cruz County did really well at testing compared to all other counties in the state.

Freedom and Money

The County Health Officer's stay-at-home order impinged on some residents' sense of *freedom*. They disrupted a Board of Supervisors' meeting where the County Health Officer attended, prompting the Sheriff to tell her not to come to any more Board meetings in person because he could not guarantee her safety. People protested outside her private residence and at the home of the Director of HSA, making both very concerned for their own and their family's safety. They received threats via email as well.^{[79] [80] [81]}

The Health Officer's orders to close the Santa Cruz beaches and curtail surfing were also met with opposition. A nice beach day attracts hundreds of out-of-county people who spend money in the county. People opposed to the beach closings felt that there must be some other way to keep people isolated without impacting the county's economy. Of course, the issue of asking people to stay home versus keeping the economy running has also been a national issue.

Public Information

As early as May 2020 the HSA "Save Lives Santa Cruz County: *Get Tested*" webpage^[82] listed sites where testing was taking place. A typical entry on the webpage list:

<p>Santa Cruz Community Health Centers 21507 E Cliff Drive Santa Cruz, CA 95062 Mon-Thurs 8am – 8 pm, Fri 8am – 4 pm 831-427-3500</p>

On May 23, 2020 there were 13 sites listed which grew to 18 in spring 2021. As of May 2021, the information provided in these entries is inadequate to determine where to get tested. Each person has their own special requirements (as listed below) and has no way of matching them with the listed testing sites' capabilities. The HSA website needs to inform people that each site has different rules and tests offered that may or may not match their needs.

The abilities and rules of each testing site are varied and include options like:

- Drive through
- PCR Test
- Antibody Test
- Immediate turnaround
- No prescription needed
- No insurance required
- No charge
- Turnaround <2 days
- At home mail-in
- Walk-in

Read [Appendix D](#) to understand the complexity of getting a "free" COVID-19 test if you have no symptoms and have not been exposed.

Some sites charge for the tests even though the federal government will generally pay for them.^[83] Throughout 2020 and even leading into 2021, because of CDC rules in place at that time, nearly all of the testing sites would only test symptomatic people or those clearly experiencing some COVID-19 exposure.^[48] Throughout 2021 those restrictions have been relaxed because testing supplies are more available.^[84]

Antibody tests,^[45] that test for antibodies in a person's blood, can determine if the person was ever infected whereas the more common PCR tests only determine if the person is *currently* infected. The antibody tests became more available in 2021 and there is no mention of that kind of test on any HSA web page. These tests will be used to determine if a vaccination failed. A person, not vaccinated, can also determine if they are immune because of a previous asymptomatic illness they didn't know they had. There are millions of those people.

More Publicity and Visibility

The Grand Jury spent many hours doing searches for information to develop this report. More transparency on the part of Santa Cruz County would have been very helpful. For example, the PHD became a conduit to bring federal CARES money to the county to buy equipment and supplies. We found no publicity about this and believe that county residents would be happy to hear of some of their federal income taxes returning to the county. A significant example that lacks that kind of publicity is the establishment of the COVID-19 testing laboratory at UCSC^[85]^[35] where PHD directed over \$1.5M from the CARES funding.

Conclusion

We found that the Public Health officials in the county government are experienced professionals who met high expectations and, acting early and wisely, did mitigate the consequences of the COVID-19 pandemic by promoting testing and tracing in Santa Cruz County. The county instituted a pandemic crisis management initiative called "Save Lives Santa Cruz County," much like a crisis center established during a wildfire to coordinate the effort of the wide range of agencies each independently doing their part to blunt the effects of the pandemic.

Findings

- F1.** The Health Services Agency of Santa Cruz County's web page listing COVID-19 testing sites does not adequately help residents find an appropriate testing site to fit their needs.
- F2.** The Health Services Agency of Santa Cruz County's Save Lives Santa Cruz County webpages do not adequately publicize and inform the public of the critical work that is being done, nor do they reflect the crisis the county has gone through.
- F3.** Establishing the COVID-19 testing laboratory at University of California at Santa Cruz is a great example of cooperation among the university and public agencies in the county. The laboratory has received considerable attention but the cooperative effort among the County Public Health Division, Community Foundation of Santa Cruz County and UCSC has not.

- F4.** The Santa Cruz County Public Health Division is staffed by well trained, skilled and knowledgeable professionals who applied that talent to help protect the residents of Santa Cruz County during the COVID-19 pandemic.

Recommendations

- R1.** Within the next 3 months the Health Services Agency of Santa Cruz County should revise its web pages to help people find a testing site suitable to their requirements. Listing sites without characterizations is not sufficient. (F1)
- R2.** Within the next 3 months the Health Services Agency of Santa Cruz County should publicize the Save Lives Santa Cruz initiative beyond what is currently on their website. For example, they should publish the Save Lives weekly operational review for the public to see the behind the scenes work that is happening. (F2)
- R3.** Within the next 3 months the Health Services Agency of Santa Cruz County should prepare weekly highlights from the Save Lives periodic reports for public consumption. (F2, F4)
- R4.** Within the next 3 months the Health Services Agency of Santa Cruz County should provide a regularly scheduled and recorded video report available to the public on the county website. (F2, F4)
- R5.** Within the next 3 months the Health Service Agency of Santa Cruz County should create a press release detailing the support that was provided for the UCSC Laboratory. (F3)

Commendations

- C1.** The Public Health officials in Santa Cruz County reacted early and effectively to reduce the impact of the COVID-19 pandemic. The professionals were well prepared to respond quickly. (F4)
- C2.** The University of California at Santa Cruz Molecular Diagnostic Laboratory established a COVID-19 testing facility to make short turnaround testing available for the underserved in Santa Cruz County. (F3)
- C3.** The Santa Cruz Community Foundation and the Santa Cruz County Public Health Division teamed with the UCSC Molecular Diagnostic Laboratory to establish a commercial COVID-19 testing laboratory and provided funding and advice. (F3)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F4	R1–R5	90 days/ August 31, 2021

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Director, Health Services Agency of Santa Cruz County	F1–F4	R1–R5	90 days/ August 31, 2021
Public Information Officer of Save Lives Santa Cruz	F1–F4	R1–R5	90 days/ August 31, 2021
Communication Manager of Santa Cruz County	F1–F4	R1–R5	90 days/ August 31, 2021

Definitions

- **CalCONNECT:** A California State website for collecting COVID-19 investigation and tracing information
- **CaIREDIE:** California Reportable Disease Information Exchange
- **CARES:** Coronavirus Aid, Relief, and Economic Security (Act), enacted by the U.S. Congress
- **CCDL:** Colligan Clinical Diagnostic Laboratory at UCSC
- **CDC:** Center for Disease Control and Prevention (of the Public Health Service of the U.S. Department of Health and Human Services)
- **CDPH:** California Department of Public Health
- **CLIA:** Clinical Laboratory Improvement Amendments
- **CMS:** Centers for Medicare & Medicaid Services (of the U.S. Department of Health and Human Services)
- **COVID-19:** Name officially given to the disease causing the pandemic by the International Classification of Diseases of the World Health Organization
- **DNA:** Deoxyribonucleic Acid, a molecule that contains the genetic instructions for an organism
- **EUA:** Emergency Use Authorization, an authorization issued by the FDA to allow the use of medical equipment and processes in the U.S.
- **FDA: U.S.** Food and Drug Administration (of the Public Health Service of the U.S. Department of Health and Human Services)
- **FEMA:** Federal Emergency Management Agency
- **GJ:** Grand Jury
- **HSA:** Health Services Agency (of Santa Cruz County)
- **ICD:** International Classification of Diseases of the World Health Organization

- **ICTV:** International Committee on Taxonomy of Viruses
- **LHJ:** Local Health Jurisdiction, provides public health services throughout a defined geographic area
- **MDL:** Molecular Diagnostic Laboratory at UCSC, later renamed as the Colligan Clinical Diagnostic Laboratory
- **PAMF:** Palo Alto Medical Foundation, a subsidiary of Sutter Health
- **PCR:** Polymerase Chain Reaction, a kind of test used to detect the SARS-CoV-2 virus
- **PHD:** Public Health Division (of HSA)
- **RCF:** Residential Care Facility
- **RHF:** Residential Healthcare Facility
- **RNA:** Ribonucleic Acid, in some viruses RNA rather than DNA carries the genetic information
- **RT-PCR:** Reverse Transcription Polymerase Chain Reaction, a kind of test used to detect the SARS-CoV-2 virus
- **SARS-CoV-2:** Name officially given to the virus that causes COVID-19 by the International Committee on Taxonomy of Viruses
- **SNF:** Skilled Nursing Facility
- **UCSC:** University of California at Santa Cruz
- **WHO:** World Health Organization

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Websites

none

Site Visits

none

Appendix A – Kinds of SARS-CoV-2 Tests

Kinds of Tests

There are two recognized kinds of tests that pertain to the COVID-19 Pandemic the world has experienced in 2020-2021: **diagnostic tests** and **antibody tests**.

Diagnostic Tests

Diagnostic tests determine if a person currently has an infection that could be transmitted to others thus spreading the disease. Most commonly a person is infected for 10-14 days.

The two most prominent diagnostic tests that have been developed to detect the SARS-CoV-2 virus that causes the COVID-19 disease in a person's body are 1) molecular tests, commonly called PCR tests, that detect the presence virus's genetic material and 2) antigen tests that detect special components of the actual virus.

Antibody Tests

Antibody tests look for your own body's virus fighting antibodies; having those antibodies present in your system indicates that you have previously encountered that virus and your body generated antibodies to fight it. The antibodies may last for long periods, months or years.

Diagnostic Testing

The tests most commonly available and discussed in the United States to date have been PCR diagnostic tests developed by commercial, educational and government organizations including UCSC and the United States Center for Disease Control and Prevention (CDC). The usefulness of these tests depends upon several factors:

- How easy the test is to administer,
- How quickly the tests results are available,
- How effective the test is for not giving false negative results (indicating you are not infected when you are), and
- How effective it is for not giving false positive results (indicating that you are infected when you are not).

These diagnostic tests, when they work effectively, only detect if a person is currently infected and that period lasts in most people for 10-14 days. It is easily possible for a person to become infected immediately after getting a negative test. It is also possible for a person to be infected for a period much longer than 14 days.

There are two primary uses for diagnostic tests:

1. To distinguish those genuinely infected with the SARS-CoV-2 virus from those not infected but perhaps showing similar symptoms. Those infected can be

effectively treated and kept from spreading the disease further. Those not infected with SARS-CoV-2 virus can be diagnosed and treated further knowing that they are not a risk for spreading the COVID-19 disease.

2. Detect asymptomatic infected people (a person infected but not showing any symptoms).

The FDA has granted over 230 Emergency Use Authorizations for these kinds of tests. Their quality varies widely.

Antibody Testing

A person who has become a COVID-19 “case” is known to have been infected by the virus and, once recovered, will not likely be a risk for infecting others. There is an unproven belief that a person cannot be infected more than once with the same strain of the virus. Antibody testing will reveal that a person had COVID-19 even though they had been asymptomatic.^[86]

The FDA has granted over 65 Emergency Use Authorizations for these kinds of tests.

Asymptomatic Infection

As the COVID-19 disease has spread and been studied more, it is believed that from 30% to 40% of those infected are asymptomatic. So, for example, if 10 cases of infection were detected in your community on one day, there may be another 3-4 cases that go undetected. These undetected, yet infected people, make controlling the spread of the virus extremely complex.

As of today, 358 tests and sample collection devices are authorized by the FDA under emergency use authorizations (EUAs). These included:

- 262 PCR molecular tests and sample collection devices,
- 75 antibody and other immune response tests, and
- 21 antigen tests.

For home sample collection:

- 45 molecular authorizations and
- one antibody authorization.

For home test results:

- one molecular *prescription* at-home test,
- 2 antigen *prescription* at-home tests,
- 4 over-the-counter at-home antigen tests, and
- 2 over-the-counter molecular tests.

The FDA has authorized tests for pooling/serial screening programs:

- 7 antigen tests and
- 2 molecular.^[87]

Appendix B – HSA Concept Paper

COVID-19 Surveillance, Monitoring and Mitigation: Key Public Health Infrastructure Needed to Shift from Emergency Response to Sustainable Containment

April 10, 2020 Draft Concept

Mimi Hall, Director, County of Santa Cruz Health Services Agency

The current Public Health response to COVID-19 has lacked foundational public health infrastructure for early and effective response in keeping with proven public health approaches. As a result, containment and mitigation measures have necessarily focused on Shelter In Place and Social Distancing Strategies. However, essential public health actions are needed to mitigate future waves and sustain a long term reduction in new cases before a vaccine is widely available and more is known regarding immunity. These include:

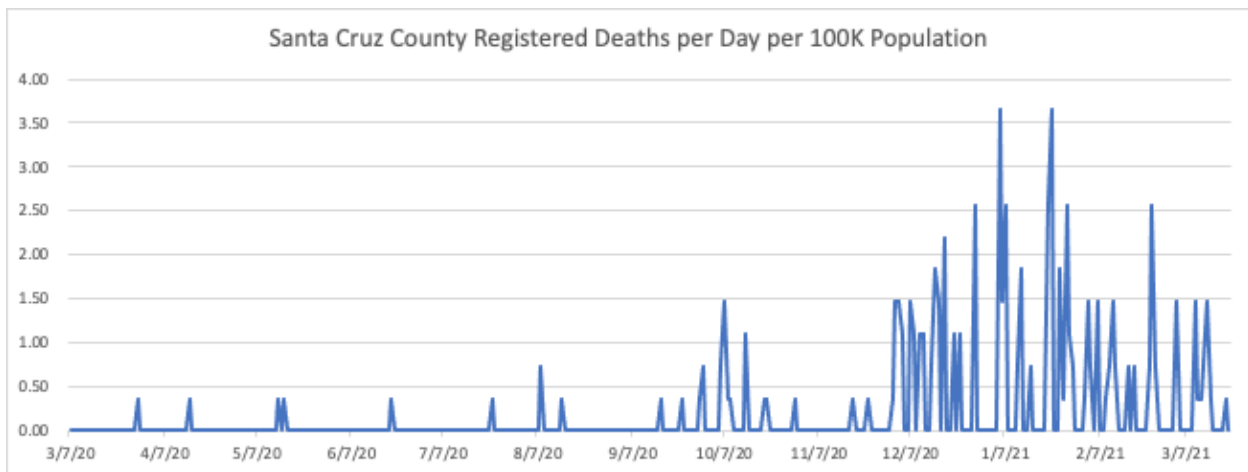
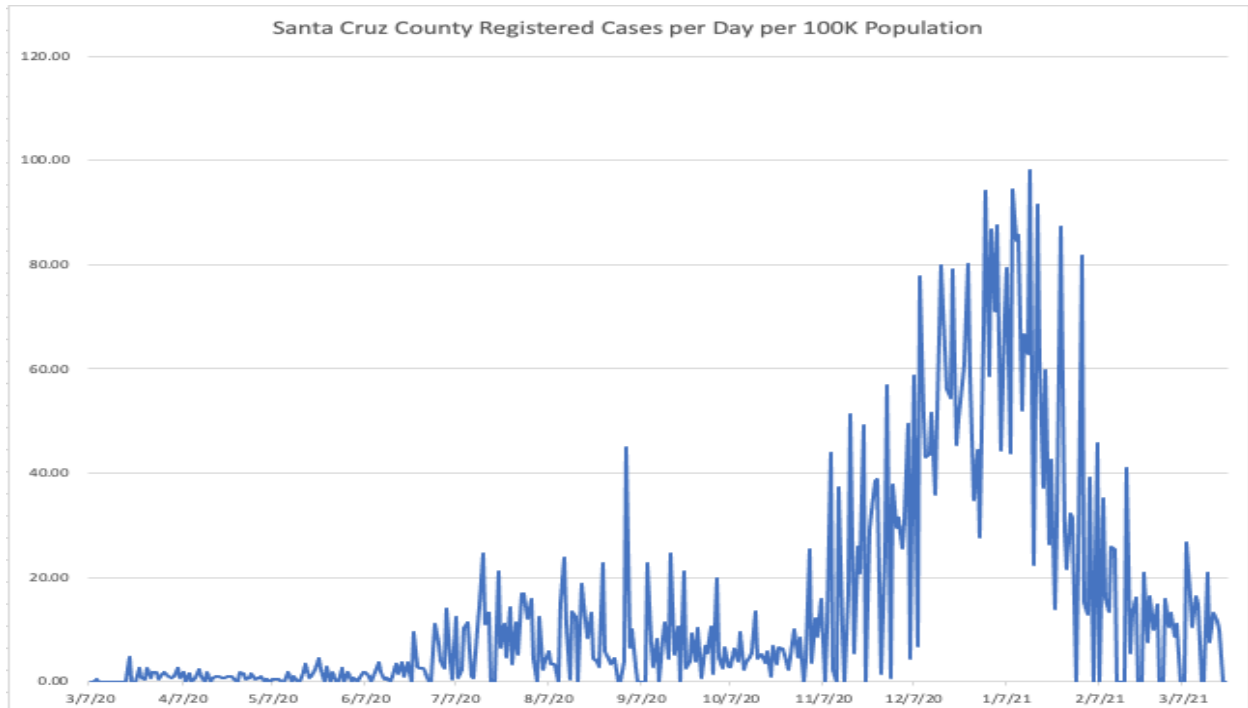
1. Widespread surveillance and monitoring
2. Rapid and responsive case investigation
3. Ability to quarantine known exposures and isolate positive cases
4. Nimble and accurate public communication

With this critical infrastructure in place, Santa Cruz County could ease social distancing guidelines, begin a return to social and economic normalcy, and quickly identify and control COVID-19 until a vaccine is available or widespread immunity is attained.

1. Widespread surveillance and monitoring
 - a. Testing – broad and accessible testing through all levels of the healthcare system
 - b. Agreements with sentinel surveillance sites and syndromic surveillance partners such as education, large employers and health care systems
 - c. Enhanced data sharing across health and non-health systems building out utility of the newly constructed data sharing platform and Santa Cruz Health Information Organization's countywide HIE
 - d. Increased epidemiological capacity at local health jurisdiction level
2. Rapid and responsive case investigation
 - a. Training of existing workforce in health system other disciplines trained in investigations to expand capacity for communicable disease investigations and contact tracing. Possible agreements with health officials for reporting
 - b. Shared reporting system and oversight of reporting and compliance
3. Ability to quarantine known exposures and isolate positive cases
 - a. Agreements with public and private partners to identify and assign locations and staffing for isolation and quarantine locations.
 - b. Expertise to set protocol and agreements across jurisdictions.
4. Nimble and extensive public campaign and system of public information and alerts to update the public of changing situations to alert and test those who may have been exposed beyond contact tracing (similar to systems we have in place for first responders).

Appendix C – Santa Cruz County COVID-19 Data

The charts below show the cases and deaths attributed to COVID-19 per 100,000 people in Santa Cruz County (SSC population number used: 273,213) for the year March 7, 2020 through March 7, 2021.



The first case of COVID-19 in Santa Cruz County was registered on March 6, 2020. The first death in Santa Cruz County attributed to the COVID-19 disease was on March 28, 2020. At that time the County had registered 39 total cases. The total number of deaths in the County didn't reach 10 until September 29, 2020.^[27]

Appendix D – Getting a COVID-19 Test Can Be Challenging

This is a walk-through example of getting a COVID-19 PCR test at the Ramsey Park site recommended on the HSA website^[82] for “non-sick” people.

Our Hypothetical Setup

Our hypothetical young woman has not had COVID-19 to her knowledge, has no symptoms, does have medical insurance and is planning to travel out of state on business. Getting a negative test would make her feel more responsible while travelling.

She uses Google to search for “covid testing in Santa Cruz” and gets directed to the Santa Cruz County Health Services Agency “Get Tested” webpage. This page contains a listing of 18 sites where she could get tested in Santa Cruz County. The page starts with some information about pharmacies providing tests, a suggestion to call ahead and a link to a state testing search site. She continues to scroll through the site listing and comes to a notice at the very bottom of the page: “If I’m not sick, should I schedule an appointment for testing at the OptumServe community testing site in Watsonville?” Exactly what she was looking for.

Noticing that the word OptumServe (whatever that is) is a highlighted link, she clicks on it and is brought to a site “lhi.care/covidtesting”. There she is given the opportunity to select “California” as her area and is directed to this outline of how to proceed:

- Step 1. If eligible, register as a patient and create an account on this site.
- Step 2. After logging in, choose a testing location and schedule an appointment.
- Step 3. Attend your scheduled testing appointment.
- Step 4. On-location staff will check you in, conduct testing and send samples to the lab.
- Step 5. We’ll inform you when your results are back from the lab and available on LHI.Care, typically within 4 to 6 days.

Registration is required, so she fills out a long list of health and personal questions that verge on intrusive and seem unnecessary, but are all marked as required; things like sexual orientation, race, and language spoken at home. Then it asks if you have health insurance. If she checks NO another checkbox pops up that displays: “By clicking this box you attest that you do not have any health insurance/coverage available.” So, best not to lie. If she checks YES she has to fill out all the pertinent information about her insurance including enough for the company to be billed.

Once she gets through that section she is asked to complete “registration” by completing all personal contact information including phone number or email address where the test results can be returned.

Finally, after about 25 minutes she enters a page where she can choose a location, a date and time interval to have her test.

If our young woman had clicked on the text of the HSA site recommending Ramsey park it would have expanded into 10 bullet points which include this one:

- Although you will be asked for insurance information and a valid identification at the time of check-in, neither is required to receive testing.

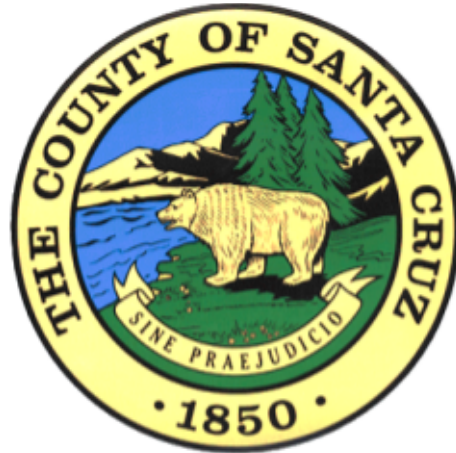
Whoever wrote that didn't ever try to register with LHI, since filling in all of the queries is necessary for being allowed to continue the registration.

We also point out the following which she may or may not have figured out:

1. The "Ramsey Park" site is one of about 80 sites distributed around California by the California Department of Public Health.
2. California had a contract with OptumServe, a large health care company, to manage all of these sites.
3. Ramsey Park is actually a Watsonville City park arranged to be used by HSA on behalf of the state.
4. OptumServe is part of Optum Group which is owned by the UnitedHealth Group.
5. LHI is yet another healthcare organization and is really Logistics Health Incorporated and is owned by Optum Group.

When our young woman goes to Ramsey Park she finds little in the way of signage for who actually is running the place. If she asks she will be told "OptumServe." One might think that the state and county might want to take some credit for establishing this service!

It is truly amazing how many steps, how many government agencies and how many companies are involved in our young woman getting tested for COVID-19. The HSA website could help. For example: is the LHI.care website legitimate? A person concerned about web security would be wise not to interact with this strangely named and unknown website (domain ".care"?). HSA could also soothe uneasiness by explaining that OptumServe has been contracted by the state to run this site.



Wildfire Threat to the City of Santa Cruz

Promote Policies to Prevent and Protect

Summary

After the largest fire in Santa Cruz County history, we enter the driest year in 40 years. As of May 27, 2021, there have been 51 vegetation fires in Santa Cruz county; and as of May 20, 2021, there have been 75 outdoor fires in the City of Santa Cruz. We can't control the weather and climate, but we can mitigate other risks.

This report looks at the risks of wildfire to the City of Santa Cruz and how it is managing those risks.



(Shmuel Thaler – Santa Cruz Sentinel)

Background

The City of Santa Cruz is the largest city in Santa Cruz County and the county seat. This scenic coastal city is bordered by the Monterey Bay to the south with wildlands surrounding much of the rest of the city.^[1]

A large portion of The City of Santa Cruz is considered to be in a Wildland Urban Interface (WUI) area. Of the 12.7 square miles of land in the city nearly 50% is designated WUI.^{[1] [2]} WUI is a zone of transition where structures and other human development meet with undeveloped wildland, and as a result, are at a higher risk for wildfires. Some of these areas are at an even higher risk due to limited road access and encampments. The majority of wildfires in the WUI are human-caused.^{[3] [4] [5] [6] [7]}

There are 5 areas designated as WUI or “likely” to have a fire in Santa Cruz; they are: Moore Creek, Arroyo Seco/Meder Canyon, Pogonip, Arana Gulch, and DeLaveaga. Residential development continues to spread into WUI areas of Santa Cruz increasing the danger to life and property should a fire occur.^[7]

Figure 1 shows the WUI interface between the developed portion of The City of Santa Cruz and undeveloped wildland (green line).

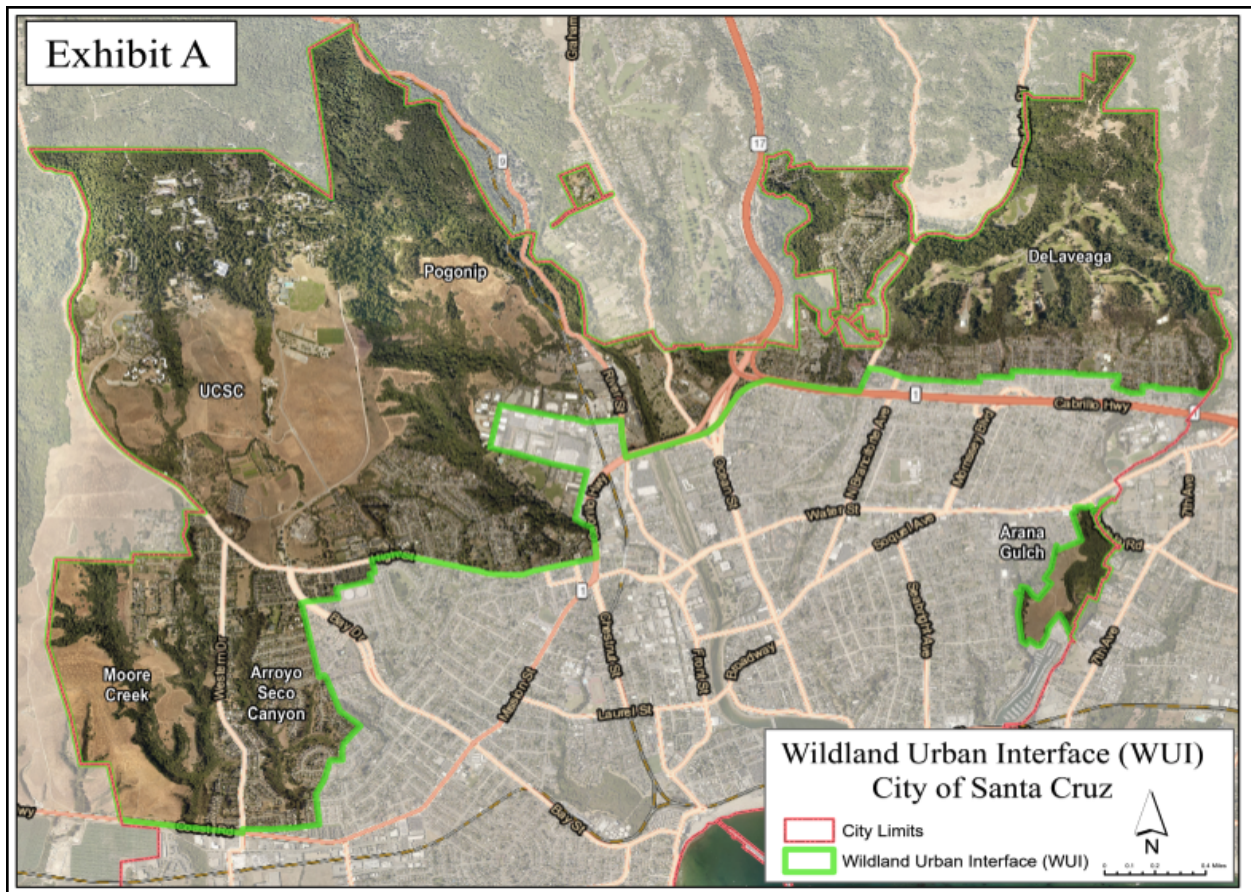


Figure 1. **Wildland Urban Interface (WUI) City of Santa Cruz**
(Source: Document received by Grand Jury)

The National Academy of Sciences 2018 study showed that in the U.S., California has the largest number of houses (4.5 million) in WUI areas, as well as the greatest number of people (11.2 million) living in the WUI.^{[5] [8] [9]} Five of the top 20 largest California wildfires occurred in 2020, according to California’s Department of Forestry and Fire Protection (Cal Fire) list of wildfires.^[10] Table 1 from Cal Fire shows the number of wildfires and acres burned in California in 2019 and 2020. So far in 2021, the number of wildfires (717) compared to the same time period in 2020 continues the upward trend.

Table 1. Number of Wildfires and Acres Burned in California 2019 and 2020

Interval	Fires	Acres Burned
January 1, 2020 through December 29, 2020	8,112	1,443,152
January 1, 2019 through December 29, 2019	5,687	137,126
January 1, 2021 through March 28, 2021	717	1,541
January 1, 2020 through March 28, 2020	608	873

Source: Cal Fire Statistics^[10]

The CZU lightning complex fire which started on August 16, 2020, burned 63,754 acres in Santa Cruz County and destroyed 1,431 structures. The CZU fire was stopped before it reached the City of Santa Cruz.^{[11] [12]} The city may have escaped the CZU fire, but the city’s extensive wildlands have had more than their share of wildfires. In 2020 there were 88 wildland fires in the City of Santa Cruz compared to 58 wildland fires in 2019.^[13]

The threat of wildfires is real and is a growing concern to many residents. The public has expressed alarm over groves of eucalyptus trees found throughout the City of Santa Cruz including the WUI. Eucalyptus are highly flammable trees, and desire for their removal has been expressed on the website Nextdoor, in letters to the editor in the *Santa Cruz Sentinel*, and in complaints to the Santa Cruz County Grand Jury.^{[14] [15]}

Also there have been letters to the editor in the *Santa Cruz Sentinel* about fires caused in homeless encampments which have been, or can be, located in known WUI areas.^{[16] [17] [18]} According to the Local Hazard Mitigation Plan there is a high probability that a wildfire will occur in one or more WUI areas in Santa Cruz. It is believed to be just a matter of time.^[7]

These factors and events give rise to three critical questions:

- What is the City of Santa Cruz doing to deal with the risk of wildfires in the city's many WUI areas?
- What is it doing well?
- What can it do better?

Scope and Methodology

This investigation focuses on:

- the wildfire threat to the City of Santa Cruz from vegetation and homeless encampments
- and what the City of Santa Cruz is doing to mitigate these wildfire risks.

The methods of investigation employed included: independent research, interviews with city leaders and agency staff, document requests, and data analysis.

The 2019-20 Grand Jury prepared a thorough review and analysis of the preparedness of Santa Cruz County to deal with fire and how to mitigate those risks. This investigation will build on that report and follow up on the specific issues in the City of Santa Cruz.^[19]

Another 2019-20 Grand Jury report dealt with homelessness in the county.^[20] Our investigation and report is limited to the fire risk in the City of Santa Cruz. This report is not an investigation into the problem of homelessness but how homelessness encampments increase the risk of wildfires in WUI areas of the city.

Investigation

The Danger of Wildfire to Santa Cruz

After 2020, the residents of Santa Cruz are all much more familiar with the risk of wildfire. While the city avoided the CZU Lightning Complex, the fire got very close to the borders of the city and the University of California, Santa Cruz, was evacuated. Wildfire risk is ever present, but there are ways to manage those risks.

Santa Cruz is blessed with acres of open space and recreation areas that ring the city as our greenbelt. Those areas are also laden with fuels in the form of trees, shrubs, and grasses. Wildland fires need two things: fuel and ignition. Weather and climate can increase the likelihood of a wildland fire spreading.

Weather and Climate

Fire risk is impacted by weather and climate. We have seasonal fire weather in California that results from a number of factors that increase the ignition, intensity, and spread of wildfires. Most well known of these factors would be off-shore winds which blow dry and warm air from the inland areas out to sea. This has multiple negative effects. Off-shore winds block our nightly marine layer, or cold wet blanket, from moving inland and reducing temperatures and increasing humidity. They are also warmer and drier, which dries out vegetation making it more likely to burn and with greater intensity. Corresponding high winds intensify wildfires and vastly increase their spread by both spreading embers over greater distance and impeding firefighting efforts.

Cal Fire has historically defined fire season as running from May to November, but climate change is having an impact. One result is that the fire season is starting earlier, sometimes in the spring. Winter rains are starting later in the year, and often with less

frequency and lower annual precipitation. We are also experiencing the driest year in 40 years.^{[21] [22]} We have had 51 vegetation fires as of May 27th in Santa Cruz County.^{[2] [10]}

We can't control the weather and climate, but we can mitigate other risks.

Fuel

Vegetation management is an important way that we keep our open spaces wild while reducing the threat of wildfires. By removing ladder fuels such as low limbs and shrubs, the Santa Cruz City Fire Department has reduced the likelihood of a fire spreading rapidly or growing out of control. By removing these ladder fuels, what starts as a grass fire remains a grass fire until firefighters arrive to control it. Without this step, the same fire could grow into an engulfing crown fire by moving up low shrubs and branches into the trees. Vegetation management also includes building fire breaks by removing all vegetation down to bare mineral earth which limits a fire's expansion.^[7]

Public versus Private Land

Starting in the summer of 2018, the Fire Department worked with the Parks and Recreation Department to identify areas where vegetation management was needed in city owned properties that posed a threat to neighborhoods within WUI areas. Shaded fuel breaks were constructed in DeLaveaga Park along with vegetation removal by California Conservation Corps and Cal Fire.^[23] The city hired contractors to manage vegetation in Arroyo Seco and Pogonip in early 2020. However, this is a job like painting the Golden Gate Bridge: as soon as you're finished, you need to start again.

Private property owners in the WUI bear primary responsibility for vegetation management on their property. The Fire Department fosters the creation of Firewise Groups to educate about proactive vegetation management.^[24] There are two Firewise Groups in Santa Cruz, one in Highland/Hillcrest Terrace in the Pogonip WUI area and the other in Prospect Heights in the DeLaveaga WUI area.^{[3] [25]}

Homeowners in WUI areas are required to follow the Community Wildfire Protection Plan (CWPP). The purpose of the CWPP is to identify and prioritize areas for fuel reduction and includes stricter building codes to decrease the risk of wildfire to the home.^{[3] [26]}

In December 2020, the City of Santa Cruz adopted and incorporated California State fire codes into the Santa Cruz Municipal Code to help decrease fire damage to homes in WUI areas. Building codes require vegetation management around the home and describe construction requirements for new homes having to use fire resistant materials.^{[3] [27]}

Types of Fuels

There are differences in vegetation types. Some trees and shrubs contain more oils or pitch making them more flammable or fuel laden.^[28] One type of vegetation, eucalyptus, warrants special mention.

Eucalyptus trees are considered a fire hazard because they shed bark and dead leaves in large amounts, which become tinder for fires. They also contain greater quantities of volatile oils in all their parts, which when heated, easily ignite and burn with explosive intensity. Some organizations recommend wholesale removal and replacement of them.^[29] The Sierra Club did so regarding the Blue Gum Eucalyptus in the Berkeley area.^[30]

The Fire Department has opted for managing the ladder fuels around the city's eucalyptus groves rather than outright removal or replacement. Although eucalyptus trees are highly flammable and present a risk of falling due to a shallow root system, they could be no more of a fire risk than other species when properly managed by appropriate measures including removing dead ground cover and maintaining open space under the canopy.^[31] ^[32]

Ignition

For the CZU complex fire, the source of ignition was hundreds of dry lightning strikes. While those can't be prevented, other sources of ignition can be. Human actions or inactions that increase the risk of wildfire can be identified and mitigated. Tall grass can be removed from around parking areas where a hot exhaust system could start a fire. Outdoor grills in parks can be closed from use during fire season.

The biggest risk as identified by the city in the Local Hazard Mitigation Plan is illegal camping.

Although Santa Cruz has over 3,000 acres of greenbelt and parkland, the City does not have the resources to adequately police and protect this area. This inadequate policing increases the frequency of illegal camping (Santa Cruz has a substantial chronic homeless population), which can result in fires in limited access and canyon areas.^[7]

Threat of Wildfire from Encampments

There are a number of fire risks from unmanaged encampments. Unhoused individuals and groups will use fires for warming or cooking. Propane canisters and other fuel sources pose a risk of ignition and explosion in a fire, putting our first responders at a greater risk. Closely packed encampments are full of flammable plastic and other synthetic materials such as tents, tarps, sleeping bags, and clothing, as well as portable grills, charcoal, butane tanks, and flammable liquids. See the photo on page 1 with melted tarps and propane tanks.^[33]

Encampments in the WUI areas increase wildfire risk. There are approximately 865 individuals in the City of Santa Cruz who are unsheltered.^[34] In October 2017 campers started a wildfire in the Moore Creek Preserve at the bottom of the canyon. It was put out within hours by ground crews and air support. Fortunately the fire was controlled before it spread to a nearby stand of eucalyptus trees that surround the 168 unit The Hilltop Apartment complex on Western Drive.^[35]

The Santa Cruz Fire Department initiated the development of an internal tool to document fire risks in the WUI. They used the city's Information Technology (IT) staff to create a cell phone app to take photos of fire incidents in outside locations and the ignition sources. The information is then mapped to help determine areas of concern. From the following maps there were 19 fewer fire incidents in Pogonip in 2020 than in 2019 (16 in 2020 and 35 in 2019). This is due to the clearing of encampments in the area.^[36]

Figures 2 - 4 were provided to the Grand Jury and show the number and location of outdoor fire incidents by year.^[36] ^[37]

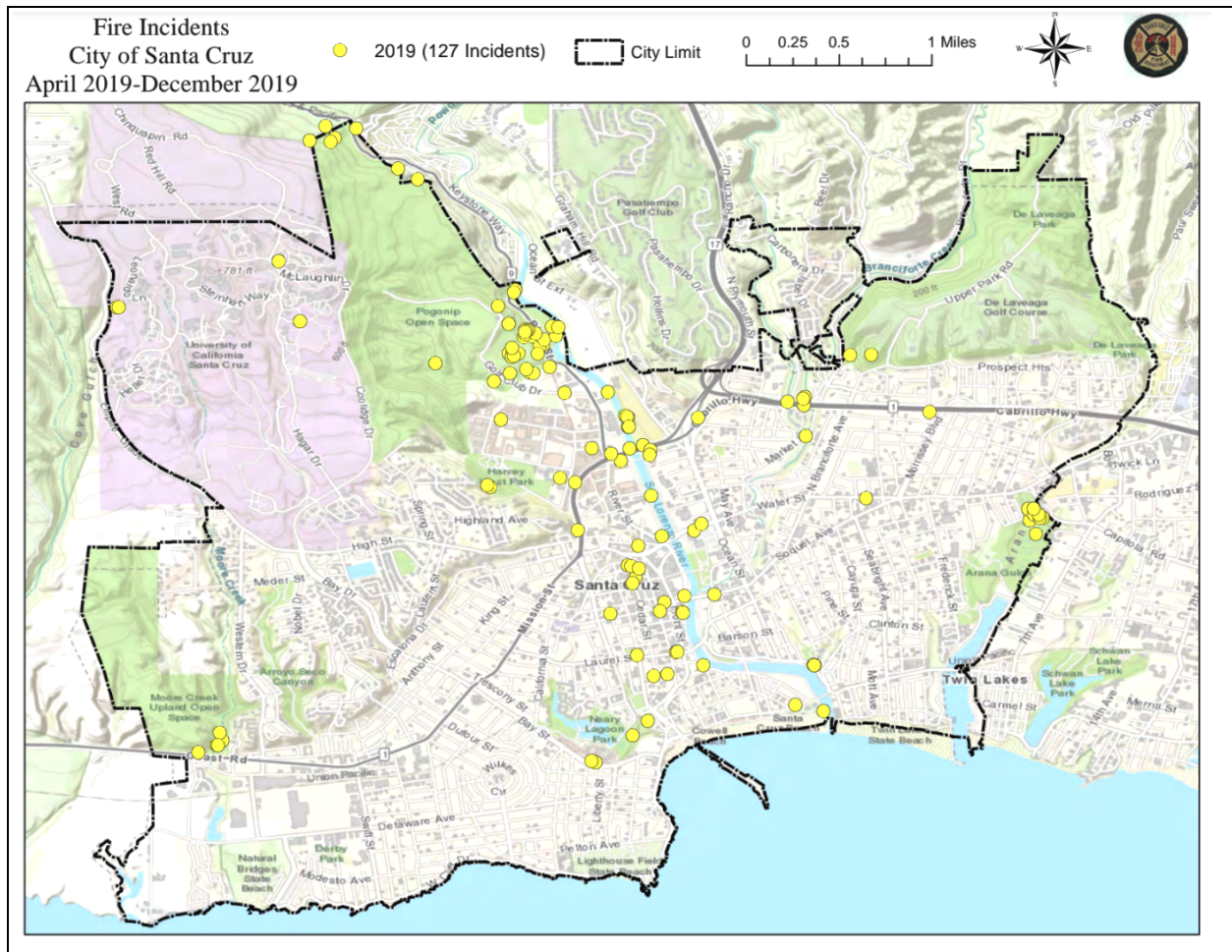


Figure 2. Fire Incidents City of Santa Cruz April 2019 - December 2019
(Source: Document received by Grand Jury)

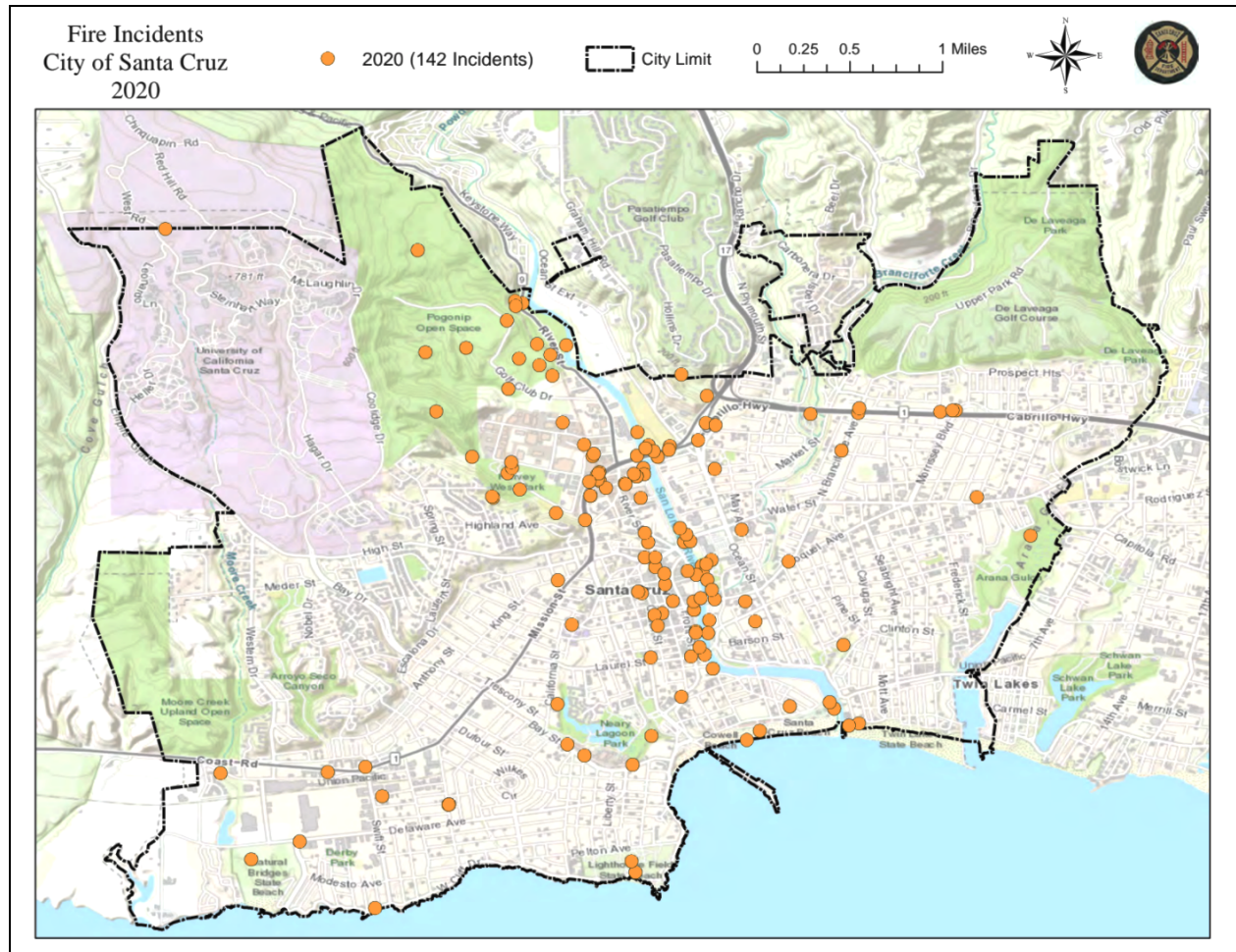


Figure 3. Fire Incidents City of Santa Cruz 2020
(Source: Document received by Grand Jury)

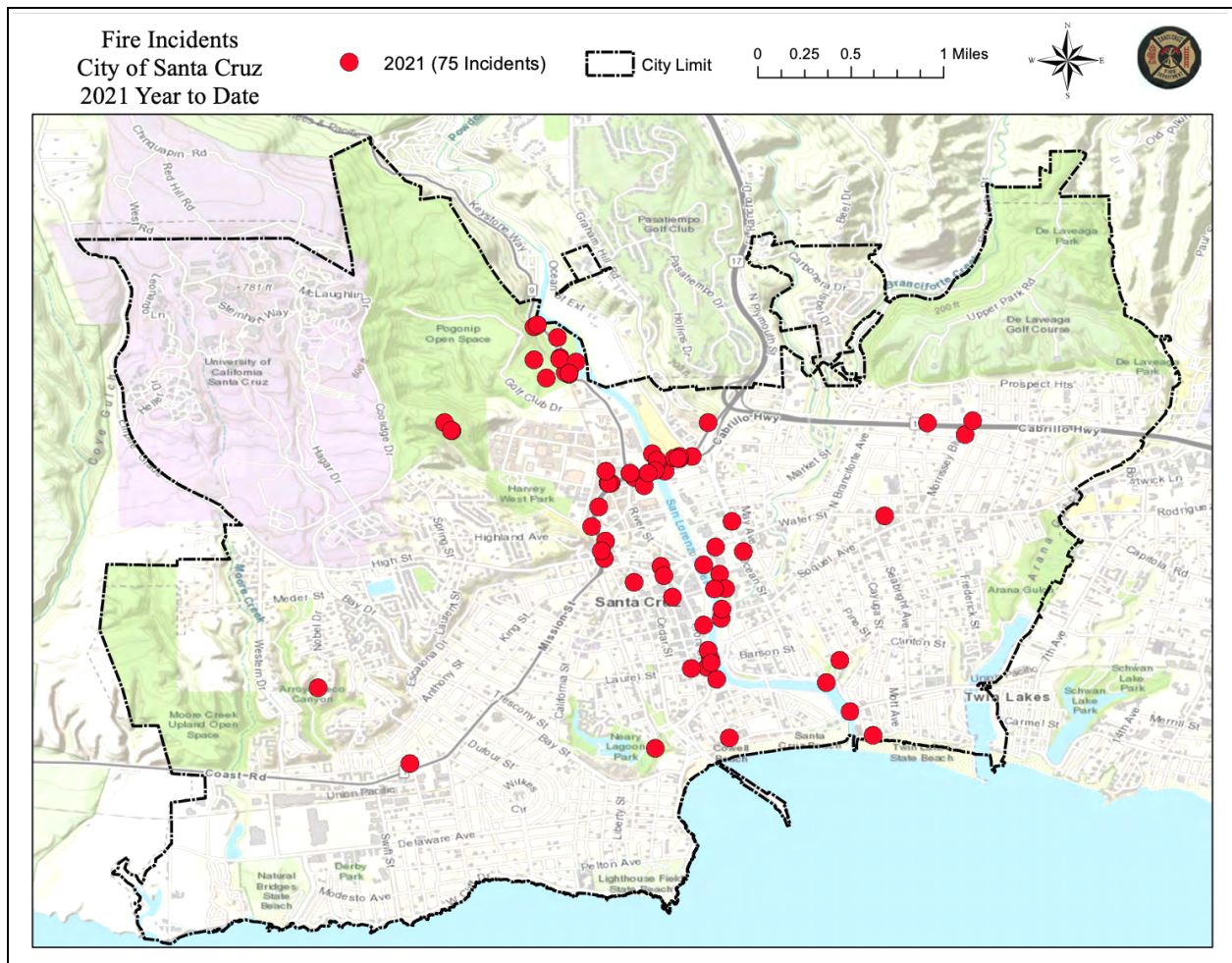


Figure 4. Fire Incidents City of Santa Cruz 2021 Year to Date on May 20, 2021
 (Source: Document received by Grand Jury)

Barriers to Mitigation

City as Epicenter

The greatest percentage of the county’s unhoused people are located in the City of Santa Cruz. Approximately 55% of the county’s unhoused population are located in the city, while the city’s population is but 24% of the county.^[34]

A number of factors contribute to this. Seventy-three percent of county shelter beds are in the city. The main jail and the Santa Cruz Health Center are located in the city, as well as other governmental and private facilities that provide services to the homeless population^[38].

The city bears the social and financial impact of homeless encampments since the majority of unhoused campers are located in the city but the city doesn’t control the resources to manage them. Most of the state and federal funds for homeless shelters, services, and the like are administered by the county. As noted in last year’s Grand Jury

report “Homelessness: Big Problem, Little Progress,” the lack of coordination between key stakeholders is a significant barrier to the efficient and capable implementation of homelessness solutions.^[39] There is a regular meeting between the city and county including the mayor, vice mayor, District 3 supervisor, and District 5 supervisor (2x2 Committee); but those meeting records are not public.

Legal Obstacles

The City of Santa Cruz is faced with significant legal impediments that impact its ability to remove encampments. *City of Boise v. Martin*, decided in 2019, made ordinances prohibiting certain activities including camping on public lands unenforceable. The Boise case held that city ordinances that impose criminal penalties on unhoused people for sleeping or sitting on public property violates the 8th Amendment which prohibits “cruel or unusual punishment.” As such, conduct that is an unavoidable consequence of one’s being human should not be criminalized. The recent preliminary injunction in *Santa Cruz Homeless Union, et al. v. Bernal, et al*, prevented the city from clearing the encampment in San Lorenzo Park that had been identified as a risk to public health.^[40]

Any attempt to close an encampment is likely to give rise to a lawsuit in federal court initiated by non-governmental organizations (NGO). The city may prevail, but it will be required to defend.

California Department of Transportation (Caltrans) right-of-ways

Within the city limits, property adjacent to state highways is state owned and controlled. This means that the city does not have jurisdiction over the management of the people living on the side of highways or what happens in those areas. The city cannot move highway encampments. This is the responsibility of Caltrans with the help of the California Highway Patrol.^[41]

Despite this, the city is obligated to provide emergency services (fire, medical) to these areas and has chosen to provide trash management. Highway adjacent encampments are the state’s responsibility even if it is the city’s problem.

This has been the subject of recent news items as the city and county wrote to the Governor for help with the encampment at Highway 1 and River Street. As of the writing of this report, the Governor has not responded to their appeal but Caltrans has been cooperative and has the authority to ultimately make any decisions to remove the encampment.^[38] ^[42] This camp was cleared on May 10, 2021 in a coordinated effort involving Santa Cruz Police Department, California Highway Patrol, and Caltrans.^[43]

COVID-19 and Budget

COVID-19 has had multiple impacts on the city. It drastically reduced city revenues. It has increased state regulation on city operations that has limited options. State mandates beginning in March 2020 forced most of the city’s tax generating businesses to close or be severely restricted.

The County Health Department also decided that closing encampments heightens risks of infection to both campers and the population at large. From interviews for this investigation last fall, we learned that the global pandemic also required city departments to continue serving the public while developing new protocols to keep employees and citizens safe.^[38]

Since the pandemic began the City's revenues from sales and business related taxes fell precipitously such that the city's departments have been forced to take general budget cuts of about 10% across the board, as learned in interviews.^[38] Yet this has happened when greater numbers of homeless encampments and increased fire risks have put greater demands on the city's resources.

It should be noted that over the last year, the city has reactively spent significant resources on clearing and cleaning up encampments.^[38] Proactive policies that would stop encampments from becoming entrenched could help reduce these costs.

NIMBY and the Need for Public Engagement

Another obstacle the City of Santa Cruz faces is politically active and engaged citizens who do not want homeless people in their neighborhoods. These active "NIMBY" (Not In My Backyard) neighborhoods have made it increasingly challenging for the city to initiate proactive policies that would remove entrenched encampments.^[44]

As recent events regarding the Temporary Outdoor Living Ordinance (TOLO) have shown, the city is aware of the need to do better in their outreach and messaging around new ordinances.^[45]

City Management of Wildfire Risks

The City of Santa Cruz has a solid understanding of the risks of wildfires in the WUI. The Fire Department's Division of Fire Prevention is tasked with identifying and mitigating fire risks and the City's Risk Management Plan defines these risks. The challenge has been in the city's ability to manage and mitigate these known risks.

Vegetation

During this investigation we found that the Fire Department has numerous programs to address the risk of wildfire from vegetation on public and private land. They have a plan to maintain fuel level in public spaces. They also manage Firewise groups to educate homeowners in the WUI on how to manage their own vegetation and fuel load. They are working to expand these groups to more areas of the city.

The Team

In 2019 the City of Santa Cruz established an Encampment Assessment Team (EAT) which monitors and develops operational plans and strategies for managing homeless encampments. It includes representatives from the City Manager's Office, the Fire Department, Police, Parks and Recreation, Public Works, Water Department and the city attorney's office. The EAT meets weekly, but because an attorney from the city

attorney's office attends these meetings, all records of what is discussed have been claimed to be undisclosable under attorney-client privilege. As a result it has not been possible to assess the effectiveness of this team.^[46]

Further, it is unclear what authority, if any, has been delegated to the EAT. With transparency, this team and its work has the potential to serve the public by informing about the wildfire risks and how they are managed.

The city does not have a fixed policy in place that designates what person or persons within the city government has final authority to manage and mitigate the fire risks associated with homeless encampments except for emergency situations where the Fire Department has the authority.

The Encampments

The city council recently adopted, then rescinded, a new Temporary Outdoor Living Ordinance (TOLO) which stayed within the bounds of the Boise case and mitigated the risks of entrenched camping in the city.^[45] This was a significant step in managing this complex and ever changing situation that could have given the city the tools to eliminate dangerous camping in the WUI.

TOLO, in its now rejected form, contained several provisions that would lessen the risk of wildfire in the City of Santa Cruz including:^[22]

- Prohibition of overnight and daytime encampments in sensitive and at risk areas of the city to reduce the risk of a wildfire caused by accidental ignition.
- Designation of Arroyo Seco Canyon as a sensitive species area and a WUI area.
- Prohibition of encampments in open spaces at all times.
- Requirement that tents used by those camping in other areas be packed up every morning to limit entrenchment.
- Requirement for frequent counts of the number and the location of those sleeping outside to define the situation and its seasonal changes and associated risks.
- Requirement for continued work with the county and better advocacy for the city.

Local city departments are taking proactive measures to gather relevant current data necessary for planning. The Fire Department conducts frequent walk-throughs of encampments to assess risk levels. The Police Department has recently undertaken a more in depth count of the unhoused population within the City of Santa Cruz to get more accurate and timely data to help address the current situation.^[38] It is hoped that it will continue to do so on a regular basis.

Recent *Sentinel* headlines are a case study in how dangerous encampments can be to those living in them and the city as a whole. There have been three major fires in the Highway 1 camp this year resulting in injuries and destruction of property at the time of this writing.^{[47] [48] [49]} Living outside is dangerous. We could easily have a “Ghost Ship” event in Santa Cruz, like the disaster in Oakland where 36 people died in a warehouse fire. It could happen here with a fire spreading through densely packed tents and tarps.

The TOLO presented a first step in mitigating the risks from these entrenched encampments. Enforced as described, it would have greatly diminished the danger of wildfire. Tent and tarp cities can't build and sprawl when they have to move every day.

Conclusion

Changing climate trends have increased fire risks in the City's WUI areas. Together with an increase in the number of encampments, this has placed a higher demand on the City's resources. This is happening during a time that the City's budget is shrinking due to the COVID-19 pandemic.

There is consensus across the City departments that homeless encampments present a significant risk of wildfires, as well as a risk to public health and safety. After a tremendous expenditure of human capital and opportunity cost, the City has more recently taken steps to organize around this problem and address it proactively. We find it important that they continue this work in a transparent manner.

Findings

- F1.** Despite recognizing that the most important factor to reduce fire risk in the WUI area is the removal of entrenched encampments, the City has only done this in reaction to extreme emergency situations, instead of on a proactive basis.
- F2.** The Temporary Outdoor Living Ordinance was a significant step toward proactive management and mitigating the risks associated with entrenched encampments.
- F3.** The coordination between the City and the County on homeless issues is insufficient and not transparent to the public.
- F4.** Accurate data, including a count of the unhoused living in Santa Cruz, is necessary to assess and manage the fire risks from encampments.
- F5.** Based on the amount of debate and public concern about fire safety of eucalyptus, the Fire Department has done insufficient outreach on this topic.
- F6.** There are still WUI neighborhoods without a Firewise group. Firewise groups decrease the risk of fire in WUI areas through public education about protecting property and vegetation management.
- F7.** The City of Santa Cruz doesn't do enough to show that they are limited in what they can do to remove encampments along highways as this property is owned by Caltrans and under state law.
- F8.** The 10% across the board budget cuts do not match priorities of the City.
- F9.** The holding in *Martin v. City of Boise* limited the City's ability to enforce existing ordinances. TOLO was a carefully crafted attempt to manage fire risks from entrenched encampments.

Recommendations

- R1.** Before the height of fire season, the City Council should agendize and recognize the fire risk from encampments and craft an ordinance to address these issues. (F1, F2)
- R2.** In the next three months, the City Council needs to have more transparent and formal coordination with the county on management of homeless resources. (F3)
- R3.** In the next 12 months, the Santa Cruz Fire Department should educate the public on risk of fires caused by eucalyptus versus other vegetation. This would help all communities with eucalyptus trees realize the importance of vegetation management and not just in Firewise neighborhoods. (F5)
- R4.** In the next 12 months, the Santa Cruz Fire Department should work to establish a Firewise community in every WUI area of the City. (F6)
- R5.** The City Council should continue efforts to revise ordinances to comply with recent case law so they will allow more effective management of encampments to reduce fire risks. (F9)
- R6.** In the next three months, the City Manager should establish a procedure for conducting regular quarterly surveys of the number and location of the City's unhoused population to more effectively manage fire risks in WUI areas. (F4)
- R7.** Before the budget cycle, the City Manager should revisit budget priorities. (F8)
- R8.** In the next six months, the City Council should produce a detailed plan and accounting of how the federal and state homeless funds are used. (F3)
- R9.** In the next three months, the City Manager should notify the public that Caltrans is responsible for the removal of all encampments along state highways. (F7)
- R10.** Continually, the City Council should engage state offices to be more involved in encampment situations. This should be with all homeless encampments on Caltrans property and not just for highway widening projects. (F7)

Commendations

- C1.** The Fire Department has worked creatively with City IT staff to use technology to better manage risks.
- C2.** The Police Department conducted a count of the unhoused population of Santa Cruz, providing the first detailed, city-led reporting on the situation.

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz City Council	F1–F3, F5, F9	R1, R2, R4, R5, R8, R10	90 Days August 31, 2021

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz City Fire Chief	F5, F6	R3, R4	90 Days August 31, 2021
Santa Cruz City Manager	F4, F7, F8	R6, R7, R9	90 Days August 31, 2021

Definitions

Homeless encampment: Homeless encampments are locations where one or more homeless people live in an unsheltered area. These encampments can be found on properties owned by private individuals or companies or owned by local, state, and federal governmental agencies.^[50]

WUI - wildland urban interface: The line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.^[51]

Wildlands: The generally open and continuous areas of vegetation (forest, brush meadow, etc.) that do not have human development or travel routes within them (as defined by Santa Cruz City Fire Department).^[52]

Open space: Open space has human made roads or trails that allow for access. Generally these would be for pedestrian or limited vehicle access. Often these abut or overlap wildlands as they share more or less human created features (as defined by the Santa Cruz City Fire Department).^[52]

Green belt: Green belts are pockets of a wildland or open space area that is surrounded by human development. The difference being that they are not continuous with an open space that is without significant human development around it. They could be considered islands of space that are surrounded by roads, houses, etc (as defined by Santa Cruz City Fire Department).^[52]

Fuel Ladder: A fuel ladder or ladder fuel is a firefighting term for live or dead vegetation that allows a fire to climb up from the landscape or forest floor into the tree canopy. Should fire become involved in the crown or tree canopy, embers may be expected to travel up to 1.5 miles or further depending on how strong the wind is and potentially can cause additional fires.^[7] Common ladder fuels include tall grasses, shrubs, and tree branches, both living and dead. The removal of fuel ladders is part of defensible space “firescaping” practices.^[53]

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None

Site Visits

None



Distance Learning During the Pandemic in the Pajaro Valley Unified School District

Successes, Pitfalls, and Plans for the Future

Summary

In March of 2020, schools began closing across California as the realities of the COVID-19 pandemic hit home. The Pajaro Valley Unified School District (PVUSD), the largest in Santa Cruz County serving over 20,000 students, made plans to close for two weeks. PVUSD moved quickly, creating and putting plans in place that provided for distance learning and a way to communicate with students, teachers, and families. As it turned out, students were out of school for approximately one year.

PVUSD is to be applauded for its agile and broad response to the COVID-19 pandemic. Within five days the district furnished the students with computers and internet access. Teachers and students received training in distance learning. Social services were provided to families. Students, parents, and teachers have been surveyed numerous times, providing information on what worked and what did not.

PVUSD should analyze and apply these findings, and continue with evaluations when schools reopen. The findings should be documented and shared so that distance learning can be further improved in the upcoming school year and beyond to help students succeed. In our unpredictable world, distance learning is here to stay.

Background

The COVID-19 pandemic has forced students everywhere to employ new ways of learning when their schools closed down. The focus of this investigation is on PVUSD because it serves nearly half of all students in the county, contains the greatest percentage of low-income and Latinx families (see Figure 1), and is in the area with the highest COVID-19 case rate in the county.^[1]

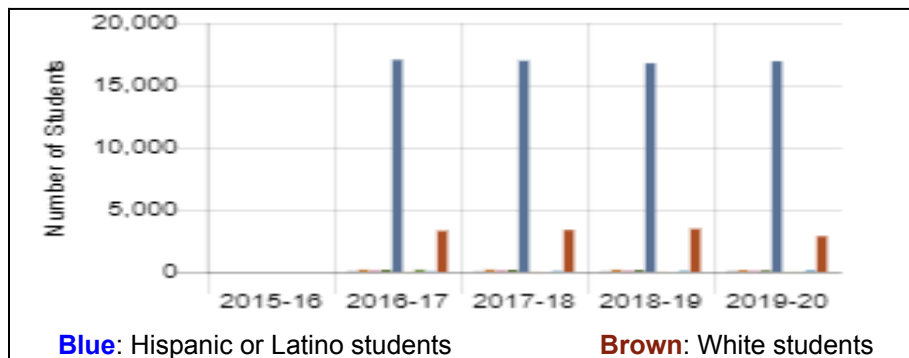


Figure 1. PVUSD Cumulative Enrollment by Race/Ethnicity^[2]

Within five days of the schools' shutdown and the implementation of distance learning, PVUSD updated its webpage with information for the community and equipped all students with Chromebook computers and school supply bags to help prepare them for remote learning. Students without internet connection at home had **Safe Spaces** provided. These spaces gave students secure and safe places to do their schoolwork and also served as a location for resources, with school staff working to meet individual student needs for food, clothing, and counseling support. Additionally, 500 *hotspots*, some in school busses, were made available throughout the district to ensure that all students had access to internet connections.^[3]^[4] Community programs provided families in need with meals, clothing, rental assistance, and counseling. Agencies collaborated to take care of their community by removing obstacles and finding innovative solutions. Funding through the CARES Act helped to improve and upgrade some of the heating, ventilation, and air conditioning systems in the district's schools.^[3]^[5]^[6]

It should be noted that planning for school closures had been ongoing for months, beginning as early as January 2020. Superintendent Michelle Rodriguez sent the first communication to the educational community about COVID-19 on January 24, 2020.^[7]

The effect of the pandemic has been more severe for students living in poverty, are of color, LGBTQ, or have learning and/or social-emotional problems. Teachers, too, have struggled, having to quickly learn new approaches to teach and communicate with students and families, often while parenting their own children in the home.

The Grand Jury wanted to find out how distance learning has worked for all concerned. It will be important for PVUSD to process the lessons learned so that distance learning can be utilized in the best possible way in the future.

On March 14, 2020, there were seven cases of COVID-19 in Santa Cruz County. One of them was an employee at Rio Del Mar Elementary School, part of PVUSD. That same day, the PVUSD Board of Trustees held an emergency meeting to unanimously approve a plan to close all district schools for two weeks, and allow most employees to work from home.^[8]

As part of this mandate, PVUSD technology employees were tasked with disinfecting some 15,000 Chromebooks for students to use at home. The district, along with local company Cruzio and Equal Access Santa Cruz County, provided internet access to the district's students, some of whom lived in remote areas of the county.^{[9] [10] [11]}

Schools across the state were planning to close for one to two weeks. However, PVUSD Superintendent Michelle Rodriguez said at the time, "This is not going to go away in a few weeks, so we need to have continuity of learning."^[8]

Scope and Methodology

The Grand Jury conducted interviews of administrators, teachers, students, and parents. We listened to webinars featuring these groups. We requested and examined documents and monitored newspapers, Facebook postings, and internet sources for updates on local school issues.

Investigation

The PVUSD, with over 20,000 students, is a large school district managing:

- 16 elementary schools,
- 6 middle schools,
- 3 high schools,
- 8 charter and alternative schools, and
- 1 adult education school.

On January 28, 2020 the PVUSD Superintendent sent out a note to staff and families informing the district about the potential of a COVID-19 pandemic, what individuals could do, and what actions PVUSD and the County Public Health Division was taking.^[12] This was one of the earliest efforts to keep the community informed about COVID-19. Dr. Rodriguez's FAQs, which provided updated information on COVID-19 testing, vaccinations, safety protocols, internet access, and school closures, continued consistently throughout these early days and beyond.^[13] On March 14, 2020, when the schools were ordered to stop in-person learning, it was not a complete surprise to the PVUSD administration, faculty, students and parents.

Within five days of the schools' shutdown and the implementation of distance learning, PVUSD equipped the district's students with Chromebook computers and school supply bags to help prepare them for remote learning. However, despite the tremendous success in providing the majority of students internet access, approximately 400 students don't effectively participate. These students live in rural areas of the county. Some did not pick up their Chromebook or have reliable internet access, and some the district was unable to locate.

The social-emotional issues that students experienced during the pandemic have been worrisome for administrators, teachers, and parents.^[14] Some students hesitate or avoid turning their computer cameras on because of privacy issues; they don't want others to see how they live. Some are lonely, tired, depressed, or are being abused. Some have no one at home who can help with schoolwork and computer issues. Some have experienced serious illness and deaths in their families. Some are in desperate need of food, clothing, and housing. Others need to care for younger siblings while parents work, or need to work themselves to help out financially. Teachers have been trained to look for signs of distress, and reach out to students and families via the internet, mail, and phone. Home visits and support from PVUSD Student Services, Pajaro Valley Prevention and Student Assistance,^[15] and other social service agencies have increased. More funding and support for qualified outreach staff will be needed to effectively continue these services.

Some students, however, have thrived with distance learning. They say they have more time to focus on schoolwork, and have fewer distractions and social pressures. Some like the ease with which they can communicate with teachers. Remote learning can be a complement to in-person learning, allowing students to explore additional areas of interest. It can also be used to help students needing extra help academically. Governor Newsom has said it will definitely be a part of California's educational system, even when schools reopen, and that money is available to help with funding.^{[16][17]} The pandemic offers an opportunity to think "out of the box."

"What we're hearing very broadly from schools all across the state is that they do want to have some level of flexibility to continue to provide distance learning for some families," said Kevin Gordon, president of Capitol Advisors, a lobbying firm representing hundreds of California school districts.^[18]

The role of parents has also changed during the pandemic. They are more involved now than ever before. Virtual communication has made it easier to participate. The Superintendent's office is concerned with the emotional needs of parents as well as the students. Parents can join live meetings and provide feedback. PVUSD sends out updates on the web at least once a week to provide current information and resources.^[13]

Teachers have received continued support for digital training throughout this timespan of distance learning. PVUSD provides a Digital Learning Resources website that provides direct assistance for teachers with technical support and access to tools and resources.^[19] The site also provides direct coaching support through the County Office of Education Teacher On Special Assignment (TOSA) program. Parents and students have access to the website with online activities and distance learning support.^[20] Teachers have continued to receive training and support throughout the pandemic. They have put in hours of unpaid time to participate in trainings. While everyone – teachers, administrators, students, and families – is striving to make remote learning work, it has left many of them tired and frustrated.

PVUSD has put a good deal of effort into reaching students and families who speak Spanish and Mixteco bajo, with multi-lingual family support staff and phone-based and in-person technical help.^[21] The PVUSD superintendent has said it is important to listen, provide information, and engage families in their preferred language.^[21]

As schools reopen, safety protocols are a big challenge, as well as how to continue to help students academically, socially, and emotionally. The American Federation of Teachers (AFT) has laid out safeguards such as masks, physical distancing, sanitizing, ventilation upgrades, testing and contact tracing.^[22] Randi Weingarten, AFT president, said:

We must reimagine learning beyond COVID-19 and create the conditions to help all children thrive. Rather than the traditional spring state testing, we should assess and respond to students' wide-ranging needs; support our most vulnerable students; focus on educators' professional learning and growth to meet these unprecedented challenges; and promote equity and excellence in all of our public schools.^[22]

The PVUSD Board of Trustees has approved a plan to ease graduation requirements for high school students who have experienced learning loss. It was found that 85% of the seniors at Aptos High School are on track to graduate this year, along with 66% of those at Pajaro Valley High and 65% at Watsonville High – all percentages down from previous years.^[23]

As one local parent said, “Hopefully the focus won’t be on catching students up academically, but rather that they talk about the experience. There is a lot to be learned.”^[24]

Conclusion

The PVUSD Board of Trustees approved a plan to close all district schools for two weeks beginning on March 16, 2020. The District moved quickly, putting previously thought-out plans in place that provided for distance learning and a path for communicating with students, teachers, and families.

PVUSD is to be applauded for its agile and broad response to the COVID-19 pandemic. In the first five days after the schools shut down the district furnished the students with computers and internet access. Teachers and students received training in distance learning. Critical social services were provided to families.

PVUSD can learn from the immediate and commendable actions taken to put distance learning in place. This is the time to evaluate what worked and what didn’t. Classes look different as safety measures are established and there are new concerns as students and teachers have returned to the classroom. PVUSD services need to be provided as the community heals from COVID-19, especially to those most vulnerable and difficult to locate in its District.

Findings

- F1.** Since distance learning will continue after schools reopen, students, teachers, families, and administrators will need to continue learning new ways to operate and will require continued support.
- F2.** Students, teachers, and families were well-served by the continuously-updated information provided by the PVUSD Superintendent's weekly FAQ postings on PVUSD's website.
- F3.** The administrators, teachers, parents, and students themselves are all understandably concerned about students' social-emotional issues arising from the pandemic.
- F4.** The reasons that approximately 2% of PVUSD students have been "lost" are not well understood. Possible answers might include that they are either not logging on at all, or have left the area.
- F5.** The Safe Spaces program has worked well, supporting online learning as well as providing counseling and food to students.
- F6.** Even with all the training provided to teachers, and internet accessibility provided to students, distance learning has not worked well for some students.
- F7.** Additional upgrades in school air quality systems and furniture are necessary to comply with COVID-19 safety protocols.

Recommendations

- R1.** Within six months, to prepare for continued distance learning, and possible future situations, PVUSD should survey students, teachers and parents to evaluate what worked and what didn't work regarding distance learning. (F1, F2, F6)
- R2.** PVUSD should continue the Safe Spaces program. Evaluate and modify over time as students return to school. (F5)
- R3.** PVUSD should continue to keep their website updated with information and resources for teachers, students and families, including social-emotional issues, community support organizations, and educational resources.(F1, F2)
- R4.** Within six months, PVUSD should use forthcoming federal and state money to provide summer and after-school programs to help with learning loss and social-emotional issues. (F3, F6)
- R5.** Within nine months, PVUSD should use forthcoming funds to make necessary upgrades in air quality systems and furniture in the schools. (F7)
- R6.** Within six months, "lost" students who are still in the district should be located and their needs addressed. (F4)

Commendations

- C1.** PVUSD rose to the occasion to meet the needs of teachers, students and families during the pandemic. Resources including training, internet access, food, clothing, housing, and mental health services were provided; communication was prioritized.
- C2.** There is expanded internet connectivity now in the Watsonville/Pajaro area due to the efforts of PVUSD, Cruzio, and Equal Access Santa Cruz County..
- C3.** There is increased collaboration among agencies that provide services and support, including Pajaro Valley Prevention and Student Assistance, the Santa Cruz County Office of Education, and PVUSD.

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F3, F6, F7	R4, R5	90 Days September 15, 2021
Board of Trustees, Pajaro Valley Unified School District	F1–F7	R1–R6	90 Days September 15, 2021
Superintendent, Santa Cruz County Office of Education	F3, F7	R4, R5	60 Days August 16, 2021

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Superintendent, Pajaro Valley Unified School District	F1, F2, F4–F6	R1–R3, R6	90 Days September 15, 2021

Definitions

- **CARES Act:** The Coronavirus Aid, Relief, and Economic Security (CARES) Act (2020) and the Coronavirus Response and Consolidated Appropriations Act (2021) provided fast and direct economic assistance for American workers, families, small businesses, and industries.
- **Chromebooks:** laptops that run on Google’s operating system known as “Chrome OS,” or Chrome Operating System, instead of Windows or Mac OS. These notebooks should be connected to the internet, as most of the applications reside online and require a connection to run web applications and store data.^[25]
- **Distance or Remote Learning:** a method of studying in which lectures are broadcast or classes are conducted by correspondence or over the internet, without the student’s needing to attend a school or college in person.
- **Hotspots:** a specific location that provides internet access via a wireless local area network.
- **Latinx:** a person of Latin American origin or descent.
- **LGBTQ:** lesbian, gay, bisexual, transgender, and queer (or questioning).^[26]
- **PVPSA:** Pajaro Valley Prevention and Student Assistance. Their mission is to improve the quality of life of youth and families of the greater Pajaro Valley by providing health education, mental health, and substance use services, and by advocating for public policies that protect the wellbeing of the community.
- **PVUSD:** Pajaro Valley Unified School District.
- **PVUSD Board of Trustees:** Trustees are elected by the community to provide leadership and citizen oversight of the district’s schools.
- **Safe Spaces:** places that provide a supportive and supervised environment, including academic assistance, counseling, and snacks, for high need students who will benefit from specialized intervention and support. They are located at Aptos Junior High, Radcliff, Mar Vista, Pajaro Middle School, and Watsonville High.^[27]
- **TOSA:** Teacher on Special Assignment.

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PVUSD Distance Learning Resources

<https://sites.google.com/pvUSD.net/learnfromhomeresources/home>

SC County Office of Education <https://www.sccoe.org/>

Pajaro Valley Teachers Union <https://pvft.net/>

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Justice in the Jail

“The degree of civilization in a society can be judged by entering its prisons.” — Fyodor Dostoevsky

Summary

A number of events over the past four years illustrate that “we have a problem.” They include inmate deaths, violence, and equipment failures at the Main Jail and criminal conduct including sexual assaults by correction officers. These events may seem unrelated, but they are connected. This report examines the operation of the Main Jail, matters affecting the nature of the inmate population, the specific events in question, and staffing and budget issues. In the end it comes down to issues of management, having enough resources, and a need for more effective oversight and public transparency.

Background

The Grand Jury's investigation and this report relate to events occurring in, and the management of, the Water Street Maximum Security Correctional Facility ("Main Jail"). California Penal Code Section 919(b) requires each year's grand jury to "inquire into the condition and management of the public prisons within the county." (see [Appendix A](#)) Previous Santa Cruz County Grand Juries have issued reports dealing with unfortunate events occurring in our county's jails, including a report issued in 2014 entitled "Five Deaths Santa Cruz" and a report issued in 2016 entitled "Another Death in the Jail."^{[1][2]}

News articles and other media have reported on problems in the Main Jail. The Grand Jury received written complaints from citizens. Although Santa Cruz County's adult correctional facilities have had fewer deaths in custody than many other counties of similar size (see [Appendix B](#)), troubling incidents as reported in the press and in press releases issued by the Sheriff's Office (SO) in 2018, 2019, and 2020 warrant both examination and explanation to the public. However, this report will not discuss the details of those events that are involved in pending criminal and/or civil litigation beyond indicating that an event occurred and what was released by the SO itself.

The events addressed in this report are:

- Allegations of sexual assault and/or illegal sexual conduct by Corrections Officers (COs) in 2017 and in 2020 resulting in convictions.^{[3][4]}
- An inmate's self-mutilation in 2018.^[5]
- An inmate assaulted by other inmates in 2018.^[6]
- A suicide and then a homicide where discovery was delayed for over 30 hours, both occurring in a two day period in October 2019.^{[7][8][9]}
- The death of an inmate diagnosed with mental illness in May 2020.^{[10][11]}
- A total power outage where power was not restored for over 24 hours in September 2019^[12]

These are important. Each goes to the heart of concerns over inmate safety and the management and oversight of the Main Jail facility.

The COVID-19 pandemic has impacted the Main Jail, just as it has impacted virtually every aspect of our collective lives. However, none of the events that gave rise to our investigation and report are COVID-19 related. Although a few COs tested positive after an ill-advised off duty social event in November 2020, those officers and a number of other officers who came in contact with them were quarantined. No infections have been reported in the Jail population since the pandemic began.^[13] The Sheriff's Department is to be commended for doing everything in its power to avoid an outbreak of COVID-19 among the inmate population.

Our investigation, our findings, and our recommendations address five overriding questions concerning management and oversight raised by the events that prompted our inquiries:

- What is the Main Jail's management doing right to promote and maintain inmate and staff safety?
- How can the management of the Main Jail be improved to promote and maintain inmate and staff safety?
- How much oversight of the Main Jail's operations exists?
- What are the potential benefits of increased institutional oversight?
- How can oversight benefits be maximized?

Scope and Methodology

The subject of the investigation is the Santa Cruz County's Main Jail, its management, and its oversight by the Board of Supervisors (BoS) as well as public transparency of jail operations. During the course of this investigation the Grand Jury toured the Main Jail, the Blaine Street Women's facility, and the Rountree facility. Among others we interviewed members of the Sheriff's Office's (SO) management, and private citizens allegedly having knowledge germane to our investigation. We reviewed numerous newspaper reports, statistics compiled by governmental agencies, court records, and a number of scholarly articles. The SO produced a large volume of documents and records, including but not limited to logs, policies and procedures, training materials, and investigative and administrative reports. We examined data and documents posted on the SO's website. Further, we had access to the numerous reports of prior grand juries dealing with the jails in Santa Cruz County and to the statistics and other printed materials that had been used to support the facts stated in those reports. The SO was cooperative with the Grand Jury and did not attempt to interfere with, limit, or frustrate this investigation.

Investigation

The SO's Correction's Policy Manual (CPM) prioritizes inmate and staff health and safety.^[14] The Grand Jury undertook this investigation to evaluate the performance of the management of the Main Jail in the wake of numerous incidents of violence, suicide, deaths, and CO misconduct.

The SO's management interviewees were open and forthright. We received direct answers to our questions that were comprehensive and unfettered. No areas of concern were off limits to our inquiries, and our requests for documents were promptly honored. We commend the office and its management for their candor and cooperation.

We start with an examination of the structure and organization of the Main Jail, and the factors affecting the number and nature of the Main Jail's inmate population. Then we discuss what our investigation revealed about the incidents involving inmates and the various Correction policies relevant to those incidents. Lastly, we discuss issues concerning staffing, staff morale,^[13] funding (budgets), and then oversight and transparency, which lead to our findings and recommendations.

The Corrections Bureau

The SO is divided into three Bureaus:

- The Operations Bureau covers patrol and most investigations.
- The Administration Bureau covers over-all administration and internal affairs investigations.
- The Corrections Bureau administers the jails, inmate transportation, and the secure areas of the downtown and Watsonville courthouses.

The SO also has a Cannabis Compliance Unit that works closely with the County Cannabis Licensing Manager to reduce non-regulated cannabis cultivation.^[15]

The Corrections Bureau operates three adult detention facilities. The Main Jail is a maximum security facility now rated for 319 inmates. Next to the Main Jail is the Blaine Street medium security women's facility rated for 32 inmates. The third is Rountree, a medium security men's facility divided between two units together rated for 96 inmates and a separate Rehabilitation and Release unit for 64 inmates.^[16]

A Chief Deputy leads the Corrections Bureau. A lieutenant is in charge of both the Main Jail and Blaine Street facilities, and a lieutenant is in charge of Rountree.^{[17] [18]} All state prisons and county jails are subject to standards and regulations established by the California Board of State and Community Corrections (BSCC).^{[19] [20] [21]}

The Corrections Bureau has expanded educational, motivational, and life skills programs available to inmates who are classified as medium security. The Main Jail lacks the space to have extensive educational programs, with only a few small rooms available for classes. Staff seeks to motivate female inmates who qualify to earn transfer to Blaine Street through their behavior, and for male inmates to rate being transferred to Rountree. Male inmates at Rountree are then urged to earn transfer to the Rehabilitation and Release Unit (Unit T), which has even more extensive educational and life skills programs. Inmates in Unit T who have not graduated from high school are required to complete their GED equivalency. Inmates in Unit T are required to attend both classes and occupational training in either hospitality, construction, or agriculture.^{[17] [22]}

Management is rightly proud of these programs. We commend the Sheriff, the Sheriff's Office, and the Chief Deputy of the Corrections Bureau for adopting these innovative programs designed to promote reentry and reduce recidivism.

Structure and Organization of the Main Jail

The Main Jail's structural layout dictates its organization. The building, originally completed in 1981 to house 92 inmates, was expanded by adding a second phase in 1986 to house an additional 138 inmates. It was expanded again in 1999 to house an additional 91 inmates bringing its then total capacity to 311 inmates.^{[23] [24]} Sheriff's management has opined that the Main Jail facility is approaching the end of its useful life, and that it should be replaced by a new facility designed and built reflecting current needs and technology. We were also told that the cost of doing so is prohibitive and that the Main Jail will be needed for years to come.^{[13] [25]}

The Main Jail houses inmates in three wings, noted as North, South, and West. Each wing is divided into units, with each unit having a number of one- and two-person cells. A separate “O Unit” (“O” for observation) is located in the West wing, with 16 cells currently set aside for quarantining incoming inmates to prevent the spread of COVID-19, and for inmates under special observation (e.g., suicide risks). Female inmates are housed in a separate unit in the North wing. In addition, the facility has a medical office with two examination rooms and a dental room. The facility has areas set aside for food and clothing distribution areas, as all laundry and cooking is done at the Rountree Facility and transported to the Main Jail and the Blaine Street women's facility. Each housing unit has a day room and exercise area, the exercise area being enclosed but open to the sky through a closely woven steel mesh roof. There is a central Control Room that allows monitoring, through live video, of all housing units.^[17]

The corrections facilities are staffed on two twelve-hour shifts (Day and Night). This is standard practice for COs working in custodial areas, and reportedly is preferred by most COs, rather than three eight-hour shifts. Fewer shift changes in a 24-hour day provide for greater safety to the COs, and it is reported that inmates seem to feel more secure dealing with only two COs per day.^[17]

Inmate medical care for the Santa Cruz County Jail system is contracted out to Wellpath, a private company that specializes in providing medical services to county jail inmates. Wellpath staffs the Main Jail medical office with an RN on duty 24/7, and a doctor is present on site three days a week. The remaining two days the doctor is at the Rountree facility. Mental health services are currently provided by the Santa Cruz County Health Department.^[17]

At the Main Jail each shift is headed by a Watch Commander, with two Senior Correction Officers, one supervising housing and the other supervising booking.

- The day shift operates with a minimum of twelve additional COs: booking, intake, release, North, South-1, South-2, West-1, West-2, O Unit, Control-1, Control-2, and Flex-1 (a “floater”).
- The night shift operates with one less CO, as only one CO is in the Control Room at night. This is the minimum staffing, and at least one off-duty CO is on overtime standby if needed which happens regularly.
- The staffing chart provides for additional COs noted as Flex-2, North-2 and Intake-2 but, apparently due to budgetary issues, the Main Jail has not operated with these positions for a number of years.^{[17] [26] [27] [28]}

Every arrestee not cited and released by the arresting agency is brought to the Main Jail for booking. The transporting officer for the arresting agency submits a completed “Arresting Agency Suicide Assessment” form.^[29] Arrestees are processed one at a time, through an intake-booking process that includes a lengthy “Housing Assignment Risk Assessment/Preclassification Assessment” with 48 distinct observations and questions that are used in determining housing assignments. Once housed, inmates may submit a request for reassessment.^{[30] [31] [32]}

COVID-19 Protocols

Due to the COVID-19 pandemic, the jail instituted strict protocols designed to minimize the risk of infections among inmates and staff. All staff are tested weekly. All inmates are tested at booking and are strictly quarantined for 14 days. Thereafter inmates are tested weekly. All staff are required to wear N95 masks at all times while in the facility. All visitation is “virtual,” and a special arraignment court operates in the Main Jail to reduce the need to transport inmates to the courthouse.^[13] These efforts have worked. No inmate has contracted COVID-19 since the pandemic protocols were implemented in March 2020.^{[13] [17] [33]}

Population Issues

In Santa Cruz all incoming inmates are processed at the Main Jail, and the SO cannot refuse to house an inmate because “there is no room at the inn.” People charged with serious felony charges who do not make bail are housed in the Main Jail until the cases against them are fully resolved. The Sheriff of each county in California is required to house any inmate lawfully remanded to the Sheriff’s custody until either released or transferred according to law.^[17]

During the period when the incidents occurred that prompted this investigation, that is 2018, 2019, and early 2020, a number of factors had an impact on the size and nature of the inmate population in the Main Jail. Overcrowding was endemic for most of this time, and earlier. While the Main Jail’s rated capacity was 311, the daily average was around 350, and rose as high as 390 in April 2019.^[34] As reported in the 2016-2017 Grand Jury Report, Assembly Bill 109 (AB109) enacted in 2011 was the leading cause of overcrowding.^[35]

AB 109 (the “Public Safety Realignment Act”)

AB109, the “Public Safety Realignment Act” applied to some 500 designated non-serious, non-violent felonies, and to non-registerable sex offenses. Those convicted of one of these offenses, if not otherwise disqualified based on prior convictions, would serve their sentences of up to four years in their local county jails instead of state prisons. The stated assumption was that recidivism would be reduced if certain classes of inmates were incarcerated closer to their homes and had county-based programs and supervision. What wasn’t stated, but was understood by all, was that California’s Department of Corrections was under a court order to drastically reduce prison populations, and the realignment would save millions of dollars.^[36] As a direct and immediate consequence, increasing numbers of inmates in our county’s jails were incarcerated for much longer times than previously.

Housing the Mentally III ^[37]

Inmate population has also been impacted by county jails becoming *de facto* one of the principal housing locations for people who appear to have mental illnesses or addiction issues. Over a number of decades California has sharply reduced state resources available to house and treat people with mental illness. Current estimates reveal that about 45% of state prison inmates have been treated for mental illness, and the Los Angeles County Sheriff characterizes the LA County Jail as the largest mental health

provider in his county.^[38] According to BSCC statistics, the number of inmates in California county jails receiving medication for mental illness each month in 2019 increased by a factor of 42% over what had been the case in 2009.^[39]

Our county's situation is in line with state averages.^[40] A survey of jail records for 10 different dates in September and October 2019 indicate that an average of 17 inmates in the Main Jail population awaiting disposition of their cases had been found mentally unfit to stand trial.^[41] Senior correctional officials in our county have acknowledged that many inmates are arrested and detained for actions that appear to be consequences of mental illness and/or addiction.^{[28] [42]} Santa Cruz is a relatively small county and it does not have a mental health facility with sufficient security features, beds, and staffing to house and treat inmates found to be both seriously mentally ill and charged with criminal offenses. Even if an inmate might be ordered to a state hospital, the length of time before a bed becomes available and the inmate can be transported to a state facility is measured in months and years, not days and weeks.^{[17] [38]}

The Main Jail was designed as a maximum security facility for inmates either awaiting disposition, post conviction transfers, or serving misdemeanor sentences of no more than one year. Before passage of AB109 as noted above, the actual time inmates were housed in the Main Jail was measured in days or weeks, and occasionally months, but not years. Yet now increasing numbers of inmates are serving longer sentences, are waiting longer for disposition or transfer, and more often seem to have mental illnesses and/or addiction. All of which means that policies and procedures designed to protect inmates from harm, whether self-imposed or from other inmates, are more important than ever.

Events

A number of incidents occurred in the Main Jail between 2017 and 2020 in which inmates sustained harm, or which increased the risk of harm.

Conviction of Correction Officers for criminal conduct

In 2018, and in 2021, individual COs were convicted of criminal conduct. In 2020 a CO was arrested for two counts of unlawful sexual activity with a detained person and for three counts of bringing drugs into the jail. In 2021 the CO pled "guilty/no contest" (as stated in the court record) to all charges, and received a suspended sentence and two years formal probation.^{[43] [44]}

The earlier case involved the arrest and conviction of a CO for committing a sexual assault in 2017 on a female inmate. The CO was charged with two counts of unlawful sexual assault on a detained person and one count of assault by a public officer. He pled "guilty/no contest" (as stated in the court record) to the charge of assault by a public officer (PC § 149), and received a suspended sentence and three years formal probation.^[45] He had entered a cell occupied by a female inmate alone, which was strictly against policy, and assaulted her.^[46] This prompted the SO to require COs to activate their Body Worn Camera whenever entering a housing unit or cell. The CO's arrest and the policy change was reported in the press.^{[3] [47] [48]}

COs receive specific training in PREA, the Prison Rape Elimination Act of 2003 as described in the CPM §606.^[49] PREA forbids COs from engaging inmates in any sexual acts, banter, inappropriate written communications, and the like. Such prohibitions extend to any ex-inmate within a year of such inmates' release. PREA also prohibits any sexual discrimination, harassment, and unequal treatment of inmates based on the inmate's sexual orientation, identity, or status. Under PREA, COs of the opposite sex of inmates in any housing unit must announce their presence upon entering the unit, and COs shall not enter the cell of an inmate of the opposite sex unless accompanied by a CO of the inmate's sex except in emergency situations.^[50]

October 12-14, 2018 – Inmate A

An event concerning Inmate A is the subject of pending litigation, and we are precluded from further elaboration.^{[6] [51] [52]}

December 30, 2018 – Self-mutilation by Inmate B

Inmate B's criminal matter was pending trial, and he had been in custody since his arrest.^[5] The SO's investigation revealed that at about 11:30 p.m. a medical emergency was discovered in Unit K in West Housing. Another inmate had pressed the emergency call button in the Unit's dayroom because Inmate B was bleeding profusely. Inmate B was in a single cell as opposed to a two-person cell based on correction housing policies. He was immediately transported to the medical unit in a wheelchair, where it was discovered that he had used a razor blade in an act of extreme self-mutilation. A tourniquet was applied by medical staff to arrest the bleeding and Inmate B was transported to the hospital by ambulance. Video surveillance revealed that at about 10 p.m. that evening safety razors were distributed to inmates in the Unit including Inmate B, who was confined to his cell. It was reported that about 15 minutes before Inmate B's self-mutilation was discovered, the razor was recovered lying by the door where Inmate B pointed to it. It was noted that there was no blood on it but that it appeared to have been tampered with.^[53]

October 13, 2019 – Suicide of Inmate C

Inmate C had been in custody since his arrest. He was discovered dead at 5:45 a.m. lying in bed in his one-person cell in the D Unit in West Housing when he failed to appear for breakfast. The SO's investigation revealed that Inmate C had used razor blades to sever his femoral artery and had bled to death. He was pronounced dead at the scene.^{[7] [54] [55]}

Jail records revealed that Inmate C had previously attempted suicide in July, 2017, and had been placed on suicide watch several times. He was placed in "O" Unit on suicide watch once again in September 2019, and had been returned to the general population only six days before his death.^[55] SO regulations provide that inmates designated suicide risks are checked by COs every 15 minutes, while inmates in the general population are checked hourly. The SO's CPM provides that COs shall "verify an inmate's welfare by direct visual observation of breathing and by seeing the skin of the inmate. If unable to verify an inmate's welfare and presence (such as an inmate sleeping under a blanket), the officer shall take immediate action to confirm the inmate's

presence and welfare.”^[56] Reportedly COs are trained not to disturb inmates’ sleep by waking them or shining flashlights on their faces. Inmate C was last observed to move when checked at about 1:15 a.m. Inmate C seemed to be sleeping on his back at each of the later hourly checks, but only his legs were visible as he was under the covers and had draped a towel or blanket near his head, which was common practice by inmates who did not want to be awakened.^[55]

The investigation revealed that when Inmate C’s body was discovered in his cell, two safety razors were seen lying on a book next to Inmate C’s head, each covered with blood, and one bearing a large amount of congealed blood. There is no indication in the investigation report of how Inmate C managed to acquire two razors.^[55]

Correction Policies Regarding Razors and other grooming equipment

The CPM states that inmates are allowed freedom over their personal grooming in most cases. The only specific mention of razors is in Section 607.4 stating that inmates are allowed to shave daily, but an inmate who appears to be a danger to himself or others may be denied access to a razor. Section 607.6 provides that: “Grooming equipment is to be inventoried and inspected by the staff at the beginning of each shift and prior to being issued to inmates. The staff shall ensure that all equipment is returned by the end of the shift and is not damaged or missing parts.”^[57] ^[58] Existing policies in the CPM appear to be deficient in that inmates are allowed to be in possession of razors in their cells, and there is no policy regarding how long inmates may have razors in their possession.

October 12-14, 2019 – Death of Inmate D

Inmate D was the subject of two SO Media Releases as follows:

On October 14th, 2019 (Inmate D) was found deceased in his cell at the Santa Cruz County main jail. (Inmate D) was being held in jail since April of 2013 on murder charges. The forensic pathologist determined (Inmate D’s) death was caused by strangulation as a result of homicide. (Inmate D) shared a cell with two other inmates: (Inmate X), in custody for a murder charge and (Inmate Y), in custody on firearms charges. All three shared a cell in a housing unit designated for active gang members. Detectives are still investigating this case and are working closely with the District Attorney’s Office.^[8]

October 30th, 2019 detectives arrested (Inmate X) and (Inmate Y) for the October 13th, 2019 murder of (Inmate D). (Inmate D) had been in custody at the main jail for murder since April of 2013. He was found deceased in his cell around 11 a.m. on October 14th, 2019. Following an autopsy and investigation by our forensic pathologist and detectives, it was determined (Inmate D) was strangled sometime between midnight and early morning October 13th. (Inmate X), (Inmate Y) and (Inmate D) shared a cell in a housing unit designated for active gang members. (Inmate X) has been in custody since August 2018 on murder charges. (Inmate Y) has been in custody since January 2019 on felony weapons charges. The investigation is ongoing. Detectives

are working closely with the District Attorney's Office to file charges against (Inmate X) and (Inmate Y).^[9]

These matters are the subject of pending litigation, and we are precluded from further elaboration.

May 10, 2020 – Death of Inmate E

Inmate E was the subject of two SO Media Releases as follows:

On May 10th around 6:00 p.m. Correctional Officers found an unresponsive male inside his cell at the Santa Cruz County Main Jail. Correctional Officers began performing life saving measures and called paramedics. Despite their efforts he was pronounced deceased at the jail. He is identified as (Inmate E). (Inmate E) was arrested in January 2020 for domestic violence related charges. (Inmate E) did not share a cell with anyone, there is no foul play suspected and no signs of trauma or visible injuries. (Inmate E) was not showing any signs or symptoms related to COVID-19. The forensic pathologist is performing an autopsy and toxicology test to determine cause and manner of death.^[10]

On May 10, 2020 (Inmate E) died suddenly and unexpectedly while in custody at the Santa Cruz County Jail. A thorough investigation was conducted by the Coroner's Unit which included comprehensive testing to include Covid-19. Our forensic pathologist determined (Inmate E's) cause of death to be acute water intoxication, due to the over consumption of water in a short period of time. The over consumption of water was influenced by (Inmate E's) underlying mental health issues. This water consumption led to an electrolyte imbalance, which caused (Inmate E's) organs to fail, leading to (Inmate E's) death. The autopsy, testing and investigation showed no evidence of trauma, foul play, Covid-19 or other evidence that he had ingested any caustic or poisonous substances. (Inmate E's) death was classified as an accident.^[11]

This matter is the subject of pending litigation, and we are precluded from further elaboration.

Policies Concerning Inmate Safety and Housing

The SO's Correction's Policy Manual (CPM) states that the first priority is to "prevent deaths in custody."^[14] Many of the policies concerning both the facilities and the duties of the COs are designed to promote inmate health and safety and prevent foreseeable harm. The policies and procedures inherently recognize that inmates are largely, if not entirely, dependent on their custodians for their health and safety. At the most elemental level, being in custody means not being free to provide one's own basic necessities of life and take care of one's health and safety. The CPM has over 392 pages plus index, and what follows are certain policies that bear directly on the events that gave rise to this investigation and report.

Safety Checks (CPM § 503)

Safety checks are mandatory. They must be “sufficient to determine whether the inmate is experiencing distress or trauma.” COs are required to “verify an inmate’s welfare by direct physical observation of breathing and seeing the skin of the inmate. If unable to verify an inmate’s welfare and presence (such as an inmate sleeping under a blanket) the officer shall take immediate action to confirm the inmate’s presence and welfare.”^[59] Inmates under suicide watch are to be checked every 15 minutes. Other inmates under special special observation, such as detoxification, or other physical or mental health conditions, are to be checked not less often than every 30 minutes. All other inmates shall be checked hourly, as well as at the beginning of each shift, when meals are given out, and during clothing exchanges.^{[56] [60]}

Classification and Housing (CPM § 506)

How inmates are classified and where and with whom they are housed are essential to inmate safety, and gathering important information is critical. It begins with a one page “Arresting Agency Suicide Assessment” to note if the detainee being booked into the Main Jail seems to be a suicide risk.^[29] Then the intake officer completes a detailed “Housing Assignment Risk Assessment” form which includes pertinent information given by the inmate, the intake officer’s observation of the inmate’s behavior and appearance, and a series of questions to provide even more information about the inmate.^[30] A Special Classification Officer then scores the inmate’s assessment to determine the inmate’s security level and appropriate housing based on a number of factors including charges, prior criminal and incarceration history, gang affiliation, sexual orientation, gender identity, and LGBTQ identity. Housing determinations are reviewed 30 days after booking, and then bi-monthly thereafter. Inmates may appeal, or request alternative housing, and their request and the response are recorded in the inmate’s record.^[61]

September 28-29, 2019 – Power Outage at the Main Jail

As was thoroughly reported by the 2019-2020 Grand Jury’s Report “Fail in the Jail,”^[12] electrical power (from PG&E) was lost, and stayed off for about 26 hours, while the backup generators were mostly inoperative. After the incident the Board of Supervisors (BoS) approved a budget allocation of about \$1.5 million to replace the inadequate backup system. As reported by last year’s Grand Jury, a design had been contracted out and a new fully operational backup power system was to be in place by late 2021.^{[12] [62]}

However, the Grand Jury learned that as of April 2021, data analysis to determine the needs of the system is still being conducted, the new system has not yet been designed, and it remains more than a year away from being operational. GSD, which is the department that handles the county’s infrastructure, had control of the project.^{[17] [42]}

Policies relating to the facilities, like custodial protocols, work both ways: to protect and care for the inmates and also to assure the safety of those who work there. It is important that all of the communication, security and safety systems and equipment operate if the power feed from PG&E should be interrupted. The CPM requires that the backup generators be tested weekly, and that weekly tests be documented. If repairs are required they are to be expedited, and if the backup system can’t be brought online in eight hours a temporary emergency system must be brought in.^[63]

The lack of a fully adequate operational backup system constitutes a continuing risk to the safety of both staff and inmates. That risk grows more serious when considering the probability of more frequent power outages. During California's fire season PG&E will occasionally shut down power to prevent its outdated equipment from starting wildfires as had previously occurred.^[64]

The principal communications between the SO and GSD concerning correctional facilities maintenance issues were, and are, informal monthly meetings between the Chief Deputy for Corrections and the Director or Assistant Director of GSD. However, there is no formal documentation of such meetings nor are there monthly reports generated concerning the status of necessary repairs which could be reviewed by the BoS and the County Administrative Officer.^{[13] [42] [65] [66]} Although the After Incident Report^[67] acknowledged the "total failure to assure generators can power minimum critical operations" and that there were no policies or procedures that established response times or when response is required, no such policies or procedures have been put in place.

The BoS and the SO agreed with the 2019-2020 Grand Jury's finding that there had been a total failure to follow necessary policies designed to assure the backup system was operational when needed, yet they rejected all of that Grand Jury's recommendations to address greater accountability for maintenance management.^{[66] [68]} If a lack of established procedures and accountability did not work then, how can it be assured it would work now? The continued unexplained delays in replacing the admittedly inadequate system illustrate even more strongly that corrective measures are called for.

Turnover at the top

While not an excuse for any of these events or incidents, we note that over the course of when they occurred the Chief Deputy leading the Corrections Bureau changed twice, first in late 2018, and again in spring 2020.^{[13] [27] [28]}

Staffing Issues

The SO's senior leadership believes that more staffing is most needed to improve performance and safety.^{[13] [27] [28] [42]} For the past several years the Corrections Bureau has operated with the minimal staffing thought to be necessary, and mandatory overtime to staff each shift has been more the rule than an exception.^[69]

The Main Jail day shift includes the Watch Commander (a sergeant), two Senior Corrections Officers (SCO) for housing and booking, and thirteen COs assigned to specific posts in the facility. The night shift has the same number of senior people as working on days, but with one less CO, as at night there is only one CO in the Control Room instead of two. Assignments for each shift are noted on a chart with the names of the CO assigned to each position on that shift. Beneath these levels is a "red line" below which are slots for three additional COs, but they are never filled.^[26] A substitute is called in whenever a CO assigned to work one of the slots calls in sick, is injured, or otherwise is unable to work. Normally COs get three days off for every three 12-hour shifts they work. Often this results in filling the shift roster with COs being required to

work mandatory overtime. As a consequence it is not uncommon for COs to put in five, and even six shifts per week.^{[13] [17]}

The work is both stressful and exhausting. COs are responsible for filling out reports and other paperwork that document their activities. The COs assigned to housing units supervise them from a control booth outside the locked units. But COs are constantly going in and out of the units like yo-yos. Their duties include mandatory hourly safety checks, serving three meals per day, collecting dirty laundry and distributing clean laundry, distributing and collecting grooming supplies, distributing commissary items purchased by inmates, dealing with requests by individual inmates, supervising inmate movements in and out of the housing units, supervising open time, assuring that inmates are in their assigned cells when it's time for "lock down," and often responding to calls for assistance from other COs when needed. Intake, booking, and release COs deal with all movement in and out of the facility including new bookings, releases, and inmates being processed in and out for court appearances, as well as assisting COs in the various housing areas as needed. When the CO assigned to a specific area is not at the control booth he/she will not hear a call from an inmate's in-cell intercom.^[17]

Employee turnover among COs is frequent. Many COs see their employment as a stepping stone to law enforcement, and will leave if they are able to switch into the SO's Operations Bureau or another agency.^{[33] [42]} Further, the pay scale for beginning COs in Santa Cruz County is at the lower end of pay scales in neighboring counties. It is \$579 less per month than in Monterey County and \$1240 per month less than in Santa Clara County (see [Appendix C](#)). Many COs have long commutes to work in the Main Jail. Few, if any, can afford to live in close proximity given the extraordinary cost of housing in most of Santa Cruz County, and a good number of COs live "over the hill" or beyond into the Central Valley where affordable housing is in greater supply.^{[33] [42]}

Management has lauded the dedication and competence of the COs. Yet low morale, burn-out, and employee retention are both persistent and problematic.^{[17] [42]}

Budget and Board of Supervisors' Oversight

Budget

The budget for the Sheriff's Department is reviewed annually by the BoS. In June 2020 county budget reviews were conducted; the adopted budget detail may be found in the "The County of Santa Cruz Adopted Budget | Fiscal Year 2020-21."^[70] In particular, the Sheriff's budget was reviewed on June 23, 2020 as item no. 52.^[71] The Board Letter, which introduced the proposed Sheriff's budget, stated that:

Over the next year, the department will be focused primarily on public safety and the community we serve as well as providing care and resources for the population in our correctional facilities.^[72]

An examination of the specifics of the Corrections Bureau budget, found on pages 236-238 of the County budget document, shows the following:

- The 2020-21 Corrections Bureau budget is increased approximately \$2.2M over the 2019-20 budget.
- Salary and benefits increases account for all of this increase.
- Total staffing equals 151 positions, 11 positions remain unfunded.^[73]

The total staffing (151) does not mean that there are 151 people available to work. The number of people able to work is reduced by the number of unfilled positions due to resignations, terminations, and retirement, or people unavailable to work due to illness, injury or vacation. What is apparent is that for many years the Main Jail has operated with the fewest possible number of people on the job each day, and then only by requiring COs to put in mandatory overtime to the extent that it has had a negative effect on both morale and performance. Poor morale and overworked, tired workers lead to mistakes.

The Grand Jury is aware that there are many competing interests for limited county resources. Both the COVID-19 pandemic and the CZU Lightning Complex Fire imposed unprecedented and unforeseen pressure on those resources. However, we note that the county is currently defending three civil actions related to events in the jail at a substantial cost to the County. Might these resources be better spent on prevention, i.e., on adequate staffing?

Board of Supervisors' Oversight

The BoS is ultimately responsible for setting the county budget and overseeing how public funds are spent, including if they are spent properly, wisely, and are sufficient for doing whatever needs to be done. Historically the BoS receives information regarding events, issues, and needs of the SO's Corrections Bureau through various sources. They include informal one-on-one communications with the Sheriff, articles appearing in the local press, or what individual supervisors may read or be told by others. When serious events occur, the Sheriff may call individual supervisors, and if necessary, appear before the BoS in closed session. But there is no formal structure or transparency by which the BoS is timely and regularly kept informed about the Corrections Bureau.^{[42] [74] [75] [76] [77]}

As a result, all the public ever knows is what appears on line, in the local press or on the local news. Stories concerning the Corrections Bureau make the news almost exclusively when bad things happen in the jail, of which there have been far too many.

In fact, the only established recurring process or communication concerning the operation of the Corrections Bureau occurs when it is time to address budgeting. The process involves the Sheriff interacting with the County Administrative Officer concerning the budgetary needs of the SO including its Corrections Bureau. The Sheriff will make a written and/or oral presentation to the BoS when the SO's budget is on the agenda. When special circumstances have warranted it, the Sheriff has gone to the board and requested and obtained special allocations.^[42] One example is the approximately \$1.5M allocated in February 2020 to replace the defective and outmoded emergency backup generators by late 2021.^[12] The money's there, but it will be another

year and a half before the Main Jail has adequate backup power capacity to run essential systems.^[17]^[42] This illustrates why ad-hoc, informal communications cannot provide the oversight and transparency that could and would make for better, more efficient, and less costly operations.

Grand Jury Oversight

It might be argued that an oversight board is not needed because of the Grand Jury. California law mandates that every county in the state impanel a Civil Grand Jury each year. Each year, the County Superior Court convenes a Civil Grand Jury of 19 jurors with a term of one year. Like most juries, grand jurors are individual citizens who volunteer their time and energies. Their responsibilities include examining resident complaints, inquiring into the “public prisons in the county,” and conducting investigations and producing reports on topics they select intended to improve the operations of a wide range of local governmental boards, agencies and departments.^[78]

The Grand Jury’s oversight broadly encompasses every aspect of local government, including county, city, education, and other aspects of local concern. On the other hand a Sheriff Oversight Board or an Inspector General will develop an ongoing and in-depth understanding of the SO’s entire operations including corrections, financial needs, funding opportunities, and state requirements.

The Case for a Sheriff Oversight Board or Inspector General, as Provided in Assembly Bill 1185 (Government Code § 25303.7)

Assembly Bill No.1185, which added § 25303.7 to the Government Code, was enacted and signed by Governor Newsom on September 30, 2020, and became effective January 1, 2021. It allows the board of supervisors in each of California’s 58 counties to establish either an appointed “sheriff oversight board” or “inspector general” to assist the board of supervisors in its duty to supervise the conduct of county sheriffs. The law specifically states that such oversight shall not obstruct the “independent prosecutorial functions of the sheriff and district attorney.” Nor does the law limit the board’s budgetary authority over the sheriff.^[79] [Appendix D](#) has the full text.

The statute makes no provision regarding compensating a sheriff oversight board or inspector general. The BoS can appoint citizens willing to volunteer their time or it can establish compensation as it does for any board-appointed advisory board or commission. There is no requirement that costs associated with an oversight board or inspector general come out of the sheriff’s budget.

Even before AB 1185 was enacted, the counties of Orange, Los Angeles, Sacramento, Sonoma, and Santa Clara each had adopted provisions creating independent bodies to monitor county corrections and law enforcement functions. Since AB 1185 was signed into law, San Francisco County’s voters adopted it, and Santa Clara, Sonoma, and Los Angeles Counties amended their respective ordinances to give their oversight board subpoena power as authorized in Government Code § 25303.7.^[80]

An oversight board or an inspector general would have similar investigatory powers as does the Grand Jury but with both significant differences and additional advantages:

- It would not cease to exist, and need to start fresh each year with a new group of citizens.
- It could act as an advocate for the Sheriff's needs for resources before the Board of Supervisors.
- It could issue periodic reports calling attention to issues of public interest concerning the operation of the Sheriff's Office including its Corrections Bureau.
- It would provide the public with greater transparency of the operations of the Sheriff's Office, which every year consumes the single largest slice of all local and state taxes expended by the county.^[81]
- In the end it will save money because oversight will bring about more efficiency, improved morale and working conditions, and reduce human error.

Conclusion

Based on everything learned in this investigation we believe that it is critically important that everything be done to assure the health and safety of jail staff and inmates alike, and to go the extra mile to compensate for the reported structural deficiencies of the Main Jail. This paramount need includes the SO and the General Services Department making every effort to prioritize maintaining the necessary equipment and systems and upgrading them when necessary as expeditiously as possible. This need includes assuring that the Correction's Policy Manual is current, and that necessary amendments be adopted to better control inmates' access to potentially dangerous items. This need includes providing the Corrections Bureau with sufficient personnel to both fully staff the facility and reduce the dependence on mandatory overtime that is detrimental to both morale and efficiency.

Last, but certainly not least, we believe that it is essential and in the public interest to improve oversight by adoption of a Sheriffs Oversight Board or Inspector General as authorized by Government Code § 25303.7. The Grand Jury strongly recommends that the issue be brought up before the Board of Supervisors. If the Board won't adopt it, put it on the ballot and let the voters decide.

Findings

- F1.** The Board of Supervisors has failed to assert and exercise proper oversight within their purview of the Main jail.
- F2.** Adoption of a Sheriffs Oversight Board or Inspector General under Government Code § 25303.7 will provide necessary public transparency and structure to support the Board of Supervisors' supervision of the Sheriff's Office Corrections Bureau.
- F3.** Adoption of a Sheriffs Oversight Board or Inspector General under Government Code § 25303.7 will provide an effective advocate before the Board of Supervisors and the public regarding the Sheriff's needs.

- F4.** The Correction's Policy Manual must provide timely, comprehensive, applicable, and consistent guidelines for jail operations that serve to assure the safety of inmates and staff.
- F5.** The policies in the Correction's Policy Manual regarding razors do not sufficiently assure that razors cannot be used by inmates to harm themselves or others.
- F6.** Events of violence and death in the Main Jail contrast negatively with the Sheriff's Office mission, visions, and goals.
- F7.** Old and outdated equipment and systems in the Main Jail are detrimental to safe, efficient, and effective management of the facility.
- F8.** Long delays in replacing the backup power generators put staff and inmates at risk in the event of a power failure.
- F9.** Limited staffing and requiring mandatory overtime of Correction Officers at the Main Jail are detrimental to performance, staff morale, and contribute to human error which can threaten the health and safety of staff and inmates.

Recommendations

- R1.** Within six months the Board of Supervisors should either establish a Sheriff Oversight Board or Inspector General as provided in Government Code § 25303.7, or alternatively place the issue before the voters in the county. (F1–F9)
- R2.** Within six months the Board of Supervisors should agendaize and open for public comment issues raised by Government Code § 25303.7. (F1–F9)
- R3.** Within six months the Sheriff should propose for the Board of Supervisors' review and approval an increase in Correction Officer staffing and associated budget to reduce the need for mandatory overtime and to sufficiently staff the Main Jail. (F1, F9)
- R4.** Within six months the Sheriff should amend the Correction's Policy Manual to remove inapplicable provisions and to add provisions relating to razors that more effectively limit and control the conditions of their use by inmates. (F4, F5)
- R5.** Within three months the Sheriff's Office and the General Services Department should establish formal protocols for regular monthly meetings to review the status of all correctional facilities, including providing estimates of completion for any repairs and/or replacements that are outstanding, and prioritizing items that directly affect the health and safety of inmates and/or staff. Such meetings should be documented and open to inspection by the County Administrative Officer and the Board of Supervisors. (F7, F8)
- R6.** Within 60 days the Sheriff's Office and the General Services Department should provide a written report to the Board of Supervisors and the Chief Administrative Officer providing both the specifications for, and a timeline for completion of each stage of the project to replace and/or repair the backup emergency power system, and thereafter update such report every thirty days until such project is completed. (F7, F8)

Commendations

- C1.** The Grand Jury commends the Sheriff, the Sheriff's Office, and the Chief Deputy of the Corrections Bureau for their aggressive, efficient, and entirely successful actions that prevented any outbreak of COVID-19 in the inmate population.
- C2.** The Grand Jury commends the Sheriff, the Sheriff's Office and the Chief Deputy of the Corrections Bureau for adopting innovative programs designed to promote reentry and reduce recidivism.
- C3.** The Grand Jury commends the Sheriff, the Sheriff's Office and the Chief Deputy of the Corrections Bureau for fully cooperating with our investigation and providing requested documents and information.

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F3	R1–R3	90 Days September 15, 2021
Santa Cruz County Sheriff	F1, F3–F9	R3–R6	60 Days August 16, 2021

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Director, General Services Department	F7, F8	R5, R6	90 Days September 15, 2021

Definitions

- **24/7:** 24 hours/day, 7 days/week, without interruption
- **AB 109:** Assembly Bill 109, enacted 2011, "Public Safety Realignment Act"
- **AB 1185:** Assembly Bill 1185, effective Jan. 1, 2021 (Government Code § 25303.7)
- **Blaine Street:** Medium security women's facility
- **BoS:** Santa Cruz County Board of Supervisors
- **BSCC:** California Board of State and Community Corrections
- **BWC:** Body Worn Camera
- **CO:** Santa Cruz County Corrections Officer
- **CPM:** Correction's Policy Manual issued by Santa Cruz Sheriff
- **DTB:** Daily Training Bulletins issued by the SO's Correction Bureau

- **GSD:** General Services Department
- **Main Jail:** Water Street Maximum Security Correctional Facility
- **OPM:** Office Policy Manual issued by Santa Cruz Sheriff
- **PREA:** Prison Rape Elimination Act of 2003, 42 U.S.C. ch. 147 § 15601 et seq., made applicable in California in 2005 by Penal Code § 2635 et seq.
- **Rountree:** Rountree medium security men's facility and its adjacent Rehabilitation and Release Unit.
- **RN:** Registered Nurse
- **SO:** Santa Cruz County Sheriff's Office
- **TO:** Training Officer

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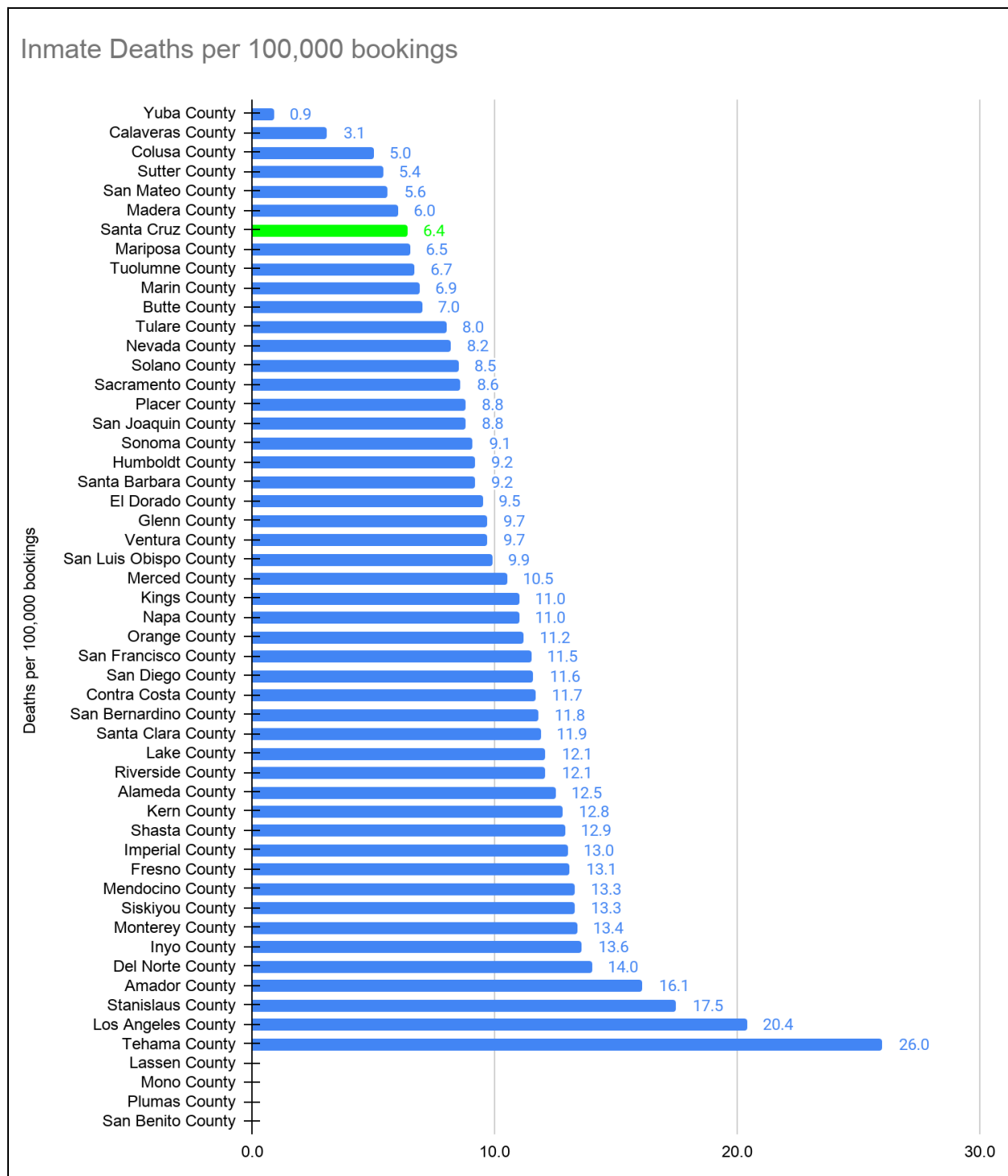
Appendix A – Jail Inspections

Penal Code § 919(b) charges the Grand Jury each year to inquire into the condition and management of the "prisons within the county." Due to the COVID19 pandemic the 2020-2021 Grand Jury did not begin its service until October 1, 2020, three months later than normal. As such this year's Grand Jury has had only nine months to complete its work. Further, COVID19 vaccinations did not become available until late this past winter.

Members of the Grand Jury were able to tour the Main Jail and the adjacent Blaine Street Women's facility on March 26, 2021, the Rountree facility on April 2, 2021, and the Juvenile Detention facility operated by the county's Probation Office on April 23, 2021. Due to time constraints this report is focused on events, conditions, and management of the Main Jail.

The Grand Jury notes that jurors were favorably impressed by the Blaine Street facility and the Rountree facility and its Rehabilitation and Release program. Jurors also note that their tour of the Juvenile Detention facility was informative and thorough, and it appeared that staff was attentive and caring to the wards under their supervision.

Appendix B – Comparative Statistics Deaths in California County Jails, 2005-2019^[82]



Appendix C – Comparative Salaries for Correction Officers

A brief online survey of available positions in each county revealed the following entry-to-top monthly base pay for Sheriff's Correctional Officers in Santa Cruz, Santa Clara, San Mateo, and Monterey Counties:

County	Low (\$)	High (\$)
Santa Cruz ^[83]	5845	7817
Santa Clara ^[84]	7085	8612
San Mateo ^[85]	6885	8608
Monterey ^[86]	6424	8744

Appendix D – Text of Government Code § 25303.7^[87]

25303.7. (a) (1) A county may create a sheriff oversight board, either by action of the board of supervisors or through a vote of county residents, comprised of civilians to assist the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.

(2) The members of the sheriff oversight board shall be appointed by the board of supervisors. The board of supervisors shall designate one member to serve as the chairperson of the board.

(b) (1) The chair of the sheriff oversight board shall issue a subpoena or subpoena duces tecum in accordance with Sections 1985 to 1985.4, inclusive, of the Code of Civil Procedure whenever the board deems it necessary or important to examine the following:

(A) Any person as a witness upon any subject matter within the jurisdiction of the board.

(B) Any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department.

(C) Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.

(2) A subpoena shall be served in accordance with Sections 1987 and 1988 of the Code of Civil Procedure.

(3) (A) If a witness fails to attend, or in the case of a subpoena duces tecum, if an item is not produced as set forth therein, the chair or the chair authorized deputy issuing the subpoena upon proof of service thereof may certify the facts to the superior court in the county of the board.

(B) The court shall thereupon issue an order directing the person to appear before the court and show cause why they should not be ordered to comply with the subpoena. The order and a copy of the certified statement shall be served on the person and the court shall have jurisdiction of the matter.

(C) The same proceedings shall be had, the same penalties imposed, and the person charged may purge themselves of the contempt in the same way as in a case of a person who has committed a contempt in the trial of a civil action before a superior court.

(c) (1) A county, through action of the board of supervisors or vote by county residents, may establish an office of the inspector general, appointed by the board of supervisors, to assist the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.

(2) The inspector general shall have the independent authority to issue a subpoena or subpoena duces tecum subject to the procedure provided in subdivision (b).

(d) The exercise of powers under this section or other investigative functions performed by a board of supervisors, sheriff oversight board, or inspector general vested with oversight responsibility for the sheriff shall not be considered to obstruct the investigative functions of the sheriff.

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Turn On, Tune In, and Drop Out

Broadband Access in Santa Cruz County

Summary

For over a decade Santa Cruz County has worked to expand broadband access for its residents. The efforts of the county were laudable but limited due to regulatory and funding limitations. The COVID-19 crisis changed the funding and regulatory environment drastically to favor local governments establishing, managing, or possibly owning access infrastructure.

In 2015 the county had a Broadband Master Plan drafted. There have been substantial changes in the funding, regulatory, and technological landscape since then and an updated plan is needed. The most important consideration to be addressed is how much responsibility the county is willing and able to take towards the establishment and operation of broadband connectivity infrastructure.

Funding opportunities are becoming available from the state of California and the federal government that were inconceivable before 2020. Legislative and regulatory obstacles have been eliminated that blocked a county or other local government entity from getting deeply involved in the build out, management, and even ownership of broadband infrastructure. No consistent answer or plan was found on how far the county is ready and willing to pursue these opportunities. This should be decided quickly, and executed promptly.

Background

Santa Cruz County has a long history of seeking opportunities to provide access to broadband for its residents. In June of 2015 the county was given an Achievement Award from the National Association of Counties for its efforts in this area.^[1] This statewide effort, which Santa Cruz County has participated in to lay broadband infrastructure, dates back more than a decade.^{[2] [3]}

A frequently cited analogy to the situation we currently find ourselves in with broadband access is to the establishment of access to electricity starting in the 1920s through the 1930s. The cost and difficulty in establishing access to electricity in rural areas was a major obstacle. It took the intervention of the federal government in 1936 to bring electricity to rural America.^{[4] [5]} Building out internet access is now as important as distributing electricity was then.

The dominant Internet Service Providers (ISPs) have been large nationwide companies who only build infrastructure where it can be profitable.^[6] Municipalities have a stake in providing connectivity to their residents without consideration of lack of profitability. For many years the political landscape was controlled by the large ISPs, and many states had restrictive laws hindering or even banning municipal broadband.^[7] Large ISPs such as Comcast and AT&T have hindered efforts at formation of municipal internet utilities. They have declined to install higher speed technology in rural areas in order to maintain income from existing older infrastructure.^{[8] [9] [10] [11]}

After two years in development, a final draft of a Broadband Master Plan was presented to the Board of Supervisors on the March 24, 2015 agenda.^[12] The report comprehensively addressed general business and residential needs and laid out alternatives for funding and managing the infrastructure. The report included estimates of how much bandwidth will be needed as internet technology progresses. The report contains projections for five and 10 years into the future after 2013. This was based on the improvement of internet and computer capability from 2009 to the time of completion of the report in 2015.^[13]

The plan also concluded that the upload speed of data from the computer being used must be as high as the download speed of data to the computer. This is called symmetric bandwidth. The evaluation of the necessity of this capability is worded in the report as "...a critically important issue..."^[14] Residential needs in 2009 were estimated to be "25-50 megabits of symmetric bandwidth" as reported in the Broadband Master Plan.

On the other hand, twelve years later, on March 26, 2021, AT&T argued that such speed isn't necessary and that a 10Mbps upload speed would be "good enough."^{[8] [9]} Municipalities are concerned with the longest lasting and best performing infrastructure, while ISPs maximize profit by using obsolete infrastructure as long as possible.^{[10] [11]}

The master plan points out the divergence of the priorities and needs of municipal residents and businesses, and the priorities and business models of the large ISPs. Up until 2020, the large ISPs had the upper hand on the legislative and regulatory functions of government at all levels.^{[15] [16] [17]}

A nationwide change in these priorities began before 2020, but the COVID-19 crisis and the requirement for universal distance learning dramatically changed the landscape. This happened nationwide, but again the county excelled in this changing environment.^{[18] [19] [20]} Santa Cruz County was able to develop a coordinated response by the end of 2020 in which everyone who wanted broadband connectivity in its neediest area, the Pajaro Valley Unified School District, got it.^{[19] [20] [21]}

During the last half of 2020 and the first quarter of 2021 the political, financial, and regulatory landscape for broadband access turned on its head. Governor Gavin Newsom issued an executive order mandating high speed broadband connectivity for all Californians.^[22] Seven pending bills in the California legislature address infrastructure and funding to implement Governor Newsom's executive order as follows:

- Senate Bills SB4, SB28, SB275 and SB378,^{[15] [23]} and
- Assembly Bills AB14, AB537 and AB34.^{[15] [16] [24] [25]}

States all across the country are sponsoring bills to increase access to broadband.^{[26] [27]} Bipartisan bills in the U.S. Senate and House are under consideration to increase federal funding, some of which will ultimately be available to develop local broadband internet access.^{[28] [29]}

Scope and Methodology

Interviews of responsible government and county school administration officials were performed. Research of relevant articles and statutes was conducted with internet resources and findings discussed by phone, email, and Google Meet.

Our research verified that there are many newly available sources of funding for municipalities at every level of government. Examples of these are described, but no comprehensive effort was undertaken to identify all the new potential sources of funding for municipalities from state or federal sources.

How effectively is the county positioned to address the different challenges that exist in the urban and rural parts of the county? What is the strategy for outreach to underserved populations? This report looks to answer how effectively the county will be able to scale up its efforts dramatically in these areas. The pandemic crisis and requisite needs it created for distance learning and working remotely served as both a stimulus to develop these services, and a measure of how well the county can respond.

Investigation

Before the Deluge

What was accomplished prior to 2020 by Santa Cruz County to extend internet service was limited to what was possible before state and federal legislation and agencies began changing how internet access can be provided. As *The Atlantic* article "America's Terrible Internet Is Making Quarantine Worse" explains: "Experts and former Federal Communications Commission officials describe a federal government that has neglected to treat broadband as a public utility, instead relying on the largely

self-regulated internet industry to provide service wherever it wanted, for the price of its choosing.”^[17]

The needs of municipal residents and businesses and the business models of the large ISPs diverge. Up until 2020, the large ISPs had the upper hand on the legislative and regulatory functions of government at all levels.^{[15] [16] [17]} During most of the last decade the large ISPs had tight controls in many states that protected their exclusive control over the establishment and ownership of broadband networks.^[30] As late as 2019, many states had legal barriers or even complete bans on publicly owned networks.^{[10] [11]}

The large ISP companies have positioned themselves as the first choice to establish and maintain internet access, including rural internet. Comcast proposed to extend cable to about 30 homes for a cost of \$600,000, of which the customers would be responsible for about half. Comcast’s standard estimate is \$80K to \$120K per mile, if the existing poles are adequate for mounting the fiber cable. If there are not sufficient existing power poles that can accommodate more wires as is common in rural areas, customers would be responsible for the additional cost of installing or replacing poles. This could also add “a few years” onto the timeline of the project.^[31]

The actual timeline to complete the project without having to replace poles would not be addressed until the customers committed to moving forward with the project. If the cost was “substantially” higher than the estimate, then customers would be released from their commitment.^[31] Between the high cost and the long indeterminate timeline for completion, this is not a viable alternative for most rural internet customers.

A good faith attempt was recently made by county leadership to negotiate internet infrastructure installation for a rural neighborhood with Comcast in February of 2021. Negotiations are still underway but the prognosis is not good.^[31]

Careful What You Wish For...The Move Toward Local Control

In the last year many bills in the California and federal legislatures and actions by agencies such as the Federal Communications Commission (FCC) are striving to stop the business models of large ISPs from controlling where internet access is available.^{[15] [16]} On the federal level, President Biden is proposing a massive two trillion dollar infrastructure bill, one goal of which is to deliver “universal” broadband.^[32]

Universal means including the 35% of Americans living in rural areas who currently lack access. Under the new acting chair of the FCC, through grants and fixing the flaws in mapping the availability of internet access, the FCC will be actively promoting affordable and accessible broadband.^[33]

The Broadband Master Plan developed in 2015 had a section on the available scenarios for Municipal Broadband Business Models, Ownership and Management based on the experience of municipalities at that time.^[34] Now municipal leadership is having to decide between a sudden availability of a constellation of potential involvement, roles, and sources of funding.^{[15] [16] [26] [27] [28] [29]}

Santa Cruz County was successful in providing broadband access for the thousands of school children who could only attend school through distance learning.^{[21] [35] [36]} Two

approaches, wireless connection to homes and cell tower service for hotspots, predominated in delivering broadband for distance learning. Probably the most common approach, especially by the end of 2020, was to use cell phone service for hotspots for broadband. This required the least effort to provide, the cost was reasonable and predictable, and the infrastructure was already in place. In many cases in the Pajaro Valley this service was paid for in advance for a two year period and will continue past the crisis.^[36] In many cases the service could be provided to the student's home along with their existing cell service.^{[21] [35] [36] [37]}

The potential roles of the county and municipal leadership in promoting and managing the establishment of broadband infrastructure and delivery have expanded immensely in the last year. County leadership has expressed great enthusiasm for taking a larger role in this rapidly changing landscape.^{[38] [39] [40] [41]}

What Have Municipalities Outside of Santa Cruz Done?

Eighteen municipalities in California address broadband access through one or more of the following four levels of increasing commitment.^[42]

- 1) Advocacy for the county to seek opportunities for funding or infrastructure installation arising from other levels of government. This is viewed as a major responsibility of elected officials, and their aid has been solicited by many groups to lobby California State Officials to release funds for broadband infrastructure development.^{[43] [44]} Communication with the public to build and sustain support is an important element for the success of any broadband access project.^[45]
- 2) Identification and prioritization of the needs of residents and businesses within the county.^[12]
- 3) Direct involvement of county entities in the installation, delivery, and fee structuring of broadband access.^{[42] [46]}
- 4) Establishment of entities that function as broadband utilities on the municipal level or across local government entities.^{[42] [46]}

The methods that existing California local government or non-profit broadband carriers employ are quite diverse. There are two local electricity utility cooperatives (co-ops) that also supply broadband access to co-op members. There are public utilities established as special districts. There are several small cities that manage their own fiber networks. Some cities just install and lease dark fiber to ISPs or businesses.^[42]

What has Santa Cruz Done?

The company hired by Santa Cruz County to create its Broadband Master Plan (Design Nine) in 2013 specializes in planning local government broadband projects. The company still performs planning, design, and build out of broadband networks. It would make sense to investigate the alternatives available in 2021 before undertaking a major broadband project.^[47]

Limited progress was made toward the goals of the Broadband Master Plan before 2020.^{[3] [48]} If an urban street within a city jurisdiction was being trenched for any reason,

fiber cable was laid by the municipality that had jurisdiction. In urban unincorporated Santa Cruz County significant stretches of fiber cable were installed by contractors hired by the county.

Less progress has been made for rural networks since they pose special challenges and are more expensive to install.^{[49] [50]} Some small rural neighborhoods were supplied with broadband; the county aiding in the negotiations of the cost for infrastructure with the ISPs. More progress has been made in building urban and business networks due to their relative ease of construction and lower cost.

Conclusion

From limited allowable activities during the last decade, local government leadership is having to make many decisions about sudden availability of a constellation of potential newly allowed roles they can perform. They are faced with a huge array of sources of funding to pursue.^{[15] [16] [26] [27] [28] [29]} The circumstances that erupted in 2020 could not have been anticipated before 2020. The plan has not been replaced or updated to reflect any changes since 2015, let alone the major funding and regulatory shifts since 2020. The world-wide COVID-19 pandemic and its consequences provided unanticipated opportunities along with the death and disruption it brought.^{[15] [16]} Figuring out which opportunities to pursue, and how far the county can commit itself to each opportunity is by itself quite a challenge, but one that our county's leadership must address.

Findings

- F1.** The Broadband Master Plan developed and updated in 2015 is obsolete due to subsequent actions and events.
- F2.** There has been insufficient official and public advocacy for broadband access. Advocacy cannot succeed without communication about what is being done for constituents and their input into the efforts being performed for them.
- F3.** Starting in 2020, large increases in potential funding and across the board regulatory reform have widened the opportunity for local governments to implement broadband access.
- F4.** An important beneficial outcome of the COVID-19 pandemic has been broadband access and computers for distance learning. Underserved areas, such as the Pajaro Valley where the county's need was the greatest, were significantly improved.
- F5.** The Board of Supervisors hasn't done enough to take advantage of the growing opportunities to promote broadband access for the county.
- F6.** The challenges for the establishment of rural broadband networks are significantly different for residential and business use. Coordination and funding is needed from both government and private entities.

Recommendations

- R1.** The Board of Supervisors needs to update the 2015 Master Plan within the next six months including, but not limited to:
 - 1) the special difficulties and costs posed by rural broadband infrastructure;
 - 2) the challenges and infrastructure achievements in 2020 due to the COVID-19 crisis; and
 - 3) opportunities for new funding sources and due to regulatory changes from the California State and Federal Government and how they are to be coordinated with the efforts to date to provide distance learning and broadband access. (F1, F2, F3, F6)
- R2.** Within the next six months the Board of Supervisors should identify and apply for all available broadband access funding. (F3, F5)
- R3.** Within the next six months the Board of Supervisors should establish a program to educate the public concerning the need for expanded broadband access, the importance of obtaining outside funding, and the decisions to be made concerning the role of commercial ISPs. (F2, F3)
- R4.** Within the next six months the Board of Supervisors should determine whether it is feasible for the county to establish, own, manage, or operate broadband access systems. (F3, F5, F6)
- R5.** Within the next six months the Board of Supervisors should coordinate with the County Office of Education to determine the costs and logistics for continuing internet access in time for the 2022-2023 school year. (F4)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F6	R1–R5	90 Days September 20, 2021
Superintendent, Santa Cruz County Office of Education	F3, F4	R5	60 Days August 23, 2021

Definitions

- **Cell Tower:** A cell tower houses the electronic communications equipment along with an antenna to support cellular communication in a network. A cell tower is usually an elevated structure with the antenna, transmitters and receivers located at the top. A cell tower is also known as a cellular tower or cell site.^[51]

- **Co-op: Utility Cooperative.** In the context of this report, Co-op refers to a Utility Cooperative which is a type of cooperative that is tasked with the delivery of a public utility such as electricity, water, or telecommunications to its members. Profits are either reinvested for infrastructure or distributed to members in the form of "patronage" or "capital credits," which are dividends paid on a member's investment in the cooperative. Each customer is a member and owner of the business.^[52]
- **Dark Fiber:** Pre-existing underground infrastructure which does not yet have the hardware or software to enable it to run services.^[53]
- **Hotspot:** A specific location that provides internet access via a wireless local area network (WLAN). The term is generally synonymous with a Wi-Fi connection. A network that creates a hotspot primarily includes a modem and wireless router. The radio frequency (RF) waves sent by the wireless network extend in different directions from its centralized location. These signals become weaker as they travel, either further from the central location or due to interference. A cellular hotspot converts cellular signals to Wi-Fi and vice versa to provide internet access for email, websites and other data transfers. In some cases, Hotspots are "hard wired" to the Internet. Smartphones have both cellular and Wi-Fi built in, and most phones can cross-connect the two to become a portable hotspot for laptops and tablets. Also called "tethering."^{[54] [55]}
- **ISP: Internet Service Provider** An organization that provides a myriad of services for accessing, using, or participating in the internet. Internet service providers can be organized in various forms, such as commercial, community-owned, non-profit, or otherwise privately owned.^[56]
- **Symmetric Bandwidth:** Upload and download speeds are equal, i.e., the data speed and file transfer rate to and from a computer are the same. Typically fiber optic internet connections offer this, while methods such as DSL and satellite connections do not.^[57]

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The CZU Lightning Complex Fire – Learn...or Burn? Board Oversight – An Obligation to our Community

“Those who fail to
learn from history
are doomed to repeat it”
- Winston Churchill



Summary

We investigated the county government’s response to the needs and concerns of victims of the August-September 2020 CZU Lightning Complex Fire.

We focused on the accountability of the Board of Supervisors and county administration leadership to our citizens. We investigated the county’s support to the community in the aftermath of the loss of life, loss of property, and stress and anxiety felt by so many. The communities of Bonny Doon, Davenport, Last Chance, and Boulder Creek were hit hard in this fire. Have we taken advantage of all the experiences and learnings to maximize our ability to weather the next, inevitable, disaster event?

Background

In the early morning of August 16, 2020, a thunderstorm occurred that produced thousands of lightning strikes, resulting in hundreds of fires throughout California. There were over 300 lightning strikes in Santa Cruz and San Mateo Counties which, combined with dangerous drought conditions, resulted in the largest fire in Santa Cruz County history. This massive wildfire, dubbed the CZU Lightning Complex Fire, had devastating consequences for many of the residents of Santa Cruz Supervisorial Districts 3 and 5. The fire consumed 63,754 acres, destroyed 1,431 structures of which 911 were single family homes, and caused the tragic death of Santa Cruz County resident Tad Jones.^{[1][2]} Mr. Jones attempted to leave when evacuation orders came in but the one lane road out was already blocked by the fire. He went to a clearing where Cal Fire had told residents to gather in case of a fire in order to keep the roads cleared for their trucks. When it appeared no one was coming to help, Mr. Jones tried to get out toward Big Basin. His body was found a few days later near his burnt out car. Mr. Jones had been right in one respect; no rescue vehicle made it to that clearing.^{[2][3][4]}

Over 70,000 people were evacuated during this event, and nearly all of Big Basin Redwoods State Park was lost.^{[1][5]}

Thirty-seven days after the fires began, on September 22nd, Cal Fire reported it had gotten its “arms” around the CZU Lightning Complex Fire.^[6] Four months later, on December 23, 2020, Cal Fire CZU Unit Chief Ian Larkin announced it was fully controlled.^[7] By the end, the cost to fight this fire reached over \$68 million.^[8]

The damage, loss of life, disruption from evacuation, and efforts to support the victims of the fire were well publicized during the event. On October 6, 2020 the Board of Supervisors (BoS) voted to create the Office of Response, Recovery and Resilience (OR3) to respond to not only the CZU August Lightning Complex fire, but also future disasters.^{[9][10]} An ad hoc committee led by Supervisors Ryan Coonerty and Bruce McPherson was established to monitor and oversee the implementation of the county’s recovery work over the next calendar year. There has been positive resident feedback regarding this program. The county patterned its recovery program after Sonoma County’s successful plan in the wake of their own fire disaster in October 2017.^[11]

Nothing is yet published about the performance of our government leadership in holding Cal Fire accountable for past actions and ensuring readiness for the next event.

The Grand Jury received complaints from residents angry over not fully understanding how everything went so wrong, and frustrated about feeling unheard by their local government leaders.^{[12][13]} Many are afraid that the county is unprepared for the next event.^[14]

This disaster began in mid-August, was contained by late September, yet it took until mid-March 2021 before Cal Fire held two information sessions via Zoom.^{[1][15]} This delay, per Cal Fire, was due to the COVID-19 pandemic and the challenges created by the stay-in-place order.^[1] Yet, the use of virtual meetings such as Zoom, was a common practice months prior to these presentations.

There was one presentation for each affected district, although the second presentation was a repeat of the first. Their purpose was to answer residents' questions, provide

in-depth information about the beginning of the fires, the progression, and the events that led to so much destruction. They included a “chat” feature for residents' comments and questions throughout, and Q&As with the viewers after the presentations. Six weeks later, there was another Zoom townhall for San Mateo County residents.

These were Cal Fire presentations, but it was announced that the Board Supervisor for that particular district was online and listening, as well as some other county personnel. Neither district's supervisor commented during the presentations, nor spoke at the Q&As that followed.

There were themes to the questions asked at these events, mostly surrounding the concerns about what didn't work and what is being done to prepare for the next event. People are extremely grateful for the work done by our county fire districts, volunteer firefighting agencies, and Cal Fire. But many are also angry, and need information. All of us need to know what our county is doing to secure needed state resources to ensure that our contract with Cal Fire provides us with the protection needed in proportion to the dangers that will certainly come our way. We all need answers to the residents' questions: when we did the preparations recommended, when we followed the recommendations made by our district supervisors' offices and fire agencies, why were we left to burn? And how do we know the same thing will not happen again?

The CZU Fire, and the increasing risk of more fires, represents an inescapable priority for responsible representation of our community needs.

Scope and Methodology

The function of the civil grand jury is to examine aspects of city and county governments, and special districts. Cal Fire is a state agency that contracts with the county of Santa Cruz.^[16] During fire season (May through October), Cal Fire operates as a state agency. Therefore, Cal Fire is outside the purview of the Grand Jury for the purposes of this investigation.

The scope of this report encompasses the effectiveness of the leadership of the county in their responsibility to represent county residents. We sought to answer these key questions about leadership, strategy, and communications:

- What are the concerns of the community, particularly the victims and evacuees, and do these concerns persist?
- How has the BoS communicated with our citizens and responded to the community's concerns and complaints?
- How has the BoS stepped up and demonstrated oversight and accountability?
- How has the BoS, in turn, represented the community and held Cal Fire accountable?
- How has the BoS assured that sufficient resources are funded and available for recovery and rebuilding as well as off-season fire prevention and preparation?
- Have the lessons learned and improved preparations for the future been documented and verifiably implemented?

For this investigation, the Grand Jury performed multiple interviews of county officials and residents, reviewed resident complaints, and attended three virtual Community Meeting events. We also requested and examined several documents provided by the many county agencies involved in the CZU Lightning Complex Fire and its aftermath. We researched media articles, online publications, and we examined the practices of other counties that have also experienced devastating wildfire events.

Due to a possible conflict of interest, one juror was recused from all parts of this investigation.

This Grand Jury investigated, and now reports on, the representation of residents' concerns regarding the aftermath of the CZU Lightning Complex Fire. We respectfully recognize and commend the dedication of all firefighters who took great personal risk to attend to the safety and well-being of the community during this extraordinary and dangerous event. Thank you all.

Investigation

Our government has an obligation to serve its citizens by assuring that risks are understood and managed, that resources are maximized within financial constraints to actively mitigate foreseeable risks, and that the needs and concerns of the public are recognized and satisfied. These are the subjects of this report.

Residents' Complaints

The Grand Jury received complaints from residents of Santa Cruz County concerning Cal Fire's handling of the CZU Lightning Complex Fires.^{[12][13]} These complaints motivated the Grand Jury to investigate the BoS and County Administration leadership to determine if they (BoS) adequately represented the county residents and their needs before, during, and after the CZU Fire. These complaints were received prior to Cal Fire's Virtual Community Meetings on March 15 and 16, 2021.

From Grand Jury interviews with residents that were affected by the fires and additional complaints received, the following are questions, statements, and comments that were insufficiently addressed during the Cal Fire Santa Cruz County virtual community meetings:^{[17][18]}

Residents' Questions

- Given the lightning forecast, drought, and limited resources, "Why did CalFire not request (on standby) additional resources from out of state before the lightning, or immediately after?"
- Some residents lost all communication - phone, wifi, power - how would they have known if they needed to evacuate or not?
- Did backfires get out of control?
- Why was there a disproportionate impact of the fire between Santa Cruz County and San Mateo County in terms of structure loss? How does this inform lessons learned for Santa Cruz County?

- Why weren't members of volunteer companies allowed to protect their neighborhoods?
- What will Cal Fire do better next time?
- What have the county supervisors been doing to get clarity for our community?

Residents' Statements and Comments

- Information from Cal Fire on the location of the fires was lacking at the start of the fire.
- Some residents enrolled in Code Red did not receive information to evacuate early on. Cal Fire did not have a good look at the fire in the Last Chance area and delayed evacuation until they could see the fire which resulted in late evacuation orders. Residents need clear guidelines to know when to leave vs advised to leave if they feel unsafe. Evacuations need to be phased for management of traffic since there may be only a one lane road in and out of an area.
- Residents had to rely on community Facebook or NextDoor websites to get fire location and general information. There was more updated information concerning the fire obtained from the Cal Fire San Mateo Division than Cal Fire Santa Cruz Division. Twitter was the best way of getting official updates. Some residents listened to Cal Fire on emergency radio. There was no centralized resource for information before evacuations started, such as where to go and whom to call. The whole process for getting information was an overwhelming challenge.
- The county did a better job of communicating debris flow risk with Zonehaven. The maps are an asset. (Zonehaven is an evacuation platform providing first responders and the community with critical evacuation updates.)^[19]
- Use and management of volunteer firefighters was confusing and chaotic.
- Provide a 4-8 hour CERT (Community Emergency Response Team) training course on site for citizens to help agencies manage needs that are required besides fighting fires.
- Use more planes for surveillance, and make airdrops early on with the proper technology to "see" through smoke.
- The Federal Emergency Management Agency (FEMA) at the Kaiser Center was organized and provided good assistance.
- The Office of Recovery, Response & Resilience (OR3) evolved over time and provided better resources and support.
- The BoS doesn't take oversight of Cal Fire seriously. Once the money is authorized, the BoS feels that's the end of its responsibility.

Correspondence to the Board of Supervisors

Numerous emails concerning the CZU Lightning Complex Fire were sent to the BoS. Correspondence was exchanged from the start, during, and after the fires were fully contained.^[20] When the fires first started communications between residents and BoS centered on getting accurate location of the fire and evacuation information. Some

community members who had signed up for CodeRed still needed to get fire information by emergency weather radio because of limits with cell service. The BoS heard that more firefighters were needed in the Boulder Creek and Ben Lomond areas. During the fire, residents were concerned about evacuations and wanted to know what housing was available. After the fire, the communications centered on having safe water, removal of debris to rebuild, the rebuilding process, and the need for a post fire performance report by Cal Fire.

The BoS offices usually responded to correspondence from its constituents in a prompt manner. Responses were usually sent the same or the following day. Follow-up emails were sent with updated information as long as one to two months later. There was correspondence from groups wanting to help, as well as state and federal elected representatives obtaining California National Guard help, getting the mail service returned to Boulder Creek, and ensuring the state was aware of local needs.

Events Timeline

The progression and impact of the CZU Lightning Complex Fire, as set forth in the background section, is summarized in Figure 1. Table 1 shows the pertinent key events and communications sessions following the fire event.

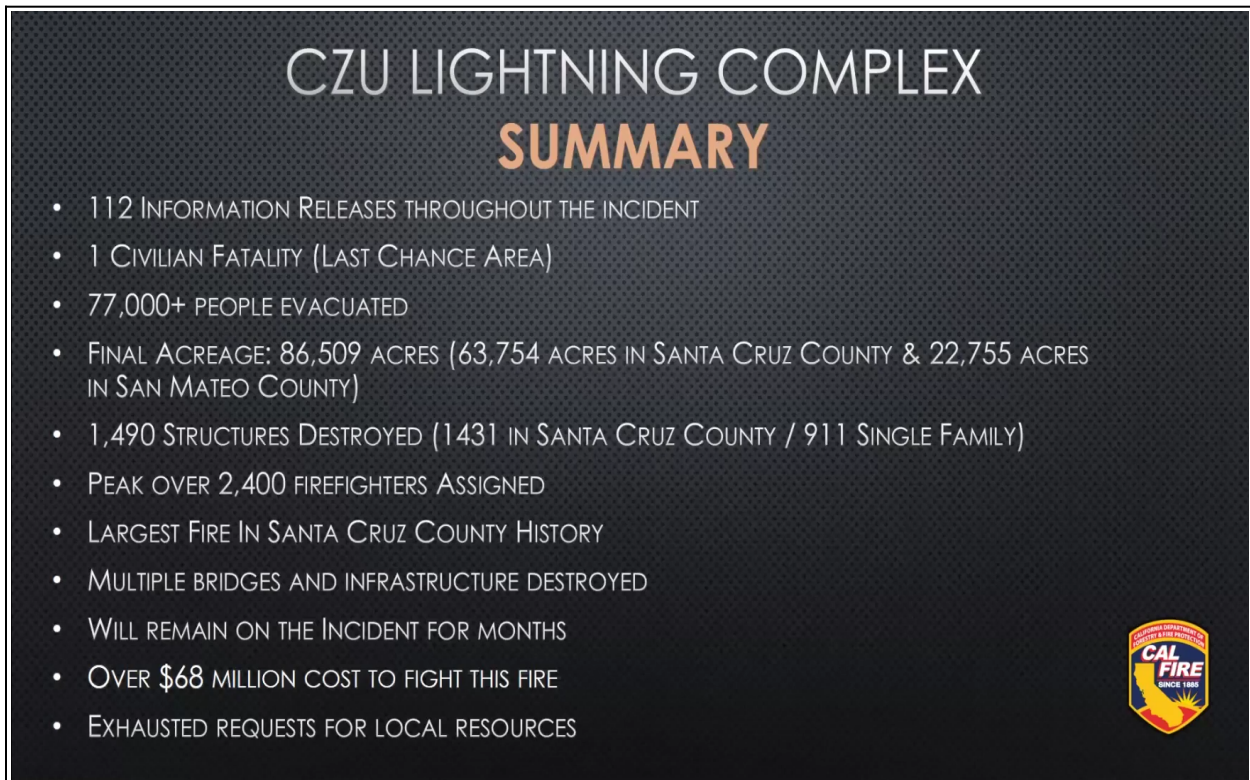


Figure 1. Cal Fire Summary of the CZU Lightning Complex Fire^[1]

Table 1. Post-CZU Complex Fire Communications Events

Date	Event
September 22, 2020	CZU Lightning Complex Fire fully contained ^[21]
September 28, 2020	Debris Flow presentation to BoS ^[22]
October 6, 2020	BoS establishes ad hoc committee and approval for an Office of Recovery and Resiliency ^[9]
November 14, 2020	Debris Flow Town Hall to District 5 ^[23]
November 16, 2020	Debris Flow Town Hall to District 3 ^[24]
December 2020	BoS created the Office of Response, Recovery, and Resilience (OR3) ^[10]
January 25-26, 2021	Debris Flow Press Conference in Advance of Debris Flow Announcing Evacuation Orders ^{[25] [26]}
January 26-27, 2021	Debris Flow Storm ^[27]
February 3-4, 2021	5th District & 3rd District Debris Flow Town Halls ^{[27] [28] [29]}
February 8 and 11, 2021	Recovery and Rebuilding Permitting Town Halls ^{[30] [31] [32] [33]}
March 9, 2021	Last Chance Neighborhood Recovery Meeting ^{[34] [35]}
March 15, 2021	CAL FIRE CZU Lightning Complex District 3 after-action virtual community meeting ^[36]
March 16, 2021	CAL FIRE CZU Lightning Complex District 5 after-action virtual community meeting ^[37]
April 16, 2021	Press Release: RESPONSE, RECOVERY AND RESILIENCE WEBSITE LAUNCHES ^[38]
April 27, 2021	CAL FIRE CZU Lightning Complex San Mateo County Lessons Learned virtual community meeting ^[39]

Source: Provided with each table entry.

This timeline reflects a genuine effort by the Santa Cruz County government, after the CZU Complex Fire, to inform and serve the community with useful resources which focus on recovery and resiliency. The after-action virtual community meetings for Districts 3 and 5 were held by Cal Fire six months after the CZU Complex Fire. The county held virtual town halls within one week of the debris flow events and evacuations.^{[27] [28] [29]}

Cal Fire Presentation and Community Engagement

We looked at how Cal Fire reports on its contract performance and its preparation for extreme fire seasons to come. While we did not investigate Cal Fire (see [Scope and Methodology](#)), we used its performance and community response as a lens to evaluate our local government's engagement and representation of the county's residents. We looked at the interactions Cal Fire and government officials had with the residents of the county. Did Cal Fire provide accurate and sufficient information to the residents? How was this information received? And how has the leadership of the county, from the BoS on down, served the needs of the residents and advocated on their behalf to the state agencies who are accountable?

Community Engagement

Cal Fire's CZU unit held Virtual Community Meetings for Santa Cruz County via Zoom, about six months after full containment of the CZU Lightning Complex Fire. They presented to county supervisorial District 3 on March 15 and District 5 on March 16, 2021.^{[1][15]} Sheriff Jim Hart and Director of General Services Department Michael Beaton attended and spoke on the District 3 Zoom call. Santa Cruz County residents had not received much information about any outcomes of the CZU Lightning Complex Fire nor were they asked to give any input of their concerns prior to these virtual community meetings.

Each of the Santa Cruz presentations included a detailed review of each of the first seven days of the fire. Many photos, maps, and explanations of the fire's rapid growth were displayed. These sections averaged over 50 minutes and ended with their summary analysis (see Figure 1 above). Table 2 shows the times of each section to document the relative weight and importance given to each of these topics.

Table 2. Communication Events: Key Section Duration

Location & Date	SC District 3 3/15/2021	SC District 5 3/16/2021	San Mateo 4/28/2021
Video Section	Duration		
Intro	0:04:02	0:03:40	0:04:18
Detailed Fire Review	0:48:10	0:53:01	0:36:05
Lessons learned	0:08:56	0:09:04	0:42:10
Q&A Preamble	0:01:49	0:03:25	0:02:37
Questions	0:58:07	0:51:32	0:06:30
Overall	2:01:04	2:00:42	1:31:40

Source: Cal Fire Webinar Presentations^{[1][15][40]}

The San Mateo Division spent more time on lessons learned with 20 items and a slide for each item. That explains the longer time spent by Santa Cruz County in Q&A.

Lessons Learned

Figure 2 below summarizes Cal Fire Santa Cruz Unit's "Lessons Learned" with 10 items listed.

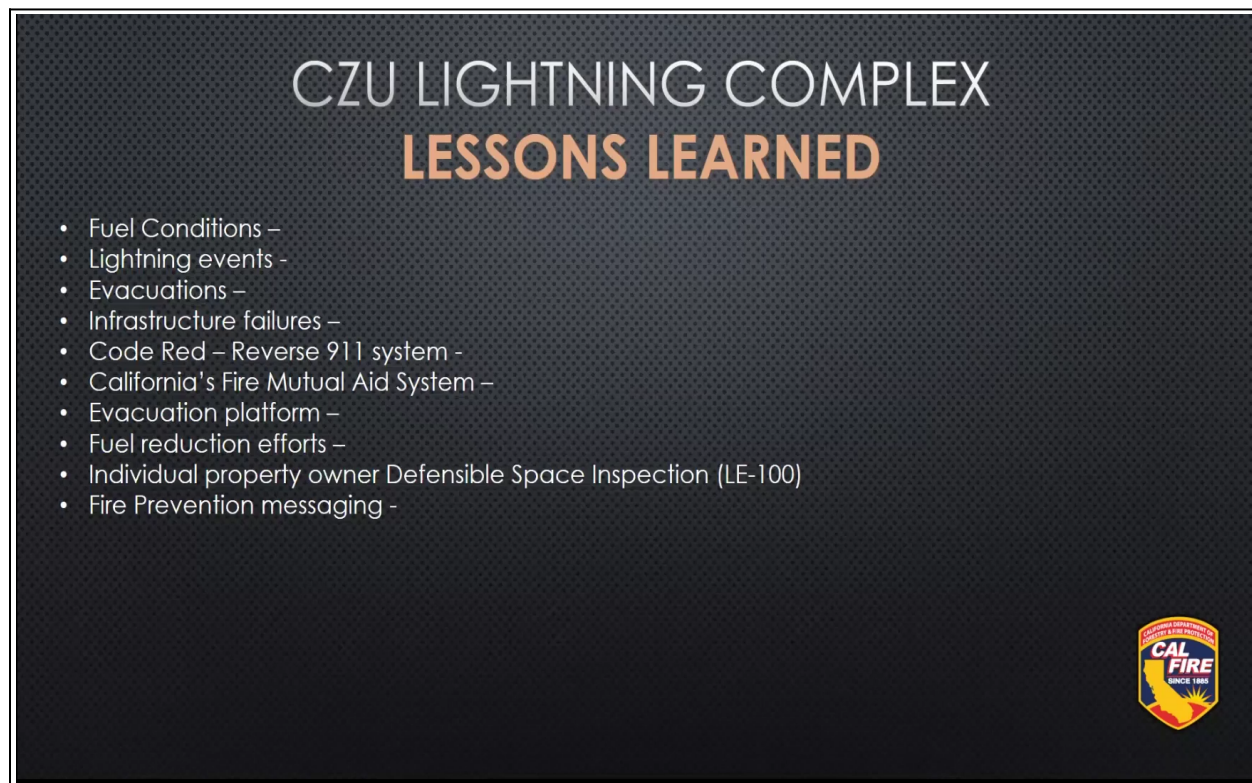


Figure 2. Cal Fire Lessons Learned slide^[1]

These items were discussed for an average of nine minutes. In contrast, the San Mateo County presentation included 20 lessons learned, each presented on their own slide, with the total being discussed for over 40 minutes.^[40] This contrast in tone and content was remarked upon during the San Mateo presentation by participants. (See [Virtual Community Meeting Comments](#).) Of the items discussed at the Santa Cruz County virtual community meetings, most were talked about in the passive voice and only two were presented with information on how Cal Fire CZU would handle it differently in the future.

The community heard these statements during the virtual community meetings. The Supervisor for each respective district attended. The quotes below are from Chief Larkin at the March 15th presentation. Grand Jury observations are added in highlighted boxes after the quotes.

Conditions

1. “Our fuel conditions have never presented us with this type of fire condition that we experienced during the CZU lightning complex.” Larkin also talked about how our area has been known as “the asbestos unit” because fires don’t grow large due to the prevalence of redwood trees and moist marine air. Larkin noted that

due to years of drought and climate change, this is no longer the case. “We're having to revisit how we look at those conditions of our fuels and how we address those specific fuel types when we're making decisions on fires.”

2. “This lightning event gave us an opportunity to evaluate our lightning coordination plan. That plan was fully implemented as it was designed, but due to the lack of resources we weren't able to actually execute that.” This lightning event was different from past events due to the “remoteness of the fires” and “increased changes in our fuel conditions.”
3. “Due to the increased changes in our fuel conditions and how the rates of spreads are changing in these fuel types, . . . it really changed the mindset of how we look at evacuations. Evacuations are going to need to be considered much more in advance and conducted much earlier.”

What can the BoS do to assure better planning and preparation in light of the increasing danger in fuel conditions?

Infrastructure for Evacuation

4. Damage from the lightning storm took out power lines and poles. PG&E was in the midst of making those repairs when the fire grew. “One of the things that wasn't really realized is the impacts that prior to the fire (phone lines and power lines down, systems on backup power), those systems fail over time.” Larkin also said “Not all those systems are being maintained at the level that they should be.” These factors “hampered our ability to...get information out to the public via different methods.”
5. Code Red, the county's reverse 911 system, is a service for which residents are required to register. Messages only go out to those that have asked to receive them. This necessitated “physically” notifying residents to evacuate. The reverse 911 system also had a throttle in place which limited the number of outgoing messages. This was identified early and fixed quickly.
6. “California has one of the most robust fire mutual aid systems, but in times like these where you have 12,000 lightning strikes occur in the state... which depleted that system beyond its capabilities.”
7. When the fire started they were using an “evacuation management platform developed after the Summit, Martin, Trabing, and Lockheed fires in 2008-2009.” Larkin said that they initiated their evacuations using that system, but then transitioned to the Zonehaven evacuation platform during the fire. “Those platforms that we used provided for the safe, successful evacuation of 58,000 residents in Santa Cruz county.”

What will the BoS do to advertise and harden the evacuation platform and improve the resiliency of our county's communications infrastructure?

Vegetation Management and Fuel Reduction

8. “We have not been able to achieve our goals of fuel reduction. It is a difficult topic in Santa Cruz County. A lot has been done, but there is a lot more work that needs to be done. Moving forward this is going to be a monumental task that is going to require a cooperative effort by all . . . to really push this effort.”
9. “I’ll be the first to say that our defensible space inspection program is probably not where it should be. We need to increase that, which we will be doing. But we need to increase it with a greater emphasis on gathering and gaining compliance from the property owner. It’s easy to go out and do a couple of inspections, gain some compliance; but we really need to have that defensible space around these structures so it makes it more defensible when we have resources to defend them.”
10. “Fire prevention messaging is another area that we are looking to improve . . . We need to be better at it and we need to get more involved with communities.”

How can the BoS ensure resources are allocated for the needed fuel reduction projects, inspections, and messaging to the community to improve our county’s resilience to fire danger?

Chief Larkin summarized the presentation with a reiteration that “one of the elements we will not be able to overcome is the sheer fact of the lack of resources.” The supervisor who attended each presentation did not comment.

See [Appendix A](#) for Cal Fire presentation extract from March 15-16 reviews for Districts 3 & 5.

Virtual Community Meeting Comments

In the Grand Jury’s review of the after-action virtual community meetings, we captured verbatim comments from attendees which were made in the “chat” page of the virtual meetings.

Many topics were not discussed by Cal Fire. Our inference is that this is out of a concern for future liability; backfires were specifically mentioned in this context. Many residents returned to each subsequent event to ask the same question again.

The questions below as well as the questions posed earlier in the report, are directed to the BoS to answer for their constituents.

Themes noted in the questions asked, and summarized below include:

- not allowing members of the Bonny Doon Volunteer FD to protect their neighborhoods,
- Cal Fire taking a “watch it burn” posture,
- loss of volunteer firefighters,
- how to handle the lack of resources, and
- poor management of the Last Chance evacuation.

Santa Cruz - March 15, 2021 (District 3 - Coonerty)^[41]

- “When will we all agree that ‘defensible space’ only matters if fire crews will come defend, and since they won’t in a fire like this, we need to switch to either ‘houses that can protect themselves’ or ‘we’ll just watch them burn’. I can’t tell you how many thousands I spent on ‘defensible space’ only to watch on video as crews left my neighborhood and let it burn.”
- “If you were so understaffed why are there reports of Cal Fire forcing local volunteers to leave the areas or blocking their access??”
- “Would you say there was a missed opportunity due to lack of resources to contain these fires within the first 2 days? Are there changes in resource allocation strategies based on the 2020 fire?”
- “I am so disturbed by what happened. My problem is not with Cal Fire not being out on Last Chance to help us, it is with the lack of evacuation orders!!! No one called us until it was too late. Tad died needlessly!!”
- “We already voted to increase your funding. Why can't you say where those funds will go.”
- “The fire was spotting on Aug. 18th and closest to the Last Chance community, a typical NW wind was forecast which would push it into a populated area and was threatening to close the sole ingress/egress point and yet no evacuations were called, why not? In years past we were instructed by CALFIRE to meet at our community clearing, in the event a major fire broke out and yet no welfare checks and/or recovery actions were taken. In fact, it was to this area that Tad Jones drove through. Point of fact, a photo during the presentation was shown of a structure at 2am and purported to be in the last chance community. No CALFIRE personnel went into Last Chance the night of the 18th, that photo was taken from a paved section and that home survived.”

Santa Cruz - March 16, 2021 (District 5 - McPherson)^[42]

- “What will you do better the next time we have widespread fires and resources are spread too thin? How will you know what to do differently if you don't do an after incident report? Not doing an after-incident report implies Cal Fire did everything perfectly and has no need to review and reflect on what you did well and what mistakes you made.”
- “What have the county supervisors been doing to get clarity for our community? Are they working with you to plan for the next fire? Are they doing ANYTHING?”
- “Why did you tell the volunteer firefighters not to stay and protect – you took resources away – you tried but luckily they didn't listen to you.”

San Mateo - April 27, 2021^[43]

- “Thank you for this presentation. It is quite refreshing to get an actual list of lessons learned. I wish that Santa Cruz County could be as good as San Mateo in this regard.”

- “Can you please address the disproportionate impact of the fire between the 2 counties in terms of structure loss (i.e. 60 in San Mateo versus 1431 in Santa Cruz) and how this informs lessons learned for Santa Cruz County?”
- “The talk you mentioned by Chief Larkin did not lay out lessons learned like this session does. This is the source of my disappointment that this session is also not addressing Santa Cruz County. The take-home message in that earlier session included a detailed history of the fire (like that you gave tonight) and a detailed accounting of how short resources were. We, the residents of Santa Cruz County, would like to understand steps underway to minimize these same events from occurring in the future, how the agency (and other agencies at multiple levels of government) are working to reduce risk of wildfire, plus anything that the public can do (besides the ready, set, go talk items) to further wildfire risk reduction and response.”
- “San Mateo County was far better than Santa Cruz at getting messages out. I was using both.”^[40]

Cal Fire After Action Reports

In the presentation on March 15, Chief Larkin said “This is not meant to be an after action review.” He elaborated later by saying:

Cal Fire {California State} will be doing an after action review and the local unit {his unit} is not doing an after action review of this incident. ... We went back and looked at some of the key elements that we felt were contributing factors to this fire and our one key element and factor was the sheer lack of resources. So doing a full after action review based on that specifically really isn't going to generate any change in what is there other than there was a total dynamic that drained the available resources down to a minimum drawdown level statewide where we had to enact EMAC {Emergency Management Assistance Compact} to go for resources that are out of state.^{[1][36]}

Will the results be different if another lightning storm came through this year? The same factors that led to a “sheer lack of resources” haven’t changed. There was no discussion of how the mutual aid system could be changed. There was no specific response by Cal Fire to numerous questions and comments about the deployment of volunteers, and no mention of volunteers in the one Lessons Learned slide shared above.

[Appendix B](#) and [Appendix C](#) contain more detail of the Lessons Learned for Santa Cruz and San Mateo County.

Board of Supervisors Oversight

Recapitulation of 2020 Findings and Responses

In July 2020 the Grand Jury published its report entitled “Ready? Aim? Fire! Santa Cruz County on the Hot Seat,” on the risks and issues of fire in Santa Cruz County.^[16] The BoS, and many others, were asked to respond to the Findings and Recommendations which covered the topics of

- Risks and Mitigation,
- Emergency Response,
- Alerts and Evacuation,
- Education, and
- Governance and Transparency.

Specifically, the BoS was required to respond to Findings and Recommendations which mostly fell into the category of Governance and Transparency.^[44] The details of selected responses of interest are shown in [Appendix D](#).

The original Findings and Recommendations are shown here in italics. The BoS responses are shown as a sub-bullet. Underlines are added for emphasis by the Grand Jury. The Grand Jury commentary is added in a text box under each topic’s findings, recommendations, and responses.

Vegetation Management

- ❖ **F1:** *Vegetation/fuel management and abatement are not receiving the attention nor funding needed from the County of Santa Cruz Board of Supervisors, and therefore are not adhering to California Government Executive Order 1.8.19-EON-05-19.^[45]*
 - **BoS:** *PARTIALLY DISAGREE – Vegetation/fuel management and abatement is the responsibility of the property owner not the County of Santa Cruz. The County could do more to improve the clearing or removal of vegetation along County maintained roadways, more than just the sight line clear that may or may not occur annually. The removal of vegetation is expensive and labor intensive for a county that provides many services to the community. Funding is available through different grant opportunities to assist with fuel reduction and the County has benefited from such grants. An example of such grant funding is the fuel reduction project that was approved as part of the 35-statewide project as outline {sic} in Governor Newsom’s 45-day report and the Executive Order 1.8.19-EO-N-05-19 that was issued regarding fuel reduction in California. This project is in the unincorporated area of the County within CSA 48 area of Aptos Creek and Buzzard Lagoon roads near Corralitos. The project consisted of treating 225 acres to improve existing and create additional fuel breaks to protect vulnerable communities. Of the 225 treated acres, 150 acres is a shaded fuel break and has allowed for the use of prescribed fire to be used to help clear and maintain the area.^[46]*

- ❖ **F2:** *Santa Cruz County residents are at increased risk of fire danger due to the lack of risk management for wildfire. Specific risks are not formally identified, tracked, assessed for impact, nor is progress reported by fire departments in the County. Therefore, leaders responsible for budgets and accountability are left unprepared to manage risk, impact, or performance.*^[45]
 - **BoS:** *PARTIALLY DISAGREE – Responsibility for wildfire fire management is held with each fire agency within Santa Cruz County. Each jurisdiction monitors and tracks wildfire risk within its own jurisdiction. The approach and extent of this work is managed within each jurisdiction. The State responsibility area, which includes the majority of the rural area within the County, is controlled and managed by CAL FIRE.*^[47]
- ❖ **R9:** *Each year, during the budget presentation, the County Board of Supervisors should require County Fire to provide a vegetation management plan, including a priority list of projects and a timeframe for their completion.*^[48]
 - **BoS:** *REQUIRES FURTHER ANALYSIS – There is currently no funding for a vegetation management plan for the County Fire Department. We currently coordinate with CAL FIRE on a priority list of projects that have timeline {sic} related to available funding. In order to implement such and {sic} process will require additional analysis and potential funding.*^[49]

As important as fuel management and abatement are, will the BoS review fuel and vegetation management and demand progress?^{[1] [36] [37]}

Risk Management

- ❖ **F4:** *Most of Santa Cruz County in addition to the City of Santa Cruz with its large eucalyptus groves are not being monitored by the ALERTWildfire Imaging Surveillance system and would be well served by the installation of cameras capable of monitoring coastal areas occupied by eucalyptus groves in areas harboring potential sources of ignition.CZU-1a]*
 - **BoS:** *PARTIALLY DISAGREE – Eucalyptus groves are a problem in general due to the abundant fuel loading they provide, but one fuel type in the county should not be singled out. Fires occur in areas of redwood forest as well, example, {sic} the Rincon Fire in 2018. The use of the ALERTWildfire camera system is a great way to provide for early confirmation of wildfire in the county. CAL FIRE/County Fire is working with ALERTWildfire and PG&E to determine locations to install cameras to provide a system for early confirmation of wildfires.*^[50]
- ❖ **F5:** *Santa Cruz County would greatly benefit if steps were taken to implement the CAL FIRE, San Mateo - Santa Cruz Unit 2018 recommendation of developing detailed, site specific Community Wildfire Protection Plans for communities throughout the County.*^[45]
 - **BoS:** *AGREE.*^[51]

- ❖ **F26:** *Reporting data, statistics, and formats utilized by fire agencies throughout the County are highly inconsistent, uncoordinated, and therefore not readily evaluated and compared. The standard Insurance Services Office (ISO) rating system would be useful to adopt. Response time data are not well described or consistently reported by the jurisdictions, making accurate assessment difficult, especially by other agencies or by the public.*^[52]
 - **BoS:** *AGREE.*^[53]

When will the BoS take up these opportunities to improve wildfire protection and performance standards?

Data Analysis

- ❖ **F24:** *The annual report to the County Board of Supervisors and the County Administrative Office by County Fire/CAL FIRE does not provide data or analysis of resources, response times, code enforcement, inspection, or education. This information is necessary to show what gaps exist between current performance and community needs in order for informed budget decisions to be made. Without adequate background information, the Board of Supervisors is unable to hold CAL FIRE accountable for the specific responsibilities specified in their contract.*^[54]
 - **Cal Fire:** *AGREE.*^[55]
 - **BoS:** *DISAGREE – The County Fire/CAL FIRE Chief gave a State of the State presentation to the Board during Budget Hearings, which provided both data and analysis of resources, response times, code enforcement, inspection, and education. This is aligned with the budget process. This presentation is also given to the Fire Dept Advisory commission (FDAC), holds {sic} responsibility to provide oversight {sic} of these.*^[56]
- ❖ **R2.** *The Santa Cruz County Board of Supervisors should require CAL FIRE and County Fire to provide quarterly and annual reports to the County General Services Department with specified data and success metrics for each of the contract requirements, beginning with the current fiscal year.*^[52]
 - **BoS:** *HAS BEEN IMPLEMENTED – CAL FIRE/County Fire will continue to work with the Santa Cruz County Director of General Services in weekly meetings, as well as the Fire Department Advisory Commission (FDAC) to determine a reasonable reporting structure and timeline for the reporting.*^[57]

How will the BoS verify that performance delivered by Cal Fire under contract is data-driven?^{[58] [59]}

- ❖ **R17:** *The County Office of Emergency Services should evaluate, quantify, and report to the County Board of Supervisors on the specifics of the public state of preparedness for a large-scale emergency such as wildfire by June, 2021.*^[60]
 - **BoS:** *REQUIRES FURTHER ANALYSIS – An after-action review is conducted after every major incident and disaster response. Due to the CZU Lightning Complex Fire, these areas will also be addressed during the after-action review, identifying operational effectiveness as well as areas for improvement.*^[61]

Will the BoS hold a hearing to review results, recommendations for improvement, and allow the public to comment?

Evacuation Management

When the CZU Lightning Fire Complex was declared to be an emergency on August 18, 2020, Cal Fire, as is its practice, established its incident command.^[1] When this occurs, as the term implies, Cal Fire takes command of the response to the fire and other agencies follow the lead of Cal Fire.

In a similar vein, the Santa Cruz County Sheriff's Department, under the direction of Sheriff Jim Hart, coordinates evacuations. As learned in grand jury interviews, resources were provided by Sheriff's Departments from other counties to alert residents and manage evacuations; one such department was the Alameda County Sheriff's Department.^[62] The Santa Cruz County Office of Emergency Services played a coordinating role for agencies and departments in the county providing emergency services and information.

As stated in the March 15 and 16, 2020 Virtual Community Meetings, the mapping intelligence which designated resident locations and map sectors was changed to Zonehaven during the CZU Complex Fire.^{[1][15]}

This report underlines the necessity to explore these facts, and the consequences to the community. The BoS can step up to this responsibility and learn from all parties involved in order to develop robust response, recovery, and resilience plans for the future.

Budget Review & Contract

Each year the BoS conducts budget reviews to approve the fiscal year budget for the county.^[58] The county signs a contract with Cal Fire for services during non-fire season months delivered as County Fire.^{[63][64]} For the 2020-21 fiscal year, the presentation to the BoS was given on June 23, 2020 by Michael Beaton, Director, General Services Department and Ian Larkin, Chief, Cal Fire CZU.^[65] While Chief Larkin is chief of the combined San Mateo County-Santa Cruz County CZU region, this presentation of the budget is specific to Santa Cruz County.

A few observations from the 6/23/2020 BoS budget review with Cal Fire:

- The budget shows a \$1.6M increase for incremental Cal Fire staff as approved by the voters, plus an analyst.^[66]

- The data presented and pictures shown were about the state of the state, i.e., rainfall, measures of water/snowpack.
- No data was presented on volumetrics (calls, call types, etc.). A data slide on volumetrics was presented in 2019.
- No data was presented on response times etc. (resources, response times, code enforcement, inspection, or education as outlined in F24 from the 2020 report noted above).
- Supervisor McPherson praised Chief Larkin for preparation for the fire season.
- The budget passed.

Role of the Office of Response, Recovery & Resilience (OR3)

“In order to improve our community’s emergency response, elevate our disaster awareness and prepare for increases in extreme weather due to climate change, the BoS created the OR3 in December 2020.”^[67] The OR3 was modeled after the County of Sonoma’s Office of Recovery and Resiliency which was created after the October 2017 Sonoma Complex Fires.^[11] The OR3 website has resources and links for each of its three focuses making available further information and support.^[67]

The purpose of OR3 is threefold:

- **Response:** Serve as the emergency management office or the prior Office of Emergency Services (OES), which includes preparing for disasters, responding to current disasters, and performing evacuations.^[68]
- **Recovery:** Coordinate recovery efforts for disasters that have occurred, which includes the Long Term Recovery Group, Recovery Permit Center, debris flow and removal.^[69]
- **Resilience:** Build the county’s resilience for future disasters, which includes sustainability and climate change.^[70]

Much of OR3’s focus has been on recovery due to the CZU Lightning Complex Fires and getting residents who lost their homes resettled and rebuilt as soon as possible.

- Based on recommendation from Sonoma County, Santa Cruz County contracted with 4LEAF, Inc. to manage the Permit Recovery Center to make it easier to obtain building permits, creating a 1-stop shop and streamlining the process. 4LEAF, Inc specializes in engineering, design, inspections, plan check, environmental consulting, and construction management.^[71]
- Debris removal is required prior to rebuilding and OR3 provides information about state and federal programs that can be used, or, if using a private contractor, what rules must be followed.
- The OR3 offers events to help with emotional support as well as tax implications and insurance information.

- The Long Term Recovery Group is a collaboration of nonprofit, faith-based, local, state and national organizations that work together to share information and resources to help address the needs of individuals and families affected by the CZU Lightning Complex Fires.

The OR3 office has received high praise from the community. In particular, the Permit Recovery Center has been spoken of highly, with good staff interactions. The Recovery and Rebuild portion of the website has useful information for those going through the rebuilding process.

The Director of OR3 position is still in the process of being filled. An interim Director was hired in April 2021 to take on projects that are related to Santa Cruz County's readiness for the upcoming fire season.^[72] The number one priority is to update the Emergency Operation Center's (EOC) manual with a focus on Wildland Fire Activation Guide. The goal is to be completed by mid-June. Other documents that are being updated include the 2015-2020 Local Hazard Mitigation Plan which is now in draft form and Operational Area Emergency Management Plan (EMP) which has been in draft format since 2015.^[73]^[74]

The OR3 management meets with Board Supervisors Ryan Coonerty and Bruce McPherson twice monthly with the focus being on CZU Lightning Complex Fire recovery.

After-Action Reports by Santa Cruz County Departments

The CZU Fire After Action Report Summary for Santa Cruz County Departments is currently in draft format. This report states successes and failures before, during and after the fire and recommended improvement actions. The summaries are from the EOC Operations, Medical/Health, Planning, Shelter and Care and Logistics Departments.^[75] The draft is expected to be completed by the end of May but some improvements are already being implemented.^[72]

Conclusion: Case for a Greater Board of Supervisors Communication and Advocacy Role

We recognize and commend the bravery of the many firefighters who put their bodies on the line fighting this horrible fire.

A life was lost and property was destroyed by the CZU Lightning Complex Fire. The residents whose lives have been devastated were, and are, justifiably indignant over the lack of leadership from their elected leaders. Our county's residents rightly continue to express doubt and dismay about their devastating experiences and the ability to withstand future fires.

The BoS has the obligation to serve the public interest by conducting a thorough review of Cal Fire, as well as contributing county departments, and producing a comprehensive lessons learned document. The BoS should allow time and energy for the necessary commitment to listen to the public, and they should collaborate and advocate for a higher state of preparedness for the inevitable fires in the coming seasons.

The BoS' interest and focus on fire risk must intensify. These discussions must elicit and rely on facts and data, as well as opinions and sentiments. The BoS is in the position to advocate for the community to hold Cal Fire accountable and to prepare for an uncertain and dangerous future.

Findings

- F1.** Residents are still concerned about response, evacuation, and future preparation in the aftermath of the CZU Lightning Complex Fire. They are understandably irate. The supervisors, elected to their positions by our community, fail to recognize that they are responsible to adequately address these concerns.
- F2.** There was a marked difference in content and depth of analysis between Cal Fire's Virtual Community Meeting presentation given to San Mateo County and the two given to Santa Cruz County. The discrepancy is disappointing and not acceptable.
- F3.** The Board of Supervisors did not adequately respond to their constituents' concerns and questions.
- F4.** The Board of Supervisors has not held Cal Fire accountable for their lack of analysis of their performance in the CZU Lightning Complex fire.
- F5.** No provision exists in the current contract between the county and Cal Fire to develop after-action reports during the non-fire season.
- F6.** The Board of Supervisors' responses to the Findings and Recommendations of the 2020 *Ready? Aim? Fire!* report show a lack of engagement with the material and a lack of understanding of their role as advocates for the county.
- F7.** The adequacy of resources for firefighting in the future is questioned due to uncertainty of mutual aid assistance, deployment and management of volunteer companies, and availability of funding.

Recommendations

- R1.** In the next 30 days the Board of Supervisors should conduct an investigation to challenge Cal Fire on their preparation for future fire events, Cal Fire's response to the CZU Complex Fire, and give satisfactory answers to all residents' questions and concerns as documented in this report. (F1, F2, F3)
- R2.** In the next six months the Board of Supervisors should adopt a formal policy for handling and logging resident complaints and requests for information. (F1, F3)
- R3.** Within the next six months, the Board of Supervisors should require that Cal Fire produce timely after-action reports for all major incidents. (F1, F2, F4, F5)
- R4.** In the next 90 days the Board of Supervisors should direct staff to produce a lessons-learned document for the public summarizing their investigation of Cal Fire and an action plan detailing how preparation for future fire events and response will be improved. (F1, F2, F4, F5)

- R5.** The Board of Supervisors should revisit its responses to the Grand Jury’s 2020 *Ready? Aim? Fire!* Report, and rewrite their responses by December 31, 2021 in a document posted on their website to demonstrate hands-on engagement and better preparation for the next fire season. (F6)
- R6.** Within six months the Board of Supervisors should direct staff to advocate for additional funding for fire preparation and prevention resources from the state of California. (F7)

Commendations

- C1.** The County Office of Response, Recovery, & Resilience has done an excellent job of providing information and resources on the website.
- C2.** The County Office of Response, Recovery, & Resilience has developed an excellent capability for expediting permitting and rebuilding.

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F7	R1–R6	90 Days September 22, 2021
Fifth District Supervisor Bruce McPherson	F1-F4	R1-R4	60 days August 23, 2021
Third District Supervisor Ryan Coonerty	F1-F4	R1-R4	60 days August 23, 2021

Definitions

4LEAF, Inc: An independent company hired by the county to manage rebuilding, permits, and inspections.^[71]

Backfire: a fire set intentionally to arrest the progress of an approaching fire by creating a burned area in its path, thus depriving the fire of fuel

CERT: Community Emergency Response Team, a program which educates volunteers about disaster preparedness.^{[76] [77]}

Code Red: The community notification system used by Santa Cruz Regional 9-1-1 to send important messages to residents, businesses, and visitors within Santa Cruz and San Benito Counties in the event of emergency situations or critical community alerts.^[78]

EMAC: Emergency Management Assistance Compact, a program used to obtain resources from other agencies outside of California.^[79]

EOC: Emergency Operations Center, a central command facility responsible for carrying out the principles of emergency management.^[80]

FEMA: Federal Emergency Management Agency. Their mission is to help people before, during, and after disasters, usually preceded by Presidential disaster declaration.^[81]

OES: Office of Emergency Services.^[82]

OR3: Santa Cruz County Office of Response, Recovery, & Resilience established in response to the needs created by the CZU Complex Lightning Fire, as well as to build the county's resilience for future disasters.^[67]

Volumetrics: Of, relating to, or involving the measurement of volume.^[83]

Zonehaven: A third-party commercial service to manage evacuation information.^[19]

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Websites

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<http://www.slocounty.ca.gov/site4.aspx>

Site Visits

Superior Court of California, County of Santa Cruz

Appendix A – Selection of Slides from Cal Fire Virtual Community Meetings conducted March 15 and 16, 2021 for districts 3 and 5 ^[41] ^[42]

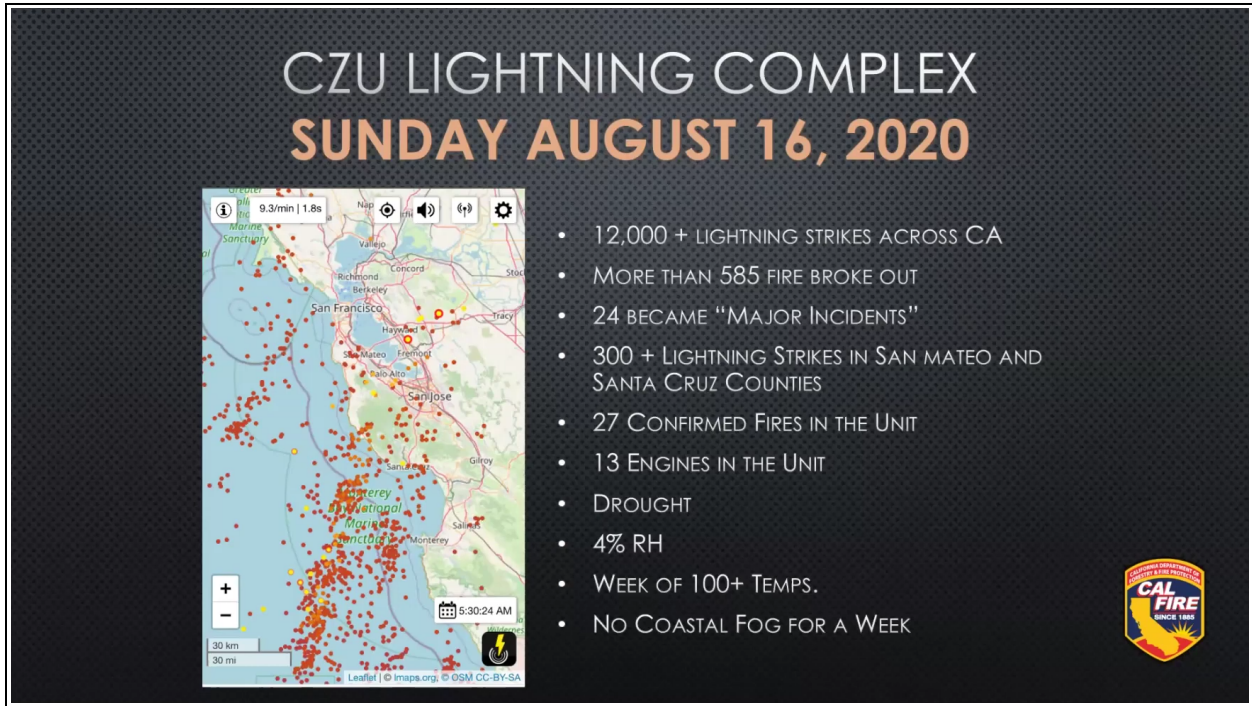


Figure A1. Overview

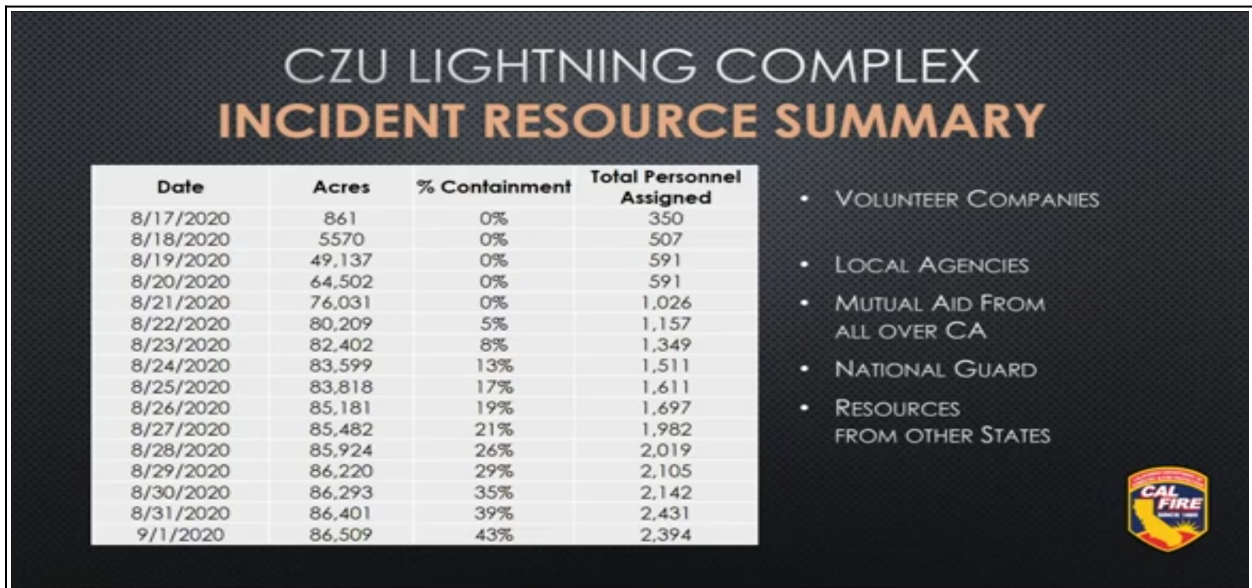


Figure A2. Resource Summary Timeline

Fire	August 16	August 17	August 18	August 19	August 20
CZU August Lightning	300 Acres 1 Dozer 20 Engines 4 Crews 0 Helicopters 2 Water Tenders	861 Acres 1 Dozer 20 Engines 2 Crews 2 Helicopters 3 Water Tenders	5,570 Acres 2 Dozers 20 Engines 7 Crews 5 Helicopters 10 Water Tenders	49,137 Acres 10 Dozers 20 Engines 8 Crews 7 Helicopters 12 Water Tenders	64,502 Acres 12 Dozers 30 Engines 10 Crews 7 Helicopters 26 Water Tenders
SCU Lightning Complex	400 Acres 2 Dozers 5 Engines 0 Crews 1 Helicopter 1 Water Tender	3000 Acres 1 Dozer 5 Engines 2 Crews 0 Helicopters 0 Water Tenders	35,000 Acres 1 Dozers 5 Engines 8 Crews 0 Helicopters 1 Water Tender	102,000 Acres 3 Dozers 10 Engines 6 Crews 2 Helicopters 2 Water Tenders	157,475 Acres 3 Dozers 20 Engines 6 Crews 2 Helicopters 2 Water Tenders
LNU Lightning Complex				124,100 Acres 2 Dozers 20 Engines 4 Crews 5 Helicopters 2 Water Tenders	215,000 Acres 9 Dozers 30 Engines 12 Crews 18 Helicopters 12 Water Tenders
River (Monterey)	2000 Acres 2 Dozers 15 Engines 4 Crews 1 Helicopter 1 Water Tender	3800 Acres 2 Dozers 20 Engines 4 Crews 1 Helicopter 3 Water Tender	4509 Acres 2 Dozers 20 Engines 4 Crews 2 Helicopters 3 Water Tenders	15,050 Acres 2 Dozers 30 Engines 8 Crews 2 Helicopters 3 Water Tenders	33,974 Acres 2 Dozers 25 Engines 6 Crews 2 Helicopters 2 Water Tenders

Figure A3. Resource Disposition, August 16-20, 2020

Appendix B – Cal Fire CZU Lessons Learned
Santa Cruz County after-action virtual community meetings
March 15 and 16, 2021^[36] ^[37]

<i>Lessons Learned</i>	<i>Details</i>	<i>Summary of Actions Taken or To Be Taken</i>
Fuel Conditions	<ul style="list-style-type: none"> ● Previously fires didn't grow to be large fires due to coastal moisture and Redwood trees "asbestos unit" ● Never seen in the history of SC Co. ● Now drought and climate change the fuel conditions not the same 	<ul style="list-style-type: none"> ● Changed how look at fuel conditions ● Will make different decisions
Lightning Events	<ul style="list-style-type: none"> ● Implemented coordination plan as designed ● Started with Volunteer FF to put out small fires ● Lack of resources so unable to fully execute as designed because of so many fires ● Usually can keep small 3-5 acres but due to # of fires and remoteness fire grew large 	
Evacuations	<ul style="list-style-type: none"> ● Fuel - rate of spread much faster than expected need mindset change ● Warning too late for Last Chance area ● Narrow mountain roads so hard to get a large number of people out at the same time 	<ul style="list-style-type: none"> ● Need to evacuate much earlier with warning notifications and evacuations than before
Infrastructure failures	<ul style="list-style-type: none"> ● Downed trees caused PG&E power down, ● phone impact, backup battery failed, ● hard to get information out using internet, social media, Reverse 911 ● Old systems, increased demands, decreased information flow 	

Cal Fire CZU Lessons Learned, Santa Cruz County, Continued		
Lessons Learned	Details	Summary of Actions Taken or To Be Taken
Code Red - Reverse 911 System	<ul style="list-style-type: none"> ● CodeRed is opt-in system ● only 17,000 SC residents signed up ● Reverse 911 dispatch center uses net.com which initially had throttle that limited the number of calls 	<ul style="list-style-type: none"> ● Notified vendor of net.com for reverse 911 calls and throttle problem resolved quickly to increase number of calls
California's Fire Mutual Aid System	<ul style="list-style-type: none"> ● Usually robust system ● Too many simultaneous fires - limited help ● Taxed beyond capability ● Exhausted requests for local resources 	
Evacuation platform	<ul style="list-style-type: none"> ● Initially used SC County evacuation management system developed after 2008-2009 fires 	<ul style="list-style-type: none"> ● Transitioned to Zonehaven platform midstream due to having public facing side so residents can see in real time if need to evacuate, ● Need internet to see if your home is in zone or need to know your zone number ● Evacuated 58,000 SC residents
Fuel reduction efforts	<ul style="list-style-type: none"> ● Not reached goal ● More work to do ● Cooperative effort by all - Property owners, FireSafe Council, Cal Fire, Resource Conservation Network, etc to decrease fuel 	<ul style="list-style-type: none"> ● Work on getting funding and grants to increase fuel reduction projects ● Grant money for community thru FireSafe Council

Cal Fire CZU Lessons Learned, Santa Cruz County, Continued		
Lessons Learned	Details	Summary of Actions Taken or To Be Taken
Individual Property owner Defensible Space Inspection (LE-100)	<ul style="list-style-type: none"> • Need home to have defensible space • Need to increase number of inspections • Need compliance - can't enforce • ideally home can stand alone and not need to be protected 	<ul style="list-style-type: none"> • Owner needs to clear property before next fire
Fire Prevention Messaging	<ul style="list-style-type: none"> • Need to improve messaging - what to be prepared for, to go bag, • Consistent msg before fire season • Not enough prevention information 	<ul style="list-style-type: none"> • Looking at methods to increase community involvement • Improve community meetings • Be more involved <p>Example Cal Fire program: WILDFIRE AWARENESS: 3 seminars:</p> <ul style="list-style-type: none"> - Ready, Set, Go and Zonehaven - Home Hardening & Defensible Space Webinar 4/20/2021 - CZU lessons learned - Sending out comprehensive evacuation checklist on NextDoor
From FDAC meeting on 11/18/20	<ul style="list-style-type: none"> • Unable to fight fire thru air due to poor visibility/smoke • Mountainous terrain adds extra challenge to FF 	<ul style="list-style-type: none"> • Goal is to evacuate earlier and use Zonehaven evacuation tracking system purchased thru grant

Appendix C – Cal Fire CZU Lessons Learned

San Mateo County Virtual Community Meeting April 27, 2021^[39]

#	<i>Lessons Learned</i>	<i>Summary of Actions taken or to be taken</i>
1.	<p>Changes in Weather and fuel conditions are changing the frequency, size and behavior of fires locally.</p> <ul style="list-style-type: none"> ● 5 hottest years in past 5 years ● 5 hottest night-time temps - statewide - little fuel moisture recovery ● Size of fires growing bigger 	
2.	<p>The LCA (Lightning Coordination Area) Plan was an important framework when faced with a historic lightning event and additional enhancements to the plan are being considered based on our experience.</p> <ul style="list-style-type: none"> ● Supervisor in charge of each separate geography fire area 	<ul style="list-style-type: none"> ● Expand plan to notify additional agencies in the 2 counties ● Include what to request from each branch/agency instead of saying as needed ● SM received FEMA grant for drone program for early recon ● Use volunteer air squadron from Sheriff office for recon early on ● If capacity, Cal Fire officer to work as liaison with local public safety communication center ● Started linking 2 dispatch computer system Redwood City and Felton

Cal Fire CZU Lessons Learned, San Mateo County, Continued		
#	Lessons Learned	Summary of Actions taken or to be taken
3.	<p>When hundreds of fires occur simultaneously, the local response system is even more important.</p> <ul style="list-style-type: none"> ● Northhops - requested resources unavailable in < 1 day ● EMAC (Emergency Management Assistance Compact) - Out of state resources limited availability - only private trained companies equipment available ● Federal resource ordering system - IROC problem with software unable to handle capacity ● Mutual aid agreements - nothing available in NCA 	<ul style="list-style-type: none"> ● Dependent on local resources - used local government strike team ● Created Wildland engine task force - used to hold local roads
4.	<p>Strong pre-existing relationships and frequent communication between Cal Fire, San Mateo County OES, County Manager Office and San Mateo County Sheriff's Office made for efficient, effective and professional decision making.</p>	<ul style="list-style-type: none"> ● Worked with these agencies due to COVID for a couple of weeks so good relationship
5.	<p>Coordination and management was made easier because of strong relationships, pre-planned zones, and an innovative new on-line evacuation management platform.</p> <ul style="list-style-type: none"> ● BoS in 2019 approved funding for Zonehaven ● Public was to be notified 6 weeks after CZU fire but immediately went live with the start of fire ● Can use in remote areas ● Fire, law, and OES developed zones together and use same map and zones 	<ul style="list-style-type: none"> ● Brought in SC County later so all working from same map and zones
6.	<p>The SMCAAlert System is a valuable and effective tool for getting targeted messages to the affected areas.</p> <ul style="list-style-type: none"> ● Used to alert areas before lightning strikes, during and after ● Multiple languages 	<ul style="list-style-type: none"> ● If not good cell service need emergency weather radio ● Encourage public to sign up

Cal Fire CZU Lessons Learned, San Mateo County, Continued		
#	Lessons Learned	Summary of Actions taken or to be taken
7.	San Mateo County Measure A/K funded fire apparatus (engine) was useful in the incident. <ul style="list-style-type: none"> • Smaller off-road wildland engines 	<ul style="list-style-type: none"> • Locally funded, local volunteer, for local fire were assigned for 14 days to help Cal Fire
8.	Need to invest in additional wildland fire apparatus locally that can be cross staffed by structural firefighting crews. <ul style="list-style-type: none"> • Staff can man these instead of structural fire engines for fighting wildland fires 	<ul style="list-style-type: none"> • Increase capacity and flexibility locally with additional wildland fire engines
9.	Infrastructure failures in remote areas can result in communications systems being negatively impacted and making resiliency and redundancy necessary. <ul style="list-style-type: none"> • Radio repeater towers went down during fire - lost cameras also • Cell towers also can go down in fire 	<ul style="list-style-type: none"> • Need radio resiliency when lose reception
10.	Keeping the community informed is paramount, especially through social media engagement and updates.	<ul style="list-style-type: none"> • Hired SM County Fire Department Public Information Officer as part of BoS 6 yr plan to address WUI risk • Position dedicated to keep the public informed and advocate for community information <p>** Noted: In SC virtual community meetings the only way some people were receiving information about the fire was on the community Facebook page</p>

Cal Fire CZU Lessons Learned, San Mateo County, Continued		
#	Lessons Learned	Summary of Actions taken or to be taken
11.	Non-fire public agencies can assist in innovative ways.	<ul style="list-style-type: none"> • Used Parks Dept and contractor to help fortify fire break roads - worked with Cal Fire for 2 weeks, created new evacuation routes, downed trees removed, water brought in
12.	Staffing additional firefighters including a Chief Officer at Skylonda Station 58, proved important when implementing the LCA.	<ul style="list-style-type: none"> • Needed additional staff to meet LCA requirements
13.	<p>It's important to have a robust firefighting workforce when many of them immediately returned to work to fight the fires.</p> <ul style="list-style-type: none"> • Employees stepped up • Long hours, little relief until additional staff could be brought in 	
14.	<p>Local volunteer fire companies played an important role; need to continue to formalize how to incorporate them into large scale incidents.</p> <ul style="list-style-type: none"> • SM has 3 volunteer fire companies • Helped suppress many of 22 fires started by lightning 	<ul style="list-style-type: none"> • Add to LCA plan to bring in volunteers earlier • Provide more support and training to the volunteers to work on larger incidents
15.	<p>Additional resources were needed to address the COVID prevention measures that were necessary throughout all aspects due to concurrent emergencies.</p> <ul style="list-style-type: none"> • Briefings, feeding, sleeping, socially distanced, everything had to be handled differently to prevent outbreak 	

Cal Fire CZU Lessons Learned, San Mateo County, Continued		
#	Lessons Learned	Summary of Actions taken or to be taken
16.	Countless community organizations stepped up to fill in some critical gaps. (Ag Dept, CERT, Puente, Ham Radio Operators, OES, Large Animal Rescue, and many more)	
17.	Non-affiliated spontaneous volunteers who wanted to enter the evacuation zones to fight the fire caused confusion challenging public agencies policies and state law.	<ul style="list-style-type: none"> • No system in place to manage spontaneous volunteers - caused frustration • Requires 100's of hours of training and protective gear - by law
18.	Pre-fire project work during winter months helped: need to expand the scope and scale of this work.	<ul style="list-style-type: none"> • Need to continue to clear trails, have escape routes or safety zones during no-fire season • 2 engines designated for vegetation management - SC Co does as well • Focus - preparedness and mitigation
19.	Locating lightning fires in remote areas is made easier with new technology: expansion of such technology continues. <ul style="list-style-type: none"> • Cameras locate and look at conditions • Technosylva provides advanced GIS-enabled software solutions for wildfire protection planning, operational response & firefighter and public safety. 	<ul style="list-style-type: none"> • Cameras installed during the fire • Added 2 more since fire • Installing more cameras - see value • Technosylva uses camera information to make informed decisions and determine resource allocations
20.	Defensible space and personal fire preparedness measures were more important than ever.	<ul style="list-style-type: none"> • Increase information to public - has huge impact on home protection

Appendix D
Report Findings and Recommendations
with Responses from the Board of Supervisors^[44]

Report Findings	BoS Responses
<p>F1. Vegetation/fuel management and abatement are not receiving the attention nor funding needed from the County of Santa Cruz BoS, and therefore are not adhering to California Government Executive Order 1.8.19-EO-N-05-19.</p>	<p>X PARTIALLY DISAGREE – Vegetation/fuel management and abatement is the responsibility of the property owner not the County of Santa Cruz. The County could do more to improve the clearing or removal of vegetation along County maintained roadways, more than just the sight line clear that may or may not occur annually. The removal of vegetation is expensive and labor intensive for a county that provides many services to the community. Funding is available through different grant opportunities to assist with fuel reduction and the County has benefited from such grants. An example of such grant funding is the fuel reduction project that was approved as part of the 35-statewide project as outline {sic} in Governor Newsom’s 45-day report and the Executive Order 1.8.19-EO-N-05-19 that was issued regarding fuel reduction in California. This project is in the unincorporated area of the County within CSA 48 area of Aptos Creek and Buzzard Lagoon roads near Corralitos. The project consisted of treating 225 acres to improve existing and create additional fuel breaks to protect vulnerable communities. Of the 225 treated acres, 150 acres is a shaded fuel break and has allowed for the use of prescribed fire to be used to help clear and maintain the area.</p>

Report Findings, continued	BoS Responses, continued
<p>F2. Santa Cruz County residents are at increased risk of fire danger due to the lack of risk management for wildfire. Specific risks are not formally identified, tracked, assessed for impact, nor is progress reported by fire departments in the County. Therefore, leaders responsible for budgets and accountability are left unprepared to manage risk, impact, or performance.</p>	<p>X PARTIALLY DISAGREE – Responsibility for wildlife fire management is held with each fire agency within Santa Cruz County. Each jurisdiction monitors and tracks wildfire risk within its own jurisdiction. The approach and extent of this work is managed within each jurisdiction. The State responsibility area, which includes the majority of the rural area within the County, is controlled and managed by CAL FIRE.</p>
<p>F4. Most of Santa Cruz County in addition to the City of Santa Cruz with its large eucalyptus groves are not being monitored by the ALERTWildfire Imaging Surveillance system and would be well served by the installation of cameras capable of monitoring coastal areas occupied by eucalyptus groves in areas harboring potential sources of ignition.</p>	<p>X PARTIALLY DISAGREE – Eucalyptus groves are a problem in general due to the abundant fuel loading they provide, but one fuel type in the county should not be singled out. Fires occur in areas of redwood forest as well, example, {sic} the Rincon Fire in 2018. The use of the ALERTWildfire camera system is a great way to provide for early confirmation of wildfire in the county. CAL FIRE/County Fire is working with ALERTWildfire and PG&E to determine locations to install cameras to provide a system for early confirmation of wildfires.</p>
<p>F5. Santa Cruz County would greatly benefit if steps were taken to implement the CAL FIRE, San Mateo - Santa Cruz Unit 2018 recommendation of developing detailed, site specific Community Wildfire Protection Plans for communities throughout the County.</p>	<p>X AGREE</p>

Report Findings, continued	BoS Responses, continued
<p>F24. The annual report to the County BoS and the County Administrative Office by County Fire/CAL FIRE does not provide data or analysis of resources, response times, code enforcement, inspection, or education. This information is necessary to show what gaps exist between current performance and community needs in order for informed budget decisions to be made. Without adequate background information, the BoS is unable to hold CAL FIRE accountable for the specific responsibilities specified in their contract.</p>	<p>X DISAGREE – The County Fire/CAL FIRE Chief gave a State of the State presentation to the Board during Budget Hearings, which provided both data and analysis of resources, response times, code enforcement, inspection, and education. This is aligned with the budget process. This presentation is also given to the Fire Dept Advisory commission (FDAC), holds <i>{sic}</i> responsibility to provide oversight <i>{sic}</i> of these.</p>
<p>F26. Reporting data, statistics, and formats utilized by fire agencies throughout the County are highly inconsistent, uncoordinated, and therefore not readily evaluated and compared. The standard Insurance Services Office (ISO) rating system would be useful to adopt. Response time data are not well described or consistently reported by the jurisdictions, making accurate assessment difficult, especially by other agencies or by the public.</p>	<p>X AGREE</p>

Report Recommendations	BoS Responses
<p>R2. The Santa Cruz County BoS should require CAL FIRE and County Fire to provide quarterly and annual reports to the County General Services Department with specified data and success metrics for each of the contract requirements, beginning with the current fiscal year.</p>	<p>X HAS BEEN IMPLEMENTED – CAL FIRE/County Fire will continue to work with the Santa Cruz County Director of General Services in weekly meetings, as well as the Fire Department Advisory Commission (FDAC) to determine a reasonable reporting structure and timeline for the reporting.</p>
<p>R3. The Santa Cruz County BoS should require CAL FIRE, in conjunction with the General Services Department, to provide annual operations reviews with performance metrics and annual improvement objectives, beginning with the current fiscal year.</p>	<p>X HAS BEEN IMPLEMENTED – CAL FIRE/County Fire will continue to work with the Santa Cruz County Director of General Services in weekly meetings, as well as the Fire Department Advisory Commission (FDAC) to determine a reasonable reporting structure and timeline for the reporting.</p>
<p>R9. Each year, during the budget presentation, the County BoS should require County Fire to provide a vegetation management plan, including a priority list of projects and a timeframe for their completion.</p>	<p>X REQUIRES FURTHER ANALYSIS – There is currently no funding for a vegetation management plan for the County Fire Department. We currently coordinate with CAL FIRE on a priority list of projects that have timeline {sic} related to available funding. In order to implement such and {sic} process will require additional analysis and potential funding.</p>
<p>R17. The County Office of Emergency Services should evaluate, quantify, and report to the County BoS on the specifics of the public state of preparedness for a large-scale emergency such as wildfire by June, 2021.</p>	<p>X REQUIRES FURTHER ANALYSIS – An after-action review is conducted after every major incident and disaster response. Due to the CZU Lightning Complex Fire, these areas will also be addressed during the after-action review, identifying operational effectiveness as well as areas for improvement.</p>

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Santa Cruz County Agricultural Commissioner's Office Can Get By with a Little Help from Its Friends

Planting Seeds of Change Requires Help from Growers, Community, and Board of Supervisors

Summary

The Watsonville City Council responded to public demands for advance notice of pesticide use in nearby neighborhoods with a City Council resolution. Forms stating when and where pesticide application would be taking place are required to be submitted to the Agricultural Commissioner for approval before the application can take place. It was believed that the Commissioner's office could post the submitted and approved notices online, indicating that pesticide application was about to take place.

It turned out that the proposed solution is more complicated because the submitted location information is vague. Complicating the situation further, online posting by the Commissioner's office is currently not feasible.

This report examines why this is the case, and what is required to achieve advance online notification to the public. This investigation explored the current challenges of posting Notices of Intent before the pesticide is applied, and what information the Notice of Intent would have to contain to be useful to the public. We concluded that advance notice of pesticide applications could be accomplished with help from the State of California Department of Pesticide Regulation, the Board of Supervisors, growers, applicators, and the impacted community. The Agricultural Commissioner's Office is not in a position to accomplish this complicated task on its own.

Background

The Agricultural Commissioner's mission includes "promoting and protecting agriculture, assuring environmental quality, and protecting the health, safety and welfare of Santa Cruz County's citizens."^[1]

Improper pesticide use could affect the public's health. In California, the County Agricultural Commissioner (CAC) is responsible for ensuring the safe application of pesticides. Restricted pesticides (also known as Restricted Materials) are deemed to have a higher potential to cause harm to public health, farm workers, domestic animals, honey bees, the environment, wildlife, and crops.^[2]

Restricted Pesticides Permits

A California Department of Pesticide Regulation (DPR) permit is required before any restricted pesticides can be applied.^[3] There is a rigorous process to obtain this permit.^{[4] [5]} These permits are obtained through and processed by the CAC. Each permit must be evaluated by the CAC before the permit is considered DPR approved. Once it is approved, depending on the crop, it is only valid for one to three years. A copy of the Restricted Pesticides Permit is attached as [Appendix A](#). During that time, if the grower or pesticide applicator with a permit needs to use restricted pesticides, they must submit a Notice of Intent To Apply Restricted Materials (NOI) for approval under the permit. That NOI must be approved by the CAC 24-72 hours before the restricted pesticides can be used.^[6]

Watsonville City Council Resolution

The public complained to the Watsonville City Council to seek adequate advance notice of imminent pesticide use,^{[7] [8]} so that they could close their windows, bring children and pets indoors, or perform other simple measures to prevent unwanted exposure.^[7] Since growers and pesticide applicators must submit advance notices to the CAC, the public requested the Watsonville City Council issue a resolution that requested the CAC post the NOIs online before the pesticides are applied.^[9]

On October 27, 2020 the Watsonville City Council issued Resolution 198-20 stating its support for posting the NOIs online in advance of the pesticide use.^[10]

The permit and NOIs are available to the public through a public records request. This process takes as much as two days or longer.^{[11] [12] [13]} The Watsonville City Council's concern was that the public needs sufficient advance notice, as nearby vulnerable residents and workers may need to seek shelter or take other measures to prevent exposure during the application.^[14] Online posting would provide timely notification.

Although exposure events are rare, there have been recent documented cases in Monterey County where mishaps with soil fumigants occurred.^{[15] [16] [17]} Soil fumigants comprise over 70% of the Restricted Materials used in Santa Cruz County, and the Watsonville City Council resolution focused on drift-prone soil fumigants.^{[18] [19]}

Location, Location, Location

Currently the information submitted with the NOI application is insufficient for the public to pinpoint where the pesticide application will occur. This is caused by a variety of circumstances. First, not all fields have been issued a county address, or the county address issued refers to a farm tract consisting of many fields. Second, some of the fields are oddly shaped, and may be planted with multiple crops in odd configurations. Specifying what portion is going to be treated on the NOI application becomes difficult. Often the growers rely on the CAC staff being personally familiar with the farm layout. Consequently, NOIs are often submitted with anecdotal location descriptions that are not familiar or useful to the general public. The result is that people cannot tell how close the pesticide application may be to houses, schools, and parks.^{[12] [19] [20]}

Challenges for the CAC staff

During the October 27, 2020 Watsonville City Council meeting, the CAC stated that his office did not have sufficient staffing or expertise to carry out the Watsonville City Council's request for advance public posting of the NOIs.^{[10] [12] [19]} He said that there were several obstacles the CAC office faces before it could post the notices online.

Required DPR Software Entries

Each NOI must be approved by the CAC Office before it is valid. The CAC Office receives NOI applications by fax, telephone, email, and in person.^[6] Permits and NOIs must be entered into a DPR software program called CalAgPermits.^[21] CalAgPermits accounts are granted by the CAC and each account is password-protected.^[22] While the CAC Office encourages growers to use CalAgPermits to file their NOI applications, that is rarely done. Many growers may not have internet access or the equipment or experience required to file electronically. This requires CAC staff to manually enter the permit and NOI application information into CalAgPermits. This places an added burden on the CAC staff as data entry is time consuming, which then can result in a delay. This delay may cause the data entry to occur after the pesticide is applied. During the City Council meeting the CAC expressed concern that additional staff may be needed to implement timely public posting of NOIs.^{[12] [19] [20]}

Seasonal Time Crunch

Fumigant NOI applications are concentrated between July and October.^[19] NOI applications for fumigations can come into the office at 20 per day during this period. This is the highest workload period of the year for the CAC. In 2018, the CAC processed close to 300 NOIs in just four months.^{[12] [20] [23]}

Scope and Methodology

This investigation was performed in response to the Watsonville City Council's Resolution requesting that the CAC post each NOI before the pesticide is applied. This investigation explored the CAC's challenges for alerting the public in advance.

The information in this report was received primarily through interviews, newspaper articles, a site visit to the Santa Cruz CAC office, internet research and review of Watsonville City Council minutes and the Watsonville City Council resolution.

During the CAC site visit, example permits, NOI applications and the CalAgPermits software were reviewed. The internet research included a review of other Agriculture Commissioner's County websites, the California Agriculture Department's website, and the DPR's website. Grand Jury reports from Santa Cruz and other counties were also reviewed, along with various not-for-profit websites such as SafeAgSafeSchools.

We also reviewed the state and local requirements governing restricted pesticide use, local CAC procedures, and the requirements on pesticide applicators and growers for permits and NOI applications.

Investigation

Notice of Intent (NOI)

Advance permission from the CAC is required before restricted pesticides can be applied. An NOI referenced to a valid approved permit must be submitted before each restricted pesticide application.^[6]

- Permission may be granted after a NOI application is submitted by the applicator or grower.^[6]
- NOIs must be submitted for approval prior to 24 hours in advance of the pesticide application depending on the pesticide.^[6]
- After the NOI is approved, the information is entered into CalAgPermits.^{[19] [20]}

Each NOI application requires significant information, as is evident from the sample form in Figure 1.

STATE OF CALIFORNIA
PR-ENF-126X (REV. 11/07)
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NOTICE OF INTENT TO APPLY RESTRICTED MATERIALS

DEPARTMENT OF PESTICIDE REGULATION

NURSERY

COUNTY NO.	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	APP. METHOD	PERMITTEE/PROPERTY OPERATOR	APPLICATOR NAME AND ADDRESS
		<input type="checkbox"/> N <input type="checkbox"/> S	<input type="checkbox"/> E <input type="checkbox"/> W	<input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> GROUND <input type="checkbox"/> AIR <input type="checkbox"/> FUME <input type="checkbox"/> OTHER		
OPERATOR ID/PERMIT NUMBER				SITE IDENTIFICATION NUMBER		TOTAL PLANTED ACRES/UNITS	
LOCATION						BLOCK ID (IF APPLICABLE)	
DATE/TIME APPLIED PROPOSED		ACTUAL		TOTAL ACRES/UNITS TREATED PROPOSED		ACTUAL	
						COMMODITY/SITE TREATED	

CHEM. NO.	MANUFACTURE/NAME OF PRODUCT APPLIED	EPA/CALIF. REGISTRATION NUMBER FROM LABEL	TOTAL PRODUCT USED	RATE	DILUTION	TARGET PEST
			<input type="checkbox"/> LB. <input type="checkbox"/> OZ. <input type="checkbox"/> PT. <input type="checkbox"/> QT. <input type="checkbox"/> GA.			
			<input type="checkbox"/> LB. <input type="checkbox"/> OZ. <input type="checkbox"/> PT. <input type="checkbox"/> QT. <input type="checkbox"/> GA.			
			<input type="checkbox"/> LB. <input type="checkbox"/> OZ. <input type="checkbox"/> PT. <input type="checkbox"/> QT. <input type="checkbox"/> GA.			
			<input type="checkbox"/> LB. <input type="checkbox"/> OZ. <input type="checkbox"/> PT. <input type="checkbox"/> QT. <input type="checkbox"/> GA.			
			<input type="checkbox"/> LB. <input type="checkbox"/> OZ. <input type="checkbox"/> PT. <input type="checkbox"/> QT. <input type="checkbox"/> GA.			

DAYS REENTRY	DAYS PREHARVEST	APPLIED/SUPERVISED BY		N
ENVIRONMENTAL CHANGES/COMMENTS				W TREATMENT AREA E
SUBMITTED BY		DATE	TIME	PCA NAME
RECEIVED BY		BOX NUMBER	DATE	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED
ADJACENT CROPS, SCHOOLS, DWELLINGS, ETC.				

Figure 1. From California Department of Pesticide Regulation^[24]

The required information would seem to provide everything needed to alert the public to the location, time, specific pesticide, and amount of pesticide being applied. Steps to avoid exposure could then be taken.

Referring to the form, the Watsonville City Council resolution stated,

If Notices of Intent (NOI) were posted online, concerned residents would have the option to know when a highly toxic pesticide will be applied nearby, providing the opportunity to take health protective measures, such as shutting windows or keeping children and others at risk indoors...^[18]

When completing the form, the applicant's location information may be vague. When a blank NOI application form is examined, the fields, such as "Location," imply that all the necessary information will be provided showing where the pesticide will be applied. The reality is that these forms are typically filled out with anecdotal locations, not a property address, parcel number, GPS coordinate or other information which the public could readily identify.^{[12] [19] [20]}

Some NOI applications refer to the “Location” information using localized maps of cultivated fields within a farm, or even photographs from a drone. These depict only a small area so it is not possible to know where the area is unless you have familiarity with that particular farm.^{[12] [19] [20]} Some NOI applications refer to a Meridian-Township-Range-Section which is roughly equivalent to one square mile. This unit is too large and imprecise as it could represent a field anywhere from a few yards’ distance to almost a mile and a half away.^[25]

There are successful notification programs that require user-friendly maps. For example, regulations were implemented by the DPR for pesticide use within a quarter mile of a school site.^[26] The fact that the DPR requires a map showing both the exact area of the field to be treated, and the impacted school site on the same map, demonstrates that useful location information could be required. See an example given in the “Annual Notification of Pesticides Used Near Schools and Child Day Care Center” forms.^[27]

Restricted Pesticides

In 2018, the last year reported by DPR, 1,251,410 pounds of pesticides were applied in Santa Cruz County.^[23] This county ranked 30th out of 58 counties in the amount of pesticides applied to agricultural fields.^[23] The restricted pesticides most often applied in the county are soil fumigants. Soil fumigants form a gas to control pests that live in the soil. Two soil fumigants are used in the county, and in 2018 they accounted for the two most applied pesticides by weight.

In 2018:

- 536,745 pounds of Chloropicrin were used in 157 applications and
- 208,950 pounds of 1,3-Dichloropropane were used in 141 applications.^[23]

The applications are concentrated between July to October. During this period, NOI applications submitted to the CAC can be as many as 20 per day.^[19]

Fumigation is big business, as it can cost around \$5,000 per acre.^[19] Growers and applicators are reported as being generally considerate and cooperative, communicating with their neighbors and following the school notification regulations. In Santa Cruz County, the CAC approves fumigation timing only when a set wind level is not forecasted even though the DPR has no wind-level requirement. The CAC reports it enforces a maximum wind-likelihood before it will approve an NOI fumigation application.^[19]

Pesticide Use Near Schools

In 2018 special regulations went into effect governing pesticide application within a quarter mile of schools and day care centers.^{[26] [28]} These regulations require growers to notify such schools and daycare centers by April 30 of any intended pesticide applications from July through the following June. This notice requirement includes all pesticides, not just restricted materials. Our CAC’s office has posted an interactive map showing the ¼ mile boundary around every school in Santa Cruz County.^[29]

In addition, the fumigant requirements are far stricter. The applicator cannot spray within ¼ mile of a school or day care center (or adjacent park) when they are in session. Furthermore, the application must be finished 36 hours before the school or daycare re-opens.

If the grower adds a pesticide not on the annual pesticide application disclosure list, or a new grower takes over the land after the notification deadline has passed, a 48-hour notice of a specific application of the new pesticide or all pesticides from a new grower are required. These are the only conditions under which advance notification is required by DPR.

Notably, in the case of a fumigant or high drift pesticide application, a map that shows the location of the application site, and the school, day care center or adjacent park, must be provided in the yearly disclosure document. It is stated on the required form:

The attached map shows the location of the school site and the field(s) within 1/4 mile of the schoolsite. The property boundaries of the school site were determined by the county agricultural commissioner. Please contact the county agricultural commissioner if you believe that the property boundaries are incorrect...^[27]

A similar map showing the location of the pesticide application with the surrounding areas of homes, schools, or day care centers within a ¼ mile radius of the application could be required for the NOI. At this time it is not.^{[24] [27]}

These Pesticide-Near-School regulations demonstrate there is an ability for advance public notice. The Monterey County organization, FarmingSafelyNearSchools, publicized its ability to publicly push advance notice out via text and email messages to anyone who opted-in.^[30] This program is no longer available since a DPR funding grant ran out.^[31] This defunded program could be used as a model pilot program for Santa Cruz County.

May 7, 2020 Letter from DPR to All County Agricultural Commissioners

During COVID Shelter-in-Place orders, the DPR issued a notice acknowledging that with current distance learning, every home with children should be considered a school or day care center and treated accordingly if located within a ¼ mile of a pesticide application. The DPR sent this letter as guidance and did not issue actual regulations on May 7, 2020 to all County Agricultural Commissioners.^[32] Page 3 stated:

Many of the general considerations regarding drift and potential exposures at school sites apply to homes as well as schools...because most children are at home distance-learning during most of each day and on weekends...all CACs must strictly enforce all applicable health protections around homes and schools during the COVID-19 emergency...these requirements apply 7-days a week.^[33]

The letter was issued on May 7, past the April 30 deadline for yearly notifications. If this were a regulation, 48-hour notice would be required for all homes with children within ¼ mile of a pesticide application.

CalAgPermits Software

The CalAgPermits system is a statewide online pesticide use and reporting system.^[21] Its current capabilities include submission of Restricted Materials Permits, Pesticide Use Reports, and Notice of Intent forms.^[34] To date, it has not been designed for advanced public notice of pesticide application.^{[12] [20]} This program has more than 20,000 account holders.^[21]

Currently the CalAgPermits software is not extensively used by growers in the county.^[19] More often growers directly submit their applications to the CAC in person, via email, facsimile, and USPS mail. Use of the software itself is free to growers and applicators. Contracting with companies who use third party software which interfaces with CalAgPermits is pricey. These services submit permit applications and NOIs for some of the larger growers but not many small growers use such services due to cost. To mandate that NOIs and permit applications be submitted through the CalAgPermit software would require training.^{[12] [20] [21]}

Conclusion

The CAC is not in a position to develop its own online posting software or modify the existing statewide software to accommodate public posting, especially if each notice requires research and modification of its content.^{[12] [20]} Research suggests the DPR is in the beginning stages of gathering public input this summer on advance public notice of pesticide use.^[35] Some growers may be interested in, and comfortable with, electronic entry. Some growers may be concerned that advance public notice might elicit negative reactions.^[36]

The public has expressed an interest in access to advance notices of pesticide application.^{[10] [14] [31]} The CAC must answer these concerns. Setting up a pilot program to engage selected growers could help establish a method to provide the public with advance notice, provided the applications submitted use locations that could be easily located on a map. A pilot program could help provide useful feedback to the DPR and determine whether advance public posting of pesticide use is feasible.

Findings

- F1.** Location information on the Notices of Intent provided by the growers and qualified applicators does not adequately describe the location of the pesticide application in a way that someone not intimately familiar with the farm could understand. This means that timely online posting of the current Notices of Intent, even if possible, would not be helpful to the public. The Department of Pesticide Regulation requires a map useful to the public on the *Annual Notification of Pesticides Used Near Schools and Child Day Care Centers* form.

- F2.** The Department of Pesticide Regulation’s policies on application of pesticides near schools and its May 7, 2020 letter to California Agricultural Commissioners show its awareness of the changing need to inform and protect the public living near agricultural pesticide application sites.
- F3.** Department of Pesticide Regulation policy changes must be influenced by the Board of Supervisors. The Agricultural Commissioner cannot exert such influence. The Board of Supervisors are in the best position to lobby the Department of Pesticide Regulation.
- F4.** The Agricultural Commissioner has the difficult job of reconciling conflicting interests. The Agricultural Commissioner must consider and protect the interests of the growers, the nearby community members, the county schools, and the Department of Pesticide Regulation.
- F5.** There is a demonstrated capability for advance public notice of pesticide use.

Recommendations

- R1.** Within six months, the Agricultural Commissioner’s Office should initiate a pilot program to train interested growers and applicators to use the CalAgPermits software. Goals of the pilot program should include recommendations enhancing the usefulness of the software program to growers and reducing the workload of the Agricultural Commissioner’s Office. (F1, F2, F4)
- R2.** Within six months, the Board of Supervisors should assess and initiate online posting, text, or email notification of pesticide applications for nearby neighborhoods. (F3, F4)
- R3.** Within six months, the Board of Supervisors should lobby the state and the Department of Pesticide Regulation to require that specific location information useful to the public be included on forms such as the Restricted Material Permits and the Notice of Intent forms. (F1–F4)
- R4.** Within six months, the Board of Supervisors should collaborate with other counties to lobby the Department of Pesticide Regulation for funds to implement a statewide program of notification, similar to the now defunded FarmingSafelyNearSchools program. (F5)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F3, F5	R2–R4	90 Days September 27, 2021

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Agricultural Commissioner	F1–F5	R1	90 Days August 30, 2021

Definitions

- **CAC:** *Santa Cruz County Agricultural Commissioner's Office*
- **CACASA:** *California Agricultural Commissioners and Sealers Association.* A voluntary organization of County Commissioners and County Sealers of Weights and Measures from California's 58 counties. CACASA provides the venue for collaborative opportunities to address matters of statewide significance that affect California's agricultural production, natural resources, marketing, food safety, equity, and public health as it relates to our environment.^[37]
- **CDFA:** *California Department of Food and Agriculture*
- **DPR:** *California Department of Pesticide Regulation.* The state Agency that regulates pesticide use in California, mainly through the County Agricultural Commissioner's Office in each county.
- **NOI:** *Notice of Intent To Apply Restricted Materials.* Usually referred to as Notice of Intent, or NOI.^{[6] [24]}
- **Pesticide:** Any substance or mixture of substances which is intended to be used for preventing, destroying, repelling or mitigating any pest, and any plant growth regulator, and any "spray adjuvant" that is used with a pesticide and is intended to be an aid to the application or effect of the pesticide.^[38]
- **Qualified Applicator:** A qualified pesticide applicator is an individual or business who applies or supervises the application of federally restricted use pesticides or state restricted materials. To obtain a license or certificate to become a Qualified Applicator one must submit the proper application, pay the obligatory fees, and pass the required examination.

The Department of Pesticide Regulation (DPR) issues licenses and/or certificates to: persons and businesses that apply or sell pesticides, pest control dealers and brokers, persons who advise on agricultural pesticide applications and it also certifies pesticide applicators who use or supervise the use of restricted pesticides.^{[39] [40] [41]}

- **Restricted Materials:** Pesticides deemed to have a higher potential to cause harm to public health, farm workers, domestic animals, honey bees, the environment, wildlife, or other crops compared to other pesticides. With certain exceptions, restricted materials may be purchased and used only by or under the supervision of a certified commercial or private applicator under a permit issued by the County Agricultural Commissioner’s Office (CAC).^{[2] [42]}
- **SASS:** *Safe Ag Safe Schools*, A coalition of over 50 organizations and individuals working together to reduce the threat of pesticide exposure in the Monterey Bay area.^[14]
- **Soil Fumigants (EPA Definition):** Pesticides that, when applied to soil, form a gas to control pests that live in the soil and can disrupt plant growth and crop production. Soil fumigants are used on many high value crops and provide benefits to growers in controlling a wide range of pests, including nematodes, fungi, bacteria, insects, and weeds.^{[43] [44]}

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Site Visits

Agricultural Commissioner's Office

Appendix A – Restricted Materials Permit

From the California Department of Pesticide Regulation ^[45]

APPLICATION - RESTRICTED MATERIALS PERMIT

FOR POSSESSION ONLY FOR POSSESSION AND USE

PERMITTEE _____
 PERMIT NO. _____

PERMITTEE ADDRESS _____ CITY _____ ZIP _____ PHONE _____

TYPE OF PERMIT _____
 SEASONAL JOB
 EXPIRATION DATE _____

PRIVATE APPLICATOR

STRUCTURAL PCO

AGRICULTURAL PCO

COMMERCIAL APPLICATOR

NOTICE OF INTENT REQUIRED MUST BE SUBMITTED AT LEAST _____ HOURS PRIOR TO APPLICATION. METHOD: _____

A. PESTICIDES/PESTS

1. _____	6. _____	11. _____
2. _____	7. _____	12. _____
3. _____	8. _____	13. _____
4. _____	9. _____	14. _____
5. _____	10. _____	15. _____

B. LOCATION	SEC	TWN	RNG	MAP ID	COMMODITY	ACRES/UNITS	PESTICIDES	PESTS	F*	M**	RATE	DILUTION/VOLUME	APPL	DATE/TIME
1.														
2.														
3.														
4.														
5.														
6.														

PCO NAME _____	ADDRESS _____	PHONE _____	PCO NAME _____	ADDRESS _____	PHONE _____
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C. JUSTIFICATION FOR NON-AG USE: _____

D. CONDITIONS: _____

I understand that this permit does not relieve me from liability for any damage to persons or property caused by the use of these pesticides. I waive any claim of liability or damages against the County Department of Agriculture based on the issuance of this permit. I further understand that this permit may be revoked when pesticides are used in conflict with the manufacturer's labeling or in violation of applicable laws, regulations, and specific conditions of this permit. I authorize inspection at all reasonable times and whenever an emergency exists by the Department of Pesticide Regulation or the County Department of Agriculture of all areas treated or to be treated, storage facilities for pesticides or emptied containers and equipment used or to be used in the treatment. I have considered alternatives and mitigation measures pursuant to Title 3, California Code of Regulations, section 6426. Taking into account economic, environmental, social, and technological factors, I have adopted those that are feasible and would substantially lessen any significant adverse impact on the environment.

*FORMULATION: L--LIQUID B--BAIT D--DUST
 F--FUMIGANT G--GRANULES
 WP--WETTABLE POWDER O--OTHER

**METHOD: A--AIR GR--GROUND
 F--FUMIGATION O--OTHER

APPLICANT _____

SIGNATURE _____

TITLE _____

DATE _____

RESTRICTED MATERIAL PERMIT IS HEREBY GRANTED FOR THE ABOVE MATERIALS.

APPLICATION DENIED. BY _____ DATE _____

DISTRIBUTION: WHITE & YELLOW-COUNTY AGRICULTURAL COMMISSIONER, PINK & GOLD-PERMITTEE

STATE OF CALIFORNIA
 DEPARTMENT OF PESTICIDE REGULATION
 PR-ENF-125 (REV. 11/07) Page 1 of 1



Honoring Commitments to the Public

Review of 2017-18 Grand Jury Report Responses

Summary

The 2020-21 Santa Cruz County Grand Jury investigated whether respondents to four of the seven 2017-18 Grand Jury reports honored their commitments, either to analyze report recommendations within six months or to implement those recommendations within a specified time in the future. We found that generally, organizations fulfilled the commitments they made to the public. Organizations addressed the Grand Jury's recommendations positively. Each section of this report will describe the methodology the Grand Jury used to confirm commitment follow-through, and the findings and recommendations for future action.

The value of the Grand Jury investigation and report process comes from the actions taken and sustained.

We continue to recommend that all organizations create and regularly update formal records of the actions they take to address Grand Jury recommendations, and to share those records with the public.

Background

Each year the Grand Jury investigates local government organizations and publishes its reports. The reports include findings, and associated recommendations, as to what those organizations should do to serve the community more effectively and efficiently. The law requires the investigated organizations to respond in writing to the specific findings and recommendations assigned to them. The investigated organizations received a response packet that includes the instructions as shown in [Appendix A](#).

All reports were responded to in the required time frame in 2018. Readers interested in a more comprehensive look at the grand jury reports and responses are encouraged to read the original 2018 report and responses. All may be found in the County's Grand Jury web page in the Reports section.^[1]

The Grand Jury holds respondents accountable to their commitments through visibility of the results that must follow. This report seeks to hold the government respondents accountable to the public and to their commitments. The Grand Jury researches the follow up actions and provides a view of the impact those actions have had on the effectiveness of the government. The commitments made in 2018 have had sufficient time to bear fruit. Thus, we report them now.

Scope and Methodology

The *2017–18 Santa Cruz County Civil Grand Jury Consolidated Final Report*^[2] focused on seven areas of our County in an effort to assist public agencies and our cities and county to operate more efficiently, openly, and economically. Following the release of the report, the entities identified in it were required by law to respond to its findings and recommendations. We report on the commitments made in four of the seven responses to, and the actions taken to fulfill those commitments.

As each report follow-up documented here refers to different subjects and government agencies, each section should be viewed as a stand-alone report-within-a report.

The four reports were:

1. *San Lorenzo Valley Water District - Encouraging the Flow of Information to the Public*^[3]
2. *Data-Driven Budgeting, New Ways to Get Better Results*^[4]
3. *These Are Our Children – Responding to Youth Homelessness in Santa Cruz County*^[5]
4. *Our Public Defender System – Anticipating Structural Change*^[6]

The 2020-21 Grand Jury requested documents sufficient to determine whether respondents took the actions indicated in their replies to the 2017-18 Grand Jury report recommendations.^[7] Table 1 summarizes the original 2018 report responses by investigative report and two categories of response – either to undertake “further analysis within six months” or to implement the recommendation at a specified time “in the future.”

The *Threat Assessment in Our Public Schools* report^[8] is not included in the scope of this report because the commitments made have been satisfactorily and completely verified and reported on in the 2019-20 Grand Jury report *Honoring Commitments to the Public*.^[9] The *Honoring Commitments to the Public – Review of 2015-16 Grand Jury Responses* is not included because it requires no specific follow-up to confirm actions.^[10] The *Mental Health Crisis - Seeking an Integrated Response* report is also not included, as the respondents to that report offered no commitments to take action in response to the Grand Jury report recommendations.^[11]

Specifics of each investigation will be covered in that investigation’s section, along with details on methodology, and recommendations for further follow-up in order to ensure that commitments and actions persist over time.

**Table 1: Summary of Responses to
2017-18 Investigative Report Recommendations**

2017-18 Grand Jury Report Title	Respondents	Recommendation Responses	
		Requires Further Analysis (within 6 Months)	Will Be Implemented in the Future
San Lorenzo Valley Water District ^[3]	Board of Directors ^[12]		R1–R8
Data-Driven Budgeting ^[4]	County Board of Supervisors ^[13]		R1, R4
	County Administrative Officer ^[14]		R2, R3
These Are Our Children ^[5]	Director, Health Services Agency ^[15]	R5	R4
	County Board of Supervisors ^[16]	R5	R3, R4
	County Administrative Officer ^[17]	--	R3
Our Public Defender System ^[6]	County Board of Supervisors ^[18]		R2
	County Administrative Officer ^[19]		R2

Source. Provided with each table entry.

Investigation 1: *San Lorenzo Valley Water District - Encouraging the Flow of Information to the Public*

The 2017-18 Report Abstract: *District changes to meeting practices reduced public access to the debate and decision-making process and compromised the community's understanding of the issues. Better communication on difficult matters, an informed and effective Assessment District oversight committee, and an unwavering commitment to public access, will enable greater transparency and may restore trust and foster better relationships within the SLVWD community.*^[20]

Recommendations, Responses, and Actions Taken

The report included eight recommendations. For each recommendation, the San Lorenzo Valley Water District (SLVWD) indicated that the recommended action “has not been implemented but will be implemented in the future.”^[12] The recommendations are repeated from the original 2018 Grand Jury report.^[3] The responses are repeated from the 2018 response by the SLVWD Board of Directors.^[12] Our summary of the actions taken for each recommendation, as described in documented evidence received by the Grand Jury from the SLVWD, are as follows:

Recommendation R1.

LADOC should produce an annual report detailing the status of Assessment District revenues and expenditures. (LADOC: Lompico Assessment District Oversight Committee)

Response

We are committed to developing a process and format for a LADOC annual report. The revised Charter and/or new Bylaws for LADOC (see response to R3) will describe the timeframe and process for producing an annual report. The contents of the annual report should be defined jointly by the District and LADOC...

Actions Taken

LADOC completed its first annual report for 2019, covering the period from June 1, 2016 through June 30, 2019. A copy was posted to the district's website.^[21] This includes detailed financial information, a letter from the LADOC chairperson, an update on projects, and a timeline of events.

However, they are behind schedule to produce subsequent annual reports in a timely fashion. This was attributed by the board to be a time-consuming process to write the report, include citations, and proofread.^[22] In addition, they stated in response to the GJ document request that the pandemic has delayed further report production.

Recommendation R2.

The District should schedule annual public study sessions or workshops to review the LADOC annual report and discuss the administration of the Assessment District (AD), in order to provide in depth information to the public about the timing, funding, and execution of AD projects.

Response

We are committed to scheduling annual workshop-style meetings to review the LADOC annual reports, which will include discussion of current information about the timing, funding, and execution of AD-16 projects...We will go further than the Grand Jury's recommendation by creating high-level project summaries for each discrete AD-16 project. Our goal is to post these summaries on the LADOC web page within the next year...We will also look into creating a role for designated Board and/or staff members to serve as a liaison with LADOC and its chairperson

Actions Taken

LADOC conducted several annual report public workshops while designing and researching its first annual report.^[23] ^[24] Public attendance was minimal. Therefore, due to limited public interest, an informational mailer was sent to all AD customers with the link to the online report.^[25]

Recommendation R3.

The Board and LADOC should work in concert to create a charter for LADOC that describes in detail the committee's responsibilities and its authority to fulfill its oversight role.

Response

We are committed to creating a revised Charter that describes in more detail LADOC's responsibilities and its authority to fulfill its oversight role... A draft will be presented to LADOC for its review and comment and to the Board for approval...We will go further than the Grand Jury's recommendation by including information in the Charter about LADOC membership, meetings, procedures and functions if such information is not provided by other documents such as the Board Manual or new LADOC Bylaws.

Actions Taken

The LADOC Charter was written and adopted by LADOC and approved by the Board on 3/21/2019.^[26] A copy of the charter is available on the SLVWD website.

Recommendation R4.

The Board should ensure that LADOC receives adequate professional, technical, and administrative support from the District, as well as the authority to carry out its oversight responsibilities.

Response

...We are committed to making adequate professional, technical and administrative support available to LADOC from the District... We believe the District has professional expertise up to the task of locating appropriate resources, adapting existing resources, or creating new materials as necessary.

Actions Taken

The District provided hours of staff support time as requested and the annual report is the result of that support.^[27]

Recommendation R5.

The District should provide formal training for all LADOC citizen committee members in governance, meeting management, and the Brown Act.

Response

...we will make governance, meeting management, and Brown Act training available to all members of the Board and the District's public committee members. Within a year, we will evaluate and select a means of making such training available on a recurring or ongoing basis... We will go further than the Grand Jury's recommendation by including government ethics training for public members of committees as part of the training regimen...

Actions Taken

Training was provided to the LADOC on 1/23/2019 including Brown Act and ethics, presented by the Chief Risk Officer of the Special District Risk Management Authority.^[28] Training on Ethics and the Brown Act was attended by past committee members. Brown Act training was also provided on 1/7/2021; the training package was entitled "The Brown Act and Social Media".^[29] The presentation was done by District Counsel. New member training is planned for the first meeting of 2021.

Recommendation R6.

The District should provide formal training about assessment districts to LADOC members and all others involved in the administration of the Assessment District.

Response

...For Board and LADOC members, we will have additional training about assessment districts... We will go further than the Grand Jury's recommendation by coming up with a mechanism for posing questions about, e.g., the implications of changes to AD-16 projects, and addressing them.

Actions Taken

The LADOC Charter confirmed commitment for training. Discussion on training implementation was put on hold due to COVID-19 and CZU Complex Fire emergencies. The County identified an expert resource who retired and is no longer available; the District Manager has contacted a consulting firm to develop training. This option will be considered during the first meeting of 2021.^[30]

Recommendation R7.

The District should record all Board and committee meetings, and post the recordings online for public access.

Response

...we are committed to going above and beyond open meeting requirements by recording all Board and committee meetings and posting the recordings online to maximize public access.

Actions Taken

The District works with Community Television (CTV) to make Board meetings accessible to the public. Since April 2020, CTV has been hosting District meetings via the Zoom platform and broadcasting regular meetings on local television with video of past meetings available on their website.^[31]

Recommendation R8.

The District should provide formal training to all Board and committee members and senior staff on how to communicate with the public on contentious issues.

Response

...we will add training on how to communicate with the public on contentious issues... Ideally the training would be provided by someone familiar with the local community.

Actions Taken

The District contracted with Municipal Resource Group to conduct this training as an all-day public meeting, hosted by video conferencing, on 7/22/2020.^[32] The District held a follow-up discussion at a regular meeting on 11/5/2020. Follow-up questions include annual discussion of the Code of Conduct, manual for new board members, best practices documentation, etc.^[33]

Conclusion and Commendation

The 2018 GJ report summary recommended: “Better communication on difficult matters, an informed and effective Assessment District oversight committee, and an unwavering commitment to public access...” The grand jury recommendations have been met with strong commitment and positive improvement in leadership, process, and transparency.

The Grand Jury commends the SLVWD and LADOC for their ongoing commitment and positive stewardship of their responsibilities.

Investigation 2: Data-Driven Budgeting – New Ways To Get Better Results

The 2017-18 Report Abstract: *The incremental process the County is currently using communicates minimal program information and limits public insight into the budgeting process. Moving to a data-driven, performance-based budgeting process will enable the County to better communicate, and the public to better understand, how and why spending decisions are made.*^[34]

This 2017-2018 Grand Jury report looked at the County’s intent to move from an annual incremental budget process to a system that is driven by data and measurable outcomes.^[4] It made a number of findings and recommendations suggesting that moving to a data-driven performance-based budgeting process will enable the County to better communicate and the public to better understand how and why budgetary decisions are made. The agencies' responses were, in the main, positive and two agencies were identified to pilot the upcoming changes as the County launched the Vision Santa Cruz operational plan intended to drive the budget.^[35]

Up to and including the 2018-19 fiscal year, the County budget report has included department accomplishments for the prior year and goals for the upcoming year. Goals and accomplishments will no longer be a part of the budget in the future. Instead, the 2019-21 Operational Plan presents 172 (180 at final posting) measurable performance objectives across 22 departments whose progress will be tracked biannually and whose results will be public and inform future budget cycles.^[36]

The County Administrative Officer’s August 2018 response to this report indicated the intent to implement performance budgeting.

Recommendations and Responses

The recommendations are repeated from the original 2018 Grand Jury report.^[4] The responses are repeated from the 2018 response by the County Board of Supervisors.^[37] Our summary of the actions taken for both recommendations as described in documented evidence received by the Grand Jury from the CAO are combined below in the Actions Taken section.

Recommendation R1.

The Board of Supervisors should direct the County Administration [sic] Officer to implement performance budgeting over the next two-year budget cycle. (F1-F4)^[38]

Response

An existing goal of the County is to integrate performance data in the budget process for all departments and provide a system to make this data better available to the public and policy makers.

The County is currently implementing a Performance Measurement Pilot with the Parks and Probation departments. These pilot programs will feature public-facing dashboards that allow users to understand policy issues and assess department performance. These pilots will be included in the two-year budget document for FY 2019-20 and FY2020-21.^[39]

Recommendation R4.

The Board of Supervisors should publish a community report of performance results addressing strategic goals by department. (F1-F5)^[38]

Response

The Performance Measurement Pilot will yield two department dashboards for the FY 2019-21 budget cycle, with remaining department dashboards rolled out over the following two to three years. The combination of these resources will provide the public and policy makers with better tools with which to make decisions.^[40]

Actions Taken

Vision Santa Cruz

In 2017 the County posted the Vision Santa Cruz document detailing 180 Performance Measures across the entire government in the 2019-2021 Operational Plan, including the Performance Measurement Pilot objectives of the Parks and Probation Departments.^[35] These objectives are linked to the Parks and Probation Departments Strategic Plans.

Parks Department

The Parks Department posted on August 6, 2018, a Strategic Plan which represents the first comprehensive and collaborative planning effort between the County Parks Department and the local community in Santa Cruz County.^[41] The Strategic Plan seeks to articulate the vision and strategic priorities for the future of the County Parks system in a ten-year timeframe. Ultimately, the Strategic Plan will serve as the basis for future department work plans and as a roadmap for the department.

Vision Santa Cruz lists the various goals/objectives/dates/status to begin the work on the Performance Measures aligned with the Strategic Plan for the Parks Department and are updated twice yearly.^[42] The Objectives Descriptions in Table 2 below are exactly as they appear on the Vision Santa Cruz website.^[43]

Table 2. Vision Santa Cruz Goals.^{[43] [44]}

Program Name	Objectives Description	Status
Youth Rec Camp	By June 2021, Parks will create a new recreation camp for pre-teens and teenage youth.	Completed
LEO's Haven	By June 2020, Parks will complete construction of Chanticleer Park Phase 1 and LEO's Haven playground project.	Completed
Parks Outreach	By June 2020, Parks will improve community outreach by conducting public surveys, expanding marketing, and increasing social media followers by 25% in order to increase park visitation and program participation by 10%.	Completed
Park Internships	By December 2020, Parks will develop an internship program giving students an opportunity to learn the functions of a park agency while bringing new ideas and perspectives to department processes.	Completed
Smart Park Maintenance	By December 2020 June 2020 , Parks will develop metrics for the maintenance section to implement changes for cost-effective travel time and task assignment improvements	Completed
Simpkins Pool Maintenance	By December 2022 June 2021 , Parks will complete the Simpkins Swim Center deferred maintenance to preserve a safe facility for the community.	In Progress

Probation Department

In addition to the goals listed in Table 3, the Probation Department reports monthly on services by vendors that are available upon request to the department.^[45]

Table 3. Probation Department Goals.^[46]

Program Name	Objectives Description	Status
Public Safety Center	By December 2019, the Sheriff-Coroner, District Attorney, and Probation will open a new Public Safety Center in Aptos Village to increase the availability of services to mid-county residents.	Completed
Youth Resilience	By December 2020, Probation will enhance education by providing six tablets and add vocational skills through a community garden program offered to 80% of youth while detained.	Completed
Probation Services	By June 2020, Probation will serve 10% of all clients at the new service center.	Completed
Group Homes	By June 2021, Probation will decrease the number of youth placed in Short Term Residential Therapeutic Programs (STRTP) by 50% for juvenile justice involved youth.	In Progress
AB 109 Recidivism	By June 2021, Probation will decrease by 10% the three-year recidivism rate for the AB 109 population, as defined by the California Board of State and Community Corrections.	In Progress
Survivor Services	By June 2021, Probation will establish three standard practices or protocols that will increase the level of support provided for survivors of crime.	In Progress
Juvenile Hall Gym	By December 2023 June-2024 , Probation will complete construction of a multi-purpose gymnasium and significant renovation to the Juvenile Hall facility to ensure compliance with state requirements and adequate programming space.	In Progress
Domestic Violence	By June 2021, Probation will provide recommendations to the state based on the implementation and operation of an alternative domestic violence prevention program based on a risk and needs assessment.	In Progress
Megan's Law	By June 2021, Probation will train 100% of dedicated staff responsible for implementing new sex offender registration requirements established by state law.	In Progress
School Outreach	By June 2021, Probation will collaborate with at least three school partners to adopt policies and procedures to implement social-emotional responses to student behaviors or absences.	In Progress
Impact Contracting	By June 2021, Probation will increase outcome-based service agreements by 80% for the delivery of client services.	In Progress

Connection of the County Budget to the Performance Measures

The 2019-21 Operational Plan presents 172 (180 at final posting) objectives across 22 departments that are formatted consistently, whose progress will be tracked biannually, and whose results will be public and inform future budget cycles. Program-level details will be a part of the next two-year cycle. Additionally, performance measures will provide even more insights into the County's most important services.^[36]

Due to the COVID-19 Pandemic and the effect on the County budget the alignment of the budget to the performance measures has been delayed by one year. The original measure and key steps will need to be monitored as June 2022 nears.^[47]

Table 4. Objectives Alignment.^[48] ^[49]

Program Name	Objectives Description	Status
Performance Measures	By June 2022 June 2021 , the County Administrative Office will feature performance measurement in an integrated two-year budget and operational plan.	In Progress
Program Budgeting	By June 2022 June 2021 , the County Administrative Office will present a two-year budget with financing at the program level.	In Progress

Conclusion and Commendation

The Santa Cruz County Government has undertaken a major shift in developing budgets that are based upon performance outcomes and reported to the public annually. This effort, although delayed by the COVID-19 pandemic, should be commended and supported by the community and the entire government.

The CAO and County Administration have more than met their commitments to move toward data-driven budgeting.

Investigation 3: *These Are Our Children – Responding to Youth Homelessness in Santa Cruz County*

2017-18 Report Abstract: *More than 75 percent of the 165 unaccompanied minor children and 423 young adults identified as homeless in the Santa Cruz County 2017 Homeless Census and Survey were residing in the County when they became homeless. The services available to help them find shelter and to provide support in developing the skills and resources for a productive adulthood are scant.*^[50]

The 2017 Santa Cruz County Homeless Census and Survey found that there were 588 homeless unaccompanied minor children and young adults in our community.^[51] The Grand Jury investigated the assistance and support that our County provides to this population, compared to the services available to foster youth aged 18 to 21 who remain in the foster care system as they transition into independence. Based on its investigation, the Grand Jury recommended that the County implement a system of proactive outreach to homeless unaccompanied children and youth as an urgent priority of its program intended to end youth homelessness by 2020.

Recommendations, Responses, and Actions Taken

The recommendations are repeated from the original 2018 Grand Jury report.^[52] The responses are repeated from the 2018 response by the indicated agency.^[53] Our summary of the actions taken for each recommendation as described in documented evidence received by the Grand Jury from the agencies are summarized below in the Actions Taken section.

Recommendation R1: Written Procedures.

The Human Services Department should develop and distribute written procedures for ensuring that eligible foster youth are aware of the requirements and deadlines to opt into AB 12. If you already implemented this, please send documented proof.^[52]

Response

Has not been implemented but will be implemented in the future.

Actions Taken

The HSD's Family and Children's Services (FCS) division has written and distributed procedures to ensure emancipating foster youth are aware of AB12 (allowing eligible youth in the child welfare and probation systems to remain in foster care until age 21), and services for which they are eligible. FCS continues to work to address the needs of all youth including ensuring that youth between the ages of 18 -21 are aware of Extended Foster Care (EFC). HSD has submitted their EFC exit and re-entry procedures on their Online Practice Guide.^[54]

Recommendation R2: Turnover.

The Human Services Department should review the rate of turnover among social workers in the Family and Children's Services unit and conduct a study to identify the underlying causes of FCS social worker departures including exit interviews.^[52]

Response

Has not been implemented but will be implemented in the future.

Actions Taken

HSD has implemented two methods beginning in 2017 to get feedback from their staff: First, when an employee leaves HSD, they are given an exit questionnaire and have the opportunity for an exit interview. To date, there have been no trends in Santa Cruz County HSD that are different from other county HSD operations who experience staff turnover. Secondly, Engagement Surveys of current HSD employees have been implemented annually as a way to engage staff, learn from them, and help identify areas for improvement.

Recommendation R3: Mid-County Drop-In Center.

The County Administrative Officer should expand the Continuum of Care Request for Proposals to include a mid-County drop-in center in addition to the ones proposed for North and South County.^[52]

Response

Has not been implemented but will be implemented in the future.

Actions Taken

Implementation is taking place. Santa Cruz County and its Homeless Services Coordination Office helped secure funding from the federal department of Housing and Urban Development (HUD) to create and support new local programming for young people experiencing homelessness through a Youth Homelessness Demonstration Project (YHDP) funding opportunity.^[55] Since securing these funds, county elected officials and other leaders have increased the level of County involvement and support in addressing the issue of homelessness. For example, a new division, the Housing for Health Division, was created in the Santa Cruz County Human Services Department.^[56]

This new division will continue to provide oversight and support for YHDP grant funded programs and other efforts to address homelessness among youth. Table 5 on the next page is an example of one of the programs created with HUD funds.

Table 5. Santa Cruz YHDP Project #7^[54]

Applicant:	Encompass Community Services
Project Name:	Drop-In Center
Project Type:	Supportive Service Only (SSO)
Population Focus:	Homeless and at-risk youth
HUD Amount Requested:	Two-year contract for \$576,135 (\$288,067/yr.)
Program Description:	<p>The Drop-In Center will provide a safe and welcoming space for homeless and at-risk youth in Santa Clara County. Youth who “drop-in” will receive a menu of options for services ranging from basic needs (showers, hot meals, laundry, access to phone/internet, transportation assistance) to more intensive support such as case management, family reunification, housing and employment navigation, education and vocational training support, mental and physical health care and referrals to community programs.</p> <p>Outreach will be conducted through a mobile outreach van staffed by an outreach team and engagement with community partners (law enforcement, juvenile justice) to meet with and refer youth to services, offer emergency supplies and food. Coordinated Entry System Assessment and housing navigation will be offered at both the Drop-In Center and out in the community.</p> <p>Funding will be used to pay for the leasing and operating costs of the Drop-In Center, staff, use of the outreach van and contracts with local organizations to provide self-care and life skills classes.</p>
How are they innovating?	Vocational partnerships with Suenos, GRID Alternatives and Early Head Start will provide employment and volunteer opportunities for youth enrolled in case management. Outreach and navigation staff hired will be a peer with lived experience.
Number of Youth to be Served:	200-225 youth/yr.

Recommendation R4: Pilot Outreach for Homeless Youth.

The Human Services Department should initiate a pilot outreach program to homeless unaccompanied minor children and young adults, to be implemented no later than the end of 2018.^[52]

Response

Has not been implemented but will be implemented in the future.

Actions Taken

One of the projects introduced through the Youth Homeless Demonstration Project is the Youth Homeless Response Team (YHRT) which began operations in 2019.^[57] The YHRT is a collaboration between the Community Action Board of Santa Cruz County and the Santa Cruz County Office of Education to identify and outreach to vulnerable transition age youth.

All youth who are connected to the YHRT program receive case management, referrals to support services (e.g., health insurance enrollment, transportation, crisis counseling, and legal support including issues related to immigration), housing navigation, education, employment training and mentoring. Also, Encompass Community Services, a Santa Cruz County based nonprofit organization and recipient of funds to do outreach and serve homeless youth, operates a Transition Age Youth (TAY) street outreach team. TAY provides access to a drop-in center with day services, counseling and case management, food, clothing, laundry, showers, and community referrals.^[58]

Recommendation R5: Emergency Shelter.

The Human Services Department should identify a location for, and the Board of Supervisors should provide funds for, an emergency shelter for homeless young adults, with a separate section for homeless unaccompanied minor children.^[52]

Response

Requires further analysis.

Actions Taken

As part of a comprehensive response to the COVID-19 pandemic, the County Administrative Office (CAO), in coordination with HSD, secured 12 mobile travel trailers to be used as semi-private shelter for homeless youth to reduce the risk of viral spread. Using a combination of CARES Act (the Coronavirus Aid, Relief, and Economic Security Act, passed by Congress on March 27, 2020) and FEMA funding, the County initiated a sheltering program with Encompass Community Services and the Seventh Day Adventist Church. The program is in the process of being relocated to the Cabrillo College campus in Aptos, and can serve up to 30 young adults, including parenting young adults with minor children. The location does not provide shelter to homeless unaccompanied minor children (homeless individuals under the age of 18 who present for services without a legal parent or guardian present) as this would require significant additional oversight, licensing, planning, and resources. The shelter operations at the Cabrillo campus are intended to continue through the COVID-19 Shelter-In-Place public health orders.

Additionally, when the Encompass Youth Drop-In Center is complete, they plan to provide care which allows for an overnight stay in a safe place but does not provide shelter beds. This component of the program will require approval of applicable permits as required by the City of Santa Cruz land use regulations and zoning.

Santa Cruz County does not have an emergency shelter program specifically for unaccompanied homeless children. However, Encompass Community Services maintains an agreement with the Bill Wilson Center based in Santa Clara County to provide emergency shelter services for this population in limited circumstances.

Further, the Human Services Department, Family and Children's Services (FCS) Division, operates a 24-hour, 7-day per week phone line that receives reports about potential or current child abuse or neglect.^[59] This includes receiving reports about homeless unaccompanied children that may need resources to protect their health and safety. FCS staff will work through specific situations with homeless unaccompanied children to determine how best to assist the child, which could include placement into foster care.

Continued discussions and planning will be required to identify potential locations for a long-term emergency shelter for homeless youth.

Conclusion and Commendation

The responses received from the Human Services Department (HSD) show that Santa Cruz County has already implemented or is working on implementing all of the recommendations made by the Grand Jury, and is to be commended.

Investigation 4: Our Public Defender System – Anticipating Structural Change

2017-18 Report Abstract: *Santa Cruz County proposes to transition the public defender function to a new model, beginning in the 2021-22 fiscal year. The new model will likely include an inhouse public defender's office. The County has never collected data to measure the quality of public defender performance. The proposal would give the County three fiscal years before the transition in which to begin to collect data on the contract public defender system's performance.*^[60]

The 2017-18 Report noted that in June 2018 the Board of Supervisors (the "Board") adopted a resolution which, in part, anticipated transitioning to an in-house Public Defender Office in 2022.^[61] The new office would replace the existing contract arrangement with the outside entity that provides a majority of indigent defense services in the County's criminal courts on a flat fee basis. The resolution set up a three year time frame to allow for both investigation and planning. The Report's Findings stressed that doing so would raise significant issues involving budgeting and performance evaluation which required more study and collection of data that would allow for more accurate projections of costs to determine if the idea should be pursued.

Recommendations, Responses, and Actions Taken

The recommendations are repeated from the original 2018 Grand Jury report.^[61] The responses are repeated from the 2018 response by the indicated agency.^[62] Our summary of the actions taken for each recommendation, as described in documented evidence received by the Grand Jury, follows. The Report made two recommendations:

Recommendation R1.

The Board of Supervisors should establish a commission that includes qualified stakeholders to identify performance measures the County should collect with respect to public defender performance. (F1, F2)^[61]

Response

Will not be implemented.^[62]

Actions Taken

The Board agreed that performance measures should be identified but rejected appointing a commission, holding that the “existing stakeholders” could and should develop the necessary performance measures.

Recommendation R2.

The County should begin to collect performance data on contract public defender performance, ideally within one year, so that the County has a baseline on which to measure future public defender performance. (F2)^[61]

Response

Has not been implemented but will be implemented in the future.

Actions Taken

The Board responded that such data would be collected in the future and that the CAO would be meeting with the existing contract providers to obtain reports that would include the necessary data.^[62]

Other Actions

After the Report was issued the County adopted an “Operational Plan, 2019-2020” which provided that by June 2020 the CAO would complete an organizational review that would: (i) coordinate with current contracting firms to survey local trends, caseload management, and needs of clients; (ii) compare such data with similar counties with either contract or in-house public defender offices; (iii) establish projections of salaries and benefits; and (iv) identify and project potential new expenses and requirements of going in-house.^[63]

Thereafter the County engaged an outside consultant, the Sixth Amendment Center, which conducted an investigation and produced a lengthy report that examined the

existing contract arrangements and recommended that the Board take the public defender office in-house when the current contract expires in June 2022.^[64] The Presiding and Assistant Presiding Judges of the County's Superior Court submitted letters indicating their general satisfaction with the existing providers' indigent defense services, noting the overall high quality of the lawyers providing such services and that no convictions had been reversed on the grounds of inadequacy of counsel.^[65] ^[66] The CAO collected some comparative data from other counties, but had limited ability to break down the costs per case as the contract was a "flat fee" arrangement and the privately owned firm was not required to share its payroll and other cost data.^[67] ^[68]

In November 2020 the Board formally resolved to shift to an in-house Public Defender Office.^[69] ^[70] It amended the Santa Cruz County Code by adopting an ordinance which established a Public Defenders Office and created an appointed position of Public Defender of Santa Cruz County. The CAO has prepared a detailed transition plan that includes timelines for staffing and other projections of both budgets and services, which on March 23, 2021 was unanimously approved by the Board of Supervisors.^[71] ^[72] ^[73]

It is not the purview of the Grand Jury to comment on policy choices and accordingly this report expresses no opinion on the merits of the decision to bring public defender services in-house. Mainly, the County is proceeding to a transition to an in-house Public Defender Office in an appropriate manner that anticipates the needs and costs based on logic and experience. The County's planning is both orderly and logical to accomplish this transition to take effect as of July 1, 2022. The Grand Jury notes that having the office part of the County's administrative structure will provide greater transparency and budgetary accountability than now exists under the flat fee contractual arrangement.

Conclusion

The County has met its commitments as stated in its responses to the Grand Jury's Report.

Commendations

- C1.** Grand Jury commends the SLVWD and LADOC for their ongoing commitment to transparency and positive stewardship of their responsibilities.
- C2.** The Santa Cruz County Government has undertaken a major shift in developing budgets that are based upon performance outcomes and reported to the public annually. This effort, although delayed by the COVID-19 pandemic, should be commended and supported by the community and the entire government.
- C3.** The CAO and County Administration have more than met their commitments to move toward data-driven budgeting.
- C4.** The Santa Cruz County Human Services Department is to be commended on its actions taken to ameliorate the problem of youth homelessness by establishing several new programs.

Definitions

- **CARES Act:** The Coronavirus Aid, Relief, and Economic Security Act, passed by Congress on March 27, 2020.

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74. Grand Jury documents

Appendix A – Santa Cruz County Civil Grand Jury Response Packet Instructions for 2017–2018^[74]

Instructions for Respondents: Individual

Instructions for Respondents

California law PC §933.05 (included [below](#)) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

Response Format

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
 - a. **AGREE** with the Finding, or
 - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
 - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
 - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
 - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

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

Instructions for Respondents: Board or Commission

Instructions for Respondents

California law PC §933.05 (included [below](#)) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

Response Format

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
 - a. **AGREE** with the Finding, or
 - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
 - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
 - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
 - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

Validation

Date of governing body's response approval: **August 16, 2018**

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

