

A REPORT BY  
THE 2015-2016 CONTRA COSTA COUNTY GRAND JURY  
725 Court Street  
Martinez, California 94553

Report 1616

# OUR CHILDREN IN NEED

WHY ANOTHER REPORT?

APPROVED BY THE GRAND JURY:

Date: 6/14/16

  
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ACCEPTED FOR FILING:

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JOHN T. LAETTNER  
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1616

**OUR CHILDREN IN NEED  
WHY ANOTHER REPORT?**

**TO: CONTRA COSTA BOARD OF SUPERVISORS**

**DISCUSSION**

This Grand Jury has submitted five reports that highlight the plight of the most vulnerable citizens in this county: young children who have severe disabilities, who have no family, or whose family neglects them, abuses them, or is unable to support them. Those reports are 1605, Commercial Sexual Exploitation of Children (CSEC); 1609, Human Trafficking; 1611, Maintaining a Stable Environment for our Special Education School Children and Staff; 1612, Foster Care; and 1615, Truancy and Chronic Absences in Contra Costa County Schools. Each of those reports states its separate findings of fact and recommendations on its specific subject.

So, why another report?

This report looks at those findings and recommendations as a whole. It repeats some of their findings verbatim. And it adds one finding and four policy-based recommendations which are addressed to the Board of Supervisors. The reason for this report is that the County's existing and well-meaning programs are not doing their jobs, because of inadequate staffing and financing. Some of the County's employees are doing heroic work on behalf of the children. But these programs are insufficient to ensure that the County's children are safe, secure, and have the educational and community resources that they need. And the tragic results of those insufficiencies are falling on the County's most vulnerable children: Our Children In Need.

The lives of these children can be saved, or improved, by the County increasing:

1. By a multiple—the personnel and the facilities dedicated to their protection;
2. The training, coordination, and administrative resources for their protection; and
3. The funds necessary to do the job—not a marginal increase over a prior year, but rather an increase which demonstrates a renewed commitment by the County to protect Our Children In Need.

## FINDINGS

### From report 1605, CSEC:

- F1 A comprehensive system of care for victims of CSEC [children in need] still has not been fully implemented in Contra Costa County.
- F2 A CSEC Protocol, which provides a comprehensive system of care for victims of CSEC, was prepared under the leadership of Children and Family Services (CFS).
- F3 The CSEC Protocol provides the framework for cooperation and coordination amount the County, its cities and NGOs.
- F4 Many social workers in CFS, law enforcement, officers in Juvenile Hall, and victim advocates in the DA's Office are not implementing the CSEC Protocol because they have not seen it.
- F5 CFS, the leader of the Oversight Committee, has not followed up with its interagency partners that have signed off on the Protocol but have not submitted their own CSEC department plan/protocols to the Oversight Committee.
- F6 CFS lacks personnel who can act as the hub of all CSEC referrals from law enforcement by assessing the health, psychiatric and physical needs of victims of CSEC and who can navigate these services for them.
- F7 Suspected CSEC victims are being arrested and booked into Juvenile Hall for their own safety pursuant to various statutes under the Welfare & Institutions Code relating to infractions and crimes committed by youth, while the County assesses the appropriate health and social services to provide.
- F8 The County has not provided funding to CFS for [a] temporary housing facility for victims of CSEC.
- F9 Due to the lack of a single database in the County covering all CSEC-related arrests, referrals and pending cases, the County does not know the number of victims of CSEC and where they are located.
- F10 County personnel and law enforcement dealing with victims of CSEC are well-meaning, compassionate and dedicated people trying to make the best of a very difficult situation.
- F11 Most County personnel and law enforcement dealing with victims of CSEC lack in-depth CSEC training, necessary facilities for temporarily accommodating the victims, and a clear-cut plan of action which lays out how to rescue, protect and serve the victims of CSEC in a manner that is caring and trauma-informed.

**From report 1609, Human Trafficking:**

- F12 The emphasis in human trafficking cases has shifted from solely prosecution to a “victim-centered” approach in which the needs of persons who have been trafficked receive equal consideration.
- F13 Effectively identifying and apprehending traffickers requires knowledge of the local environment and criminal activities acquired through long experience.
- F14 Successful apprehension and prosecution of traffickers often involves coordination and cooperation among local, state and federal agencies.
- F15 City law enforcement and Contra Costa County Sheriff’s Department have no comprehensive or consistent method for analyzing data about the number and type of trafficking victims. More data that is complete is needed to define the magnitude of the problem and to support decisions about victim services and resource allocation.
- F16 City law enforcement and Contra Costa County Sheriff’s Department does not always use resources offered by state and federal agencies for joint “sting” and “sweep” operations.
- F17 Trafficking frequently occurs in combination with other violent crimes and with a history of abuse and trauma.
- F18 Public awareness is a critical factor in identifying potential human trafficking activity.
- F19 The County’s efforts to build a broad public awareness of human trafficking has primarily been a poster campaign beginning in January 2015.
- F20 The Zero Tolerance for Human Trafficking Coalition is developing operating guidelines for case review and coordination to be completed in December 2016.

**From report 1611, Maintaining a Stable Environment for our Special Education School Children and Staff:**

The discussion section of that report defines the children in need who are to be served by special education programs:

*“Contra Costa County Office of Education (COE) operates five Special Education schools, specifically targeted for special needs children. These special needs children include those who are autistic, those with severe physical and developmental disabilities, and those who are wheelchair-bound, needing around-the-clock assistance.”*

*"It is vital that the learning environment in special education schools be one of compassion and serenity to foster the learning process, notwithstanding the behavior issues that may arise with special needs children. Those personnel involved with special needs children must be compassionate, properly credentialed, and trained to administer to the "special" needs of special education children. They must have the confidence and support of the students, their parents, and school administrators."*

*"...Special Education programs involve, by definition, "Special Needs Children". Many of these children are non-verbal and are so severely disabled that they are confined to wheelchairs and need on-duty nurses during the school day to watch over them so they do not injure themselves, administer appropriate medications, and provide needed hygiene.*

*In all cases, behavior must be closely monitored as these children may lash out at other children or hurt themselves. When such incidents occur, a form known as an Incident Report (IR) must be completed by the teacher, reviewed by the school psychologist, and routed to the school principal for review and acceptance. The IR is required to be completed by credentialed staff."*

- F21 There are over three years of complaints about a hostile work environment at the Brentwood Special Education Schools operated by the COE (Brentwood Schools).
- F22 Complaints of a hostile work environment at the Brentwood Schools were made known to COE from at least 2012 through 2015, both verbally and in writing by various entities including the two labor unions representing staff at the school locations.
- F23 The perceived hostile working environment at the Brentwood Schools may have had a detrimental impact on the students themselves, many of whom reportedly expressed signs of distress through body movement, sounds, or facial expressions.
- F24 There is no written protocol for staff of the Brentwood Schools to follow in deciding if, how, and when to file an incident report on any incident occurring in their classroom or facility.
- F25 Incident reports are not logged into any central index either at the Brentwood Schools or the COE.
- F26 Incident reports are not tracked and trended for possible patterns or recurrent problems either by the Brentwood Schools or the COE.

- F27 Neither the Brentwood Schools nor the COE have a written protocol concerning who should complete, review, and respond to incident reports.
- F28 At times, incident reports at the Brentwood Schools have not been given to the school psychologist for review prior to being finalized, as required in the verbal briefings to school staff.
- F29 The incident report form used at the Brentwood Schools requires the class teacher of the student involved in the incident, school psychologist, and principal to sign the form.
- F30 Incident reports at the Brentwood Schools were sometimes completed by an Instructional Assistant.
- F31 It was reported that police were called to the Brentwood Schools on a number of occasions.
- F32 There is no written protocol requiring the Brentwood Schools to maintain a record of police visits, nor to require them to report the event to the COE.
- F33 The Brentwood Schools do not provide their staff with a handbook to inform them of school protocols and complaint procedures.
- F34 Instructional Assistants at the Brentwood Schools are not provided a handbook concerning rules and requirements related to the job.
- F35 The COE publishes School Accountability Report Cards (“SARC”) on its website that provide an annual picture of the schools in the County under the auspices of the COE.
- F36 While there are published SARCs for several special education locations, the data published, other than the front page, does not accurately pertain to the schools named.

**From report 1612, Foster Care:**

The Background section of the Foster Care report (page 2) identifies approximately 1500 children who are under the jurisdiction of the County’s Welfare Services.

- F37 The attrition rate of families in the County who are willing to foster children is high.
- F38 Many potential foster parents have been eliminated from the list of currently available foster parents, after it was found that they were only interested in adopting and were not willing to take in older foster youth.

- F39 The County uses FFAs (non-profit Foster Care Agencies that are not County run) after first trying to locate suitable potential homes in the County system.
- F40 The foster caregivers identified through FFAs are sometimes more experienced, and receive more support and training from the FFA.
- F41 FFA social workers have lighter caseloads than County social workers.
- F42 There is a shortage of available, qualified foster homes in the County, as evidenced by the 384 youth that are currently located in out-of-county foster homes.
- F43 The County has not performed a “gap” analysis to specifically identify the type of foster homes most needed.
- F44 There is a shortage of foster parents willing and able to take in teenagers.
- F45 Foster family recruitment efforts have not kept up with the need for foster families.
- F46 The CFS recruiting position, which is the position that is responsible for foster parent recruitment, has not been filled and is currently staffed by one person on a half-time basis.
- F47 CFS is not accumulating information to help measure outcomes of County foster youth and determine which providers are the most effective (where applicable).
- F48 Mental health professionals do not participate in the new CFS Continuous Quality Improvement process.
- F49 The County Mental Health Department does limited screenings/assessments of new foster youth.
- F50 CFS Placement staff often does not have a complete mental health diagnosis, suggested treatment plan, or prognosis prior to placing a new foster youth with foster parents.
- F51 Ongoing mental health therapy for foster youth is frequently not as effective as it could be because it is difficult to arrange and often interrupted due to the movement of youth between foster homes.
- F52 Out-of-county placement strains the resources of CFS both monetarily and in terms of staff time as CFS staff have to travel to wherever the foster youth is located.

- F53 CFS is experiencing significant challenges in coordinating with all the necessary agencies involved to meet the requirements of AB 403.
- F54 Current MOUs or job classifications do not permit sufficient flexibility to allow for mental health professionals to respond after hours to situations that arise in the treatment of foster youth.
- F55 Based on the current costs of Group Home care, millions of dollars of State support money will be saved when foster youth transition to individual foster families.
- F56 High level executives at FFAs frequently recruit foster parents, whereas lower level line personnel usually perform this function at the County.

**From report 1615, Truancy:**

- F57 Based on truancy rates during the 2014 - 2015 school year, the County ranked among the worst in the State, 46<sup>th</sup> out of 58 counties.
- F58 Based on chronic absences during the elementary school year 2014 - 2015, the County ranked last out of the nine Bay Area counties.
- F59 Not all County school districts comply with the requirement found in California Education Code section 15497 that each district collect, track and report its chronically absent rates in an annual LCAP.
- F60 The COE (County Office of Education) does not currently know the chronically absent rates for all of the County's school districts because the COE lacks relevant data needed to perform the analysis.
- F61 To identify students with attendance issues and quickly address these issues, the school district needs complete and accurate data about attendance and a well-developed support infrastructure.
- F62 (Each) school district has its own software system for collecting attendance information and its own process and standards for collecting, storing and utilizing the truancy attendance information gathered, which are not necessarily the same as other districts in the County.
- F63 Without a centralized attendance system or compatible software among school districts, it is challenging to get a complete picture of a student's attendance profile and patterns over multiple years or across districts.
- F64 Some school districts have little communication with other school districts and the COE about best practices, common achievement goals, and best data systems regarding attendance.



- F65 The California Attorney General, Kamala Harris' 2015 report, "*In-School and on Track*", indicates that over 80 percent of chronically absent students in kindergarten and 1<sup>st</sup> grade are unable to read at grade level by 3rd grade. These students are four times more likely to drop out than children who can read at grade level.
- F66 [Some cities in the County do] not have a daytime curfew.
- F67 [Cities that have] and enforce a daytime curfew see less daytime and juvenile crime.
- F68 Chronically absent or truant students, who do not get back on track before age 18, are more likely to drop out of high school before graduation.
- F69 Parent and Truancy Courts offer attendance support and are one of the last opportunities to alter a student's attendance behavior.
- F70 Attendance improvement programs used by the County's Juvenile Courts, such as the Lincoln Child Center, ankle monitors, drug and mental health counselors, and tutoring classes, lack long-term funding.
- F71 The school districts that have Truancy or Resource Officers who connect directly with students, help get chronically absent or truant students back on track.
- F72 There is currently no teen truancy court in the WCCUSD (West Contra Costa Unified School District) area.
- F73 The WCCUSD does not provide sufficient staff to process chronically absent students through the Parent or Truancy Court in Martinez.

### **NEW FINDING IN THIS REPORT, BASED ON THE ABOVE FINDINGS.**

- F74 The present levels of personnel, support, and financing are inadequate to protect the County's children in need.

### **RECOMMENDATIONS**

- R1. The Board of Supervisors should enact the recommendations directed to them made in Grand Jury reports 1605, 1609, 1612, and 1615.
- R2. The Board of Supervisors should issue a policy statement of the County's intention to provide the personnel, facilities, training, and administrative support necessary to protect the county's children in need.
- R3. The Board of Supervisors should create a position of "Youth Advocate", with the power to:

- a. Investigate all county agencies charged with providing services to children;
- b. Report his/her findings and recommendations to the Board of Supervisors and to the public every six months;
- c. Recommend to the Board of Supervisors the amount of money necessary to accomplish his/her recommended actions; and
- d. Advocate before the Board of Supervisors on all matters related to children in need.

R4. The Board of Supervisors should issue a policy statement of the County's intention to provide material increases in the funding for the county's agencies in order to create, and accomplish the recommendations of, the Youth Advocate in protecting our children in need, and identify the funds to do so.

## REQUIRED RESPONSES

	<u>Findings</u>	<u>Recommendations</u>
Contra Costa County Board of Supervisors	F74	R1 – R4

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to [epant@contracosta.courts.ca.gov](mailto:epant@contracosta.courts.ca.gov) and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson

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