

DRAFT

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**Contra
Costa
County**

To: Board of Supervisors

From: Supervisors John Gioia and Federal D. Glover

Date: March 3, 2015

Subject: 2014 YEAR-END REPORT ON ACCOMPLISHMENTS AND DISPOSITION OF REMAINING REFERRALS TO
THE PUBLIC PROTECTION COMMITTEE

RECOMMENDATION(S):

1. ACKNOWLEDGE that the Board of Supervisors referred ten issues to the Public Protection Committee (PPC) for its review and consideration during 2014.
2. FIND that the 2014 PPC convened nine meetings, worked through and provided an opportunity for public input on a number of significant Countywide issues.
3. RECOGNIZE the excellent work of the County department staff who provided the requisite information to the PPC in a timely and professional manner, and members of the Contra Costa community and other public agencies who, through their interest in improving the quality of life in Contra Costa County, provided valuable insight into our discussions, and feedback that helped us to formulate our policy recommendations.
4. ACCEPT year-end productivity report and APPROVE recommended disposition of PPC referrals described at the end of this report.

FISCAL IMPACT:

No fiscal impact. This is an informational report only.

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☒ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **03/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 3, 2015

Contact: Timothy Ewell, (925)
335-1036

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

BACKGROUND:

The Public Protection Committee (PPC) was established on January 8, 2008 to study criminal justice and public protection issues and formulate recommendations for consideration by the Board of Supervisors. At the February 2015 regular meeting, the Committee discussed all issues currently on referral and has made the following recommendations to the Board of Supervisors for the 2015 PPC work-plan:

1. Opportunities to Improve Coordination of Response to Disasters and Other Public Emergencies.

Approximately three weeks following the November 2007 Cosco Busan oil spill, the Sheriff's Office of Emergency Services (OES) presented to the Board of Supervisors its assessment of the emergency response efforts, including what worked well and didn't work well, and what lessons were learned through those experiences. At the conclusion of the Board discussion, Supervisor Gioia introduced five recommendations that were approved by the Board.

On February 5, 2008 the Board of Supervisors referred this matter to the PPC for continuing development and oversight. PPC received a status report from the Office of the Sheriff and Health Services Department in February 2009 and requested the Hazardous Materials Program Manager to report back to the PPC on the development of mutual aid agreements from local oil refineries. Following a second briefing to the PPC by the Office of the Sheriff, the PPC reported out to the Board of Supervisors on May 6, 2009 with recommendations for follow-up by the Sheriff and Human Resources departments. The Health Services Department made a report to the PPC on April 19, 2010 regarding the resources and connections available to respond to hazardous materials emergencies and, again, on October 18, 2010 regarding who determines which local official participates in incident command if an event is in Contra Costa County. On December 5, 2011, Health Services reported to our Committee regarding training and deployment of community volunteers.

In January 2008, the Board of Supervisors referred to the PPC the matter of improving public response to emergency instructions and protocols through broader and better education, which had previously been on referral to the IOC. The Board suggested that the PPC work with the Office of the Sheriff, the Health Services Department, and the CAER (Community Awareness & Emergency Response) Program to determine what educational efforts are being made and what additional efforts may be undertaken to improve public response and safety during an emergency. In April 2011, the PPC met with CAER (Community Awareness Emergency Response) Executive Director Tony Semenza and staff from the Office of the Sheriff and Health Services to discuss what has been done to better inform the public and what more can be done to improve public response to emergency warnings. CAER provided a thorough report on its countywide community fairs, and programs targeted at the education system and non-English speaking populations. The PPC asked CAER to provide a written outreach strategy that describes how new homeowners are educated about emergency awareness. As the matter has not been brought back to the PPC since the April 2011 discussion, we recommend that this matter be continued to the 2015 PPC. The current draft work plan for CY2015 has scheduled this discussion for the April 2015 regular meeting.

Recommendation: REFER to the 2015 PPC

2. Welfare Fraud Investigation and Prosecution. In September 2006, the Employment and Human Services (EHS) Department updated the Internal Operations Committee (IOC) on its efforts to improve internal security and loss prevention activities. The IOC had requested the department to report back in nine months on any tools and procedures that have been developed and implemented to detect changes in income eligibility for welfare benefits.

The EHS Director made follow-up reports to IOC in May and October 2007, describing what policies, procedures, and practices are employed by the Department to ensure that public benefits are provided only to those who continue to meet income eligibility requirements, explaining the complaint and follow-through process, and providing statistical data for 2005/06, 2006/07, and for the first quarter of 2007/08.

Upon creation of the PPC in January 2008, this matter was reassigned from the IOC to the PPC. PPC has received status reports on this referral in October 2008, June and October 2010, November 2011, November 2012 and, most recently, in December 2013. The Committee has reviewed the transition of welfare fraud collections from the former Office of Revenue Collection to the Employment and Human Services Department; the fraud caseload and percentage of fraud findings; fraud prosecutions and the number of convictions; and the amounts recovered.

As the PPC wishes to monitor performance of the welfare fraud program, it is recommended that this matter be retained on referral.

Recommendation: REFER to the 2015 PPC

3. Multi-Language Capability of the Telephone Emergency Notification System. This matter had been on referral to the IOC since 2000 and was reassigned to the PPC in January 2008. The PPC met with Sheriff and Health Services Department staff in March 2008 to receive an update on the County's efforts to implement multilingual emergency telephone messaging. The Committee learned that the Federal Communications Commission has before it two rulemaking proceedings that may directly affect practices and technology for multilingual alerting and public notification. Additionally, the federally-funded Bay Area "Super Urban Area Safety Initiative" (SUASI) has selected a contractor undertake an assessment and develop a five-year strategic plan on notification of public emergencies, with an emphasis on special needs populations. The Sheriff's Office of Emergency Services reported to the PPC in April 2009 that little has changed since the March 2008 report.

On October 18, 2010, the PPC received a report from the Sheriff's Office of Emergency Services on the Community Warning and Telephone Emergency Notification systems, and on developments at the federal level that impact those systems and related technology. Sheriff staff concluded that multi-lingual public emergency messaging is too complex to be implemented at the local level and should be initiated at the state and federal levels. New federal protocols are now being established to provide the framework within which the technological industries and local agencies can work to develop these capabilities.

In 2011, the Office of the Sheriff has advised staff that a recent conference on emergency notification systems unveiled nothing extraordinary in terms of language translation. The SUASI project had just commenced and Sheriff staff have been on the contact list for a workgroup that will be developing a gap analysis, needs assessment, and five-year strategic plan. This matter has been on committee referral for more than ten years and technology has yet to provide a feasible solution for multilingual public emergency messaging.

On September 18, 2012, following the Richmond Chevron refinery fire, the Board of Supervisors established an *ad hoc* committee to discuss the Community Warning System and Industrial Safety Ordinance. Since that committee is *ad hoc* in nature, we recommend that this issue remain on referral to the PPC. The current draft work plan for CY 2015 has scheduled this discussion for the April 2015 regular meeting.

Recommendation: REFER to the 2015 PPC

4. County support and coordination of non-profit organization resources to provide prisoner re-entry services, implementation of AB 109 Public Safety Realignment, and appointment recommendations to the Community Corrections Partnership. On August 25, 2009, the Board of Supervisors referred to the PPC a presentation by the Urban Strategies Council on how the County might support and coordinate County and local non-profit organization resources to create a network of re-entry services for individuals who are leaving jail or prison and are re-integrating in local communities. On September 14, 2009, the PPC invited the Sheriff-Coroner, County Probation Officer, District Attorney, Public Defender, Health Services Director, and Employment and Human Services Director to hear a presentation by the Urban Strategies Council. The PPC encouraged County departments to participate convene a task force to work develop a network for prisoner re-entry services, which has been meeting independently from the PPC.

The PPC received a status report from County departments in April 2010. The Employment and Human Services department reported on its efforts to weave together a network of services, utilizing ARRA funding for the New Start Program and on the role of One-Stop Centers in finding jobs for state parolees. Probation reported on the impacts of the anticipated flood of state parolees into the county. The Sheriff reported on the costs for expanding local jail capacity and possible expanded use of GPS (global positioning systems) use in monitoring state parolees released back to our county. The Health Services Department reported on its Healthcare for the Homeless Program as a means to get parolees into the healthcare system and on its development of cross-divisional teams on anti-violence. The Public Defender reported on its Clean State Program, which has since been discontinued.

Supervisors Glover and Gioia indicated that their staff would continue to coordinate this local initiative when the Urban Strategies Council exhausts its grant funding from the California Endowment. The PPC continued to monitor progress on the initiative and, on February 7, 2011, received a presentation of the completed strategic plan and recommendations. In response to public testimony at the PPC meeting regarding concerns over the "Ban the Box" element of the plan, the plan recommendations were modified to exclude from the "Ban the Box" requirement certain identified sensitive positions in public safety and children's services or as determined by the agency.

On March 22, 2011, representatives from the Urban Strategies Council presented the completed Contra Costa County Re-entry Strategic Plan (100 pages), an Executive Summary (6 pages) of the plan, and a slide show to the Board of Supervisors, which approved the strategic plan and implementation recommendations with one modification: rather than adopt a 'Ban the Box' policy as recommended, which would have removed the question about criminal records from county employment applications during the initial application, the Board agreed to consider adopting such a policy at a future date. The Board directed the County Administrator to work with the offices of Supervisors Glover and Gioia to identify the resources needed to implement the strategic plan and to report back to the Board with his findings and recommendations.

Later in 2011, the California Legislature passed the Public Safety Realignment Act (Assembly Bills 109), which transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB 109) takes effect October 1, 2011 and realigns three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transfers the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders;
- Transfers responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- Transfers the housing responsibility for parole and PRCS revocations to local jail custody

AB 109 also tasked the local Community Corrections Partnership (CCP) with recommending to the County Board of Supervisors a plan for implementing the criminal justice realignment, which shall be deemed accepted by the Board unless rejected by a 4/5th vote. The Executive Committee of the CCP is composed of the County Probation Officer (Chair), Sheriff-Coroner, a Chief of Police (represented by the Concord Police Chief in 2014), District Attorney, Public Defender, Presiding Judge of the Superior Court or designee, and the Behavioral Health Director.

On October 4, 2011, the Board of Supervisors approved the CCP Realignment Implementation Plan, including budget recommendations for fiscal year 2011/12. Throughout 2012, the PPC received regular status updates from county staff on the implementation of public safety realignment, including recommendations from the CCP-Executive Committee for 2012/13 budget planning. On January 15, 2013 the Board of Supervisors approved a 2012/13 budget for continuing implementation of public safety realignment programming.

The Committee received several reentry/AB 109 related presentations and updates throughout 2014, including program updates, review of the proposed fiscal year 2014/15 AB 109 Public Safety Realignment budget and made appointment recommendations to the Board of Supervisors for the CY 2015 Community Corrections Partnership. In addition, the Committee evaluated the feasibility of submitting a grant proposal for the 2014 Byrne Justice Assistance Grant (JAG) released by the California Board of State and Community Corrections.

As public safety realignment is a work in progress and at the early stages of implementation, it is recommended that this matter be referred to the 2015 PPC.

Recommendation: REFER to the 2015 PPC

5. Countywide 9-1-1 Wireless Capability. On December 14, 2010, the Board of Supervisors referred to the PPC a letter from the Emergency Medical Care Committee regarding the transmission of 9-1-1 emergency calls from

cellular phones to the appropriate Public Safety Answering Point (PSAP). Our Committee met with representatives from the Office of the Sheriff on April 4 to discuss the status of establishing Sheriff's Dispatch as the PSAP for county unincorporated area wireless emergency calls.

Sheriff Department staff advised that the County is not accepting wireless 9-1-1 calls at this time. Staff explained that the GPS (global positioning system) technology exists to enable Sheriff's Dispatch to receive 9-1-1 system emergency calls from cellular phones and to locate the emergency location within some degree of precision. However, due to several years of tight budgets, Sheriff's Dispatch is not currently staffed at a level that is adequate to respond to the call volume associated with the wireless 9-1-1 calls, which are currently routed to the appropriate PSAP by the California Highway Patrol (CHP).

While our committee believes that transferring responsibility for handling wireless 9-1-1 calls from the CHP to Sheriff's Dispatch would be more efficient and would improve response time, it is unlikely that the County will be in a position, fiscally, to assume this responsibility in the next year. The PPC reported on April 12, 2011 to the Board of Supervisors and requested the Office of the Sheriff to provide a status report to the PPC in the spring of 2012 to advise if any outside funding becomes available to support such a transition of responsibility.

On April 2, 2012, the PPC (Supervisor Glover only; Supervisor Uilkema was absent) received a status report prepared by the Office of the Sheriff on the process that has been initiated to make the partial or full transition of 9-1-1 dispatching from the CHP to the Sheriff a reality within funding constraints. The Sheriff reports that if fully implemented, the call volume for Sheriff's Dispatch is projected to nearly double (from 56,000 calls to about 100,000 calls annually). Since the County can expect no additional outside revenue or other resources to support the increased call volume, the Sheriff is planning a phased implementation at a rate and call volume that current resources will permit. The phased implementation beginning with smaller carriers will provide the necessary experience and feedback to inform future implementation phases. New carriers will not be added unless the previous carrier can be effectively managed.

On April 17, 2012, the PPC provided an update to the Board of Supervisors on this topic and recommended continued monitoring of this referral. For this reason, we recommend referring to the 2015 PPC. For scheduling purposes, the current draft work plan for CY 2015 has identified an update on this topic for discussion at the September 2015 regular meeting should the Sheriff's Office find that there is a need to discuss the issue.

Recommendation: REFER to the 2015 PPC but only schedule at the request of the Sheriff

6. Civil gang injunctions. This matter was referred to the PPC on May 12, 2011 at the request of the District Attorney, who suggested under Public Comment at the April 4, 2011 PPC meeting that the Committee consider the use of gang injunctions to help prevent gang violence. The District Attorney has advised committee staff that he is currently focusing on implementing a Ceasefire Program with Richmond Police Department and has requested that this referral be postponed until further notice. For scheduling purposes, the current draft work plan for CY 2015 has identified an update on this topic for discussion at the June 2015 regular meeting should the District Attorney find that there is a need to discuss the issue.

Recommendation: REFER to the 2015 PPC, but schedule only upon the request of the District Attorney

7. Report on Emergency Gas Shut Off Valves for various structures in Unincorporated Contra Costa County.

On September 25, during a presentation on Emergency Preparedness within Contra Costa County, the Board of Supervisors referred to the Public Protection Committee a report on the county Gas Shut-Off valve ordinance (Ordinance Code § 718-8 et seq.). Originally, the former Building Inspection Department was responsible for regulation related to the Ordinance, now the Department of Conservation and Development (DCD) provides oversight through its Building Inspection Division. On November 5, 2012, the Conservation and Development Department provided a review of the program. The Committee requested additional information from staff at the February 2013 regular meeting.

The Department returned to the Committee in February 2013 and presented the requested information. The Committee accepted the staff report and recommended no further action. The implementation of the gas shut off

valve ordinance continues to present issues. For this reason, we believe that this issue should remain on referral to the PPC. The current draft work plan for CY 2015 has identified an update on this topic for discussion at the May 2015 regular meeting.

Recommendation: REFER TO 2015 PPC

8. Inmate Welfare Fund/Telecommunications/Visitation Issues. On July 16, 2013, the Board of Supervisors referred a review of the Inmate Welfare Fund (IWF) and inmate visitation policies to the Public Protection Committee for review. The Inmate Welfare Fund is authorized by Penal Code § 4025 for the "...benefit, education, and welfare of the inmates confined within the jail." The statute also mandates that an itemized accounting of IWF expenditures must be submitted annually to the County Board of Supervisors.

The Sheriff's Office has made several reports to the Committee throughout 2013 and 2014 regarding funding of IWF programs, visitation/communication policies and an upcoming RFP for inmate telecommunications services. There continues to be discussion at the state and federal level that could curtail the collection of telephone commissions individuals contacting inmates and wards housed in county adult and juvenile detention facilities normally pay, which could potentially impact programming provided within the County's detention facilities. For this reason, we recommend referring this issue to the 2015 PPC. For scheduling purposes, the current draft work plan for CY 2015 has identified an update on this topic for discussion at the May 2015 regular meeting.

Recommendation: REFER to the 2015 PPC

9. Alcoholic Beverage Commercial Activities Ordinance Review. In 2002, the Board of Supervisors adopted Ordinance No. 2002-33, which established Chapter 82-38 of the County Ordinance Code. The Ordinance regulates Alcoholic Beverage Sales Commercial Activities, which are locations where the retail sale of alcoholic beverages occur. The ordinance requires land use permits for newly established Alcoholic Beverage Sales Commercial Activities, confers Deemed Approved ("grandfathered") Status on existing Alcoholic Beverage Sales Commercial Activities, and provides standards and an administrative hearing process to review violations of those standards, in order to protect the general health and welfare of the residents of the County and to prevent nuisance activities where alcoholic beverage sales occur. Since 2002, there have been additional alcoholic beverage products released and marketed within the unincorporated area that could be contributing to nuisance activities, but are not included in the County Ordinance Code.

On June 13, 2014, the Board of Supervisors referred to the PPC a review of the Ordinance to determine if relevant changes can or need to be made in order to better regulate the sale of alcopops by liquor stores, as well as reviewing the entire Ordinance to make any needed changes that would improve its overall effectiveness relating the sale of alcohol in the unincorporated areas. A 4-phase work plan was approved by the Committee on June 23, 2014. Following that meeting, DCD and Public Health department staff worked together on this project and ultimately presented findings and recommendations related to the Ordinance at the October 27, 2014 PPC meeting. The Committee approved the findings and recommendations and directed staff to forward to the Board of Supervisors. The Board of Supervisors received the report at the December 16, 2014 meeting and directed staff to return in one-year to the full Board of Supervisors with an update. Since the Committee has completed its work on this issue and the Board will be receiving an update directly, we recommend that the referral be discontinued to the PPC.

Recommendation: TERMINATE REFERRAL

10. Implementation of "Ban the Box" in Contra Costa County. On June 17, 2014, the Board of Supervisors made a joint referral to the Public Protection Committee and the Internal Operations Committee to review the County's implementation of Assembly Bill 218 (California Labor Code Sec. 432.9), colloquially referred to as "Ban the Box". The Ban the Box bill was signed by Governor Brown on October 10, 2013 and became operative July 1, 2014. The law prohibits state and local agencies from inquiring about criminal convictions during the employment application process until the agency has determined that the applicant meets the minimum employment qualifications as stated in any notice issued for the position.

On July 28, 2014, the PPC received a report from the Human Resources Department on recommended

implementation policies and procedures for the County. The Committee provided direction to staff who returned to the full Board of Supervisors on September 9, 2014. The Board of Supervisors approved staff recommendations for implementation of "Ban the Box". For this reason, we are recommending that this referral be discontinued.

Recommendation: TERMINATE REFERRAL

11. Review of County Service Area (CSA) P-6 Zones. On June 2, 1987, the Board of Supervisors authorized the County Administrator to develop a plan to fund additional Police Services in the unincorporated areas of Contra Costa County. Subsequent to that decision, various Zones within the existing County Service Area P-6 were authorized. According to the Ordinances, each July the Board of Supervisors shall determine the amount of taxes to be levied upon the parcels in each Zone. That amount is, also according to the Ordinances, to be adjusted annually based upon the consumer price index. As of July 2014, there are 116 authorized Zones in County Service Area P-6.

On October 7, 2014, the Board of Supervisors referred to the PPC a review of CSA P-6 zones. Since that time, staff has been collecting data in preparation for an initial report to the Committee. For this reason, we recommend that this referral be continued to the 2015 PPC.

Recommendation: REFER to the 2015 PPC

LIST OF REFERRALS TO BE TERMINATED

- Implementation of "Ban the Box" in Contra Costa County
- Alcoholic Beverage Commercial Activities Ordinance Review

LIST OF ITEMS TO BE REFERRED TO THE 2015 PUBLIC PROTECTION COMMITTEE

- Welfare fraud investigation and prosecution
- Multilingual capabilities of the telephone emergency notification system
- County support and coordination of non-profit organization resources to provide prisoner re-entry services and implementation of AB109 public safety realignment
- Directing 9-1-1 emergency calls to the appropriate Public Safety Answering Point (*schedule at the request of the Sheriff*)
- Civil gang injunctions (*schedule at the request of the District Attorney*)
- Inmate Welfare Fund/Telecommunications/Visitation Issues
- Opportunities to improve coordination of response to disasters and other public emergencies
- Report on Emergency Gas Shut Off Valves for various structures in unincorporated Contra Costa County
- Report on County Service Area P-6 Zones

CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors will not receive the annual report from the 2014 Public Protection Committee.

CHILDREN'S IMPACT STATEMENT:

No impact.