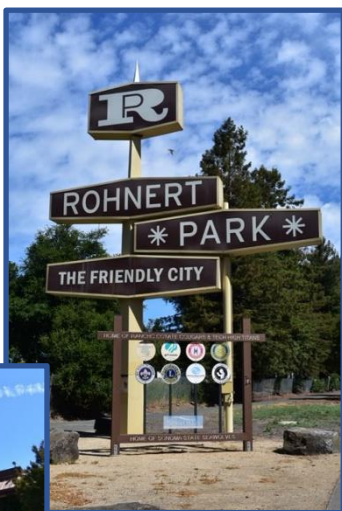


2020-2021 Final Report

Sonoma County Civil Grand Jury



The Grand Jury provides oversight to county, city government and special districts within Sonoma County, bringing positive change in the best interest of all residents.





Empire Building in Old Courthouse Square. This Santa Rosa landmark building was completed in 1910.

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Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

BRADFORD J. DeMEO
JUDGE

Superior Court State of California

COUNTY OF SONOMA
HALL OF JUSTICE
600 ADMINISTRATION DRIVE
SANTA ROSA, CALIFORNIA 95403

June 1, 2021



Dear members of the Sonoma County Civil Grand Jury:

Having reviewed the grand jury final report for the fiscal year 2020-2021, I find that it complies with Penal Code section 933. You are to be commended for your thorough investigations and conscientious findings and recommendations. You have fulfilled your duties with hard work and dedication.

You have endured one of the most crippling hardships in the history of Sonoma County and produced an exceptional work product. Some of you have endured this hardship for two terms, and I commend your stalwart effort. COVID-19 has restricted our lives so deeply that our economy, our government, and individuals have very few options to work and finish projects. But, the Sonoma County Civil Grand Jury has found a way to work and communicate through remote technology to finish all of its projects on time with very high quality. This is a remarkable feat. Each member of the Sonoma County Civil Grand Jury should be very proud of fulfilling their obligations and duties as civil grand jurors. It is simply amazing and I'm very proud and honored to be the presiding judge to approve your work for publication.

On behalf of the Superior Court of Sonoma County, I thank you for all that you've done. I especially would like to thank your foreperson, Sharon DeBenedetti, for her leadership and dedication to the work of the grand jury.

Once again, congratulations to the Sonoma County Civil Grand Jury. Sonoma County owes you much gratitude.

Sincerely,

A handwritten signature in blue ink, appearing to read "BD", written over a faint circular stamp.

Bradford J. DeMeo, Presiding Judge
Superior Court of California,
County of Sonoma

BD/ml



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June 20, 2021

Dear Judge Bradford DeMeo and the Citizens of Sonoma County:

The members of the 2020-2021 Sonoma County Civil Grand Jury are pleased to submit our final report to you and the citizens of our County pursuant to California Penal Code Section 933(a). The report is a product of many hours of hard work and civic dedication by the individual Grand Jury members to this critical function of government oversight by its citizens. Our primary goal has been to be fair, accurate, and thorough in our investigations and we hope that our recommendations will be received in the manner in which they are presented.

The Grand Jury completed six reports while adapting to the altered work environment of virtual meetings. Life in the days of COVID-19 and multiple wildfires has been challenging for everyone, but the commitment of the members of this grand jury allowed our work to proceed to completion. Looking at the challenges that future Grand Juries may face, it is apparent that having proper technology with reliable internet and a safe and secure environment is a necessity.

The Grand Jury would like to express appreciation to our cities, county, and special districts for their dedication to public service. A very special thank you to the members of the Sonoma County Superior Court: Arlene Junior, Court Executive Officer; Felicia Ford, Executive Assistant to the Court CEO; and County Counsels, Kara Abelson and Tashawn Sanders.

We also wish to give recognition to the County's IT department. John Hartwig, Information Services Director, was able to procure new computers for the Grand Jury through the Federal CARES Act. Our special thanks to Anita Suyeyoshi and Nick Heimer for their phenomenal support to individual jurors throughout the year. We wish to also give a special thanks to Marisha Montenegro and Joanna Lutman in County Administration for their assistance and guidance in navigating the County network.

Finally, as Foreperson, I wish to express my appreciation to every member of this Grand Jury, including those who for various reasons could not complete their term, for all their hard work and dedication. Our alliance made this shortened term a memorable experience and a job well done. I would be remiss without a special acknowledgment to Deborah Wallman, Pro Tem of the Grand Jury, for her outstanding contribution and support.

It was an honor and privilege to serve the citizens of Sonoma County.

Respectfully,

Sharon A. DeBenedetti, Foreperson

Introduction

Grand Juries have existed in the State of California since the adoption of the State’s Constitution in 1849-1850. The “Civil” Grand Jury was originally charged with inquiring into all public prisons within the County. The codification of Grand Jury law in California came about in 1872 with the adoption of the Penal Code, where most all Grand Jury law resides. In 1881, the Penal Code was amended to allow the Grand Jury to investigate county government, and later to investigate city governments and special districts. The Constitution requires that a Grand Jury “be drawn and summoned at least once a year in each county.”

All Grand Juries are independent judicial bodies. Their responsibilities include investigating all aspects of County government, special districts, cities within the County, and citizen complaints, to ensure that these bodies govern effectively and efficiently. The Grand Jury is considered to be the civic “watchdog” for the citizens of the County and “an arm of the court.”

The Grand Jury in Sonoma County functions as a “Civil Grand Jury” which means it has the authority to review and report on the activities of local government. The Grand Jury has no specific enforcement authority. Its true impact comes from the seriousness of the subjects reported upon and attention paid to the reports by the media and greater community.

The jury consists of 19 members, all of whom are volunteers, selected at random by the Superior Court following a careful interview process. In addition, alternates are chosen at random from the same jury pool. Jurors serve a one year term; an individual juror may serve a second consecutive term at the discretion of the Court.

The Grand Jury conducts business at a “plenary,” the weekly general meeting. Actions taken during the year are considered to be official Grand Jury business, and must be approved by at least twelve of the nineteen jurors.

There are two words foremost to the Grand Jury—confidentiality and collegiality. Jury members hold all proceedings of the jury in the strictest confidence and all interviewees of investigations are admonished to do the same. Collegiality is an important value and jurors are expected to maintain a collegial environment throughout all jury-related activities.

All reports issued by the Grand Jury have their beginning either as a complaint received from a citizen or as an investigation initiated from within the jury itself. The Sonoma County Civil Grand Jury reviews “Critical Incident Reports” forwarded from the local District Attorney. These reports contain the investigative findings of officer-involved fatal incidents.

At the end of each jury term, reports generated by the jury are consolidated into a Final Report and released to the public, media, county libraries, and County and local city agencies. Key components of each report include the Summary, Findings, and Recommendations. The final reports, in essence, reflect the dedication, skill, and knowledge of all members of the Grand Jury.

Broadband Access in Sonoma County

Broadband is a Utility; The Quiet Crisis of Availability

SUMMARY

This past year of learning to cope with the many problems brought about by the COVID-19 pandemic has been an education for all of us. One lesson learned was that a high quality internet connection is necessary to function successfully. Sonoma County must categorize high quality internet service as a utility; a necessity like electricity and water, and not just a convenience or luxury. Designating broadband as a utility recognizes its central and necessary role in our lives. As a utility, it could eventually be subject to regulation of costs and services, but this would require legislation and statewide action.

Like electrical power, broadband access should be available to all. This was true before the pandemic, but the need is clearer than ever. Our daily lives now include working from home, distance learning and online classes, online visits to a doctor or scheduling a vaccination appointment, and even applying for a job. Buying almost anything online and reading the daily newspaper online threaten the existence of brick and mortar stores and printed media. All of this will remain to some extent after COVID-19 is just a bad memory. However, not all residents of Sonoma County are stakeholders in this new reality.

There is a socio-economic digital divide. A high-quality broadband connection is expensive, and many cannot afford one. Therefore, they lack access to the internet. An individual who is disadvantaged by a low income is further disadvantaged by an inability to attend classes or work remotely, or even to fill out an online job application. The result is a socio-economic digital divide. Those who can afford a good link and access to the internet can prosper; those who cannot fall further behind or are simply excluded.

There is an urban-rural digital divide. Sonoma County has large areas where the population is dispersed, the terrain is rugged, tall trees abound, and internet connections are poor or simply do not exist. There is a significant urban-rural digital divide that puts rural residents at a disadvantage and leaves rural businesses, including farms and wineries, much less able to connect with the world. Commercial broadband companies expect to make a profit; they cannot recover the cost of bringing a good internet connection to these distant and widely disbursed sites. The result is that many rural residents have either no connection or must rely on outdated, slow, and unreliable technology.

The need for a quality broadband connection that allows access for everyone to all media is widely understood by the leaders of Sonoma County, but not enough has been done to achieve this goal. The County has been forced to react to seemingly endless disasters: annual wildfires, homelessness, flooding, and COVID-19. A proactive approach toward solving the quiet crisis of broadband availability has not appeared to be a sufficiently high priority.

The Grand Jury found that Sonoma County has no established plan for broadband extension to its unserved and underserved residents. Moreover, the available information on broadband availability and quality is poor and the County office that leads the effort at broadband expansion is understaffed and underfunded. Procedures and regulations that would favor broadband

expansion need to be optimized in order to improve the ability of the County to obtain State or Federal funding if and when it becomes available. Finally, Sonoma County needs to create a mechanism to extend infrastructure and service to its residents when commercial providers are unable or unwilling to do so.

The Grand jury has several recommendations including that the Board of Supervisors should recognize broadband as a necessity, indeed a utility. Sonoma County should adopt and support a plan for broadband expansion that incorporates high bandwidth standards, and create or otherwise empower an organization to carry out the plan. Sonoma County agencies should cooperatively devise standards and regulations that would expedite broadband expansion and assure its incorporation into new and ongoing construction. The County should also establish mechanisms through which a non-profit organization or a private-public partnership can build county-owned infrastructure that brings broadband connections to rural areas. The Sonoma County should identify targets for broadband expansion and generate “shovel-ready” proposals that are in sufficient detail to capture grant funding. Finally, the County should work to increase access to programs that subsidize broadband for low-income users and should initiate study of long-term sources of revenue to expand such programs.

GLOSSARY

- ASB Access Sonoma Broadband, an office within the EDB
Centered on broadband expansion
- BOS Sonoma County Board of Supervisors
- CASF California Advanced Services Fund
- CBC California Broadband Council
- CPUC California Public Utilities Commission
- DSL Digital Subscriber Line
- EDB Sonoma County Economic Development Board
- FCC Federal Communications Commission
- Gigabit One thousand megabits (one billion bits) of digital information
- JPA Joint Powers Agreement
- Magellan Plan *Sonoma County Broadband Specific Plan*, prepared by Magellan Associates
- Megabit One million bits of digital information
- Mbps Megabits per second, a measure of the speed of transmission of digital information
- NBNCBC North Bay North Coast Broadband Consortium
- SCOE Sonoma County Office of Education
- SMEDD Sonoma-Mendocino Economic Development District

BACKGROUND

The Digital Revolution Continues and the Digital Divide Widens - The Effect of COVID-19

Over the last several years, our lives have become more and more dependent on computers and reliable access to the internet. Shopping online threatens the very existence of “brick and

mortar” stores. Businesses increasingly see a good website as essential. We get news from digital sites while traditional newspapers get thinner; many have simply disappeared. Working from home was once seen as a small privilege that might be available one or two days a week; it is now recognized as a viable option or a job requirement. Many employers only accept job applications submitted electronically through their web portal. Inability to access the internet is part of the growing digital divide: the gulf or separation between those who have ready access to computers and high-quality internet connections and those who do not. Broadband access should be understood to be a **utility**, a necessity like electricity or running water.

The crisis brought about by the COVID-19 pandemic did not create a move to a digital world, but it has rapidly advanced trends that were already in progress. Person to person interactions are the prime means of virus transmission and the pandemic made personal contact dangerous, potentially fatal. In response, many offices either substantially or completely closed and shifted to a “work from home” mode. Bedrooms became offices and kitchen tables were work desks. Schools at all levels were forced to close, leaving teachers working from home or from deserted classrooms and connecting with students via Zoom or other digital platforms. Students became almost totally dependent on their computers for instruction, interaction with their teachers, and contact with their peers. Whenever possible medical appointments that were once routine office visits were reconfigured as remote interactions, thus protecting both patients and medical personnel from contact with potentially infected individuals. People stayed at home, masked themselves, bumped elbows, socially distanced, and talked to our families, friends, and co-workers by Skype, Zoom, or other contact-free means. Residents may not like what the virus brought, but there were few choices except to adapt to the situation.

Broadband Access as a Utility

The COVID-19 pandemic had one more major consequence; it is now obvious that high quality digital access is a necessity if one is going to be able to survive and thrive in this evolving environment. Reliable broadband access is increasingly viewed as a utility, as important as reliable electric power, a quality water supply, and good roads. Acceptance of broadband access as a utility could lead to genuine regulation of both service levels and costs (but this would require statewide legislation and considerable re-thinking of broadband demands and expectations).

Unfortunately, quality broadband access is not always available. With respect to the residents and businesses of Sonoma County, there are three major reasons:

- There is a **socio-economic digital divide**. Even if it is available, access may be too expensive to afford. Given a choice between paying the rent and paying for broadband, which would you choose? The lack of affordable broadband access limits the ability of both adults and children to advance in an ever more digital world. Without good internet access, the socio-economic divide widens; the poor are further excluded from the economy and even more relegated to low-pay work. Broadband availability is a major issue of equity, social, and economic justice.
- There is also a **rural-urban digital divide**. Much of Sonoma County is characterized by hills or mountains, forested areas, and relatively isolated farms and small communities. Broadband access may be either completely unavailable or of a quality or reliability that does not allow adequate and consistent connectivity. The cost of bringing access to these

areas is often more than a commercial broadband provider will spend, given limited potential return on investment. Providing access also may cost more than an individual or small community can afford. Rural residents are more likely to be left behind.

- **Insufficient bandwidth** can be a major problem. A single user with a slow internet connection may find a Zoom connection to be unstable. Households that had barely adequate, less expensive service that supported basic functions like e-mail and web searching now find they need better access. Consider how a family with two parents working from home and three children involved in distance learning using Zoom can overtax a connection without the capacity to handle the digital traffic. A better service might be available at higher cost, or it might not be available at all.

METHODOLOGY

This is a self-initiated investigation by the 2020-2021 Sonoma County Civil Grand Jury.

The Grand Jury conducted interviews with 20 key individuals in Sonoma County who were involved in the potential expansion of broadband access. They included:

- Members of the Sonoma County Board of Supervisors
- Representatives of the State of California
- Representatives from County Departments, Boards, and Programs
- Commercial broadband suppliers
- Individuals with information technology expertise
- Interested members of the public

The Grand Jury reviewed documents from many public websites and obtained additional information from documents supplied or recommended by interviewees. The most important of these are listed in the Bibliography.

Note: all of the Grand Jury's interviews were conducted via Zoom, and almost all of the documents it examined were viewed or downloaded from the internet. This was challenging; interviews were plagued by poor or lost connections involving both Jurors and those interviewed. "Low-bandwidth" messages were common. Almost all of the references in the Bibliography require internet capability to access.

DISCUSSION

For the last few years County government and the Board of Supervisors (BOS) have been in a crisis management environment. Annual wildfires and massive evacuations, the homelessness crisis, flooding in West County, and now the COVID-19 pandemic have consumed funds and energy. County government has been forced to be reactive rather than proactive. Although broadband access is known to be a problem area, it has not had a high enough priority to demand an aggressive response.

The COVID-19 pandemic has emphasized the importance of universal and robust internet availability. When viewed from a technological perspective the County has two classes of citizens: the well-connected, and the others who are fully or partially excluded from full use of the internet. The Grand Jury investigated the state of broadband availability in Sonoma County and the prospects of extending broadband connections to unserved and underserved areas and

populations. The Grand Jury also examined mechanisms that might support broadband expansion. This report details its investigation.

Broadband is the Newest Utility. It is Not a Luxury

High quality internet access is a necessity to live fully and productively in our society. We shop, bank, pay bills, see a doctor, work at home, get news, apply for a job, and play games online. Some date and find partners online. Most could only schedule a vaccination appointment on line. Even prior to the COVID-19 pandemic students with poor internet connections had difficulty doing assignments or research. It is hard to find an aspect of our lives in which computers and the internet are not important and sometimes even vital, *e.g.*, emergency communications.

Consider the fate of today's Sonoma County residents who simply cannot afford the cost of an adequate broadband connection, live in areas where connectivity to the internet is not available at all, or where they have a poor, unreliable or intermittent connection. All are victims of the "Digital Divide." They are functionally excluded from or badly hindered in many everyday functions, and often pushed into a status of second-class citizenship as a result. Disadvantaged citizens are further disadvantaged and separated from opportunities to earn, learn, and even stay healthy. Broadband access and availability are issues of social justice as well as inadequate infrastructure.

The COVID-19 pandemic has brought our reliance on internet connectivity into sharp focus. Working from home is the norm or required for many who previously commuted daily to their offices. County schools closed in the spring of 2020 and students and their teachers shifted to online classes and presentations. Medical offices shifted to online visits; telemedicine and telehealth became familiar terms. Consider the impact if the pandemic had occurred 50 years ago without the internet. Schools and offices would have had to decide: close down, leaving students without schooling and workers without jobs, or continue as before and face the consequences of a much more serious pandemic and many more deaths.

Broadband: Definitions and Standards

The term broadband is popularly equated with internet access. It differentiates a "good connection" from narrowband connection via telephone line and dial-up modem. However "good broadband" is not well defined.

The Federal Communications Commission (FCC) defines broadband in terms of download and upload speeds of data transfer, expressed as megabits per second (Mbps). Download speed refers to how quickly data in the form of web pages, photos, or a job application are transferred to your computer. Upload speed refers to how quickly your photos or completed application can be sent from your computer.

- The current FCC standard for minimally acceptable broadband is 25 Mbps download rate. This is sufficient for a single user to stream programs, participate in teleconferences, and download graphics and text in addition to simpler tasks like email or voice-over-internet telephone calls. This download rate will not support multiple users within a household who are all trying to do, such things at the same time, a common occurrence. The FCC standard of 3 Mbps upload rate allows transfer of documents and graphics from an individual's computer to another site but it is insufficient for many

business applications. This FCC standard is expressed as 25/3; a higher standard is necessary to meet current needs and expectations of effective use of the internet.

- The California Public Utilities Commission (CPUC) uses an older standard of 6/1 to define minimal broadband speeds. This is widely viewed as inadequate; a Zoom meeting or multiple users in a household working at once can be very difficult or impossible. An attempt to upgrade the 6/1 standard in the State Senate in 2019-2020 (SB 1130) failed in the State Assembly. A new bill in the 2021-2022 session, SB 4 sponsored by Senator Lena Gonzalez, is pending and would prioritize California Advanced Services Fund (CASF) support to areas where current speeds are 10/1 or below, and has a further goal of raising download speeds to a minimum of 100 Mbps.
- A 2020 Executive Order (N-73-20) from Governor Newsom calls for a 100/20 service level; more than 50% of rural Californians do not have this level of access, but it is probably the best definition of “good broadband” for present use. This service level is also called for in *Broadband for All*, an aspirational 10-year plan from the California Broadband Council. Service of this quality would easily meet the needs of most households.
- Multi-user sites such as schools where hundreds of students might be on line simultaneously or businesses with dozens of employees online require multiple gigabit-level connections to handle the large demands of all of the digital traffic (a gigabit = 1,000 megabits).

Transmission of Digital Information

Digital signals are transmitted in many ways.

- **Fiber Optic Cable:** Currently the optimal form of broadband signal transmission with gigabit download and upload speeds and very high capacity. Cable can be buried and either enclosed in a conduit or directly in the ground, making it resilient in emergency situations such as wildfires. Cable can also be strung overhead on electric or telephone poles, which is less costly but more fragile in emergencies.
- **Wireless Transmission:** Wireless access points from transmission locations can potentially provide gigabit download speeds, but 30-40 Mbps or less is common. Wireless can reach areas where cable beneath roads or on overhead lines is not economically feasible. However, transmission relies on uninterrupted and adequate line-of-sight; hills, trees, or buildings can interfere and block transmission. Signal strength also decreases with distance from the transmitter, so several sources may be needed to serve a rural area.
- **Coaxial Cable:** While often thought of as a means of transferring television signals, coaxial cable can potentially meet or exceed the 100/20 proposed broadband standard. This level is not always attained; signal strength decreases somewhat with the distance from the source. A common problem arises when a cable line serves multiple households and bandwidth is shared. Like a crowded freeway, everything slows down.
- **DSL (Digital Subscriber Line):** Also called twisted copper, DSL relies on telephone lines to transmit digital information. Download speeds of 40 Mbps and upload speeds of 2 Mbps are possible but rarely attained. Signal strength depends strongly on the distance

from the internet source to the user, and is typically near or below the old 6/1 standard. Many believe DSL to be legacy technology, obsolete but common in rural areas.

- **Satellite:** The newest technology makes use of a network of multiple low-orbit satellites to provide broadband signals to individual users, including those in rural areas and difficult to reach sites. Latency (lag time) would be less than with conventional high-altitude satellites. It is still in the testing and feasibility phase, but it has the potential to meet the 100/20 standard. Initial testing by Starlink, a potential provider, is in progress in Sonoma County. Costs and quality of the service are not yet clear; the expense of deploying and maintaining the network of satellites might make service very expensive, especially if it is not widely adopted.

How many Households Are Affected by Broadband Limitations?

Insufficient broadband access is a problem in many parts of the United States. The 2020 version of *The Economist: Pocket World in Figures* shows the USA to have 33.9 fixed broadband subscribers per 100 population, tied with Greece in 22nd place in the rankings, and behind Canada and most of Western Europe. Our average download speed of 20 Mbps places us 20th, compared to Singapore's #1 rate of 55.1 Mbps or #2 Sweden's 40.2 Mbps, and also below the 25/3 standard set by the F.C.C.

California Advanced Service Fund (CASF) data highlight the urban-rural divide in broadband access in California. Under the lowest standard of 6/1 Mbps or less, service is unavailable to 2% of urban households vs. 17.3% of rural households. At the highly functional level of 100 Mbps download speeds 97.5 % of urban users have the possibility of access while only 48.7% of rural residents can be served.

Unfortunately, these numbers are misleading and the situation is worse than indicated. The data include potential or advertised service from broadband providers, but not actual service delivered to users. The statistics are also greatly flawed in that some are based on surveys in which if one household within a census tract has a connection, all households are presumed to have access. Hence, the data often greatly underestimate the problems of internet service, especially in rural areas. Executive Order N-73-20 indicates, "23% of California housing units, housing 8.4 million residents, do not have broadband subscriptions."

Within Sonoma County, California Public Utilities Commission (CPUC) maps attempt to show the extent of the problem. However, the data upon which the maps are based are flawed; again, census tract figures are used and broadband providers often consider their actual levels of service to be proprietary information. Using the obsolete and inadequate 6/1 standard unserved areas are seen mostly in coastal, rural, forested, and mountainous areas of the County. Even with the inadequate 25/3 standard shown in Figure 1, large parts of the County, including some urban areas, are unserved or underserved (yellow areas on the map), but the underlying data remain poor and do not accurately describe the situation.

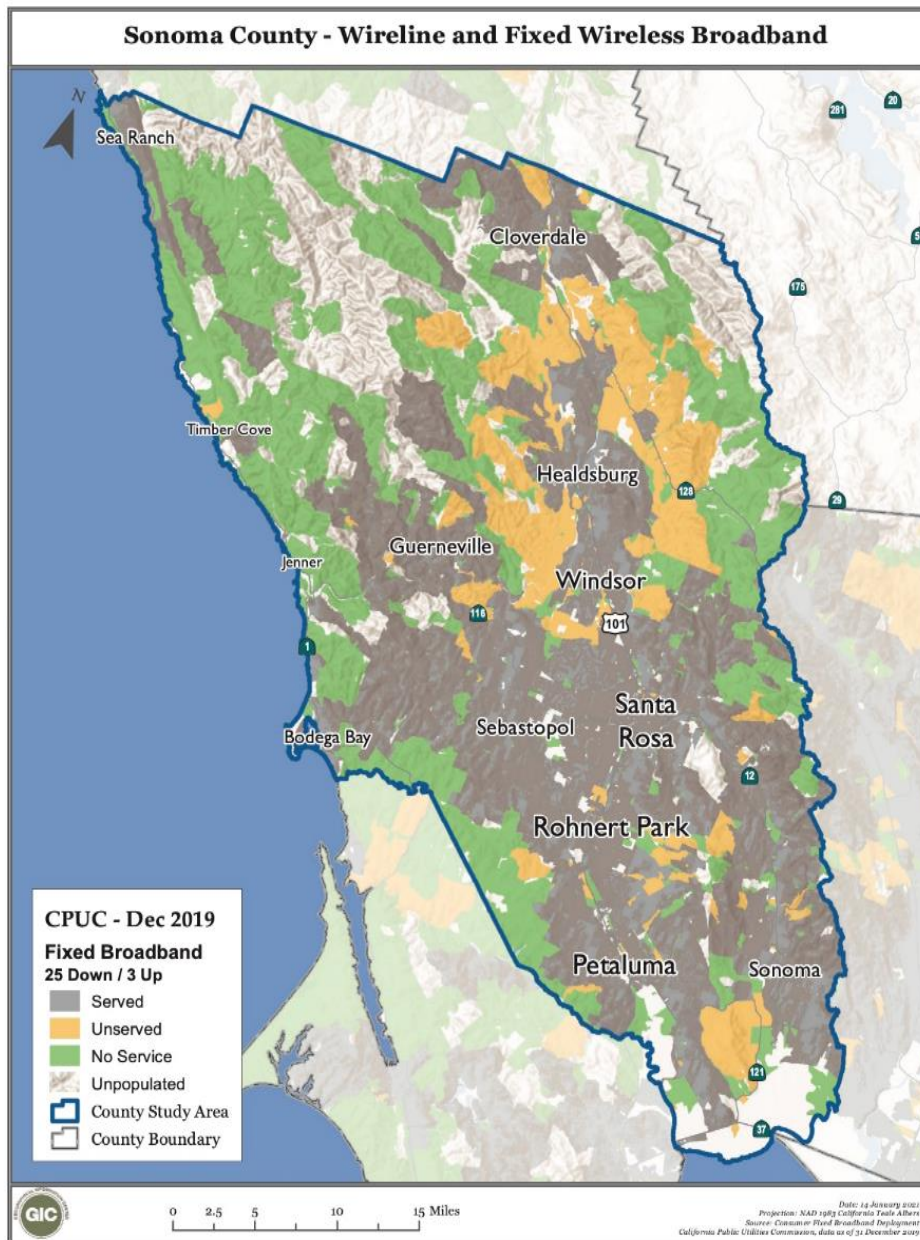


Figure 1. A Misleading CPUC Map of Broadband Availability in Sonoma County

This map is based in part on advertised download and upload speeds and census-tract data in which all households in a tract are considered served even if only one has a connection. Therefore, it makes broadband service appear to be better than it actually is.

No CPUC map evaluates service using a 100/20 standard. A more detailed source, the *California Interactive Broadband Map*, covers all of California but can be narrowed to areas as small as about 300 X 300 yards. The map shows a complex mixture of potential service levels. Again, large parts of Sonoma County have substandard access or none at all. This map allows

searching by street address; it is informative to enter an address, note the claimed download speed, and then run a speed test to determine the actual service level.

Broadband Expansion: What are the Plans?

- **Statewide:** In response to Executive Order N-73-20, the California Broadband Council (CBC), an organization including elected officials and leaders of multiple government departments, produced a wide ranging and ambitious document: *Broadband Action Plan 2020: Broadband for All*. The plan includes many expansive goals and hopes, and provides investment estimates of several billion dollars that will be needed to bring 100 Mbps service to all Californians. It is an aspirational document much more than a specific and detailed plan. The CBC promises yearly updates and progress reports.
- **Countywide:** In 2017, Sonoma County commissioned the consulting firm Magellan Advisors to study the state of broadband access in the County and to provide a plan to the Economic Development Board (EDB). Their report, *Sonoma County Broadband Strategic Plan*, (Magellan Plan) was completed in 2019. The plan has been under revision, and presentation to the Board has been delayed more than once. At the time the Grand Jury investigation was conducted and this report prepared, BOS planned to consider it in May 2021.

Broadband Expansion: Where Do We Stand?

Sonoma County has formulated a broad Five-Year Specific Plan. The plan is based on five “strategic pillars”, one of which is resilient infrastructure. The fourth of five goals in this category is to “implement countywide technological solutions to promote resiliency and expand community access.” The Strategic Plan emphasizes that grant funding will be expected to support much of this effort. County Administration and the EDB will be responsible for providing equitable access within the communities and expanding broadband access within the County. In their summary of current infrastructure work, the County’s data center, communications network, and mobile systems are cited in the context of resilience to power outages and remote work possibilities. This is all County-owned infrastructure for County work, and not directly related to broadband availability to most households and businesses.

The EDB has established Access Sonoma Broadband (ASB) as an office to advance broadband deployment. ASB currently has only one paid employee, and this person is grant-supported. Without more resources, it is difficult to see how ASB can meet its expectations.

Two organizations linked to ASB have prepared grant applications related to broadband extension.

- The Sonoma-Mendocino Economic Development District (SMEDD), in partnership with the North Bay North Coast Broadband Consortium (NBNCBC), has developed a *Sonoma-Mendocino Broadband Business Plan Project Narrative* to begin creation of a non-profit organization that would generate open access fiber optic infrastructure in underserved areas of the two counties. The grant would allow production of a detailed plan and identification and involvement of potential commercial providers. NBNCBC has also identified several target communities where initial efforts could be centered.

- WiConduit, a not-for-profit company led by EDB and ASB personnel and dedicated to broadband expansion, submitted a grant application to the CASF Infrastructure program. If successful, it would provide broadband to Annapolis, Timber Cove, Jenner, Hacienda, and other surrounding communities, none of which have broadband service. The project is predicted to serve 335 businesses and more than 1,300 households.

The school systems within the County have done relatively well in responding to the COVID-19 pandemic and the challenges of distance learning. Sonoma County is divided into 40 school districts with 71,000 students. These districts vary in size and serve both rural and urban areas. The smallest district in the county, Kaskia is located in a rural area and has 11 students. The largest district, Santa Rosa City Schools, enrolls over 16,000 students in the County's most populous city.

In the spring of 2020, the COVID-19 pandemic caused the closing of all Sonoma County schools for in-classroom instruction. This raised concerns from school boards, educators, parents, and students on how instruction was to be implemented. The Sonoma County Office of Education (SCOE) provided technical support and resources to all the county schools for providing distance learning via the internet. SCOE asked schools to do a technology audit to determine which students had computers with internet access at home, and which students would need to borrow them from the school or otherwise acquire the necessary hardware. High-speed internet connections were provided to district offices and schools that were not already served, including the remote Kaskia District. In part by using funds diverted from school lunch programs, school districts were able to provide temporary "hotspots" which allowed families to access the internet.

SCOE estimates that at least 90% of students had a usable connection. This has continued throughout the COVID-19 pandemic school closure, but will end with full reopening of classrooms. Underserved rural areas and socially disadvantaged urban residents will still lack permanent adequate and affordable broadband access, and students will still encounter obstacles to working at home.

Organization of Broadband Expansion Efforts

Sonoma County recognizes that its problems of broadband connectivity are significant, and that they are not limited by county borders. Neighboring counties have similar isolated areas, difficult terrain, and budgets that cannot cover all of the costs of serving unserved and underserved households. Organizations to foster broadband extension include:

- **Access Sonoma Broadband (ASB)** was created by the EDB and is housed within it. Its stated mission is to "help connect Sonoma County's unserved areas to fast, reliable, and affordable broadband services." As noted earlier ASB has only one paid employee and this individual is supported by a grant; this suggests that BOS has not given broadband a high priority.
- The **Sonoma-Mendocino Economic Development District (SMEDD)** exists under a Joint Powers Agreement between the two counties. Its purpose is to foster discussion and evaluation of regional socio-economic problems and to plan for their resolution. SMEDD includes broadband access in its interests, and it is empowered to apply for grant funding to support its programs. Sonoma County is represented by EDB and ASB officials.

- The **North Bay North Coast Broadband Consortium** (NBNCBC) was formed in 2014 to oversee broadband planning in Sonoma, Marin, Napa, and Mendocino Counties and has received CASF funding to support its activities. Sonoma County is represented by BOS officials. Several individuals interviewed by the Grand Jury were critical of its effectiveness.

These organizations have overlapping membership and goals as illustrated in Figure 2

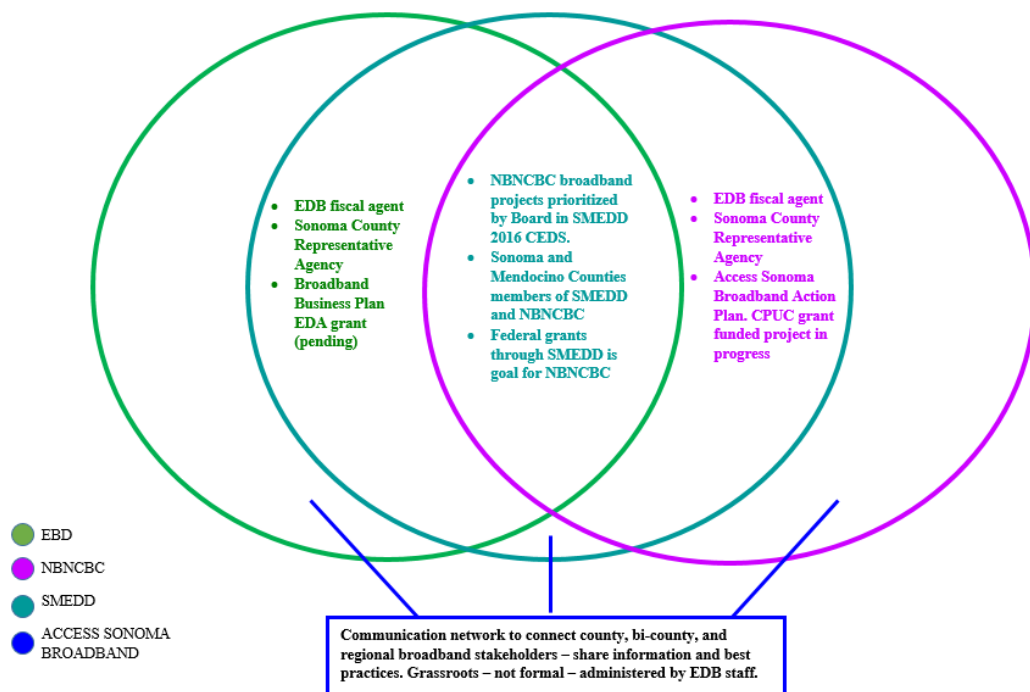


Figure 2. Broadband Organizations in Sonoma and Neighboring Counties.

Public Ownership of Broadband Infrastructure

One of the central elements of the 2019 Magellan Report is creation of a publicly-owned broadband infrastructure system when existing providers are unable or unwilling to do so. Commercial providers will not lay or hang fiber optic cable over long distances if they cannot earn a profit, and sparsely populated areas do not have enough potential customers to repay the infrastructure costs. Instead, County-owned cable could span the “middle mile” between a major conduit corridor, such as that along the SMART train right-of-way, and service centers in the outlying areas and communities. “Last mile” connections to individual homes and businesses could also be municipally owned, provided by suppliers, or paid for by subscribers. The County would save on usage fees paid to current providers if it were able to use its own infrastructure. The Magellan Report identifies some California communities (e.g. Brentwood, San Luis Obispo, and Rancho Cucamonga) that have at least partly adopted a municipally owned model, often through a public-private partnership. The Federal Infrastructure plan proposed late in March 2021 emphasizes support of municipally and non-profit owned broadband infrastructure.

Municipal ownership of broadband infrastructure also allows creation of an open-access network. An operator oversees construction, maintenance and operation of the network and provides access to multiple competing retail sources of service. The retailers purchase space on the network and use it to deliver internet and other services to individual businesses and households. Subscribers can choose from available retailers; hopefully competition will lower costs. Meanwhile, the County derives revenue from the fees paid by the retailers for use of the network infrastructure as shown in Figure 3.

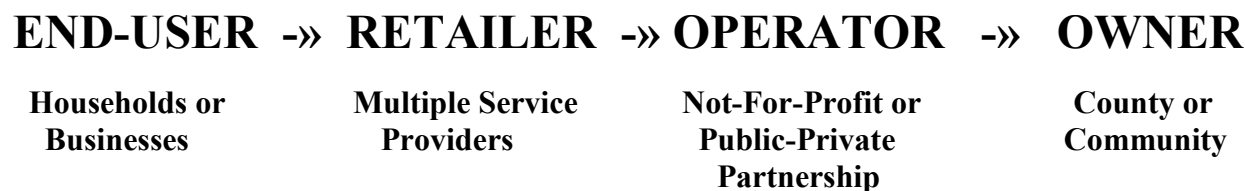


Figure 3. The flow of money in an open access network.

End-user fees are collected by the retail service provider. Some of that money is paid to the network operator to pay for use of the network. The operator then pays the network owner after meeting its own costs.

Sonoma County already owns or controls assets that could be used in broadband expansion. Aside from roads and bridges, which can carry conduit and fiber optic cable, County buildings, communication towers, and water tanks could be available for wireless equipment.

Obstacles to Broadband Expansion in Sonoma County

Greater broadband access is regularly cited as important, necessary, or even vital. Yet little has actually been accomplished to solve the problem, and many County residents remain unserved or underserved. Because of poor data, even the true extent of the problem is unknown; hundreds of anecdotes do not constitute data.

Broadband Access Has Not Been a High Priority

Every individual the Grand Jury interviewed for this investigation expressed an opinion that improved and expanded broadband service was a necessity. Our investigation suggests that these opinions have not been translated into significant actions. The BOS has devoted energy and resources in reaction to emergencies (*e.g.* fires, flood, homelessness, affordable housing, COVID-19) leaving little energy for the proactive approaches to the long-term needs for broadband access. This is part of the everyday work of governing and improving the lives of citizens, and it demands attention.

ASB is unlikely to make progress either in planning projects or in completing actual broadband installations if it remains a one-person operation, no matter how devoted and talented that person is. The County 5-year Plan needs its commitment to broadband to be taken seriously; in the draft document, it is relegated to item four out of five infrastructure areas on page 18 of a 23-page document. This can be interpreted to suggest that County government has demonstrated insufficient commitment to broadband expansion.

Similar criticism of statewide efforts seems justified. A report from the Pew Charitable Trusts, *How States Are Expanding Broadband Access*, praises California for creating the California

Broadband Council but then notes that “while the CBC has served as a convener for state agencies and other partners, it has lacked a clear mandate; as a result, agencies have sometimes not prioritized participation.” *Broadband For All*, the plan proposed by the CBC, has been praised but also characterized as long on high-sounding words but with little to say about how to achieve its goals.

Money, Money, Money

Expansion of broadband connections to rural areas and limited income users is going to be expensive, but it must be seen as an investment in the people and institutions of Sonoma County. Roads are expensive to build, but we understand that they are necessary investment costs.

It is unrealistic to expect the County to, by itself, cover the infrastructure costs and ongoing subsidies of universal broadband service. Suggested approaches include:

- **A Federal Infrastructure Program:** In 1936, Congress enacted the **Rural Electrification Act**, which provided long-term federal loans for the installation of electrical distribution systems to supply rural areas of the United States. The **Federal Highway Act** of 1956, also known as the National Interstate and Defense Highways Act permitted construction of the Interstate Highway System of limited access highways across the country. Although federal funds paid for construction, the highways are owned by the states in which they were built.

A similar program for rural broadband expansion is possible and proposals to improve infrastructure frequently include broadband. A Presidential proposal on infrastructure in March 2021 includes \$100 billion for universal broadband in a \$2 trillion infrastructure program, but its enactment is up to Congress. Any program will almost certainly require significant local knowledge, involvement, and probably investment. Meanwhile, some of the funds from the American Rescue Plan (COVID-19 Relief) act of 2021 can logically be directed toward broadband projects. An announcement from State Senator McGuire indicates that Sonoma County will receive more than \$100 million from this legislation.

- **A State of California Program:** *Broadband for All*, the CBC broadband plan, is not precise about how to pay the several billion dollars estimated investment in broadband expansion. It suggests infrastructure funding through public financing, perhaps through a bond issue or in conjunction with local governments, and possibly through philanthropic organizations. Executive Order N-73-20 asks the Governor’s Office of Business and Economic Development (GO-Biz) to identify funding opportunities; no further information was found on their website.

Ongoing funding to subsidize internet connections to low income households is a recognized need. *Broadband for All* notes that internet service in the United States is expensive compared to most countries. It blames light regulation, a lack of competition, and very limited awareness of and eligibility for affordable or subsidized programs for the fact that more than half of households without a broadband connection blame cost. The plan asks CPUC to improve the existing program, to increase awareness of the program, and to promote competition between providers in order to lower prices. It also asks that all newly constructed low-income housing should be required to include free internet access. The Governor’s executive order also directs the CPUC to “develop tools

for low-income individuals and social service organizations to easily identify and subscribe to affordable broadband plans.”

- **Sonoma County** lacks a specific mechanism to fund broadband expansion, in particular with respect to subsidizing low-income users. This will require an ongoing source of money. One approach might be to add an incremental charge to existing users’ access fees. Because it is such a large issue of social justice and equity, customers might be willing to support such a surcharge. Alternatively, subsidies might be funded through a dedicated revenue stream from a parcel tax or an increment in the sales tax. Increased Sonoma County Library funding, continuing support of the Sonoma County Agricultural Preservation and Open Space District, and passage in 2020 of an extension of the transportation sales tax increment are examples of successful use of this approach.

No Organization Has the Power to Facilitate Broadband Expansion

The Magellan Report includes a number of specific recommendations including creation of a countywide advisory board to coordinate implementation of a broadband plan. This group would include city, County, and industry representation. No such organization exists, and expansion resides in the EDB and ASB.

ASB could be restructured and empowered to meet this need; either as a part of County government or through establishment of a Joint Powers Agreement (JPA) centered on broadband. SMEDD already exists through a JPA, but its charter and governance would need to be greatly revised. NBNCBC could also assume this function, again with considerable changes to its organization and powers. The BOS could “start from scratch” to form, empower, and finance a lead organization. With neither, a plan nor an organization to make or oversee broadband expansion all actions must now be on an *ad hoc* and uncoordinated basis.

“Dig Once”: Policy, Standards, and Procedures Have Not Been Established

"Dig Once" is an attractive and useful concept. It is both foolish and expensive to repave a road and then, a few months later, dig it up to install water or electrical lines. Permit Sonoma, the Sonoma County agency that oversees construction and land development, considers the term as prohibiting disruption of a road within five years after repaving, and then only involving pre-existing utilities, usually water and electrical lines, to upgrade or replace their infrastructure. Broadband conduit, with or without cable, is not automatically included in planning. The BOS could direct Permit Sonoma and the Department of Transportation to upgrade and clarify requirements to include broadband infrastructure.

Installing high-speed fiber-optic infrastructure is not cheap, but it is a needed investment. BroadbandNow indicates that it can cost up to \$8,000 *per home* to have the cabling put in place. Yet, perhaps unsurprisingly, a Federal Highway Administration report details that up to 90 percent of this cost was tied up in the process of actually digging up and repairing roadways, not the fiber lines themselves.

A comprehensive "Dig Once" policy could help establish a cost-effective way to expand and improve broadband to Sonoma County. Broadening the definition to include installation of conduit would require clearly defined engineering standards for trenching, materials, pipe placement and access points, encroachment rights, and all other aspects of the permitting process as well as the cooperation of pre-existing utilities. Since rural county roads are rarely repaved

and often do not include buried utility lines the “Dig Once” concept could be expanded to include direct burial of fiber optic cable in the roadside right-of-way at much lower cost. County bicycle and walking trails are also candidates for placement of conduit and/or cable in this way.

Inclusion of planning for broadband in upcoming projects provides a practical example. Within the next year or two electrical lines are expected to be undergrounded in Freestone, a small community west of Sebastopol. Conduit, with or without cable, could be included in the project at relatively little extra cost. The Sonoma County Department of Transportation and Public Works, Permit Sonoma, and ASB would need to work together to expedite the processes of planning and permitting. Internet providers would also need to be notified when work is being planned and given the opportunity to lay proprietary or open access cable lines.

If there are no takers the county could pay for and own the fiber optic cable; initial investments could be recouped by leasing access to internet providers. The estimate given by Fiber to the Home is that initial outlay could be recouped in 8 years, and leases would continue to generate profits long into the future. Public ownership of the infrastructure can also increase competition (many providers able to use the line), which can lower cost to the end consumer while providing quality service.

“Shovel-Ready” Projects Need to be Identified.

Potential Federal or State funding appears likely, possibly through a major and long-promised national infrastructure bill, through use of some of the money from the American Rescue Plan (COVID-19 Relief) Act of 2021, from PG&E settlement funds, or from a State infrastructure program. Funding is likely to go to those who are prepared to use it: so-called shovel-ready projects where detailed plans and expected costs are at hand. The lack of priority given to broadband needs leaves Sonoma County with limited ability to present proposals at a shovel-ready level.

ASB considers projects in two stages. Primary analysis or high-level design is essentially desktop analysis: what community to study, how many potential users, what facilities exist or are needed, etc.? ASB has about ten potential projects at this stage, and NBNCBC has identified 30 priority areas across Sonoma, Marin, and Mendocino Counties. The Magellan Report includes analysis of three potential broadband project communities. *Secondary analysis* is much more detailed and involves engineering studies, regulation consideration, consultation with potential suppliers and contractors, and detailed cost analysis. Bringing a project to this secondary or shovel-ready stage has significant costs and could require additional staffing and/or grant support for the necessary work.

Existing or Legacy Providers

Existing or Legacy Providers of broadband service have little or no incentive to expand access to areas where they have no likelihood of earning a profit. They are often an obstacle to broadband expansion with strong incentives to stifle competition and maintain control. Because of right first of refusal law, if they have an existing facility in an area they can state an intent to “deploy broadband or upgrade existing facilities” and delay a potential competitor from doing so or even receiving grant funds (PUC § 281). There are also competitive reasons for established providers to treat data on their operations as proprietary information and to describe their potential service rather than actual service delivered (e.g. use of census tract data). Analysis of actual service to

an area may involve a house-by-house in-person evaluation, which can be difficult and expensive.

CONCLUSIONS

Broadband should be viewed as a utility and managed as such. Utility status would be symbolic at present; transformation into a regulated public utility would require considerable legislative and administrative action. This Grand Jury investigation has found nearly universal acceptance that high-quality broadband access is necessary for all residents of Sonoma County—a reality made obvious by the COVID-19 pandemic. Yet good access is lacking for many County residents. High costs exclude many potential users and deepen economic divides: this is a clear issue of equity, social justice, and economic disparity affecting low-income individuals. Lack of available access or low bandwidth service excludes or hinders other residents, primarily in rural areas. The County has two technological classes of citizens: the well-connected, and the others who are partially or totally excluded from full use of the internet.

Sonoma County has not met the challenge of assuring that good broadband service is available to all of its residents. County government does not appear to have given broadband a high enough priority for action. County leadership has delayed in adopting a plan, and it has not provided the resources needed to get things done. No one doubts that extension of broadband access to all County residents will be difficult, but widespread and effective action to organize and initiate activity, secure funding, and complete real projects is not yet apparent.

The Grand Jury recognizes that expansion of broadband access is a complex and expensive problem and that the individuals involved in this effort are dedicated and competent. What is needed is strong leadership, direction, and financial support from the Board of Supervisors and Office of Administration. Without leadership to harness and mobilize a unified effort many Sonoma County residents and businesses will be left behind.

COMMENDATIONS

The Sonoma County Civil Grand Jury commends:

- The Sonoma County Office of Education, School Districts, Schools, Teachers and Staff for their efforts to make distance learning effective during the pandemic.
- The Sonoma County Economic Development Board and Access Sonoma Broadband for, with very limited resources, their efforts to bring broadband to unserved and underserved residents of the County.

FINDINGS

The Sonoma County Civil Grand Jury determined that:

- F1. Broadband access is a necessity; it has become a “Utility”, like electricity, roads, or water, but broadband has not yet been formally recognized as such.
- F2. The need for high quality broadband access has been clear for some time, but the crisis brought on by the COVID-19 pandemic emphasized the urgency in addressing this need.

- F3. Without high quality broadband access the ability to work at home, apply for a job, do distance learning, access telehealth or telemedicine, receive emergency notifications or other activities that require internet access is limited or absent.
- F4. Broadband access is an equity issue; disadvantaged residents who lack the ability to pay for broadband services are further disadvantaged and hindered in opportunities for work, education, and other important aspects of society.
- F5. Many residents and businesses in Sonoma County, particularly those in rural, coastal, forested, or mountainous areas, have no access, undependable access, or low-quality broadband service.
- F6. The Sonoma County Board of Supervisors has neither taken proactive action to improve broadband access nor exhibited a sense of urgency regarding this problem.
- F7. The Sonoma County Administration and Board of Supervisors have delayed adopting a plan to address the problems of broadband affordability, availability, or low-quality access in Sonoma County.
- F8. In the absence of an actual plan for expansion of broadband access, any actions or applications for funding in this area have been done on an ad hoc basis.
- F9. Multiple agencies and groups have interests in broadband expansion. There is not yet a Countywide coordinated effort between departments and broadband providers to address implementing a broadband strategic plan.
- F10. Access Broadband Sonoma has been given the task of implementing broadband expansion in Sonoma County but it lacks the funding, staffing level, or authority to accomplish this goal.
- F11. While inability to access adequate broadband is recognized as a significant problem, reliable quantitative data on unserved and underserved residents are lacking.
- F12. Access to State and Federal grants will be necessary to finance broadband expansion. Without a plan, good data, and support mechanisms to apply for and utilize grant funds such funding is less likely.
- F13. “Dig-Once” is widely held to be a useful concept, but it is not a well-defined policy within Sonoma County: installation of broadband infrastructure is often not considered as part of a project, and no mechanism exists to inform potential broadband suppliers of a project or to mandate conduit installation.
- F14. The definitions of “minimal broadband”, “acceptable broadband”, and “quality broadband” vary widely.
- F15. Fiber optic cable is currently and for the foreseeable future the optimal means to carry broadband signals.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that:

- R1. The Sonoma County Board of Supervisors consider recognizing and designating broadband as a “Utility” that needs prioritization by October 31, 2021. (F1)

- R2. The Sonoma County Board of Supervisors adopt and support a plan to address a lack of broadband access in the County by November 30, 2021. (F6, F7, F8)
- R3. The Sonoma County Board of Supervisors provide staff and funding to allow the Economic Development Board and Access Sonoma Broadband to develop accurate data on broadband service for the County by December 31, 2021. (F11)
- R4. The Sonoma County Board of Supervisors and Economic Development Board assemble an interdepartmental group to coordinate and oversee efforts in Broadband expansion by November 30, 2021. (F9, F10)
- R5. The Sonoma County Board of Supervisors and the Economic Development Board consider the establishment of a broadband Joint Powers Agreement that includes Sonoma County, Mendocino County, and possibly other neighboring counties by November 30, 2021. (F9)
- R6. The Sonoma County Board of Supervisors give a high priority to addressing personnel levels sufficient to accomplish the goals of a broadband specific plan. (F10, F12)
- R7. The Sonoma County Department of Transportation, Permit Sonoma and Access Sonoma Broadband develop procedures and standards that would ensure placement of broadband conduit in all appropriate situations by December 31, 2021. (F13)
- R8. In the annual budget process the Sonoma County Board of Supervisors and the Office of Administration include evaluation of the costs of laying cable or empty conduit in upcoming infrastructure projects by December 31, 2021. (F13)
- R9. The Sonoma County Board of Supervisors, the Economic Development Board, and Access Sonoma Broadband include in the implementation of any broadband plan a clear requirement for the download and upload speeds of 100/20 proposed in State of California Executive Order N-73-20 to be the minimal acceptable level of service by September 30, 2021. (F14)
- R10. The Sonoma County Board of Supervisors assure that any plan for broadband expansion should utilize fiber optic cable transmission or its equivalent whenever it is possible by November 30, 2021. (F15)

REQUIRED RESPONSES

Pursuant to Penal Code §§ 933 and 933.05, the Grand Jury requires responses as follows:

- Sonoma County Board of Supervisors (R1, R2, R3, R4, R5, R6, R8, R9, R10)
- Sonoma County Office of Administration (R8)
- Sonoma County Economic Development Board (R4, R5, R9)
- Sonoma County Department of Transportation (R7)
- Permit Sonoma (R7)
- Access Sonoma Broadband (R7, R9)

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County Jail Inmate Telephone and Commissary

Overcharging a Captive Population

SUMMARY

The COVID-19 (COVID) pandemic uncovered and highlighted many pre-existing inequities in our society, particularly in our criminal justice system. Details like the Sonoma County Main Adult Detention Facility's (MADF) telephone service, gained fresh importance and scrutiny when viewed through the pandemic's lens. As part of its inquiry into the jail's efforts to fight COVID (see companion report, *COVID-19 Mitigation*), the Sonoma County Civil Grand Jury (Grand Jury) found a pattern of charges for inmate phone use that exceeds the market rate by more than tenfold. This prompted the 2020-2021 Sonoma County Civil Grand Jury to investigate the inmate phone system.

Calls from our jail are highly expensive at more than 20 cents per minute. The Sonoma County Sheriff's office, along with many other Sheriff's offices, contracts with a private company that provides the service at a rate well above what is available to inmates in other California counties and to the general public.. In addition, Sonoma County's contract adds a 70% commission to the cost of every call, which the company accumulates and pays the Sheriff's Office monthly. This commission goes into the Inmate Welfare Trust (IWT) which was established to provide inmate programs, but also is used to fund some officer's salaries and other costs.

After over a year of lockdowns and restricted in-person gatherings, we have all experienced increased isolation. Nationwide video chats, messaging apps, and phone usage have exploded to fill the gap of lost in-person visits. Inmates in the county jail already experienced limited contact time, and then COVID struck. To counter the threat of the pandemic, since March 2020, all incarcerated persons have lost their in-person visitations rights. The only way to communicate with friends and family was through the jail's phone system. It is important to note that since the pandemic inmates have less than one hour per day of out of cell time. Sixty percent of the MADF incarcerated population have only been arrested and not yet been convicted of any crime.

In the course of the Grand Jury's investigation into the effects of COVID on the operations at MADF we learned:

- The Sheriff's Office has revenue in excess of \$1 million per year from the sale of commissary items and a commission on all phone calls made by inmates.
- By law this revenue must be deposited in the IWT, a fund designed to be used for the benefit, education, and welfare of inmates.
- While the majority of these funds are used for beneficial inmate programs, several hundred thousand dollars per year are used for jail staff salaries and supplies.
- The excess of revenue over expenses (approximately \$150,000 in 2019, the most recent available figures) each year is placed in the IWT, which is controlled by the Sheriff's office. This fund currently totals over \$1.6 million.
- Due to COVID, most of the inmate programs have been canceled, reducing the IWT expenses, yet the mark-ups and commissions continue.

- Federal and State regulators are forcing change on jails that continue to use commission-based phone contracts where the incarcerated population have no alternatives.
- Sheriff's Offices and Boards of Supervisors in other California counties have eliminated identical charges in their jails.

In the end, the Grand Jury concludes that our jail should not be a profit generating entity. Adding large commissions and mark-ups makes it harder for incarcerated people to maintain their support networks on the outside. When they leave the jail's front gate, the strength of that support network often determines whether the person returns to jail or not. The Grand Jury recommends solutions to offer a more accessible phone system and a more affordable commissary. It also recommends revising the existing Global Tel Link (GTL) contract to eliminate commissions and to provide a low-cost or free audio and video service as the State of California, San Francisco County, San Diego County and other counties have already implemented.

GLOSSARY

- CPUC California Public Utilities Commission
- FCC Federal Communications Commission
- GTL Global Tel Link
- IWT Inmate Welfare Trust
- MADF Main Adult Detention Facility
- OCA Out-of-Cell Activity

BACKGROUND

In response to the COVID threat, the Sheriff's office suspended in-person visitation at the jail in March 2020. Without visitors, the jail's telephone system became the only lifeline incarcerated people had to reach their families and friends outside. As part of its broader investigation into the jail's COVID mitigation efforts, the Grand Jury chose to investigate the GTL phone system and prepare this separate report.

The Sheriff's Office uses GTL as the exclusive inmate phone system for the MADF. GTL provides a turnkey system with all hardware and software for its own telephone network, including all telephones and workstations, with monitoring and recording systems built-in.

The Sheriff's Office Makes Phone Calls Expensive

For many years, the Sheriff's Office has used its jail phone contract as a source of revenue. All calls involving the housing module phones at the jail must use GTL, a private phone company that provides this service to the Sheriff's Office under an exclusive contract. The Sheriff's Office's contract requires GTL to add an additional 70% commission to every charge for jail calls. After collecting its fees and charges, GTL sends that additional 70% commission to the Sheriff's Office every month for deposit into the IWT.

The IWT is overseen by the Inmate Welfare Trust Committee, which consists of nine members of the Sheriff's Office and one civilian representative. In a 2018-2019 IWT audit, the Committee approved expenses totaling over \$286,575 for unspecified salaries and supplies and \$508,500 for rehabilitative programs and inmate education.

Phone Calls Are Never Easy in Jail

All inmates in our Main Adult Detention Facility (MADF) need a plan and some luck to make a phone call at any given time. Each housing module typically has five phones for the inmates to use. Other than emergencies, the only time one can make a call is during assigned Out-of-Cell Activity (OCA) time. In the best of circumstances, incarcerated people in a general housing module were allowed 2-3 hours per day of OCA time, broken up over three periods, and shared with 50-60 other people. Since the pandemic, this time has dropped to a total of between 30 minutes and 60 minutes per day.

As soon as the cell doors open to the common area, lines begin to form. One set of lines form to get hot water for soup or a hot drink. One set of lines form to take a shower. One set of lines form to check-out a video/education tablet, only allowed to be used during OCA time. And one set of lines form for the phones. There may not be sufficient phones for the number of people waiting in line. As a result, it is very common to have OCA time end without everyone who wants to make a call having the opportunity.

Using the Phone in Jail

Getting to a jail phone is only part of the challenge. The system requires each incarcerated person to access the phone through an electronic account. Using a unique PIN code connected to their account, the incarcerated person can add money with a debit card. Friends and family outside the jail can also add money to their phone account through an online portal using a debit or credit card.

The phone system deducts the cost of each call in real-time on a per-minute basis. It's a system that harkens back to the day of excessive long-distance calling charges and hidden fees. If an incarcerated person's phone account runs out of funds during a call, the line disconnects.

There are a few ways incarcerated people and their families pay for calls:

- Buy phone cards (90 minutes for \$20) from the jail commissary
- Use money loaded into their phone account from their debit card or from friends and family outside
- Call collect

Each option has built-in barriers. Friends and families without a credit or debit card have limited access to the whole system. If families have a card, the private phone company also charges high transaction fees to use that card to transfer money into the incarcerated person's phone account. Each transfer requires a \$3 fee on every \$20 worth of minutes.

Using the collect call feature also presents problems for those who do not have a wired landline telephone. If the family member on the outside only has a cell phone, there is no easy way to call collect. Many households in the County, and especially those most economically vulnerable, no longer have access to a collect-call-capable landline.

To make up for the suspended in-person visitation, the Sheriff's Office, through the IWT, periodically distributed free phone cards from March 2020 until February 2021, and then provided 10 free minutes each day thereafter. Describing the phone cards or minutes as "free," however, is not exactly accurate. The money to pay for those phone cards comes from excessive charges added to those same incarcerated people's commissary and phone card purchases. Although the Sheriff's Office suspended most of the rehabilitative and educational programs

those commissions are supposed to be funding, it continued to require the commissions throughout the pandemic lockdown.

METHODOLOGY

This is a self-initiated report. The Grand Jury interviewed members of the Sheriff's Office, other County agencies, and the Board of Supervisors as well as a diverse group of people incarcerated in different housing modules at the MADF.

Grand Jurors conducted extensive research and reviewed Sheriff's Office policies and procedure manuals; contracts between the Sheriff's Office and telephone service providers; internal administrative reports; internal emails, documents, and meeting minutes; academic studies; budget and audit reports; press reports; and prior Grand Jury reports.

The Grand Jury encountered outstanding cooperation from the Sheriff's Office.

DISCUSSION

The Commissary and Inmate Welfare Trust

The Sheriff's Office-run commissary inside the MADF offers the incarcerated population personal items and packaged food for purchase. Luxuries are small. A single-serving \$0.70 package of ramen, for example, is among the most popular items. This item can be purchased at Safeway for \$.33 as a single serving or \$.25 when purchased in a package of eight single servings. On sale, the price can be as low as seven single servings for \$1.00.

The commissary serves a much broader role than just providing the incarcerated an opportunity to purchase snacks and personal items. Like most local jails in California, the Sheriff's Office adds a substantial mark-up to each non-essential item the commissary sells. In a rigorous process, paid for by the IWT, the detention staff regularly surveys retail outlets, mostly local 7-11 convenience stores, to set commissary prices. These prices are typically 200% to 300% over the jail's wholesale cost.

The Sheriff's Office deposits these monies, which combined with the phone commissions total approximately \$1,000,000 each year into the IWT as State law requires.¹ The jail's Inmate Welfare Trust Committee governs the entire program, deciding what money goes in and how to spend it. The Committee meets quarterly and currently includes nine members of the Sheriff's Office correctional and administrative staff, and one civilian representative. The law does not set the requirements of the committee membership for a jail. In any given year, the IWT Committee may decide not to spend all of the money it raised. The remaining amount continues to accrue interest and, as of early 2021, the IWT held a surplus of over \$1.6 million.

The Sheriff's Office, as it must by law, spends the IWT funds "primarily for the benefit, education, and welfare of the inmates confined within the jail."² That definition is subject to a broad interpretation. The following chart summarizes expenses the IWT Committee allocated in the fiscal years ending on June 30, 2018, and June 30, 2019, the years subject to the most recent audit.

¹ California Penal Code § 4025.

² California Penal Code § 4025(e).

Inmate Welfare Trust			
Expenditure	FY 2017/18	FY 2018/19	% Change
Salary Reimbursement Costs	\$ 279,596	\$ 286,575	+ 2.5%
Inmate Education Programs	589,977	508,500	-13.8%
Inmate Incentives	15,384	38,984	+153.4%
Other Services and Supplies	120,138	87,334	-27.3%
Total Expenditures	\$ 1,005,096	\$ 921,396	-8.3%
Total Revenue	1,126,271 ³	1,074,258 ⁴	-4.6%
Change in Fund Surplus	121,175	152,862	+26.1%
Ending Fund Surplus Balance	\$ 1,334,802	\$ 1,487,664	+11.4%

Table 1

The Grand Jury reviewed audit results only, which did not provide complete financial line item detail. In each of the two years under review the IWT Committee decided not to spend all of the commissions it collected. A total of \$274,037 went to the IWT surplus.

The question arises whether the IWT Committee is prioritizing incarcerated program funding. On June 11, 2019, just as the FY 2018-19 was ending with declining phone usage and declining phone commissions, the Sheriff signed an amendment to its longstanding GTL phone contract. The new arrangement retained the same commission system, but it increased the rate for phone revenue from 60% to 70%. After signing, all phone charges at the jail increased and the additional revenue flowed into the IWT. As an amendment to a pre-existing contract, the County routing slip indicates that no Board of Supervisor review took place.

The Business of Incarcerated Telephone Access

The Sheriff's Office's IWT revenue comes mainly from two sources: adding convenience store-level mark-ups to commissary items, and the jail phone contract commissions. Incarcerated telephone access is a big business and many California county jails, including ours, have come to rely on their monthly cut of the profits.

The telephone system used by incarcerated residents at the MADF is provided exclusively by GTL, the largest of two private companies that dominate the national market for detention communication services. Due to their exclusive contracts, the jail phone service companies commanded a high valuation when they came to market. [GTL's last sale](#) took place in 2011 from a Goldman Sachs-led private equity group to GTL's current private equity owner, American Securities Capital, for \$1 billion. The Sheriff's Office contracted originally with a company called Legacy Inmate Communications, but GTL purchased [Legacy](#) as part of its strategy to consolidate 50% of the national market.

GTL has two main sources of income from its inherited contract with Sonoma County:

- Selling phone cards to the Sheriff's Office for resale in the commissary

³ The largest sources of FY 2017/18 revenue, in order, include: Phone Revenues (\$373,577), Commissary and Phone Cards (\$662,764), Misc. Revenue (\$50,671), Interest on Pooled Cash (\$23,018).

⁴ The largest sources of FY 2018/19 revenue, in order, include: Phone Revenues (\$316,845), Commissary and Phone Cards (\$633,000), Bail Bond Advertising (\$43,575), Interest on Pooled Cash (\$34,999).

- Selling minutes through debit card transfers or online sales to people outside the jail who want to fund calls from friends or family inside the MADF

The phone card business is a straight-forward buy wholesale and sell retail model. In this case, however, profit margins are very high and the “customers” are without choice. The Sheriff’s Office collects profit by adding a 233% mark-up on every phone card it sells from the commissary. GTL sells 90-minute phone cards to the Sheriff’s Office for \$6, or approximately \$0.07 per minute. By contrast, the average prepaid phone cards available for retail sale in the community cost between \$0.02 and \$0.03 per minute.⁵ The Sheriff’s Office adds on \$14 before charging incarcerated consumers \$20 at the commissary for the same card. Tacking on the Sheriff’s Office’s surcharge to GTL’s already expensive prepaid phone service increases the \$0.07 per minute rate to \$0.22 per minute, or over 10 times the retail rate plus fees. Last year, the Sheriff’s Office made \$140,000 from these phone card mark-ups alone.

The Sheriff’s Office receives over twice that amount each year from GTL’s online business in the form of commissions. Families and support networks outside can transfer money to a jail inmate’s phone account through the GTL’s website. GTL charges its own fees and rates before adding an additional 70% commission for the Sheriff’s Office. The 70% mark-up also applies to every collect call from the jail. There is no option but to use GTL and its high rates to speak to anyone outside the jail. The more minutes users outside the MADF purchase directly from GTL online, the more commission money flows into the IWT.

The Sheriff’s Office’s Role

The amount of the commission is entirely within the Sheriff’s Office’s discretion. In these transactions, GTL is simply a pass through, applying the contract’s mark-up, and passing that commission on to the Sheriff’s Office.

The Sheriff’s Office points to the laudable programs, such as tablet based educational courses, rehabilitative programs and services which these mark-ups help fund. These programs play a role in furthering the jail’s rehabilitative goals.⁶ However, as shown in Table 1 above, only \$547,484 of the \$921,346, or about 60%, of the monies expensed in the budget actually directly benefitted the inmates. The Jury agrees that many of the IWT expenditures remain critically important. The IWT pays for a host of different education programs, job training, reading materials, and coveted tablet-based coursework.

But, even after suspending all in-person visitation for over a year, and most of the programs these commissions were designed to fund, the Sheriff’s office continued the 70% commissions on all phone use. The result is a phone charge that serves mainly to enlarge the \$1.6 million IWT surplus.

Change Is Coming, Voluntarily or Not

This system of funding jail programs with phone service fees has been around for a long time. Recently, however, the national trend is moving toward abolishing these arrangements. In 2015, the Federal Communications Commission (FCC) investigated detention telephone contracts and imposed strict fee caps to prevent the practices we continue to use locally. In trying to fill the

⁵ 7-11, the convenience store maximum mark-up the Sheriff’s Office uses for other commissary pricing decisions, offers its own prepaid phone cards. 7-11 charges less than \$0.02 per minute for its prepaid cards.

⁶ The 2016-17 Civil Grand Jury reported extensively on *Programs At Sonoma County Detention Facilities*.

regulatory gap, the FCC described how these contracts impact families and work against our core detention goals:

Excessive rates for inmate calling deter communication between inmates and their families, with substantial and damaging social consequences. Inmates' families may be forced to choose between putting food on the table or paying hundreds of dollars each month to keep in touch. When incarcerated parents lack regular contact with their children, those children – 2.7 million of them nationwide – have higher rates of truancy, depression, and poor school performance. Barriers to communication for high inmate calling rates ... impede family contact that can “make[] prisons and jails safer spaces,” and foster recidivism.⁷

After the FCC reforms, all Federal prisons charge less than 10% of the rates we continue to charge for phone access at our County jail.

San Francisco, San Diego, and California Offer Examples

For now, local county jails including ours represent the last refuge in the State for these commission-based contracts. California's Public Utility Commission (CPUC) is looking to change that for good. The CPUC issued an [Order in October 2020](#), announcing it “will consider how to ensure incarcerated people and their families have access to intrastate telecommunication service at just and reasonable rates.” It is currently targeting a final decision before the end of 2021.

Other counties are not waiting. San Francisco provided a blueprint for a new model with the same GTL vendor in August 2020. In one of a series of reforms, [San Francisco County renegotiated its contract with GTL](#). A press release by the Mayor of San Francisco, explained why they eliminated the commission based phone contracts:

“When people are in jail they need to be able to stay connected with their family without being concerned about how much it will cost them or their loved ones. Being able to stay in touch with family is always important, but it is even more critical during a health emergency like COVID. This change is an important continuation of our efforts to reform fines and fees that disproportionately impact low-income people and communities of color.”

San Francisco's Sheriff's Department took the lead on the transition with active Board of Supervisors encouragement and support. The new contract requires the San Francisco Sheriff's Department to pay a vastly smaller amount as a fixed fee to GTL each month rather than using the commission-based system, that Sonoma County and many other California jails still use.

By decoupling the programs its Inmate Welfare Trust were funding from the commissary and commission revenue sources, the San Francisco Sheriff's Department was able to use County funding for rehabilitative programs. The telephone and commissary could then function with a completely different model. In San Francisco, the commissary removed the mark-ups and prices dropped 40% overnight. After removing the commission-based mechanism, San Francisco's new GTL contract allows their Sheriff's Office to provide the same telephone service and video visitation at no charge to incarcerated people and their families.

⁷ *Global Tel*Link v. FCC*, 866 F.3d 397, 405 (D.C. Cir. 2017) (quoting the FCC's brief).

San Diego County took a different path to the same result. Instead of the Sheriff's Office, the [San Diego County Board of Supervisors voted on March 2, 2021](#), to reject their Sheriff's proposal to continue funding its IWT with phone and commissary overcharges. The San Diego Sheriff argued that eliminating the revenue streams would impact educational programs and other services. The Board of Supervisors voted unanimously to end the practice of charging incarcerated people for phone calls and video visits. Its public comment period resulted in broad support. At the time of this report it is unclear as to the result of these changes.

To date, eight states including California have eliminated commission-based telephone monopolies in their prisons. In each state, prices dropped significantly after the transition. In March 2021, California completed the renegotiation of its statewide communications contract with GTL, providing another example for what Sonoma County could accomplish on a smaller scale.

GTL is transitioning its business across the country in response to new laws, new regulations, class action lawsuits, price fixing lawsuits, and a racketeering action initiated by the Mississippi Attorney General. The [new GTL contract for California state prisons](#) changed its cost structure completely. All call charges dropped to 2 ½ cents per minute. The contract now requires a cap of 37 ½ cents for a nationwide 15-minute call to prevent GTL's practice of adding excessive fees. GTL is also going to roll out kiosk and tablet communication services in California prisons for email and video visitation. The program includes 15 minutes of free video calls every two weeks for each incarcerated person.

Sonoma County's \$1.6 million and growing IWT surplus is enough money to pay for the next two years of programs and phone calls, allowing a transition to a new contract that eliminates commissions and overcharging. The San Francisco's Board of Supervisors and Sheriff's Department took less than two years starting from scratch, and they implemented transition measures to drop the phone costs early on. Sonoma County should take advantage of that legwork and seek to implement similar measures on a faster timeline.

CONCLUSION

Whether the Sheriff's Office takes the lead or the Board of Supervisors takes up the issue:

- The Inmate Welfare Trust needs to be reformed
- Alternative sources of revenue for inmate programs need to be found
- Expenditures of the IWT need to be more transparent
- The Board of Supervisors needs to be involved in the IWT fund oversight
- Phone and commissary mark-ups work to the detriment of inmates and should be minimized
- The IWT Commission needs to be restructured with more community representation

If you didn't know, now you know.

FINDINGS

The Sonoma County Civil Grand Jury determined that:

- F1. Sonoma County Sheriff's Office commission-based contract with Global Tel Link unreasonably inflates the cost of telephone communication for incarcerated people and their families in the community.

- F2. High mark-ups on commissary and phone card sales place an undue burden on some of the most economically vulnerable families in the County.
- F3. A renegotiated agreement with Global Tel Link, without the excessive mark-up added for commissions, would lower the cost of telephone calls for the incarcerated population.
- F4. Five telephones for a group of 60 people to use in less than one hour is insufficient to promote communication between incarcerated people and their support networks outside the jail.
- F5. The Sheriff's Office will be required to find new funding for its Inmate Welfare Trust - supported programs if the California Public Utilities Commission issues its order in the coming year.
- F6. The Sheriff's Office detention staff holds disproportionate control over the Inmate Welfare Trust Commission with nine seats of the 10-member committee.
- F7. The high mark-up on the commissary and phone card sales continued while visitation and inmate supportive programs, which are funding by the Inmate Welfare Trust revenues, were cancelled.
- F8. The high mark-up on the commissary and phone card sales result in over \$1.6 million accumulated excess in the Inmate Welfare Trust.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that:

- R1. The Sheriff's Office work with the Board of Supervisors to replace the current commission-based audio and video contract with Global Tel Link, using a model based on the San Francisco County Sheriff's Department, by December 31, 2021. (F1, F3)
- R2. By September 30, 2021, the Sheriff's Office develop a new communications model to provide for sufficient telephone kiosks to allow the inmate population free telephone and video visitation for at least 90 minutes per week until such time as a new communication contract is in effect. (F1, F2, F3)
- R3. As required by PC § 4025(e), the Sheriff's Office provide an annual report to the Board Of Supervisors detailing line item revenue and expenses within the Inmate Welfare Trust , beginning with the fiscal year ending June 30, 2021, with the initial report due by November 30, 2021. (F5, F7)
- R4. The Sheriff's Office use its \$1.6 million Inmate Welfare Trust surplus to remove all charges for telephone service while in-person visitation is suspended, on or before September 30, 2021. (F8)
- R5. The Sheriff's Office reevaluate its commissary markup to be in line with grocery store, as opposed to convenience store, pricing, on or before September 1, 2021. (F2, F7, F8)
- R6. By September 30, 2021, the Sheriff's Office, using the reserve Inmate Welfare Trust funds, resume all inmate programs in existence pre-COVID, with funding at the same level once COVID related restrictions are lifted. (F8)

- R7. The Sheriff's Office restructure the 10-member Inmate Welfare Trust Committee by December 31, 2021 to include more diverse representation, for example, community members, financial analysts, social workers and educators to bring the Committee more in line with the requirements of Penal Code § 5006 regarding commission membership standards for State Prisons. (F6)

REQUIRED RESPONSES

Pursuant to Penal Code §§ 933 and 933.05, the Grand Jury requires responses within 60 days as follows:

- Sonoma County Sheriff's Office (R1, R2, R3, R4, R5, R6, R7)
- Sonoma County Board of Supervisors (R1, R3)

The governing bodies indicated above should be aware that their comments and responses must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

BIBLIOGRAPHY

Hyperlinks for key source material have also been included in the body of the electronic version of the report:

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- Erika Martin, "California cuts cost of state inmate phone calls, will expand prisoners' access to tablets," KTLA.com (March 1, 2021) (<https://tinyurl.com/5h8um5rc>)

Additional Sources Material

- Sonoma County Sheriff's Office Fiscal 2019-2020, Annual Report, <https://tinyurl.com/yjocdzs2>
- 2020-21 Sonoma County Budget, pages 115, 120, (<https://tinyurl.com/b82cab7a>)
- Internal Audit: Sonoma County Sheriff's Office Inmate Welfare and Jail Store Trust Funds, For the Period: July 1, 2017 – June 30, 2019, Report Date: October 30, 2020, (<https://tinyurl.com/3w2sxs42>)

COVID-19 Mitigation at the County Jail

And Its Unexpected Consequences

SUMMARY

By the end of April 2021, American jails and prisons had seen over 660,000 COVID-19 infections and over 2,990 COVID deaths. At the same time, Sonoma County's detention facilities had seen no deaths and had transferred no cases to a hospital. These outcomes resulted from unprecedented coordination and partnership across the County to reduce the incarcerated population immediately after COVID began to spread, and by the quick response of the Sheriff's office.

The District Attorney and Public Defender agreed to release hundreds of people who posed no threat to public safety, enabling the Sheriff's Office to close the minimum-security North County Detention Facility (NCDF) in October 2021 and reduced the population at the Main Adult Detention Facility (MADF), a middle to maximum-security jail, to 700. The Sheriff led by example, directing his patrol deputies not to arrest people for minor offenses. Local law enforcement followed the Sheriff's lead and changed their approach to policing, prioritizing the use of citations over arrest. Finally, the Presiding Judge provided invaluable support to the effort, ordering the continued suspension of cash bail even after the State allowed resumption of pre-pandemic bail schedules over the summer.

As a result, Sonoma County succeeded where so many others failed. With unprecedented cooperation, our local criminal justice partners kept the County's jail population below 800 for the longest period in over a decade, and likely prevented a jail-wide COVID outbreak and possible hospitalizations and deaths.

A year later, we can now also see the extended impact of a reduced jail population. Jail population fell without a corresponding rise in crime. Incidents, in fact, continued their longstanding downward trend. It also became apparent how much money a smaller jail population actually saved: almost \$3 million in the first six months. The correctional officers at the jail are no longer required to work 17 hours per week in overtime (as it was just before the pandemic). We can assume there would have been another \$3 million saved during the second six-month period of the pandemic year. That is an almost 8% savings on the \$74 million-dollar County allocation to the MADF in year 2019-2020. Those savings will continue as long as we do not return to the pre-pandemic approach to policing and incarceration.

Arresting and incarcerating people is very expensive (\$198 per person per day). The County incurs these costs because the law requires a wide range of services to those we choose to incarcerate. Medical and behavioral health services, a safe and humane environment, and a bridge to continued support upon release are all required.

To protect inmates and jail staff from the spread of COVID, the Sheriff's Office discontinued outside visitation, rehabilitation programs, education programs, and communal meals. This greatly reduced out of cell activity (OCA). These emergency procedures were common among many other county jails. Most jails filled the void by giving easier access to video, phone, or other means of communication or diversion to compensate, but Sonoma County did not.

According to the Sheriff’s records, during the pandemic inmates are spending less than an hour per day outside of their cells. That equates to 23 hours a day locked inside their closed-door cells. Prior to the pandemic, most inmates had at maximum three hours per day out of their locked cell for out of cell activity as well as time outside for educational and rehabilitative programs, religious observances, in-person visitation, and meals.

Although limited OCA time may have been necessary early in the pandemic, it has been over a year and we could find no measurable attempt to lessen the isolation these measures imposed on the inmate population. It is important to note that over 55% of the jail population are not convicted and are merely awaiting trial.

By continuing the efforts to keep the incarcerated population lower, the Grand Jury concluded immediate savings would be more than sufficient to solve some of the jail’s most troubling problems: lack of sufficient visitation options during the pandemic and lack of sufficient discharge planners. There is currently one discharge planner, a social worker responsible for providing a bridge to medical, behavioral health, and social services in the community. The discharge planner’s caseload is approximately 400 inmates who have been diagnosed with behavioral health issues. There is no discharge planner to aid the remaining jail population. All interviewed agreed this is clearly insufficient for this important connection to the community.

Sonoma County Jail Population in 2021
<ul style="list-style-type: none"> • 40% are homeless prior to arrest • 45% are diagnosed with behavioral health needs • Over 55% are awaiting trial • Over 100 people come in and out each week

GLOSSARY

- CDC Centers for Disease Control
- DHS Department of Health Services
- IOLERO Independent Office of Law Enforcement Review and Outreach
- MADF Main Adult Detention Facility
- NCDF North County Detention Facility
- OCA Out of Cell Activity
- Wellpath The jail’s medical and behavioral health care provider

BACKGROUND

Pre-COVID, the Sheriff’s Office applied a modern direct-supervision model to its management of the County jail. The more freedom incarcerated people have, according to the Sheriff’s Office, the more ability they have to contact the outside world, and the more stable they will be upon release. The caveat, of course, is that the jail must have sufficient staffing to allow the extended freedoms it seeks for the jail’s incarcerated population.

Understaffing had been a consistent problem at the MADF and NCDF. For years, the Sheriff’s Office had struggled to fill correctional staff vacancies, at times stretching beyond 20 open positions. Over the past decade with insufficient staffing to supervise over 1,100 inmates in the two facilities, the Sheriff’s Office had continually required mandatory overtime from its

correctional staff. The Sheriff's Office had previously required its correctional deputies to work over 17 overtime hours each week.

This report addresses two key efforts County officials pursued immediately in response to the March 2020 public health crisis. First, our local criminal justice system came together in an unprecedented effort to reduce the number of people we held in our jails and prevent a COVID outbreak. Second, the Sheriff's Office suspended in-person visitation, education programs, religious observances, and other rehabilitative programs to lower the risk of infection spreading. These initial efforts succeeded in saving lives inside the jail. They also unexpectedly revealed a path to save money while curing longstanding understaffing and crisis-level mandatory overtime. The report concludes with an evaluation of the jail's efforts to prevent and manage outbreaks as the pandemic progressed, and the resulting isolation those measures created for the jail's incarcerated inmates.

METHODOLOGY

Members of the Grand Jury visited the MADF in February 2021 and met in person with senior staff, managers, correctional deputies, and medical personnel. Jurors also interviewed over a dozen County executives, political leaders, and staff members from the Department of Health Services (DHS), Risk Management (a division of the Sonoma County Human Resources Department), and the Sheriff's Office. Additionally, the jurors met with the jail's medical provider, Wellpath, and interviewed a diverse group of people incarcerated in different housing modules at the MADF.

Grand Jurors reviewed the booking and intake process: the medical, dental, and mental health services; the grievance filing and appeal process; the visitation policies; internal administrative reports; internal organization emails, documents, and meeting minutes; local and national newspaper coverage; academic studies; prior Grand Jury reports; and extensive State and County statistical data.

DISCUSSION

The Sheriff's Office Detention Division, with a staff of over 285 employees, operates the County's two detention facilities, the medium/maximum security MADF, and the minimum/medium security NCDF. The Detention Division's overall mission is to provide "a secure, safe, and humane environment for both the staff and inmates." To support that mission, the Sheriff's Office has identified a group of specific goals, including:

- Offering inmates an opportunity for rehabilitation through participation in religious, educational, recreational, vocational, and work programs
- Releasing inmates back into the community in better condition medically and psychologically than when they came into custody
- Fostering a custodial environment that supports positive inmate behavior and provides discipline for misconduct

These goals are not simply website rhetoric. The detention staff believes achieving these goals will result in a more orderly jail and less recidivism. The efforts to mitigate the spread of COVID in the jail, however, required an approach that emphasized isolation, a policy that worked against the stated goals above.

For the last decade, we have seen the county's incarcerated population rise to around 1,150 people on any given day. During that period, there were few, if any, days in which the staff to population ratio was sufficient. Even with the Sheriff's Office \$74 million annual detention budget, there are always more needs. The Sheriff's Office cannot grow the detention staff to meet the relatively constant need of 1,150 incarcerated people every day without a significantly higher budget, an unrealistic near-term possibility. Because reducing the incarcerated population in any meaningful way has also been unrealistic, the Sheriff's Office has relied on the only alternative: crisis-level mandatory overtime to make up for chronic understaffing.

The COVID Pandemic Forced an Immediate Change in Incarceration Practices at MADF

Incarcerated people, and those who work in jails, are among those most at risk of contracting COVID. In the early days of the pandemic, detention centers and nursing homes defined the initial phase as their infections and deaths began to climb rapidly across the country. While strict protocols were ultimately sufficient to protect many nursing homes, the most efficient way to prevent mass casualties in jails and prisons was to let inmates out, reduce populations, and stop visitations.

After COVID began to spread rapidly through the County in March 2020, officials quickly realized that the detention facilities presented an acute risk for an outbreak. They were able to shrink Sonoma County's incarcerated population 44% in less than three months. Although the numbers have trended up and down again as COVID continued to grip the County through 2020 and early 2021, countywide law enforcement officials maintained a significantly lower jail population, keeping it below 800 for the longest period in years.

Sonoma County was not alone in trying to reduce its incarcerated population quickly. Most California counties went through the same exercise. However, Sonoma County took a more thorough and tightly coordinated approach to the problem, succeeding while others in similar communities failed. Sonoma County had reduced its jail population by 44% heading into the end of May 2020. Of the 18 counties that were jailing over 900 people on February 29, 2020, only San Mateo County (47%) and Orange County (45%) had reduced their populations more than Sonoma County.

District Attorney and Public Defender Agree on Unprecedented Release

Like most County jails, the MADF houses more pretrial detainees—those awaiting trial—than people convicted of a crime. Many of these pretrial detainees do not represent a threat to public safety, but the pre-COVID criminal justice system required them to await trial inside the jail instead of at home. In March 2020, the District Attorney and the Public Defender took a step back from the adversarial roles our Constitution requires them to play. Instead of vigorously opposing each other on every case, they worked together on a novel project: identifying hundreds of people currently in our jails who they could safely release. The County's top prosecutor and top defender reviewed every file, conferred, and ultimately agreed to recommend release for over 300 people. Given the COVID-related risks inherent in the crowded detention facilities, they agreed that releasing hundreds of people protected public safety more than keeping them incarcerated.

Zero Cash Bail

It is no exaggeration that the entire Sonoma County judicial system mobilized to prevent an obvious crisis from expanding further. Cash bail, the practice of requiring an accused person to post a scheduled amount of money or face the prospect of awaiting trial in jail, results in more crowded jails. Requiring bail for minor offenses simply results in more poor people in our jail. The Judicial Council of California and the California Supreme Court identified cash bail as a key impediment to reducing the incarcerated population across the State. As a temporary response to the COVID pandemic, the Judicial Council reduced to zero all bail requirements across California for misdemeanors and nonviolent, nonsexual, less-serious felonies.

The Sheriff Effectively Led a Countywide Change in Policing

Any gains realized from a reduced incarceration population would last only a few months if the flow of new bookings into the jail did not slow down at the same time. While the Sheriff has to deal with overcrowding and understaffing on the detention side of his department, he also has the authority to control the number of people admitted to the jail. We have just never seen that authority used so effectively. Without the Sheriff's leadership and consistent effort to bring his own deputies and other County law enforcement officials along, the effort to maintain a lower incarceration population would have failed after the initial dramatic drop.

This is precisely what happened in [270 other counties across the country](#). They, like Sonoma County, reduced their jail populations at the beginning of the pandemic. Arrest protocols, however, did not change and the flow of people into those jails continued in the same way they did before COVID struck. Those counties that chose to stay with their pre-COVID policing guidelines saw a return to their pre-pandemic elevated numbers by summer.

However, as with the District Attorney and Public Defender, the Sheriff understood the community threat and led a deeply coordinated interagency effort to maintain the lower incarceration population to prevent our COVID numbers from climbing further. The Sheriff ordered his patrol deputies to emphasize citation over arrest whenever possible. That is, whenever the offense does not rise to the level of requiring incarceration to protect public safety, deputies should issue a citation instead of booking. This arrest reduction approach extended to every corner of the County after the Sheriff requested local police departments to follow his lead. The combined countywide partnership prevented outbreaks in the detention facilities that could easily have spread throughout the wider community.

March 2020 – State Covid Mitigation Guidelines Issued

In March 2020, State regulators quickly updated guidance for local jails to implement temporary changes in an effort to minimize the potential for exposure. In a jail, that means limiting contacts from outside and limiting contacts inside between incarcerated people by minimizing out of cell activity. The Sheriff's Office adopted the same set of temporary changes as most California county jails, suspending:

- Out of cell activity
- In-person visitation
- Educational and other rehabilitative programs
- Religious Observances

The early months of the COVID pandemic showed strong coordination as the interagency group tried to adapt the jail's procedures to meet the coming challenge. The Sheriff's Office reacted very early to the COVID threat and worked with the County's risk management professionals and DHS to modify its intake procedures. DHS provided guidance as early as March 5, 2020, well before the World Health Organization declared COVID to be a pandemic.

Using the only tools available at the time, the Sheriff's Office started using touchless thermometers to begin checking all staff and new arrestees upon entry to the jail. As testing became more widely available, DHS and the Sheriff's Office modified the jail's intake procedure further. Still in place as of March 2021, the jail staff screens everyone for COVID before they enter the main housing modules. After booking and a 7-10 hour waiting period, the new resident quarantines for the first four days while awaiting the results of a COVID test. During that period, the Sheriff's Office allows no mixing with other incarcerated people.

As of the time of writing, the newly incarcerated person spent less than one hour per day out of his or her cell.

Isolation For Those in Quarantine

When the COVID mitigation procedures fail and someone tests positive inside a MADF housing module, as occurred in December, the Sheriff's Office locks down the module and uses it to quarantine COVID-exposed incarcerated people. Each person assigned to the unlucky quarantined housing module loses valuable out-of-cell activity time.

Reacting to outbreaks and positive tests by isolating everyone potentially exposed for an extended period may be effective, but by doing so, the isolation stresses and frustrates the jail's self-described mission to provide "a secure, safe, and humane environment" Extended isolation during the course of the pandemic has been the subject of many complaints, formal grievances, and two hunger strikes. Additionally, outside sources note the results of extended isolation.

Brie Williams, a physician at the University of California, San Francisco who runs a program called AMEND, which works with prisons on solutions to public health problems, says a medical quarantine inside prisons, along with widespread testing, treatment and isolation, makes sense. She says these need to be temporary measures though, not drawn-out lockdowns.

"There is really a long legacy of prisons turning to lockdown in the face of public health problems, so there's always a concern that once the system is sort of used to one mode of controlling people, that that will continue."

The amount of time incarcerated people could spend outside of their cells dropped significantly when COVID restrictions were introduced.

In January 2020, for example, a person assigned to G-Module received just under three hours per day of out of cell activity. That is enough time to complete a tablet course, take a shower, make a phone call, eat, and talk to some other people if the timing works out and the lines are not too long. Additionally, that person could be involved in Alcoholics Anonymous or Narcotics Anonymous meetings, attend educational and other rehabilitative programs, or have in-person visitation.

In January 2021, the jail responded to a COVID outbreak by quarantining everyone potentially exposed, including everyone who was then living in G-Module. As a result, all of those unlucky people lost their normal OCA time. While in quarantine for weeks, the G-Module residents received less than 30 minutes each day outside their cells.

Module	Group ¹	Daily Average Out-of-Cell Time	
		January 2020	January 2021
D-Module	A	3 hrs. 7 mins.	47 mins.
G-Module	Top Tier	3 hrs.	28 mins.
G-Module	Bottom Tier	2 hrs. 50 mins.	27 mins.

Figure 1

Just about every new detainee spends their first four days after booking in A-Module, isolated in a cell. For those first four days, out of cell time is restricted severely. In January 2021, for example, A-Module allowed newly incarcerated people less than 20 minutes per day out of their cell.

Medical experts say this [isolation should be tempered²](#) with mitigating activities:

...People in quarantine or medical isolation should have enhanced access to resources that can make their separation psychologically bearable—for example, television, tablets, radio, reading materials, and means of communicating with loved ones—since they are enduring isolation for the greater good, not for punishment.

The Jury found no evidence that DHS or the Sheriff’s Office spent any time collaborating on a solution to the increased isolation required by their COVID mitigation strategies.

Similarly, the continued suspension of most education and rehabilitative programs since the pandemic began to affect the incarcerated population³. Those who regularly attended the jail’s Alcoholics Anonymous meetings, for example, have had no alternatives for over a year. These were challenges, but there have been solutions available for months. Each housing module has its own outdoor exercise area accessible only from the module. Transparent walls surround the exercise area, but the space is open at the top. While unthinkable at the start of the pandemic, we now know that people can safely gather in such open-air spaces so long as the participants maintain sufficient distancing and wear masks.

¹ Detention deputies allow OCA time by groups to limit the number of incarcerated people in the common area at the same time. The general housing modules have two tiers with different schedules. Typically, the top tier will receive OCA time while the bottom tier remains confined. Other times, detention deputies will manage smaller groups for OCA time depending on security classification, mental health status, and other factors.

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7338113/>

³ The Sheriff’s Office [offered over 4,500 classes](#) before it shut down most programming after the pandemic-induced changes. “The programs provide evidence-based programming shown to reduce recidivism. We collaborate with community-based organizations to provide programs, anger management, creative conflict resolution, drug and alcohol counseling, job and life skills, literacy, parenting, mental health, and religious/spiritual studies.” They did continue “some minimal programming” through correspondence and tablets.

Vaccination and Surveillance Testing Work When Enough Participate

Nursing home residents, farm workers, and those who live and work in our jails and prisons experienced some of the worst COVID outbreaks and suffered many of the worst COVID death tolls. Vaccinating these populations not only protects the most vulnerable County citizens, it serves to protect the wider community. Vaccinating where virus spreads the fastest, therefore, most efficiently protects everyone.

In a closed environment like the County jail, being able to test regularly those working and living inside is a key tool for identifying and containing COVID outbreaks. DHS and the Sheriff's Office collaborated to prevent COVID-positive people from the outside coming in to the jail and infecting anyone inside. Because those intake procedures are not foolproof, however, the jail began testing both staff and incarcerated people (who chose to participate) from various parts of the jail on a weekly basis. By regularly conducting this surveillance testing of those still at risk for infection, the staff could isolate an outbreak before it spread widely.

DHS Prioritized the Vaccinations of Jail Staff Over Incarcerated Residents

The Centers for Disease Control (CDC) provides [clear guidance for vaccine priority when it comes to detention centers](#)⁴, applying the same logic as it did for nursing homes:

*Jurisdictions are encouraged to vaccinate staff and incarcerated/detained persons of correctional or detention facilities **at the same time** because of their shared increased risk of disease. Outbreaks in correctional and detention facilities are often difficult to control given the inability to physically distance Vaccinating staff and incarcerated/detained persons at the same time may also be more feasible than sequential vaccination of correctional or detention subpopulations.*

Some counties followed CDC guidelines and offered vaccinations to the entire jail population. Santa Barbara County was one example, applying the same nursing home standard by offering vaccinations to its jail staff and incarcerated populations at the same time. Likewise, Alameda County focused its jail efforts on getting everyone in the building vaccinated as soon as possible.

In Sonoma County, by contrast, the Sheriff's Office advocated for the vaccinate-all approach, but DHS, with limited vaccine supply, opted to follow the California Tier System. As a result, the Sheriff only vaccinated willing correctional deputies and staff, leaving those in their cells vulnerable.

The Sheriff's Office offers its staff voluntary testing on a weekly basis. Because the surveillance-testing program is voluntary, the results may not accurately reflect the extent of COVID infection among the jail staff. The more people who participate in surveillance testing, the more likely the jail can identify and isolate an outbreak quickly before it spreads. Conversely, the fewer people who choose to participate, the less likely the jail staff can identify and isolate a new outbreak. After the Detention Division staff received their COVID vaccinations in February 2021, the surveillance testing participation dropped significantly. The

⁴ <https://www.courts.ca.gov/opinions/documents/S247278.PDF>

danger of an outbreak remained, however, for all of the incarcerated people and over 90 staff members who had the opportunity to be vaccinated and opted not to take it.

The Sheriff's Office believes it cannot make COVID vaccination or testing mandatory for the jail staff because of provisions in the Detention Division deputies' union contract and thus both are still voluntary. Despite the very real and ongoing public health risk, no reasonable accommodation has been found. If the Sheriff's Office cannot make COVID vaccination a requirement for all staff working in the jail, as it does with tuberculosis, and as a few other employers can with COVID, it should find a way to conduct weekly surveillance testing of all unvaccinated staff. Continuing to assign staff to the jail who refuse a vaccination and refuse to participate in regular surveillance testing exposes the jail and the wider community to an unnecessary outbreak risk.

The Outbreak

On December 22, 2020, the MADF began to experience its first major outbreak. By early January 2021, 24 staff and incarcerated people had tested positive. The Jury found little concrete investigation into the jail's largest outbreak by either the Sheriff's Office or DHS. During several interviews, the Grand Jury learned that it may have been caused by either a janitor or an outside food vendor who inadvertently started the outbreak in the kitchen. As of March 2021, the number of COVID cases in the jail included over 80 incarcerated people and at least 28 correctional deputies and staff. Most of those were individuals who came into the jail with the virus and, after the revised intake system identified their COVID infection, recovered in quarantine.

2021 Results/Review

As a result of the dedication and hard work of the District Attorney, the Public Defender, the Sheriff, local law enforcement agencies in the County, and the Presiding Judge, the County's incarcerated population has remained below 800 since the pandemic began.

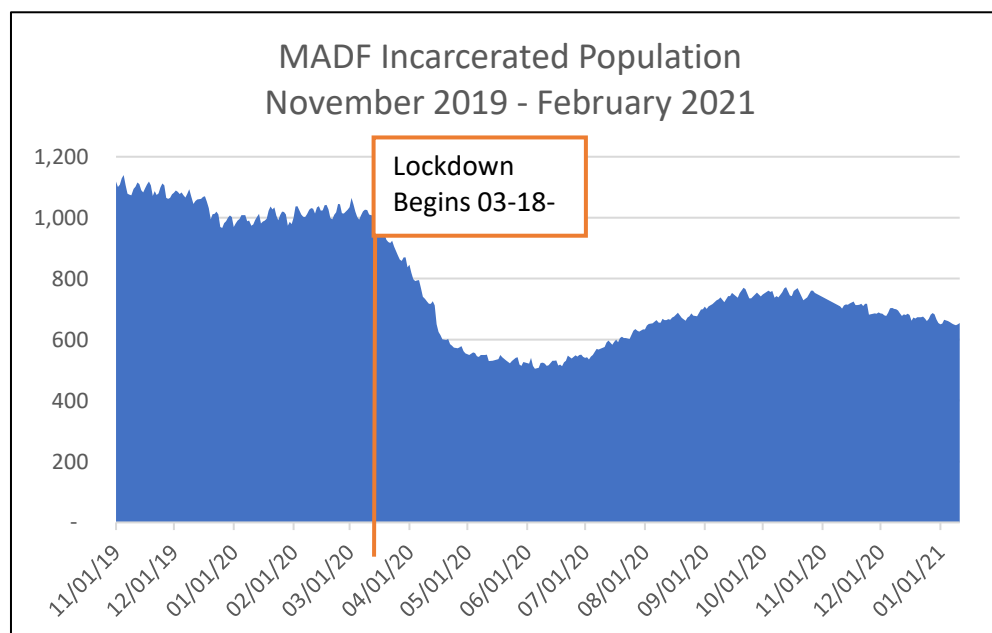


Figure 2

Vaccinations

As of the middle of February 2021, approximately 70% of the jail's staff—everyone who wanted one—had received their COVID vaccinations. By the middle of March 2021, the inmates at the MADF were still waiting. Some qualified under the general community standards because they were 65 years or older or because they had specific health conditions that made them more vulnerable to the disease, but were still unable to receive a vaccination.

In addition to the obvious human risk, there is a very real liability risk should another major outbreak in the jail turn deadly. The Sheriff's Office prepared and updated a vaccination priority list for all incarcerated MADF residents, based on age and relevant co-morbidities. They have been ready to go since early February 2021. The problem at that time was finding vaccine and prioritizing everyone at risk in the jail, not just those who work there.

In late March Wellpath, the MADF's health provider, obtained vaccines for 50 inmates and by Mid-April 2021, the number had increased to 200. This issue should resolve itself as vaccines become available to all residents.

Impact of Releasing Inmates-The County Saves Money

There will always be anecdotal evidence to the contrary, but the statistical trends do not lie. Keeping the incarcerated population under 800 for the longest extended period in years, in addition to saving lives inside the jail, brought the mandatory overtime hours for each correctional deputy down from 72 hours per month to eight. The County is saving money, the jail staffing is adequate, and reports of criminal incidents in the County continue to decline.

The last year has demonstrated that our law enforcement officers do not need to fill the jails back to previous levels to prevent more crime. Over the last ten years, the Sheriff's Office tracked the number of criminal incident reports logged each day across the County. These numbers, depicted below, include reports generated in one of two ways: (1) when a citizen reports a crime and a deputy has substantiated that a report is necessary; or (2) a deputy has witnessed a crime in progress.

Sonoma County has seen a gradual decline in criminal incidents since 2009. The trend continued without interruption even after we released hundreds of people in the spring. As populations in our County jail dropped dramatically between March and May 2020 and then leveled off at their lowest consistent levels in a decade, we did not experience any corresponding leap in the criminal incident reports.

By November 2020, the population had come down enough that the Sheriff's Office closed the NCDF and moved the remaining incarcerated people held there to the MADF. Consolidating the detention deputies and staff in one location saved money and reduced the overtime requirements further. The Sheriff's Office also saves approximately \$400,000 per month while the NCDF remains closed. While much of the Sheriff's actual spending remains opaque to the public, it did very specifically disclose how much it expected to save in the first six months of lower jail populations.

As part of the 2020-21 [budget hearing process](#)⁵, the Sheriff’s Office identified almost \$3,000,000 that it would save because of an expected six-month pandemic related drop in jail population:

Reduced Detention division expenditures, such as overtime, contract services, and supplies, due to modification of jail operations for a six-month period to align with a low inmate population. (\$2,973,418)

That was for six months, but the low population has remained steady for over a full year, putting the actual savings more in the range of at least \$5 to \$6 million, about 8% of the detention budget. As of March 4, 2021, the MADF was the only operating adult detention center in the County and it held an incarcerated population of 662 people, well below its present capacity of 800 beds. The NCDF remains closed.

Figure 3 shows how all of the concerted efforts to lower the incarcerated population worked starting in early March 2020. Viewing the dramatic drop in jail population over the last year, however, does not adequately explain just how unique the effort has been. Looking back a decade, the pandemic response to our jail population begins to take on some context.

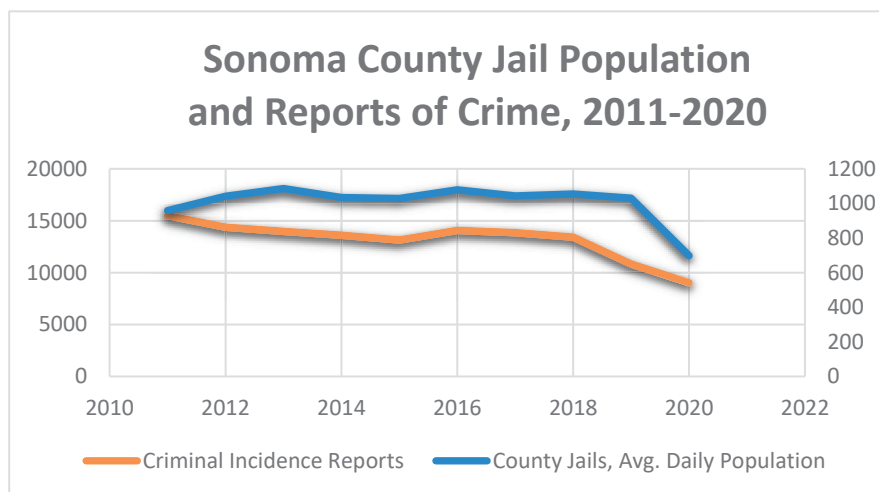


Figure 3 – Source: Sonoma County Sheriff’s Office Incident Data

County data continues to show that the jail population has remained below 800 since April 2020, without any corresponding increase in crime.

Zero Bail

While the Judicial Council’s temporary order lapsed over the summer, and some counties chose to re-impose the old cash bail system, the Presiding Judge of the Sonoma County Superior Court ordered the continuation of zero cash bail other than for serious felonies.

In November 2020, California voters rejected Proposition 25, which would have eliminated cash bail statewide. In Sonoma County, however, a clear 55% majority supported the measure. As her counterparts in San Francisco and Los Angeles have demonstrated, the District Attorney has

⁵ <https://tinyurl.com/b82cab7a>

the unilateral power to end the use of cash bail for misdemeanors and less serious felonies in the County. She has not had to ask for bail in these minor offense cases for over a year.

On March 25, 2021, the California Supreme Court issued a landmark ruling in the case of [In re Humphrey \(2021\)](#). In a unanimous ruling, the court found merit in the petitioner's argument that no person should lose the right to liberty simply because that person cannot afford to post bail and further stated that cash bail for the indigent population is unconstitutional. It remains unclear whether implementation of the Court's decision will effectively make permanent the Presiding Judge's zero cash bail schedule.

In-Person Visitation at MADF Remained Possible

Although the visitation booths closed to the public when the Sheriff's Office suspended in-person visitation, attorneys still used them to meet with their incarcerated clients during the pandemic. It was determined through interviews with County's risk management professionals that visits in the existing module booths can be done safely. The booths have a sealed divider between the visitor and the incarcerated person, except for a narrow metal grate. With all participants wearing masks, risk managers felt that there was an insignificant risk of COVID transmission. The Sheriff's Office is confident enough that it does not require attorneys to provide a negative COVID test before entering the visitation booths as it does with all others who enter the jail. Risk management analysts also checked the ventilation and concluded that it is safe to use if they are empty for 30 to 60 minutes between visits.

The Sheriff has announced that as of May 1, 2021, limited visitation will resume. The visits are restricted to one visit per inmate per month, no more than two visitors at one time, and visits cannot exceed 60 minutes. The visitors must have reservations, wear masks, undergo mandatory temperature checks, and complete COVID screening. Although not stated on the MADF website, the Press Democrat reported on April 25, 2021 that the number of visitors would be limited to 132 per day. The jury believes that this allowed visitation is too little to relieve the year's absence of visual communication and believes the jail needs to initiate free video visits as soon as possible.

Video Visits

The Sheriff consults regularly with his counterparts across the State in a monthly meeting where they share best practices. The Detention Division filed its pandemic-mitigation suspension plans with State regulators, which in turn promptly published Sonoma County's plans alongside other counties' efforts. A quick review of the [Bureau of State and Community Corrections \(BSCC\) chart](#) shows that many counties implemented enhanced video visits or other communication services to make up for the lost in-person visits. Stanislaus County, for example, is comparable to Sonoma County in overall population, jail population, and the Sheriff's Office budget size. Both county jails implemented the same suspensions of in-person visitation and other programs that require close gatherings. They differed, however, in how the two Sheriff's Offices addressed the impact of those suspensions.

Sonoma County has a contract with Global Tel Link to install additional technology and implement video visitation, first at the NCDF, and then at the MADF. The Sheriff's Office has not modified, expanded, or expedited the video visitation rollout for over a year. By contrast, Stanislaus County procured tablets to offset lost programs, and offered video visitation. In

Monterey, another comparably sized and resourced county, the Sheriff's Office provided additional non-contact visitation, unlimited mail and messaging, and free phone calls to make up for the lost in-person visitation.

Finding a suitable replacement for in-person visitation did not become a priority until 2021. During the prior year, the Sheriff's Office addressed many grievances about the lack of visitation; managed two separate hunger strikes seeking, among other things, more contact with the outside world; and received pressure from the Independent Office of Law Enforcement Review and Outreach (IOLERO) to make more communication services available. Although IOLERO typically addresses long-term investigations of critical incidents and individual complaints, the organization was instrumental in moving the Sheriff's Office in February 2021 to provide 10 minutes of free telephone time daily. By the middle of March 2021, talks with the vendor about video visitation at the MADF had finally begun, but as of the writing of this report, there have not been changes to the communication services available to inmates.

The Jail Needs More Discharge Planners

There is currently one discharge planner, a social worker responsible for linking discharged inmates to medical, behavioral health, and social services in the community. The lone discharge planner only works with the 45% of the jail population who are eligible to receive behavioral health services. The remaining 55% of the jail population have no designated discharge planner to assist them when they leave the jail and return to the community. In the context of COVID, when the jail staff receives an order to release an inmate, even if the inmate is COVID positive, they receive no services from a discharge planner unless they are also a Behavioral Health client. The jail must process their release without regard to health status. In some cases, the MADF works with County resources to provide a motel gift card if a contagious person has nowhere to quarantine.

With over 400 cases, the behavioral health discharge planning workload is grossly understaffed. People fall through the discharge planning gaps every week and nobody credibly suggests otherwise. The jail must continue to release people every day, as mandated by the court, whether or not they are sick and whether or not they have a place to sleep when they leave. It is worth repeating that over 40% of the people in the jail are homeless, and over 45% suffer from some form of mental illness. Add COVID to the equation, and the discharge situation moves from dire to crisis, both for the individuals affected and for the health of the entire community.

The focus of this report is on COVID mitigation and the impact of mitigation efforts taken to date, and an analysis of the function and adequacy of discharge planners is beyond the scope of this investigation. It is nevertheless notable that California courts are beginning to assign responsibility to jails for the discharge planning process. For example, if the Sheriff's Office releases a COVID-positive homeless person without a post-discharge quarantine plan, the County may face legal liability for the consequences.

To put this in context, and without investigating or reporting on any function outside the jail, many County employees remain involved with those released. In addition to the Probation Department, there are often social services needed to aid in reintegration to the community. The discharge planner should be able to interact with an inmate immediately upon incarceration to discuss not only what programs and services the inmate should utilize while in custody, but how best to reintegrate upon release. The inmate and discharge planner should have a plan whereby

the inmate has access to prescription medication needed for the next 60 days, access to medical care, at least to be able to renew prescriptions, as well as access to safe and sane living environments or rehabilitation treatments if needed.

Adding more discharge planning resources will not just reduce potential legal liability. A study of the [San Francisco County Jail](#) found that those who were HIV-positive at release were six times more likely to have unbroken continuity of care when they rejoined the community with the aid of a discharge planner. Better continuity of care means fewer crisis management needs and ultimately less cost for the County. Assigning more resources to discharge planning will also help to lower the recidivism rate and keep the incarcerated population below 800, which is 100% capacity for the MADF. Those who find themselves working with support services rather than living on the street the day after release are much less likely to see the inside of our jail again.

During a pandemic, failing to staff the discharge planning function fully at the jail exposes the entire community to elevated health risks. The Grand Jury learned through interviews that a number of COVID-positive inmates were discharged from the jail without a quarantine plan. Using discharge planners to make appropriate quarantine arrangements when needed would reduce the public health risk.

The current contract with Wellpath requires it to staff one discharge planner position. With the current population of the jail, expanding that Wellpath program to a minimum of five discharge planners would be appropriate for the size of the current caseload. The Jury found no dissent across the County that the jail needs at least four more discharge planners at the MADF if the population remains at the current level. Even then, the workload would be heavy, but the jail could have 24-hour coverage for the first time so that individual unplanned releases would not fall through the coverage gaps that exist now.

CONCLUSION

Sonoma County's detention facilities have seen no deaths from COVID and have not transferred any cases to a hospital. These positive outcomes resulted from unprecedented coordination and partnership across the County to reduce the incarcerated population quickly after COVID began to spread, and from the Sheriff's Office timely implementation of measures designed to limit contagion in the jail.

Now the Sheriff's Office and Wellpath need to collaborate to better adapt the jail's policies and procedures, both to prevent outbreaks and to relieve the isolation and limited activity that have resulted from the jail's mitigation and quarantine procedures. Keeping everyone safe was the first critical priority, but after more than a year, the Sheriff's Office and Wellpath must focus on improving living conditions in the jail, especially the isolation and lack of communication with the outside world.

By continuing efforts to keep the incarcerated population at or below the levels we experienced during the pandemic, the cost savings will be more than sufficient to defray some of the jail's longstanding and troubling problems, including the lack of sufficient visiting options, the insufficient number of discharge planners, and unsustainable amounts of mandatory overtime for correctional officers.

The Jury recognizes that fast-moving developments in the fight against COVID may overtake some of its Recommendations. The Jury is hopeful, for example, that everyone who works or sleeps in the County jail is vaccinated by the time this report is published. With the potential for variants and the likely need for booster vaccinations, however, the Jury believes its Findings and Recommendations remain valid and relevant.

COMMENDATIONS

- The Jury commends the District Attorney and the Public Defender for their cooperative approach to reducing the County's incarcerated population to mitigate the spread of COVID-19.
- The Jury commends the Sheriff's Office for leading the effort to change policing policies throughout the county to maintain the reduced jail population.
- The Jury commends Independent Order of Law Enforcement Review and Outreach for being responsive to inmates' concerns and prompting the Sheriff's Office to begin providing inmates with 10 minutes of phone time each day.

FINDINGS

The Sonoma County Civil Grand Jury determined that:

- F1. Sonoma County did not suffer the COVID infection and death rates in its jail that other counties did, in large part because of its success in reducing the size of the jail population.
- F2. Without the extraordinary cooperation between the Sonoma County District Attorney, the Sonoma County Public Defender, and the Sheriff, the incarcerated population would not have dropped dramatically early in the pandemic and remained at historic low levels for more than one year.
- F3. The reduction in the size of the County's incarcerated population resulted in a substantial reduction in Sheriff's Office Detention Division overtime.
- F4. Keeping the incarcerated population at or below 800 people would save the County between five and six million dollars every year.
- F5. The Sheriff's practice of issuing citations rather than arrests for misdemeanors and non-violent felonies has helped prevent the MADF population from increasing.
- F6. The Implementation of the Zero Cash Bail Initiative has helped to prevent the MADF population from increasing.
- F7. The Sheriff's Office and Department of Health Services failed to collaborate in order to alleviate the isolation and reductions in programs that were imposed on the incarcerated population to mitigate health risks.
- F8. The Sheriff's new policy of inmate visits limited to once per month starting May 1, 2021 is insufficient to relieve a year's absence of visual communication with friends and family.
- F9. Allowing jail staff and inmates to refuse testing and vaccination creates a risk to public health.

- F10. Discharge planners could play an indispensable role in preventing the spread of COVID-19 between the jail and the community.
- F11. Adding at least four new discharge planners at the Main Adult Detention Facility would contribute to lowering the recidivism rate and therefore play a key role in maintaining a lower incarcerated population

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that:

- R1. The Sheriff's Office develop, no later than September 1, 2021, a policy to restore out of cell activity, in person and video visitation, and all programs to pre-pandemic levels. (F8)
- R2. The Sheriff's Office implement 30-minutes of video visits per week by September 30, 2021, and continue until it fully restores in-person visits to their pre-pandemic levels. (F7, F8)
- R3. The Sheriff's Office should continue the pandemic-era policies favoring citations over arrests. (F4, F5)
- R4. The Sheriff's Office and the Board of Supervisors work together to develop a plan by December 31, 2021 to increase the contracted Wellpath resources to fund four additional Wellpath discharge planners for mental health and medical assignment to the Main Adult Detention Facility. (F10, F11).
- R5. The District Attorney discontinue cash bail for defendants charged with misdemeanors and non-violent, non-sexual, and less serious felonies. (F6)
- R6. The Sheriff's Office implement a surveillance-testing program and require 100% participation by all unvaccinated jail staff by September 1, 2021. (F9)
- R7. The Sheriff's Office reassign jail staff who decline vaccination or participation in surveillance testing by September 1, 2021. (F9)

REQUIRED RESPONSES

Pursuant to Penal Code §§ 933 and 933.05, the Grand Jury requires responses as follows:

- Sonoma County District Attorney (R5)
- Sonoma County Sheriff's Office (R1, R2, R3, R4, R6, R7)
- Sonoma County Board of Supervisors (R4)

The governing bodies indicated above should be aware that their comments and responses must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

BIBLIOGRAPHY

Hyperlinks for key source material have also been included in the body of the electronic version of the report.

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EMERGENCY ALERTS and COMMUNICATIONS

Toward a Culture of Preparedness

SUMMARY

As spring moves into summer, and summer into autumn with its hot wind-flamed days, a sense of apprehension grows in the pits of stomachs. Residents, new and old of Sonoma County, have come to dread the next wildfire season. This 2020-2021 Civil Grand Jury report stems from concern, anxiety and hopes that we can adapt and become better prepared as a county. In our investigation, we looked into the role and effectiveness of the emergency alerts and communications and how they tie into our overall community preparedness for disasters of any kind.

The Grand Jury sought to understand where the gaps in the alerts and emergency communications occur and why. What has been done to reach the underserved populations of the county? The report focuses upon many areas within the County which have experienced the impact of recent wildfires. The questions that drove the investigation were:

- What improvements have been made by the County and cities to emergency communications since the 2017 Tubbs and Nuns Fires?
- Why were emergency communications unreliable in remote areas?
- Does everyone know how to sign up with SoCoAlerts and/or Nixle - what phones and technology work best?
- Do residents know their evacuation zones and why have the evacuation maps been unreliable or confusing?

Finally, why do people still seem frustrated and confused by the alerts while County government, cities, and the Fire Districts seem confident about their progress with the alert systems and emergency communications? *What do they know that we don't know?*

The investigation looked at how the County government supports-community preparedness efforts through its administrative diligence in updating key documents and in securing needed funding. This administrative oversight role pertains to any potential disaster; wildfires, floods, hazardous materials, earthquakes, the collapsing of dams, and public health crises.

The Grand Jury learned of concerns from interviews with emergency first responders. All expressed their certainty of another fierce wildfire occurring such as the Tubbs Fire: that it is not a matter of *if* but of *when*. They shared their concerns about the human limitations in fighting such a force of nature, and how their jobs as firefighters and police would become not about battling the blaze, but getting people out of harm's way, and protecting their own personnel as well.

With each succeeding emergency event, the County Department of Emergency Management (DEM), the Sheriff's Office and city Police and Fire Departments have adapted their use of emergency communications. However, the Grand Jury found that not all cities and agencies

have updated their Emergency Operations Plan (EOP) with the new findings. In addition, the County’s EOP of 2014, overdue for an update, is being revised and under review. This is important because the cities and agencies either rely upon the County’s EOP or use it as a base to create their own local EOPs. In effect, both the County and the local EOPs are an extension of the State of California’s Emergency Operations Plan.

In parallel, the County’s DEM, fire agencies, and many others are reaching out to educate the general population and to encourage their personal preparations. It is in this area that the Grand Jury recommends greater effort be applied. With the threat of large-scale events—mega fires, a major earthquake, extended power outages—first responders would be quickly overwhelmed and residents would be on their own and cut off from the usual assistance. In light of this, residents share in the responsibility for emergency preparedness in partnership with local government. They can organize into neighborhood groups, fire hardening homes, create vegetation setbacks, and stay informed. By working together and adopting emergency preparedness as an ongoing process, the entire community will improve its resiliency. Signing up for alerts and warnings, knowing evacuation zones, and being connected with neighbors will make living here safer and more secure in this time of increased wildfires.

For a comprehensive reference on emergency preparedness, valuable resources, contact information, and to sign up for alerts, see the [SoCo Emergency](#) website or Appendix A at the end of this report.

SUBSEQUENT EVENTS

We want to acknowledge that on May 21, 2021 the County and the nine cities updated their Evacuation Maps with zones. To view; go to SoCo Emergency or city websites for the zone of your home, work, or children’s schools.

GLOSSARY

- ARES Amateur Radio Emergency Service
- BOS Board of Supervisors
- CAL FIRE California Department of Forestry and Fire Protection
- CERT Community Emergency Response Teams
- COAD Community Organizations Around Disasters
- COPE Citizens Organized to Prepare for Emergencies
- DEM Department of Emergency Management
- EAS Emergency Alert System
- EMS Emergency Medical Services
- EOC Emergency Operations Center
- EOP Emergency Operations Plan
- FEMA Federal Emergency Management Agency
- Fire Agencies County and City Fire Departments or Fire Districts
- IPAWS Integrated Public Alert & Warning System
- Nixle Email, text, and web messages from local fire and law enforcement agencies that include public safety messages as well as emergency information.
- NOAA National Oceanic And Atmospheric Administration

- PSPS Public Safety Power Shutoff
- REDCOM Redwood Empire Dispatch Communications - 911 Fire and EMS dispatch
- SoCoAlerts Sonoma County Alerts
- SoCo Emergency Sonoma County Emergency and Preparedness Information
- Sonoma County 2-1-1 Information and referral service for Sonoma County. During times of disaster, 2-1-1 provides incident-specific information.
- WEA Wireless Emergency Alerts

BACKGROUND

The Experience of Sonoma County

Sonoma County has made rapid progress with its alert and warning systems, expanding and refining its capabilities with use of technology and striving towards an integrated approach using multiple systems. This is not surprising, looking back at the series of wildfires and floods. Our County is among the top of the approximately 25 fire-prone counties of California, with higher populations and more frequent disaster threats; these counties have worked to develop the best tools and best practices around the State.



The Counties of San Diego, Santa Cruz, Santa Barbara, and Sonoma stand out for their combined use of both low-tech and high tech alerts:

- Opt-in Alert - Nixle and SoCoAlerts
- Non-opt-in systems that broadcast over a defined geography - IPAWS (WEA, EAS, and NOAA)
- Community Emergency Response Team (CERT) program communications and preparation for emergencies
- Air raid Sirens (sometimes installed for special safety zone alerts, such as at refineries in Contra Costa or the nuclear power station in San Luis Obispo)
- Amateur Radio Emergency Service (ARES) or Ham Radio, as in Santa Cruz

This follows the strategy of using multiple methods to reach the broadest group of residents. Sonoma County has applied all of these tools and techniques, to some degree. The primary opt-in alert tool, SoCoAlerts is much like other county alert systems (e.g., AlertMarin, MendoAlert, SacramentoAlert, Alert San Diego, *et al*). Many counties, including Sonoma, use a dual system of these tools plus Nixle in their opt-in communications. Many California Counties have worked with the Federal alert tools (IPAWS) to adapt its use for their local messages and alerts.

These same Counties have also advocated for localized community response groups such as CERT. In Sonoma County, fire agencies have been instrumental in their support of community preparedness groups, such as Citizens Organized to Prepare for Emergencies (COPE). This is an on-going effort that has best traction in areas of the county that are at highest risk. The Auxiliary Communications Service (ACS) of 125 volunteers operates under the Department Emergency Management (DEM) and gives added support to emergency communications between the county and outlying areas. Trained in all aspects of communications from amateur radio to satellite and cellular phones, the ACS is an invaluable resource.

Sonoma County is making use of most of the tools, and has become more proficient at using them in recent years. However, there remains opportunity to continue to develop the types of alerts and the procedures employed with each, along with creating enough redundancy in the alert systems, so they may benefit all segments of the community.

New Statewide Warning Guidelines Issued in March 2019

The State of California issued the California Alert & Warning Guidelines (Guidelines) in response to the increasingly dire fire seasons throughout California, starting with 2017. The previous alert systems had proved inadequate and inconsistently applied. Echoes of the landline era quaintly remain in the new Guidelines with the inclusion of low-tech alerts like church bells and foghorns to warn residents. The Guidelines state:

“A comprehensive alert and warning program is a critical component to a community’s ability to effectively respond to emergencies. With recent disasters in California highlighting the differences and inconsistencies among various alert and warning programs across California, emergency management leadership representing California’s Standardized Emergency Management System identified the need to establish statewide guidelines for the purpose of enabling and encouraging consistent application of alert and warning best practices, procedures, and protocols.”

The guidelines include all manner of warnings: the state of the art in wireless technology, the IPAWS federal alert system developed in 2012, along with low-technology systems such as NOAA radios, air sirens, loudspeakers, and door-to-door notification for rural areas. The Guidelines advise on making sure that redundancies are built in for local emergency alert plans.

Local jurisdictions are tasked with enacting ordinances and developing policies for roles and responsibilities in disseminating emergency alerts. San Francisco Bay Area Counties, of which Sonoma County is part of, is responsible for submitting annually a Local Emergency Alert System Plan (EAS Plan) to the State EAS Committee. All local entities are to coordinate closely with one another to become familiar with all alert and warning systems prior to an emergency.

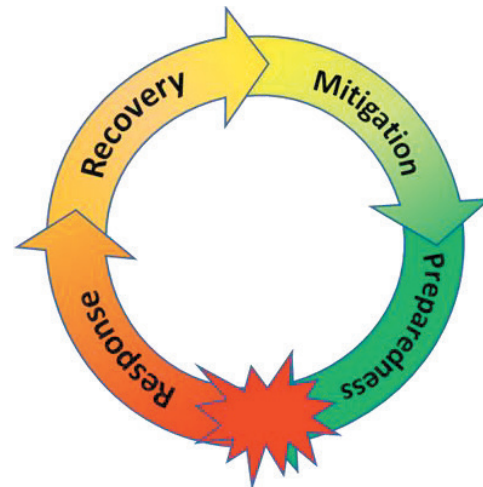
A model Local Alert and Warning Plan which supports the jurisdiction Emergency Operations Plan is appended to the state Guidelines. It covers such topics as the maintenance of 24/7 staffing for emergency alerts, training, a backup emergency system, periodic testing of the emergency alert systems, as well as requiring After Action Reports after an officially declared emergency, either by the state or a local entity. Sonoma County is currently updating its EAS Plan to submit to the State.

The Emergency Management Cycle

It takes up to 10 years or more for a community to recover from a major disaster. Comparative studies have looked at the impact of disaster recovery in places as diverse as Haiti, Christchurch New Zealand, and New Orleans with Hurricane Katrina. There is greater understanding about how and why communities recover differently and how communities can “Build Better”¹ afterwards. Recovery has more to do with the conditions existing prior to an event, such as economic resources, capacity, and social capital, than the event itself. On one hand Sonoma County is strong in all these ways and we have the ability to rebound successfully; however; recurring fires make recovery more difficult with people deciding to move to less threatened locations.

The emergency management cycle illustrates an ongoing process, with no beginning or end, that organizations and individuals can plan for and take steps to reduce the impact of disasters.

- **Mitigation:** Activities designed to reduce the effects of a major disaster and future ones. For wildfires, clearing vegetation and hardening of homes.
- **Preparedness:** Activities, programs and systems that exist before an emergency and are employed to enhance response to any emergency or disaster. Including emergency communications, neighborhood groups, family plans for evacuation, plans for pets and livestock, and “go bags”.
- **Response:** Activities, agencies, and first responders addressing the immediate effects of the onset of a disaster. Firefighters, Red Cross, and police deployed and residents evacuating.
- **Recovery:** Long-term activities and programs to return systems and support the community back to a normal status. Planning for ways to avoid future emergencies.



Communities can be in several places of the cycle at the same time and for differing lengths of time. Sonoma County currently is in mitigation, preparedness and response and recovery – all at the same time! We are preparing for the next fire with mitigation and preparedness efforts, responding to the Covid-19 health crisis, and still recovering from the previous wildfires.

It Is Not Just Wildfires That Create an Emergency Situation

While in recent history the focus of emergencies in Sonoma County has been on wildfires, the dangers caused by flooding, earthquakes, and tsunamis must not be overlooked. Residents need to prepare for these disasters as well, along with knowing about evacuation routes and emergency communications.

¹ Sendai Framework for Disaster Risk Reduction 2015-2030. adopted at the Third UN World Conference in Sendai, Japan, on March 18, 2015

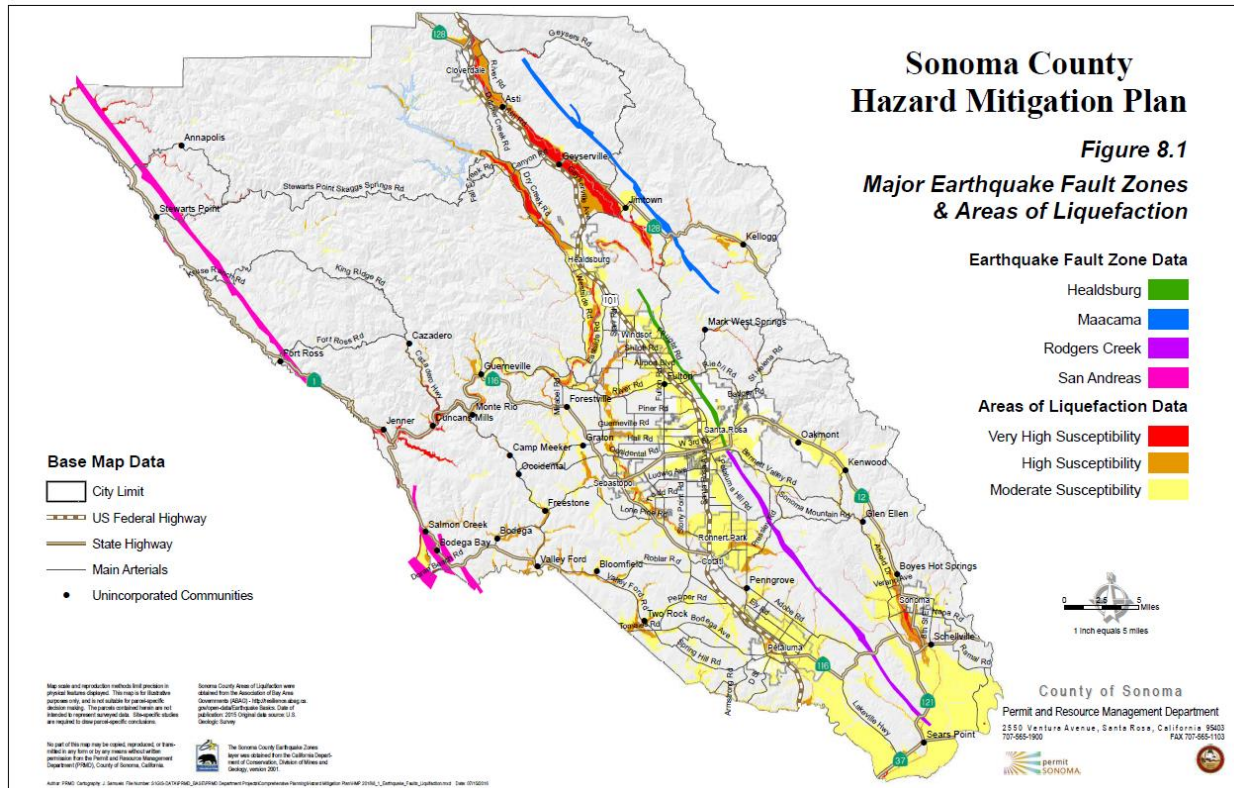
Earthquakes

Sonoma County has experienced a few strong earthquakes over the years. The first notable one was the 1906 San Francisco earthquake on the San Andreas Fault, destroying a large portion of downtown Santa Rosa with a magnitude 7.9. It happened again in 1969, when the Rodgers Creek Fault, which passes beneath Santa Rosa, damaged many structures with a pair of back-to-back earthquakes at a magnitude 5.6 and 5.7. According to the U.S. Geological Survey (USGS), the Rodgers Creek fault has a potential for strong shaking from an earthquake. They gave a 33% probability of at least one large earthquake (magnitude 6.7 or greater) occurring on this fault or the adjoining Hayward Fault by the year 2043.

Sonoma County has four major earthquake zones:

- Healdsburg – running east of Cloverdale south towards Mark West Springs
- Maacama – running just east of Hwy 101, south of Healdsburg to central Santa Rosa
- Rodgers Creek – running from central Santa Rosa south past Sears Point
- San Andreas – running just south of Bodega Bay along the coast into Mendocino County

There is a potential for an earthquake to happen in any part of Sonoma County. Residents need to be prepared to receive emergency alerts, warnings, and notifications. They also need to know routes of potential evacuations. Individuals can receive automated notification emails from the [Earthquake Notification Services](#) (ENS) when an earthquake happens in their area. The default to receive this notification is a magnitude 6.0 or greater earthquake.



Source: SoCo Emergency website

Flooding in Sonoma County

Flooding in Sonoma County is a common occurrence during the rainy season. Every community has the potential to be impacted by a flood. It destroys homes, blocks roads, disrupts agricultural lands, and isolates whole communities. It turns roads to streams where boats become the only mode of transportation. Heavy rainfall in 2017 caused a series of floods throughout California; Northern California saw its wettest winter in almost a century, breaking records set in 1982-1983.

Russian River

The Russian River is one area of concern every year as the rains move into Sonoma County. The Russian River starts just east of Willits in Mendocino County, moving into Sonoma County north of Cloverdale. South of Healdsburg, it receives water from Lake Sonoma via Dry Creek. As it continues past Forestville, Rio Nido, Guerneville and Monte Rio it picks up water from Mark West Creek, Green Valley Creek, and Austin Creek. After passing Duncans Mills, it flows into the Pacific Ocean between Goat Rock Beach and Jenner.

The Russian River Flood Stages are as follows ([Sonoma Water website](#)):

- NORMAL FLOW CHANNEL - The flow based on average channel depth in winter months (November - February).
- MONITOR STAGE - The stage at which initial action must be taken by concerned interests. This level may produce overbank flows sufficient to cause minor flooding of low-lying lands and local roads.
- FLOOD STAGE - The Stage at which overbank flows are of sufficient magnitude to cause considerable inundation of land and roads and/or threat of significant hazard to life and property.

In recent years, the Russian River has risen above flood stage causing the evacuation of communities, blocking roads, and inundating agricultural lands. In February 2019, flooding impacted large parts of Sonoma County when the Russian River crested at 45 feet, 13 feet over flood stage.

Warm Springs Dam

With the construction in 1983 of the Warm Springs Dam across Dry Creek, Lake Sonoma was born. When full, the lake has more than 2,700 acres of surface area, 50 miles of shoreline, and holds 381,000-acre feet of water. Built and maintained by the U.S. Army Corps of Engineers, the dam is a rolled-earth embankment dam at 319 feet high, 3,000 feet long, and 30 feet wide at the top. The dam produces electricity from its hydroelectric plant and aids in flood control. Thankfully, Sonoma County has not yet experienced an emergency when it comes to our dams.

Spring Lake

As part of the Central Sonoma Watershed project in 1964, Sonoma Water constructed Spring Lake as a flood protection reservoir. Unlike Warm Springs Dam, it consists of three steel and concrete dams, spillways, and channels. The lake helps divert floodwaters from the springs and Santa Rosa Creek to alleviate flooding in downtown Santa Rosa. In 1986, according to the Sonoma Water website, Spring Lake exceeded its capacity resulting in floods.

Tsunamis

A tsunami is a series of waves or surges that may be generated by earthquakes along subduction zones around the rim of the Pacific Ocean or submarine faults causing vertical movement of the sea floor. They have the potential of traveling 20-30 miles per hour with waves forming 10-100 feet high. The [NOAA - U.S. National Tsunami Warning Center](#) (NTWC) provides reliable detection, forecasts, and warnings to promote public safety.

While tsunamis are rare, residents still need to be prepared. Tsunami inundation areas in Sonoma County have been identified as:

- Bodega Head Quadrangle – Valley Ford Quadrangle (Salmon Creek, Bodega Bay)
- Arched Rock Quadrangle– Duncan Mills Quadrangle (Jenner, Ocean View)
- Sears Point-San Pablo Bay National Wildlife Refuge (Up Sonoma Creek to the west & Petaluma River to the east)

Wildfires, Floods, and Public Health Crisis

After four years of repeated emergencies, Sonoma County has well earned its “Sonoma Strong” badge. A sequence of emergencies began in early January of 2017 when the Russian River rose 3 ft. above flood stage in Sonoma and Mendocino Counties, inundating 500 homes in Guerneville, leading to the evacuation of 3,000 residents. Later in October, the Sonoma LNU Complex Fires, best known as the Tubbs and Nuns Fires, tore through the County destroying 5,400 homes with a loss of 22 lives. While 2018 was a relatively quiet year, the skies became smoke-filled and ominous from the Mendocino Complex and Camp Fires. The next year 2019 ushered in two major winter storms in February each with more flooding of the Russian River. This was followed in October with four PG&E power shutoffs and the Kincade Fire where 77,758 acres burned, 374 structures (including 174 homes) were lost, one-third of the County was evacuated (190,000 residents) but thankfully there were zero deaths.

Since 2015, Sonoma County has made CAL FIRE’s Top 20 lists in all three categories; most destructive, deadliest, and largest; including having the dubious distinction five times of being in the Top 20 Most Destructive category. (Figure 1 below)

It’s not always worth being in the “Top 20”

Date	Fire	County	Acres	Structures* Damaged	Structures* Destroyed	Deaths	CalFire Top 20 lists
Sep 2015	Valley	Sonoma, Lake, Napa	76,067	93	1,955	4	#6 - Top 20 Most Destructive
Oct 2017	Tubbs	Napa, Sonoma	36,807	317	5,636	22	#2 - Top 20 Most Destructive #4 - Top 20 Deadliest CA Wildfires
Oct 2017	Central LNU Complex (Nuns, Adobe, Norrbom, Pressley, Partrick, Oakmont)	Napa, Sonoma	54,382	172	1,355	3	#13 - Top 20 Most Destructive
Oct 2019	Kincade	Sonoma	77,758	60	374	0	Largest fire of the 2019 California wildfire season
Aug 2020	LNU Lightning Complex	Napa, Sonoma	363,220	unkn	1,491	6	#11 - Top 20 Most Destructive #16 - Top 20 Deadliest CA Wildfires # 5 - Top 20 Largest CA Wildfires
Sep 2020	Walbridge	Sonoma	55,209	unkn	334	0	(within LNU Lightning Complex)
Sep 2020	Glass	Napa, Sonoma	67,484	282	1,555	0	#10 - Top 20 Most Destructive

*Structures include homes, outbuildings, and commercial properties destroyed.

Figure 1 – Source: CAL FIRE

Toward the end of 2019, in response to the homelessness crisis with the encampment on the Joe Rodota Trail, the Emergency Operations Center (EOC) was activated and would remain open through February of 2020. The arrival of Covid-19, in mid-March 2020, further compounded the emergencies for the year 2020. From August through October, the Walbridge and Glass Fires and several other fires burned approximately 125,000 acres and destroyed 334 homes in the County. Responding to the Covid-19 crisis and wildfires, the EOC was open a record 123 days.

The Board of Supervisors Expand the Department of Emergency Management

These intense years of coping with a variety of natural and man-made disasters have made an impact upon the local government and the residents of Sonoma County. With so many people in our county experiencing grief and trauma; with the loss of homes, businesses, and overwhelmed first responders; our county has been hard hit and stretched to its capacity. Out of this, however, has developed a resolve to meet the devastation at hand by organizations and local governments and individual's communitywide. It is commonly understood among professionals and organizations involved in disaster relief that it can take a community anywhere up to ten years or more to fully recover. What may not be fully understood is what happens when the disasters keep happening?

In response to the longer fire season and extreme weather events, the DEM became an independent county department in July of 2019, under the direction of the Board of Supervisors (BOS) and County Administrator's Office. Its increased staff now also includes a Community Preparedness Program Manager, a Community Alert & Warning Manager, and dedicated technicians for alerts and other needs. Its areas of focus are: mitigation, preparedness, planning, coordination of response, and recovery activities related to emergencies and disasters. For planning, the DEM oversees and maintains the Sonoma County/Operational Area Emergency Operations Plan (2014), with the oversight of the Emergency Council.

Emergency Operations Centers

The Sonoma County Operational Area EOC, located at the county government campus, dates back to 1974 and was remodeled in 2004 for dual use as a computer-training center during nonemergency times. The EOC is equipped with a Local Area computer network, communications equipment, an EAS transmitter for local emergency alerts, a twelve-line Public Information Hotline, and a wireless local area network. During an emergency, Auxiliary Communications Operators (ACS) will link the County EOC to its volunteer network throughout the county. The EOC is activated only at times of emergency and will have up to 75 individuals working at its center.

Cities within Sonoma County also activate local EOC's during disasters. These city EOCs maintain vital communication with the County to ensure coordination amongst all disaster responders.

Overview of Firefighting: County Firefighters and CAL FIRE

During an emergency, a local Fire Department will be the first responder to a disaster site. If this should evolve into a much greater emergency that requires additional support, the Fire Chief becomes the Incident Commander in charge of the firefighters from outside their area until the arrival of CAL FIRE, who will assume lead of the Incident Management Team under Unified

Command². There may be a representative from the local Fire Department who goes to the County EOC to assist with their staff about the fire conditions.

The County EOC handles logistical needs for the firefighting crew at the Incident Command Base; everything from food to supplies and equipment. At the EOC site, dedicated communications staff keep the public informed through a variety of alert systems. They coordinate the messages with the other city EOCs and departments as well as the County Sheriff's Office.

By 2019, Nixle was in full use, there was a fully staffed County EOC, and each city had its own EOC, many with a dedicated Public Information Officer (PIO) to handle alerts and communications. Using the Incident Command Structure³ as its organizational base, the Fire and Police Departments have worked to more closely align themselves to this structure, which is also adhered to by CAL FIRE. Every Police Chief and Fire Chief we interviewed for this report explained in detail how their departments followed this structure and how it enables a ready and coordinated response. Everyone knows their job and whom to report to.

Alert Systems in Sonoma County

SoCo Emergency

Operating under Sonoma County's Department of Emergency Management (DEM), [SoCo Emergency](#) supplies emergency information regarding but not limited to: evacuation orders, active alerts and warnings, links to road closures, pandemic information, and police and fire departments. This site also provides information on how to prepare for and recover from a disaster.

SoCoAlerts

[SoCoAlert](#), managed by the DEM, is a free emergency notification service which provides information about public safety, property or the community's welfare. It gives Sonoma County the ability to utilize a library of preformatted messages to quickly send in an emergency.

This provides the County's first responders a greater ability to notify residents and businesses through a broader medium using landline and mobile phone, text message, email, and social media regarding time-sensitive, geographically specific emergency notifications. The system also works with devices for the hearing impaired.

Nixle

Nixle is a service used by the Sheriff's Office, city law enforcement, and fire agencies to send email and text messages that include public safety messages as well as emergency information. While each subscribing agency determines how they will utilize the messages, they also recognize the system has limitations. An example of this is the limited amount of data that can

² Unified Command - In the incident *command* system, a *unified command* is an authority structure in which the role of incident commander is shared by two or more individuals, each already having authority in a different responding agency.

³ Incident Command is a standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective.

be sent with each alert. As messages are targeted to specific geographic regions based on cell phones and email accounts, there is the possibility to receive messages outside the designated emergency area.

As with SoCoAlerts subscribing agencies have the ability to utilize a library of preformatted messages to quickly send them in an emergency. Messages are created and assigned a priority level to ensure important information reaches the public.

Nixle Guide for Law Agencies

Level of Notification	Description	Examples	Geo Fence	Contact method	Message Type
Tier 1 – General Information Responsibility: PIO team	General Awareness Information	<ul style="list-style-type: none"> Community Events & Awareness Low Impact Police Activity (arrest, investigations) 	None	Community Type: <input checked="" type="checkbox"/> EMAIL <input checked="" type="checkbox"/> Social Media	
Tier 2 – Low Urgency Responsibility: Patrol/Dispatch (PIO Team if available)	Medium Level Warning: Impact the Residents but NON-Threatening	<ul style="list-style-type: none"> Road Closure due to Police Activity (avoid the area, in progress event) BOLO Suspect (Limited threat) 	<ul style="list-style-type: none"> Geo Fence 5 mile radius. IC to define 	Advisory Type: <input checked="" type="checkbox"/> SMS <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Facebook	
Tier 3 – High Urgency Requires Immediate Action Responsibility: Dispatch (PIO Team if available)	Severe Threat: Requiring Action Taken, Immediate Threat to Life/Property	<ul style="list-style-type: none"> Evacuation Shelter in Place BOLO Suspect, imminent threat Missing Child/Person, extraordinary circumstances. Active Shooter Major Incident 	<ul style="list-style-type: none"> IC to define IC to define IC to define 1 mile per hour missing, depending on mobility. None None 	Alert Type: <input checked="" type="checkbox"/> SMS <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> SoCoAlert <input checked="" type="checkbox"/> Social Media <input checked="" type="checkbox"/> WEA/EAS Alert (if directed by W/C)	

Note: Issuing an ALL CLEAR should be issued for evacuations, shelter in place, when a major thoroughfare (HWY 101 & HWY 12) is reopened or when any incident needs an official closure message.

Source: Emergency Management 2019 Annual Report

Nixle Guide for Fire Agencies

Level of Notification	Description	Examples	Geo Fence	Contact method	Message Type
Tier 1 – General Information Responsibility: PIO/Office staff as appointed	General Awareness Information	<ul style="list-style-type: none"> Community Events & Awareness Low Impact Activity (vehicle accidents, fires, investigations, localized flooding, street closures) Prescribed burning/Vegetation management recommendations Drift smoke 	None	Community Type: <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Social Media	
Tier 2 – Low Urgency Responsibility: PIO/Office staff as appointed	Medium Level Warning: Impact the Residents but NON-Threatening	<ul style="list-style-type: none"> Road Closure due to Fire Activity (avoid the area, in progress event) Train/Aircraft/MCI incident Landslides Red Flag Warning Fire related incident impacting dispatch services 	<ul style="list-style-type: none"> Geo Fence 5 mile radius Geo Fence 5 mile radius Geo Fence 5 mile radius Countywide Countywide 	Advisory Type: <input checked="" type="checkbox"/> SMS <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Social Media	
Tier 3 – High Urgency Requires Immediate Action Responsibility: PIO/Office staff as appointed	Severe Threat: Requiring Action Taken, Immediate Threat to Life/Property	<ul style="list-style-type: none"> Hazmat Major Incident Evacuation/Shelter in Place* <p>*Coordinate with Law/Sheriff</p>	<ul style="list-style-type: none"> IC to define IC to define IC to define 	Alert Type: <input checked="" type="checkbox"/> SMS <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> SoCoAlert <input checked="" type="checkbox"/> WEA/EAS Alert <input checked="" type="checkbox"/> Social Media	

Note: Issuing an ALL CLEAR should be issued for evacuations, shelter in place, when a major thoroughfare (HWY 101 & HWY 12) is reopened or when any incident needs an official conclusion message.

Source: Emergency Management 2019 Annual Report

Wireless Emergency Alerts – WEA

[Wireless Emergency Alerts](#)(WEA) are free messages sent directly to cellular phones in a geographically targeted affected area. WEAs are sent by state, local public safety officials, the National Weather Service, the National Center for Missing and Exploited Children, the U.S. Geological Survey, and the President. They have a limited number of characters and notifications are designed to get your attention and alert users with a unique sound and vibration. The unique sound and vibration cadence are particularly helpful to people with visual or hearing disabilities.

WEAs are one-way alerts to any cell phones in range of the cell tower, which ensures that authorities cannot collect any data from an individual.

Emergency Alert System

The [Emergency Alert System](#) (EAS) is a national public warning system that requires radio and TV broadcasters, cable TV, wireless cable systems, satellite and wireline operators to provide the President with capability to address the American people within 10 minutes during a national emergency. These are the messages most of us are aware of as the messages can interrupt radio and television to broadcast the emergency alert information.

METHODOLOGY

This is a self-initiated investigation by the 2020-2021 Sonoma County Civil Grand Jury.

The Grand Jury held interviews with:

- Representatives from law enforcement and fire agencies
- Appointed and elected officials and governmental department heads

The Grand Jury reviewed and evaluated documents from a wide range of sources addressing emergency communication and evacuations including Emergency Operations Plans, After Action Reports, Alert and Warning systems, Newspapers and regional news sources, as well as websites from County and City departments and agencies.

DISCUSSION

On the Receiving End

Communication shortcomings during the many emergencies have been of grave concern for everyone in the county. Broadband access remains uneven throughout Sonoma County because of its unique topography, and this affects the reliability of emergency notifications. The 2017 Grand Jury Report “October Firestorm Emergency Response” captures the lack of developed infrastructure for emergency preparedness of Sonoma County at that time.

Communication Breakdown of County Agencies During the 2017 Sonoma Complex Fires

During the Tubbs Fire, Police and Fire Departments found their radios unable to connect to one another or to other fire crews arriving from out of the area. The extreme conditions of the fires made communications chaotic as firefighters were overwhelmed at the front lines and police were focused primarily upon evacuating residents. Communications between the County EOC and the city EOCs was inadequate in meeting their needs. The emergency notification systems did not reach most residents in time, nor had residents or the county agencies held recent trainings or practice drills for preparedness.

Residents were unable to find updates online or with their cell phones about the fires or the evacuations. There were widespread power outages and further problems compounded by the conditions of thick smoke, strong winds and the rapid speed of the fire. Navigation for the fire engines at Coffey Park was difficult. Residents drove their cars literally through flames and falling embers and tree limbs. There was a fundamental lack of widespread notifications such as Hi-Lo Sirens on police cars, or public sirens. In its place, door-to-door notifications were employed by police and firefighters and others whose heroic effort saved countless lives.

How Technology Plays a Role in Residents' Response to an Emergency

For the residents living in Sonoma County, some in remote areas, others in neighborhoods, just how to respond to an emergency and knowing what to do has not always been clear. Some of the reasons for this include:

- Lack of dependable access to broadband (see companion report *Broadband Access in Sonoma County*)
- Not enough ongoing specific information in local newspapers and press releases about Nixle, SoCoAlerts, NOAA radios and other emergency alerts: how they function, what they do, how to sign up, and who needs which alert system
- Confusion about the evacuation zones
- Inconsistencies in receiving messages through Nixle or SoCoAlert
- Multiple non-emergency Nixle messages from different agencies about community news and police activity in addition to the alerts and warnings
- Not knowing where to get updates and news during power outages
- Isolation due to the suspension of normal activity during an emergency and being cut off from other people
- Not having up-to-date phones or computers
- Being unprepared for an emergency and overwhelmed by the situation

While the police and fire departments and other emergency responders have worked to build redundancies into their communication systems, residents do not always have the resources or know-how for going about this for themselves.

Evacuation Alerts and Notifications

Evacuations require a concentrated and coordinated effort on the part of fire and police departments and emergency personnel. Numerous emergency alerts and communications will be sent out repeatedly. During fast-moving fires, these notifications become critical to the success of timely evacuations and lives saved.

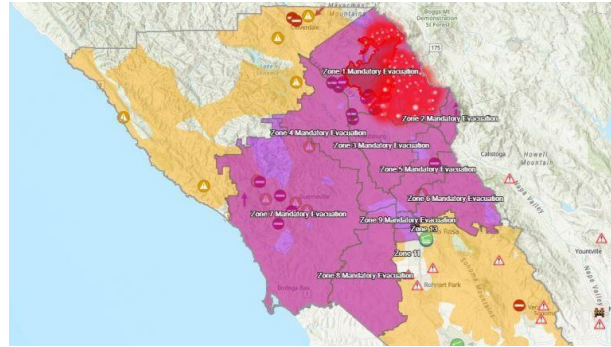
In 2017 and 2018, the massive scale of the fires and evacuations throughout the state of California exposed inconsistencies of the evacuation messages used by local governments that often led to confusion by the public at a critical time. In response, the California Governor's Office of Emergency Services brought together an Evacuation Terminology Working Group⁴ and in May of 2019 the Governor's Office announced new standard evacuation terminology be used throughout the state.

The evacuation conducted for the Kincade Fire in 2019 was by far the largest with about 190,000 residents, or one-third of the county's population. Because it was not a fast-moving fire, the County was able to sequence the alerts which gave residents plenty of time to prepare and get ready to leave. All in all, compared to the 2017 Tubbs Fire, the emergency response was more successful and the increased staffing at the EOC and agency partnerships helped in the

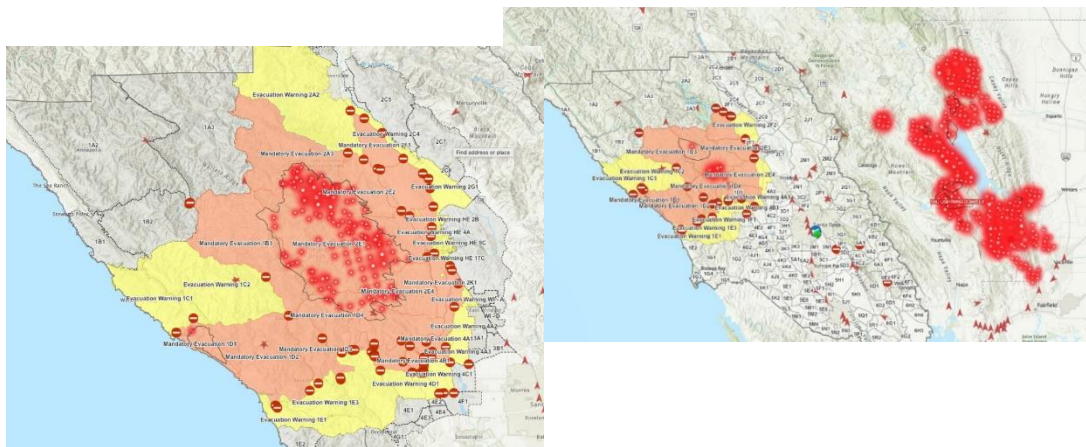
⁴ On March 4, 2019, the California Governor's Office of Emergency Services convened law enforcement representatives of FIRESCOPE.

consistency of emergency alerts, the evacuations and in setting up shelters. While there was a loss of homes and structures, there were no lives lost this time.

The unusual electrical storm that moved through northern California on August 15 - 16th of 2020 sparked numerous small fires and larger ones, leading to the unprecedented event known as the LNU Lightning Complex Fires (including Glass Fire). There were two major fires in Sonoma County, the Walbridge Fire north of Austin Creek State Park and the Meyers Fire southeast of Fort Ross. Over forty separate emergency messages were sent out to the community, and residents who lived closer to the fires were evacuated. This was the greatest number of messages ever sent out by the EOC to date. Even so, there were residents who did not receive the warnings or emergency notifications to evacuate. For others, it was unclear as to where the fires exactly were in proximity to their homes. In checking County and local websites, residents were directed to ARCgis.com, a mapping website, which at times was not reliable because of connectivity issues and the timing of the updates. The evacuation maps sent out with the alerts caused confusion too; there were differing zones between agencies, such as the County of Sonoma and City of Santa Rosa. There appeared to be other discrepancies in the alerts and unclear expectations for information.



Kincadee Fire Evacuations



2020 Walbridge Fire as part of the LNU Lightning Complex

University of Florida Survey

The unusually large number of people evacuated and the size of the Kincadee Fire created a data gold mine that caught the attention of a group of international researchers at the University of Florida. Under the direction of Professor Xilei Zhao, they conducted a survey of residents living in Sonoma County, with the assistance of the DEM. Its objective was to better understand why residents choose to evacuate and how long they are gone. The results should help Sonoma County – and other counties – and countries to prepare and make plans for future evacuations. The report will be posted later this summer on the University of Florida Transportation Institute Facebook page.

Evacuation Maps and Zones

Evacuation maps pose special challenges. CAL FIRE has its own maps that differ from the Sheriff's Office and local police and fire departments. This is not so much of a problem between these experienced parties, but it does cause confusion from time to time for those unfamiliar with these differing maps.



Then there are the zones. Each part of Sonoma County is divided into zones for the Evacuation Maps used by the County DEM and Sheriff's Office. Some maps utilize an alphanumeric sequence while others use common name designations. Residents are expected to know their zone number. Cities are now playing catch up, creating their own city maps, and dividing their cities into zone quadrants. The Sheriff's Office and DEM are working hard to coordinate between the County map and city maps with a rollout in the near future. All this work should greatly enhance the flow of future evacuations, helping avoid gridlocks and traffic jams. Residents should be able to know where the fires are occurring and more precisely when they should evacuate.

During the Kincade Fire, as one-third of the county evacuated, many experienced frustration with the evacuation maps. At this time, unbeknownst to the evacuees, the Sheriff's Office and the DEM were hard at work upgrading the maps to become interactive and more responsive. However, just before they had completed all their testing, the Kincade Fire started and grew, leading to – in this case - the premature release of evacuation maps.

The Reliance Upon Technology

Behind the scenes of emergency communications lies an intricate system of equipment; cell towers and repeater towers, computer networks, etc. Specially trained technicians and managers operate and maintain these systems and send out the alerts. There are the dispatch operators, public information officers of city and county Emergency Operations Centers, who generate and receive emergency alerts. Their know-how and ingenuity are fundamental to the operations of emergency communications.

The Heart of Emergency Communications: Infrastructure

The elements of emergency communications infrastructure are the equipment required for first responders and their support teams to communicate with one another. This same equipment is used by the emergency response team to communicate with the public.

Infrastructure and its equipment includes:

- Radios: The fire and police agencies use different frequencies that sometimes prevent communication between agencies.
- Network equipment: Necessary to relay the messages between Incident Command or dispatch services and the field personnel.

- Dispatch: Computer Aided Dispatch software and their network equipment, including the Public Safety Answering Point which provides telephone links into the dispatch service.
- Phones: Communicate with the public—including landlines, cellular phone towers, peripheral equipment to provide power, et cetera.

What Happens When You Make a 9-1-1 Call

When a person dials 9-1-1 to report an emergency, the call goes through either a landline or by commercial cell phone towers to a dispatch center. From any of the dispatch centers, a first responder will be contacted in the field by radio (e.g., law officials, fire agency, or EMS/ambulance service) to send help. Their radio request is issued from the dispatch service to area towers that can broadcast the request. The responder similarly reports via radio communications that return to a tower, and then to the dispatch service.

Towers and Repeaters

The infrastructure used for all this 9-1-1 communication includes the intermediary towers and repeaters—devices that receive radio signals at one frequency and transmit them at another frequency at higher power and range—that are distributed throughout the County (see Figure 2 below). These are necessary for broadcasting messages to and receiving from individual responder’s radios. The dispatch desk equipment is located in both County and various city offices, the Sheriff’s Office, the Redwood Empire Dispatch Communications (REDCOM) service, city police, and any city or district fire services or medical/ambulance dispatch services that are not part of REDCOM. There are also microwave and fiber optic communications that are used from base stations to the radio repeaters.

The radio towers and their repeaters, power supplies, and related equipment are the crucial links that transmit radio communications between base stations and radios in the field or simply between radios in the field. Without that equipment, the emergency Incident Command cannot get situational awareness updates and cannot order responders to locations and to take necessary action. Those towers are dispersed throughout the County, to assure coverage. They are commonly put into elevated positions on mountaintops that provide for line of sight microwave connectivity among the regional communications. These elevated placements, however, have the risk of being exposed to the emergency conditions such as fire or wind and becoming destroyed or incapacitated. The Wallbridge wildfire, for example, threatened to destroy the tower on Mount Jackson, and necessitated a stand by fire response teams to protect it. Failure to do so successfully could have disabled parts of the County’s central radio system. Without the County’s central radio system, emergency notifications may become disabled and cannot be sent. This continues to be a real threat today to all radio and emergency communications

In addition to exposure to weather conditions, the equipment must be maintained to assure that it is operating and dependable during emergencies. Periodically, hardware has to be upgraded or, when obsolete, replaced.

The County towers are under the control of the Sheriff’s Office and operated and maintained by the Sheriff’s Office Telecommunications Bureau. The towers serve the Sheriff, REDCOM, and various other County entities from bus communications to fire agencies. The County towers are also used by other agencies for their telecommunications equipment (under contract with the Sheriff’s Office for its installation and maintenance).

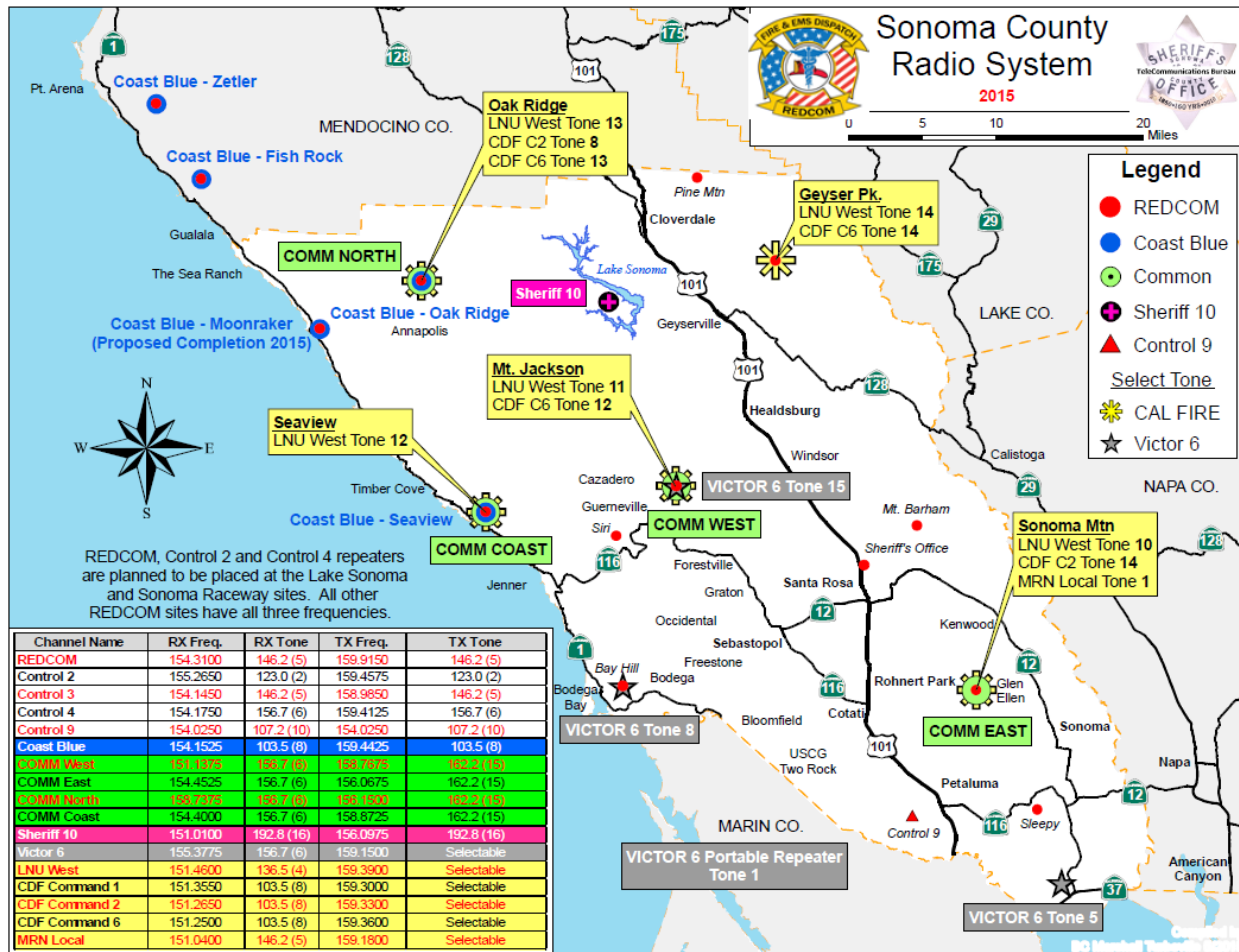


Figure 2 – Repeater Locations Source: REDCOM

From Few Alerts to Numerous Alerts:

The Grand Jury heard during the course of this investigation that - *Multiple alerts were intentional – we want people to be bothered.* Sonoma County first responders and the DEM have gained experience from the hard lessons of repeated wildfires. During an emergency, it is their priority for the community to be alerted at the earliest time possible, preferably during the daylight hours. In this way residents can better prepare and make evacuation plans. Using multiple avenues for alerts helps get the message out.

Redundancy

Duplicate notifications through both Nixle and SoAlert are designed to mirror each other. However, messages do not stop there, but also through Federal Emergency Management Agency (FEMAs) [Integrated Public Alert & Warning System](#) (IPAWS) the use of Wireless Emergency Alerts (WEAs), the Emergency Alert System (EAS), and on the National Oceanic and Atmospheric Administration's Weather Radio (NOAA) which all help to notify the public in times of emergencies.

While they are not an alert and warning system, additional resources are available using app based programs such as PulsePoint, phone and internet information systems like 2-1-1 Sonoma

County. There are also social media sites, under the umbrella of the County, Cities, Board of Supervisors, law enforcement and fire agencies, such as Facebook and Twitter.

There are many benefits when using alerts issued through a variety of public warning systems such as SoCoAlerts and IPAWS. A single emergency alert can trigger a variety of public warning systems, increasing the likelihood that people receive the alert by one or more communication pathways. Multiple messages encourage redundancy of systems to reach various segments of the public and to serve as back up communications in the event of one or more system failures. This is necessary because no one alert system reaches all its targets. The Grand Jury also learned that on average any one alert system may only reach 40% of its targets.

IPAWS indicates The Common Alerting Protocol can:

- Add rich multimedia such as photographs, maps, streaming video and audio
- Geographically target emergency alerts to a defined warning area - limited only by the capacity of the delivery system used
- Serve the needs of people who are deaf, hard of hearing, blind or low vision
- Send alerts in multiple languages

These multiple alerts have assisted residents in their greatest time of need by helping them to understand the disasters and know when to evacuate. They have also helped to reduce the demands on our county police and fire agencies. This can be noted by the dramatic reduction of 9-1-1 calls. (See Figure 3)

911 Calls - Month of Disaster and Month Prior to and After												
	2017 Tubbs Fire			2019 Kincade Fire			2020 LNU Lightning Complex Fire					
	Sept	Oct	Nov	Sept	Oct	Nov	July	Aug	Sept	Oct		
Sheriff's Office Dispatch	2,394	4,104	2,055	275	2,919	2,461	2,922	2,829	2,809	2,762		
Santa Rosa Dispatch	5,635	8,461	5,487	6,775	7,571	6,033	6,841	6,232	6,384	6,486		
Healdsburg Dispatch	192	206	196	297	285	214	239	220	257	301		
Sebastopol Dispatch	236	256	179	189	296	261	211	297	335	266		
	8,457	13,027	7,917	7,536	11,071	8,969	10,213	9,578	9,785	9,815		
REDCOM Dispatch*												
911 & abandoned calls	2,394	6,027	3,173	3,462	4,510	2,027	3,388	3,853	3,903	4,157		
10 dig & abandoned calls	2,810	5,887	2,449	2,734	3,989	1,382	2,612	3,373	2,891	2,934		
	5,204	11,914	5,622	6,196	8,499	3,409	6,000	7,226	6,794	7,091		
TOTAL CALLS	13,661	24,941	13,539	13,732	19,570	12,378	16,213	16,804	16,579	16,906		
% from mo prior to disaster		183%			143%			104%	102%			
% from mo after disaster		184%			158%			99%	98%			

*Abandoned Calls - 911 law enforcement transferred call but call was lost > 10 dig - landline

Figure 3 – Source: Law Enforcement and REDCOM Dispatch

The High-Technology Systems - Effectiveness of Nixle and SoCoAlerts

There has been improvement at all levels of the alerts and emergency communications used by the cities and their police and fire departments as well as the county since the Tubbs Fire in 2017. Today, we take for granted and benefit greatly from the standardized messages for evacuations. Residents may receive multiple messages during an emergency from these different entities. For the most part, the messages are coordinated carefully among the city's departments

and also with the County’s Sheriff’s Office and the EOC. Later in the report, this topic of multiple messages and building redundancy among the alert systems will be reviewed.

Although the communications systems have generally improved some confusion still exists. Nixle broadcasts through cell towers in a defined zip code but those broadcasts may extend beyond the boundaries of the zip code. The County Emergency Operations Center uses a different alert system, SoCoAlert, which has the capability of sending messages to cellular, landline, and email systems. Overall, the more alerts and warnings that a resident has access to helps to build redundancy, to ensure at least a few messages get through. Sometimes though there can be differences in the messages that can cause confusion or lack of clarity.

The Low-Technology Systems: Hi-Lo Sirens, Air Raid Sirens, and NOAA

The extremes of Sonoma County topography do not always allow effective transmission of alerts through the high technology systems. Because of this there need to be additional avenues to reach our residents. The California Alert and Warning Guidelines recommends counties look at alternative methods.

Hi-Lo Sirens

A European-style “hi-lo” siren authorized for use by law enforcement on emergency vehicles indicates an immediate need to evacuate during an emergency. Senate Bill 909, introduced by Senator Bill Dodd (D-Napa), authorized the installation on police, fire, ambulance, lifeguard, forestry or other emergency service vehicles.

The sound alternates between a high and a low frequency that alerts everyone of the critical need to evacuate now - stop everything and leave immediately. During recent fires, these sirens have been instrumental in helping to evacuate residents.

Air Raid Sirens

Air-raid-style sirens are used at fire stations to call a volunteer fire department into service. In recent years, new restrictions have completely silenced them at night or altogether.



While not traditionally used for wildfires they are used in many parts of the country to warn for tornados or flash floods. Due to the topography in many areas around Sonoma County, residents are unable to receive Nixle, SoCoAlerts and at times NOAA weather radio connections. While some believe that outdoor sirens are disruptive, others consider it as outdated technology. However, if it could be used to provide emergency warnings to the hard to reach populations of approaching danger is it worth a little disruption?

NOAA Weather Radio

[NOAA Weather Radio All Hazards](#) (NWR) is a nationwide network of radio stations that broadcast continuous weather information from the nearest National Weather Service office.

When properly programmed, the National Weather Service can remotely turn on these radios and send basic alerts, including for wildfire. The message may be accompanied by a warning tone.

The Grand Jury did learn of heartening progress in the community preparedness efforts. The Santa Rosa Fire Department distributed NOAA Emergency Weather Radios to city residents

living in the wildland-urban interface area, which was funded by FEMA. The Geyserville Fire Department distributed NOAA radios as well to its residents in 2020 and will do so again in 2021.

False Sense of Security

For all the pluses of our technology and reliance upon cellphones for information and communicating, there are serious drawbacks during an emergency. The vulnerability of county repeaters, cell towers, and PG&E's electric lines to extreme wind conditions has become more apparent. During this investigation, we heard of worry and caution from first responders. In the likelihood of another catastrophic wildfire (such as the Tubbs in 2017), the first concern would be of resident evacuation. Firefighting may not be possible until this is accomplished. Residents must receive alert notifications about what to do. In the dire scenario of residents not receiving notifications, it will be up to them to help one another and make their own plans to evacuate or seek safety.



Leadership Behind the Emergency

At all levels of government and among residents throughout the County, individuals and groups have worked tirelessly to confront the challenges that face us. Together, goals and work are being identified and delegated. Solid channels of communication are being created throughout the County with new networks among neighborhoods and the sharing of tools and knowledge. This is the building of an infrastructure to bring us through any disaster safely and prepare for the next while carrying on with our lives.

Activities Currently Underway

In April 2021, "Evacuation tags" were widely distributed to residents by the Sonoma County Sheriff's Office and by cities at designated sites countywide. These tags, placed in a conspicuous place on homes, will indicate to firefighters the homes that have been evacuated thus saving valuable time in checking upon residents. Fire Departments in the County will also fly red flags outside of their stations indicating critical fire weather conditions. Red Flag Warning days are to help alert that conditions are high for a wildland fire - to get ready for possible evacuation. The Grand Jury learned that most of the cities have followed the County Sheriff's Office and also have their police cars outfitted with hi-lo sirens to immediately notify residents in the event of an emergency.

In the County, there are organizational grassroots efforts underway to implement the many goals of fire prevention and preparedness. To become a part of the greater [Sonoma County Wildfire Protection Plan](#), Occidental citizens established a [Community Wildfire Protection Plan-Occidental](#) (CWPP), to strengthen fire prevention and preparedness. Camp Meeker citizens have also completed a draft community plan through Fire Safe Camp Meeker. The CWPPs are based upon the Fire Safe Councils' template and provide a structure for communities to educate residents about wildfire safety and prevention and to seek funding.

Expansion of the Department of Emergency Management

In 2018, the County Administrator's Office (COA) and the Board of Supervisors expanded the DEM into its own independent County department with responsibility of operating the County EOC. Staffed with dedicated Public Information Officers, and highly trained alerts managers/technicians, the EOC functions as the support to the firefighters on the lines; providing supplies, food, coordination of messages, and communications. Representatives from the larger city fire and police departments are stationed at the County EOC to relay messages between their departments in the field and the County.

Law Enforcement

The Sonoma County Sheriff's Office is the main law enforcement agency within the unincorporated areas of the County. By contract, it also serves the needs of the cities of Sonoma and Windsor. The other seven cities in the County have their own police departments. The primary duty of a department is to help protect the people, community, and property. This includes controlling traffic, responding to emergency calls, arresting violators and solving crimes.

In a community's greatest time of need, such as a disaster, they are there to help. During the major wildfires in our county, they were instrumental in leading the evacuation efforts, controlling traffic, monitoring the safety of neighborhoods, and keeping the community updated. Agencies depend on mutual aid agreements to help fill this need. When the EOC is activated, they play a key role in the alerts and warnings sent to the community.

During a disaster, no law enforcement agency has enough staffing to fulfill the immediate needs. They must rely on mutual aid from other agencies who can assist with door-to-door evacuations, direct traffic, and protect the containment areas from looting and for the safety of everyone.

Fire Agencies: Their Many Roles

Firefighters are the front line of our disaster response. They are who residents see first. During the wildfire season, they become the protectors of homes and of entire communities, not to mention lives. During the larger events, through mutual aid agreements, fire departments from other areas will come to the assistance of one another.

An interesting fact about the work of fire departments; a large portion of their calls are health related; paramedics are part of their staff. Their work goes far beyond the front lines. This is more apparent than ever with the increased fires. Fire Chiefs serve as real world representatives on the Emergency Council, and other local government groups. They lobby for bills before the California State Legislature related to fires issues such as hardening of cell towers and vegetation mitigation.

Fire preparation and education have become an important part of their community outreach. They encourage and support COPE and CERT groups, the Block Captains Program, and Fire Safe Councils. Fire departments remain actively involved in the recovery process after a major disaster. Immediately after a fire, they spend several weeks mopping up, and restoring damage from bulldozer breaks. Later, they assist homeowners with the rebuilding process and dealing with insurance claims. This administrative support can last years with fire departments handling the aftermath of several fire events.

Emergency Council

The Emergency Council is an advisory body with an oversight role over all aspects of emergency response in the county and the Emergency Operations Plan. They study, advise, and recommend to the Board of Supervisor on all aspects of the Emergency Operations Plan.

The Emergency Council is composed of 22 or more members, including the Fire Chief, the County Administrative Officer, the chairperson of the Board of Supervisors, county department heads, and people representing various private sectors, including the Red Cross and disability advocates. The County Administrative Officer is designated as the Director of Emergency Services.



Wallbridge Fire



Hennessy Fire (seen from Sonoma Co.)

How the County and Cities Work Together

Dusting Off the Emergency Operations Plans

Following the 2017 Tubbs Fire it was found that the Emergency Operating Plans (EOP), standard required documents of cities and county departments, were outdated and inadequate. They were too general, and in need of more specific recommendations for different kinds of disaster situations. At the time of this investigation, many of these EOPs were in the process of being closely reviewed for updates – and not yet available for this report.

Overview of Emergency Operations Plans

The California Governor’s Office of Emergencies Services supports the counties with EOP template plans and best practices. The EOP is designed as a flexible platform to address significant and extraordinary requirements imposed by large-scale disasters on county infrastructure. The purpose of the plan is to “facilitate multi-agency and multi-jurisdictional coordination during emergency operations, particularly between Sonoma County and local governments, including special districts, as well as state and Federal agencies.” (County of Sonoma, State of California, Resolution No. 14-0504, approved, 12/9/2014) In this way, the EOP ensures that emergency responses by local agencies will seamlessly coordinate with larger entities such as the State of California and Federal agencies as necessitated by the scope and nature of the emergency.

Sonoma County/Operational Area Emergency Operations Plan

The EOP is designed to establish the implementation of the Standardized Emergency Management System (SEMS). As the lead agency for coordinating planning, it states the

Sonoma County Fire & Emergency Services Department (now the Department of Emergency Management) is responsible to maintain the EOP, the EOP's annexes, revision and documentation. The EOP must include all populations, such as the disabled, within its planning. Agencies under the umbrella of the EOP may modify their plans.

The County's current EOP dates from December 2014, in which it identified as "the plan that each jurisdiction has and maintains for responding to relevant threats and hazards that defines the emergency management organization, structure and coordination." The subsequent fire of 2017 and the apparent lack of emergency preparedness triggered the 2017 Civil Grand Jury to query the lack of updates to this plan, which might have better prepared the County and prevented loss of life. In response, the Board of Supervisors committed to update the plan by 2019. This date has come and gone, and the EOP is still under revision.

Investigating this topic produced some rather disturbing insights. At least one member of the current BOS was not aware of this plan. Other County leaders seemed distanced from the particulars of the EOP. Furthermore, interviews with emergency responding agencies produced varying results. Many agencies currently use the County's Plan instead of developing one of their own.

The Sonoma County Fire District's EOP was recently updated. The Healdsburg Fire Department is in the process of updating their plan and expecting to have it completed in 2021. The residents of Healdsburg were smoothly evacuated during the Kincade Fire. The Sebastopol Fire Department's EOP, last updated in 1996, is currently being updated. It lacks an evacuation plan which resulted in problems during the Kincade Fire. Lack of a formal plan caused gridlock and "total chaos" while 8,000 people were evacuating. Fortunately, the city was in no immediate danger, so the tragedy of the Tubbs fire was not repeated, but this does not bode well for future emergencies.

Should updates to EOPs be done in response to changing circumstances incorporating best practices from After Action reports (see below After Action Report)? It does not appear that there is any built-in time requirement for when the changes are to be made such as there would be in a living document⁵. This could be a problem. For example, since the adoption of the county EOP in 2014, the Tubbs Fire of 2017 resulted in loss of life when emergency signals failed to be activated in a timely fashion. Without better oversight of the timely updating of County and local agency EOPs, emergency response may fail catastrophically, again.



The After Action Reports

After a declared emergency is over, the County and City agencies involved are required to produce and file After Action Reports to the California Governor's Office of Emergency

⁵ A living document, otherwise known as an evergreen or dynamic document, is a document that is continually edited and updated. Living documents, at a minimum, are reviewed and updated on an annual basis.

Services (OES), which include a Summary of the Incidents, Lessons Learned with Recommendations, and a Conclusion. The departments should then implement the Recommendations made, to make immediate corrections and improvements.

These reports are highly detailed and technical and give an inside look into the complexity of the emergency communications and alerts operations. If it seems obscure to residents how or why changes are being made, the following extracts will provide greater understanding into the behind-the-scenes work.

Excerpts from the January 28, 2020 Power Shutoff and Kincade Fire After Action Report:

- “There were times during the power shutoff where warnings were delayed as the EOC tried to define the power outage area as accurately as possible using GIS maps. However, this turned out to be futile because the shut-off maps were subject to change and not accurate or reliable. The Recommendation is that Alerts for power shutoffs should be widely disseminated even if it means alerting outside the predicted affected areas (unless doing so may cause undue panic).”
- “Testing and operational use of the WEA system has shown consistently that when attempts were made to minimize the alerting area, this resulted in insufficient alerting through the failure to activate cell towers. The Recommendations is to continue to “Go Big” with the WEA system even though it is advertised to have the ability to send focused messages to defined geographic areas. Even if the system works as advertised in no-notice dynamic incidents such as wildfires, we should continue to “Go Big”.”
- Hi-Lo Sirens - “Although not an asset controlled directly by the EOC, we have received anecdotal reports that the sheriff’s use of the Hi-Lo sirens was beneficial during the evacuation. Typically people receiving alerts seek confirmation before acting on alerts; having the Hi-Lo sirens both helps alert people and provides a confirmation mechanism.”

While After Action Reports are completed following a disaster, the lessons from each need to be added to the County and Cities EOPs.

Community Preparedness and Outreach

Outreach and education about disaster preparedness to the community is one of the missions of the newly expanded Department of Emergency Management. The overall objective of disaster preparedness is to save lives and lay the groundwork for a smoother long-term recovery. Individual actions taken altogether are what will comprise a societal shift towards preparedness that becomes a new measure of community well-being.

Preparedness Objectives

The emergency alerts, and knowing how to use them, are part of the preparedness objectives for residents. For the alerts to be fully effective, residents need to sign up for alerts and learn what it means to be prepared for an emergency. Preparation would include everything from having enough food and water supplies for at least three days (or up to a week), a go bag, a family emergency plan for evacuation, taking care of pets, and making homes and landscapes fire-resistant. If a wildfire event or other disaster does occur, residents will be better able to act quickly when they receive an alert to evacuate, and not panic. Importantly, they will not waste valuable time searching frantically on cellphones for updates on the wildfire or for evacuation maps.

A 'Whole Community' Approach

The re-envisioned and expanded 2019 Department of Emergency Management includes a position called the Community Preparedness Program Manager. Its main objective is to develop disaster preparedness strategies through applying a “whole community approach” which will foster countywide resiliency. What this means is that the outreach focuses upon different social sectors and neighborhoods and helps them to develop their own preparedness plans and to work together as a support group. These groups include those age 65 and over, the disadvantaged or homeless, people with children, the Latinx populations and many others. Currently the Community Preparedness Program Manager relies upon volunteers and an intern for assistance, which may not be sufficient for the goals of the DEM.



Community Preparedness Plan of 2019

The Community Preparedness Plan lays out different strategies and outreach activities to move the community toward a culture of preparedness. This includes publicity campaigns to newspapers about signing up for Nixle and SoCoAlerts, and the formation of a new stakeholder committee to reach different sectors of the community. A committee is at work on the 2021-2023 Community Preparedness Plan. This group includes partners from local non-profits, neighborhood preparedness groups, the business sector and local government; representing all the geographic areas of the county. It also included Latinx and senior representatives.

COPE: Citizens Organized to Prepare for Emergencies

COPE organizations are citizen groups that help a neighborhood to prepare before, during, and after an emergency. Very often emergencies create gaps that first responders cannot fill. The gaps can be caused by catastrophic conditions at the onset of an emergency, such as immediate evacuation needs. Other needs include communications to neighbors, visitors who might not be reached through official emergency communications, non-English speakers, and individuals without phones, computers, or the skills to use them. COPE groups are especially important in fast-moving and wide-spread emergencies, where responders are drawn thin or are overwhelmed. This was the case in recent wildfires, where responders were not able to give prolonged support—or any support at all—to some areas because of higher priority demands. It is with this in mind that self-sufficiency of a neighborhood or area, especially through well thought out group action as in COPE, is strongly advocated by fire agencies—especially in messages from fire chiefs who have had to deal with recent major wildfires. *COPE groups cover gaps that government and first responders cannot fill.*

COPE activities include:

- Up-front preparations: personal preparation for emergencies, training, neighborhood mapping, home hardening, defensible space creation and maintenance (fuel management), signage for responders and for evacuees, plans for action by COPE members.
- Actions during an emergency: members of the COPE group may have directed communications planned for emergencies, using radio or phone to provide information

and to check in on residents. At least one Northern Sonoma County COPE has indicated that they also use the application PulsePoint to monitor and inform their members of emergency activity. Checking in with vulnerable residents early in an emergency is one of the most important actions, to assure that everyone is aware of the emergency and is able to get to safety. A COPE group can provide evacuation notifications to residents, and can follow-up with residents who are known to need assistance.

- Post-emergency support: COPE groups in the post-emergency stage disseminate information on recovery, such as insurance, contractors, or erosion control. COPE may facilitate meetings or may circulate information on those topics, and look in on residents to assure that they are aware of information and requirements in a post-emergency period.

Sonoma County government supports the formation of COPE groups through the Sonoma County Emergency Management Department as well as through various fire agencies. Both the County and fire agencies provide start-up and continuous development information and training upon request.

COPE groups are now fairly well-established and active in some of Sonoma County's rural areas and in some town to wilderness interface areas—places where residents understand that fire and other emergency support is limited and exposure to wildfire is potentially high. COPE groups are established in Santa Rosa's Oakmont neighborhood and in the northern Sonoma County area served by the Northern Sonoma County Fire District. The North Sonoma County area has several COPE groups in existence: in Healdsburg as well as areas of Dry Creek, Fitch Mountain, and Mill Creek, Geyserville, Cloverdale, Franz Valley, Knights Valley, Windsor, and Larkfield/Wikiup.

COAD: The Community Organizations Active in Disaster

Sonoma County's Department of Emergency Management also works with a formally managed group of volunteer organizations that are important for the full span of disaster management. The Community Organizations Active in Disaster (COAD), is a group of community organizations that seeks to maximize the benefits that can be offered in "resources, information and response efforts to best serve Sonoma communities before, during and following a disaster."

The group is actively managed by an executive committee and has additional committees to address communications, long-term recovery, donations, emotional care, preparedness, and functional needs. COAD is a new name for a prior local group called Voluntary Organizations Active in Disaster (VOAD), which was patterned after the national VOAD precepts following the establishment of those in 1970, but which was largely inactive prior to the Sonoma County wildfires of 2017. The COAD has been re-energized subsequent to the wildfires. A new set of Bylaws and a new Executive Committee were established in 2020. Emergency Management and the Office of Recovery and Resiliency work with the COAD under the Community Preparedness programs, and they participate in the COAD leadership and Executive Committee.

CONCLUSION

The Grand Jury initiated this investigation with a set of questions that sought to understand how well County agencies had adapted emergency communications to lessons learned during recent wildfire, flood, and pandemic issues. Additionally, the Grand Jury sought to understand how well the public understood these adaptations. It adds the question: did the public take to heart the

recommendations for all emergency preparations such as home hardening? What was initially a rather specific question of whether Nixle and SoCoAlerts communications have been best used by agencies expanded to whether there has been enough outreach and education by the county on how to prepare for emergencies. We have used the date of October 8, the anniversary of the Tubbs and Nuns Fires, in our Recommendations under Evacuations, to underscore the threats and the need for urgency by Sonoma County for this fire season.

County agencies were very responsive to our questions, and had made significant progress on communications and preparation for emergencies over the last three years. Revision and release of core documents—i.e., the County’s Emergency Operations Plan—is expected to be completed this year. It should thereby provide greater confidence in the County’s ability to deal with future emergencies, and may produce better results. It will guide city plans and evacuation zone revisions. The County must continue its public education efforts about evacuation zones. This information is essential in preparing for future large-scale events. Next, the County should take steps to “harden” and update critical communications infrastructure, to assure that responders can communicate in emergencies. Finally, if the County takes steps to improve citizen preparation through education and through establishment of citizen volunteer groups, it will be in a stronger position to mitigate the harm from future emergencies that overwhelm responders.

The Grand Jury was impressed by the improvements that have been put in place for emergency communications and the broader emergency response since the Tubbs and Nuns Fires. There are, as one would expect, items that can be further improved, and there are areas that are deemed to be inadequately addressed to date (perhaps in some cases because County and district agencies have been busy with repeated emergencies). The use of Nixle, SoCoAlerts, and IPAWS communication tools has been demonstrated in recent events to be largely effective to alert the public and to guide evacuations. However, the County and cities may still have a long way to go to ensure all notifications are getting out.

FINDINGS

The Sonoma County Civil Grand Jury determined that:

Alerts and Warnings

- F1. The alerts and warnings, law enforcement and fire response efforts since the 2017 fires have been successful in the mass evacuation of residents, saving lives, and preventing more loss of homes.
- F2. The use of Nixle, SoCoAlerts, 2-1-1 Sonoma County, and PulsePoint has helped to reduce the emergency call load to 9-1-1 during a disaster by providing important information to the public.
- F3. During an emergency, residents in both the incorporated and unincorporated portions of Sonoma County receive multiple and at times conflicting messages.
- F4. There are some groups and individuals of the population who may not receive alerts directly; these include the elderly, tourists, farm workers, migrants, those hard of hearing, non-English speaking, and individuals with special needs.
- F5. Due to the limitations of the alert and warning systems, duplication of alerts and warnings across many platforms helps to get the messages to more residents of the county.

- F6. The role of the Emergency Operations Center during recent emergencies has helped to improve the sharing of information among the many fire and police districts and the County as well as improving the consistency of messaging across alert and warning platforms; particularly, the Nixle, SoCoAlerts.
- F7. The low-technology alert systems (for example hi-lo and air raid sirens), which do not rely on communication towers, provide essential backup during power outages and cellphone tower breakdowns during severe storms or fires.
- F8. Due to the topography within Sonoma County, the re-institution of audible alarms such as air-raid sirens could dependably reach residents in remote areas and work as a reliable tried-and-true alarm system.

Evacuations

- F9. Different evacuation zone designations for the same area (numbers, names, streets, areas, etc.) by the County, cities, CAL FIRE and agencies can lead to confusion for residents during an emergency.
- F10. Because evacuation zones were not published or known, prior to the recent emergencies, residents were unaware of their evacuation zones.
- F11. Not all police and fire agencies within the County show an Evacuation Map on their website.

Infrastructure and the Reliance Upon Technology

- F12. The County communication network is at risk of communication tower/repeater equipment loss through delayed maintenance and failure to update obsolescent equipment, or disaster loss affecting the Sheriff's Department, city, police, fire agencies, and Redwood Empire Dispatch Communications.
- F13. There is no backup system for the County communication towers/repeaters or for commercial cellular towers should they fail to function.
- F14. The County communication towers/repeaters and cellular provider towers are not maintained and protected (including defensible space) sufficiently to ensure alerts and warnings can go out in the event of a disaster.
- F15. Department of Emergency Management does not have documentation/maps of the physical location of the cellular provider communication towers in the event of a disaster.
- F16. PulsePoint is a useful tool for community groups and the public for early notification of fire activities (*e.g.* controlled burns, smoke). Calls dispatched through Redwood Empire Dispatch Communications (REDCOM) are updated onto PulsePoint.
- F17. Residents of Cloverdale and Rohnert Park cannot receive local PulsePoint alerts because those cities do not utilize Redwood Empire Dispatch Communications (REDCOM) for fire and medical dispatch.

Emergency Operations Plans

- F18. The Board of Supervisors has not fulfilled its commitment to update the 2014 Emergency Operations Plan by 2018-2019. This commitment was made in response to a Recommendation by the 2017-2018 Sonoma County Civil Grand Jury.
- F19. Various agencies, cities, and the public rely on the County Emergency Operations Plan for their disaster preparedness and best practices regarding the alerts and warning systems.
- F20. Recommendations documented in After Action Reports following a disaster have not been incorporated into the current Emergency Operations Plans for Sonoma County Department of Emergency Management, the Sheriff's Office, Cities, and fire agencies.
- F21. The Warm Springs dam is under the control of the U.S. Army Corps of Engineers and local fire agencies do not have access to protocols established in the event that the dam fails.
- F22. San Francisco Bay Area Counties, of which Sonoma County is part of, has not yet submitted its annual Emergency Alert System plan to the State Emergency Alert System Committee of California as recommended by the 2019 State of California Alert and Warning Guidelines.
- F23. Disaster and Emergency Preparedness has become an all-year round activity for both County departments and staff and residents alike.

Community Outreach-Preparedness

- F24. Sonoma County has made good progress in Community Outreach and Preparedness since the 2017 Tubbs Fire, however; residents may not fully appreciate or realize that preparing for resiliency during emergencies is an ever-evolving process and requires ongoing attention.
- F25. Government cannot help residents with everything during a disaster. Continued development and expansion of Citizens Organized to Prepare for Emergencies / Community Emergency Response Teams groups are deemed essential as major emergencies could overwhelm agencies' ability to fully reach and protect people and property.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that:

Alerts and Warnings

- R1. By October 31, 2021 the Sheriff's Office, Department of Emergency Management, and nine cities' departments include within their Emergency Operations Plans action steps to reach all subpopulations within the County who may not otherwise receive an alert. (F4, F6, F7, F8)
- R2. By October 31, 2021 the Board of Supervisors review and propose additional alert and warning methods such as air raid sirens and public address systems to put contingencies in place when broadband fails or is not available. (F5, F7, F8, F13)
- R3. By October 31, 2021, the Department of Emergency Management explain the challenges behind the emergency communications in order that residents may

understand, trust, and appreciate the complexity and the ongoing work it takes to maintain effectiveness. (F3, F5, F19)

Evacuations

- R4. By October 8, 2021, the Sheriff's Office, Department of Emergency Management, and nine cities work together to ensure consistent naming for all evacuation maps used by the public and first responders. (F9, F10, F11)
- R5. By October 8, 2021, the Sheriff's Office, Department of Emergency Management, and nine cities work together to ensure the public is informed of their evacuation zones by publishing evacuation maps in local media, online, and through SoCo Emergency. (F9, F10, F11)

Infrastructure

- R6. By December 31, 2021, the Sheriff's Office develop a plan and identify what is needed to bring the communication tower equipment/repeaters up-to-date to ensure during an emergency the systems function (legacy and end of life systems.) (F12, F13)
- R7. By March 31, 2022, the Sheriff's Office and Board of Supervisors provide funding to maintain the communication tower equipment/repeaters. (F12, F13, F14)
- R8. By June 30, 2022, the Sheriff's Office implement the plan to bring the communication tower equipment/repeaters up-to-date. (F12)
- R9. By December 31, 2021, the Department of Emergency Management work with Permit Sonoma to identify where all cellular provider towers are in the county. (F14, F15)
- R10. By October 31, 2021 the Sheriff's Office and Department of Emergency Management work with the Fire Agencies in the county work ensure that defensible space standards (as outlined by CAL FIRE) are met for all county communication towers/repeaters and cellular provider network towers. (F12, F13, F14)
- R11. By September 30, 2021, The Sheriff's Office and Department of Emergency Management work with the Fire Agencies in the County to define actions to take during a disaster for the protection of all County communication towers/repeaters and cellular network towers. (F12, F13, F14)
- R12. By December 31, 2021, the Department of Emergency Management work with cellular tower providers to ensure a plan is developed to ensure defensible space standards are implemented around each tower. (F12, F13, F14)

Emergency Operations Plans

- R13. By October 31, 2021, the Department of Emergency Management update the County Emergency Operations Plan to incorporate and post on the Department of Emergency Management website the most up-to-date information and Recommendations from the After Action Reports since the disasters of 2017 (F19, F20)
- R14. By October 31, 2021, the Board of Supervisors approve the updated County Emergency Operations Plan. (F18, F19)

- R15. By October 31, 2021, the nine cities update their Emergency Operations Plan to incorporate the most up-to-date information and lessons learned since the disasters of 2017 and post it on their websites. (F20)
- R16. By September 30, 2021, Department of Emergency Management obtain from the US Army Corps of Engineers a copy of the Emergency Operations Plan for Warm Springs Dam and incorporate it into the County Emergency Operations Plan and post it on the Department of Emergency Management website. (F21)
- R17. By December 31, 2021, Department of Emergency Management, through the San Francisco Bay Area Counties, submit its annual Emergency Alert System Plan to the State Emergency Alert System Committee of California as recommended within the 2019 State of California Alert and Warnings Guidelines. (F22)
- R18. By December 31, 2021, the Board of Supervisors adopt a resolution that all major County disaster plans having to do with Emergencies and Emergency Preparedness be considered “Living Documents” to be reviewed and updated on an annual basis. (F18, F19, F20)

Community Outreach

- R19. By December 31, 2021, the Department of Emergency Management publicize the work of community preparedness groups such as Citizens Organized to Prepare for Emergencies, Community Emergency Response Teams, and Community Organizations Around Disasters to more effectively reach all residents about emergency alerts and warnings. (F4, F24, F25)
- R20. By December 31, 2021, the Board of Supervisors increase the capacity of the Department of Emergency Management’s Community Preparedness function in order to effectively engage the greater community in disaster preparedness with groups such as Fire Safe Sonoma, neighborhood groups such as Citizens Organized to Prepare for Emergencies, and Community Emergency Response Teams to foster resilience. (F24, F25)

REQUIRED RESPONSES

Pursuant to Penal Code §§ 933 and 933.05, the grand jury requires responses as follows:

- Board of Supervisors (R2, R8, R14, R18, R20)
- Department of Emergency Management (R1, R3, R4, R5, R9, R10, R11, R12, R13, R16, R17, R19)
- Sonoma County Sheriff’s Office (R1, R4, R5, R6, R7, R8, R10, R11)
- City of Cloverdale (R1, R4, R5, R15)
- City of Cotati (R1, R4, R5, R15)
- City of Healdsburg (R1, R4, R5, R15)
- City of Petaluma (R1, R4, R5, R15)
- City of Rohnert Park (R1, R4, R5, R15)
- City of Santa Rosa (R1, R4, R5, R15)
- City of Sebastopol (R1, R4, R5, R15)
- City of Sonoma (R1, R4, R5, R15)

- City of Windsor (R1, R4, R5, R15)

The governing bodies indicated above should be aware that their comments and responses must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

INVITED RESPONSES

The Grand Jury invites the following to respond:

- Sonoma County Fire Chiefs Association (R10, R11)

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- United Nations Office for Disaster Risk Reduction, *Sendai Framework for Disaster Risk Reduction 2015-2030*. Adopted at the Third UN World Conference in Sendai, Japan, on March 18, 2015


APPENDIX A

Resources for Sonoma County and National Alert Notifications

SoCo Emergency

 [SoCo Emergency](#) supplies emergency information regarding but not limited to: evacuation orders, active alerts and warnings, links to road closures, pandemic information, and police and fire departments. Use the links within SoCo Emergency to sign up for Alerts and Warnings.

SoCoAlerts

 [SoCoAlert](#), A free emergency notification service that provides Sonoma County first responders the ability to notify residents and businesses with specific emergency notifications. The user may select to receive alerts through landline, cell phone next messages, or pre-recorded verbal messages and emails. The system also works with devices for the hearing impaired.

- SoCoAlerts has the ability to use reverse 9-1-1. However, it should not assumed that all information is in the system. Visit [SoCoAlert.com](#) to register online.
- Register by phone, at **(866) 939-0911** or **(707) 565-1369** and speak to a communications specialist to complete the registration.
- The SoCoAlert sign-up page allows the subscriber to indicate both primary and alternate phone numbers.
- Subscribe to updates on SoCo Emergency to receive email updates on new safety information and incidents.

Nixle

 [Nixle](#) is a service used by local law enforcement and fire agencies to send email and text messages that include public safety messages as well as emergency information.

Messages are targeted to specific geographic regions based on the cell phone and email account. If your address falls within this geographic area, you will receive the message. Additional locations from across the country may be added.

- Text your **zip code to 888777 to opt-in** or [sign up online](#) to receive email or text messages with alerts and advisories
- Nixle relies on individuals to sign up to receive alerts
- Nixle has the ability for both English and Spanish alerts
- Nixle has a limited amount of data that can be sent with each alert
- Zip codes cross lines there is potential to get alerted no matter jurisdiction

2-1-1 Sonoma County



[2-1-1 Sonoma County](#) is an information and referral service connecting the community with information about health and human services. During times of a disaster in coordination with local emergency services will also provide incident-specific information, road closures and shelters.

- Service is 24 hours a day, 7 days a week with interpretation services
- Phone: **Dial 2-1-1** from a landline or cell phone in Sonoma County
- Text: **Text your zip code to 898-211.**
- Phone: By dialing toll-free number **(800-325-9604)**.
- Online: Search the 2-1-1 resource database online at 211sonoma.org

Integrated Public Alert & Warning System

The FEMA's [Integrated Public Alert & Warning System](#) (IPAWS) is a national system for local alerting that provides authenticated emergency and life-saving information to the public through mobile phones using Wireless Emergency Alerts (WEAs), to radio and television via the Emergency Alert System (EAS), and on the National Oceanic and Atmospheric Administration's Weather Radio (NOAA).

Wireless Emergency Alerts – WEA



[Wireless Emergency Alerts](#) are free messages sent directly to cellular phones in a geographically targeted affected area, to provide brief critical information about a threat in a set location, emergency warning about severe weather, AMBER Alerts and threats to safety in the area.

WEAs are sent by state, local public safety officials, the National Weather Service, the National Center for Missing and Exploited Children, the U.S. Geological Survey, and the President. The notification, with a unique sound and vibration, are designed to get attention. The unique sound and vibration cadence are particularly helpful to people with visual or hearing disabilities.

- [Learn more about WEA](#)

Emergency Alert System



[Emergency Alert System](#) is a national public warning system that requires radio and TV broadcasters, cable TV, wireless cable systems, satellite and wireline operators.

FEMA, in partnership with the Federal Communications Commission and National Oceanic and Atmospheric Administration (NOAA), is responsible for implementing, maintaining and operating the EAS at the federal level.

NOAA Weather Radio



[NOAA Weather Radio All Hazards](#) broadcasts official warnings, watches, forecasts and other hazard information 24 hours a day, seven days a week. Use a NWR if cell phones or internet is interrupted.

The National Weather Service can remotely turn on these radios and send basic alerts, including for wildfire. The message may be accompanied by a warning tone, depending on the model of

radio you purchase. If you are deaf or have hearing loss these radios have add-on equipment such as strobe lights and bed shakers.

- Sonoma County residents may tune their NOAA radio to:
 - County of Sonoma Frequency 162.475
 - Northwest Sonoma County Frequency 162.550
 - Southwest Sonoma County Frequency 162.475
- [SoCo Emergency Weather Radio Guide](#)
- [National Weather Radio \(NWR\) Receivers](#)
- [National Weather Service - Forecasts](#)
- [Red Flag Warning NWS](#) > Fire weather watch or RFW
- [NOAA Weather Forecast](#) > Will show forecasted wind events, red flags, etc

Local Radio Stations



- [740 AM and 106.9 FM: KCBS Radio](#)
- [89.1 FM: KBBF Radio \(Bilingual/Spanish\)](#)
- [100.1 FM: KZST Radio](#)
- [1350 AM: KSRO Radio](#)
- [91 FM: KRCB Radio](#)

PulsePoint

PulsePoint [PulsePoint](#) is a 911-connected app that can immediately inform you of emergencies occurring in your community. *In Sonoma County REDCOM connects with PulsePoint related to Fire an EMS dispatch services. PulsePoint is not available in all areas, the service is only offered where adopted by the local public safety agency.*

Users can be notified of significant events and emergency activity in real time. The notifications provide an early and automatic heads-up to local threats such as wildland fires, flooding and utility emergencies. This information can also be used on a daily basis to know when and where there is an accident, controlled burns, or if the smoke is an approaching wildfire.

Additional Resources

CAL FIRE

Cal Fire	California Department of Forestry and Fire Protection
Statewide incidents	Overview of all CA incidents, can access fire specific info via map or name of the incident
https://www.readyforwildfire.org/	Ready for a wildfire
https://incidents.readyforwildfire.org/	The Ready for a Wildfire app allows you sign up for text messages to receive information about active CAL FIRE wildfire incidents.
http://www.alertwildfire.org/northbay/index.html?camera=Axis-Diablo	Fire cameras and associated tools to help discover, locate, and monitor fires. Each camera shows a different view in Sonoma County

Earthquake Information - U.S. Geological Survey

USGS	Monitors and reports on earthquakes, assesses earthquake impacts and hazards, and conducts targeted research on the causes and effects of earthquakes.
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USGS Latest Earthquakes	View the latest earthquakes map and list within the past 24 hours (M2.5+)
Earthquake Notification Services	Enroll in the ENS to receive notification emails when an earthquake with a magnitude 6.0 or greater
https://myshake.berkeley.edu/	Earthquake Early Warning publicly in California and Oregon

Flooding Information

Flooding is a real issue in many areas around Sonoma County. The [Sonoma Water](#) website has many available resources to assist residents of potential and current flood activity.

[Sonoma Water - Flood Forecast & Emergency Information](#)

Sonoma Water Flood Forecast Hotline	(707) 526-4768 - Sonoma Water updates the Flood Forecast Hotline when the Hacienda Bridge water level is over 20 feet.
Sonoma OneRain website	Interactive map with live data from county-wide streamflow, rainfall gauges, and reservoir data.
Flood Protection Zones	Map of flood control zones and watersheds
Russian River Flood Forecast - NOAA: Hopland Russian River Flood Forecast - NOAA: Healdsburg Russian River Flood Forecast - NOAA: Guerneville	Russian River Flood Forecast
<i>Flooded Road Conditions:</i>	
Transportation and Public Works	County road closure information for closures that will be longer than 8 hours. For more information contact (707) 565-2237
list map	View road closures (unincorporated County areas)
California Department of Transportation Quickmap	Freeways and State Highways
<i>Russian River Levels and Flow Data</i>	
The California Data Exchange Center	Real-time river level data and forecasts for the Russian River and Dry Creek
California Department of Water Resources - Division of Flood Management website	Provides data for Russian River flows
The U.S. Geological Survey	Provides data on river levels and flows from stream gauges maintained along Dry Creek and the Russian River.
Russian River Flood Stages	View a graphic illustrating flood stage levels for Hopland, Healdsburg and Guerneville.

Additional information from SoCo Emergency website

The [SoCo Emergency](#) website has many available resources to assist residents during an emergency:

Evacuation Updates in Sonoma County	Evacuation Orders
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Road Closures during Emergency Subscribe to Road Closure update	List of road closures in the unincorporated areas of Sonoma County and in the City of Santa Rosa
Law Enforcement	List of law enforcement in County, California State Agencies, and Federal Agencies
Fire Departments	List of fire departments and districts in County
Maps & Data	Interactive maps of recent emergency situations including earthquake faults, power outages and road closures
Power Shutoffs – County and Statewide	Sonoma County Power Shutoff Map & Dashboard
Recovery Resources	Recover resources includes re-entry and recovery information related to a disaster

Maps

PG&E PSPS and Power status Sign up for alerts medical baseline program	Check for PSPS potential and power restoration status
NASA FIRMS	Fire Information Management System Link is targeted over our area – real time heat map
#Firemappers	Crowd sourced fire mapping
NWCG	National Wildfire Coordinating Group - National Fire Situational Awareness map
CalOES	Comprehensive statewide map info derived from CalFire and all fire teams' reporting.
Sartopo	USGS topographic mapping, use for fire mapping, collaborative trip planning, detailed elevation profiles and terrain analysis.

Social Media – Facebook AND Twitter

https://www.facebook.com/CALFIRELNU/	CAL FIRE Lake Napa Unit (LNU)
https://www.facebook.com/CountyofSonoma	County of Sonoma
https://www.facebook.com/SoCoDEM Daily briefings during incident, educational events	Sonoma County Dept of Emergency Management
https://www.facebook.com/newsouthbay video updates	News of the Northbay
https://twitter.com/sonomascanner?lang=en	Sonoma Scanners
https://twitter.com/calfirelnu?lang=en	CALFIRE LNU
Broadcastify	REDCOM live feed

Wind and Air Quality

Windy.com	Real time wind activity in the area and forecasted wind patterns for 72 hours
Purpleair.com	Real time air quality, including PM 2.5
Fire.airnow.gov	Click on yellow dot on side bar for legend

Rohnert Park Election Districts

Transition from At-Large to District-Based Elections

SUMMARY

In October 2019, the City of Rohnert Park was threatened with a lawsuit challenging its existing system of at-large representation on the City Council and seeking a change to district-based representation. The premise for the legal action was that at-large representation inadequately represented a minority population in distinguishable sections of the City. The City Council decided not to defend against the lawsuit, but rather undertook to convert City Council elections from at-large to district-based representation within the very short timeframe allowed by statute to limit the City's financial exposure.

The California Elections Code § 10010 (Code) requires that the City create districts in compliance with certain standards and follow specific procedures, including the requirement for citizen participation in the development of the new district maps and designation of the district vote sequencing during transition (i.e., which districts will hold elections during a given year). The district maps specify which parcels and neighborhoods are included within each district, and the election sequencing specified which district seats were up for election in 2020 versus 2022, given that terms of Council members are staggered.

The City hired National Demographics Corporation (NDC), a demographic consulting firm, to provide guidance through the process. NDC gathered data needed to appropriately divide the city into five districts, and helped draw maps of several proposed districts. The City Council also solicited citizen input on the drawing of district boundaries. During this process several maps were created by NDC as well as by residents.

The City Council dedicated time at its regular meetings between November 2019 and February 2020 to discuss the maps that had been submitted and to hear citizen comments. The Council then debated the options and settled on a proposed map of districts and an election sequence. The City Council, on February 25, 2020, adopted Ordinance 944, authorizing:

“The election of members of the city council by five districts; establish the district boundaries; and election order of each district.”

In 2020, the Sonoma County Civil Grand Jury (Grand Jury) received two citizen complaints about the redistricting process. After reviewing the complaints, we determined there was sufficient cause to investigate. The Grand Jury investigation considered three specific aspects of the conversion from at-large to district-based representation:

- The process followed by the City Council in defining the five newly created districts
- The process followed by the City Council in determining the election sequencing of the district-based council seats
- Whether there was any credible evidence that the Council violated open meeting laws during the process

The Grand Jury concluded that the rules governing the creation of district-based representation were followed, as were the rules governing election sequencing. Further, the Grand Jury found no credible evidence that open meeting laws were violated.

GLOSSARY

- Brown Act The Ralph M. Brown Act, California Government Code § 54950 et seq., is a law that guarantees the public's right to attend and participate in meetings of local legislative bodies.
- Open Meeting Law See Ralph M. Brown Act above.
- CVRA California Voting Rights Act of 2001
- NDC National Demographics Corporation
- SVREP Southwest Voter Registration Education Project
- Safe Harbor Provision A provision in the California Voting Rights Act that provides a period in which litigation is proscribed and settlement costs are limited during conversion from at-large to district-based elections.

BACKGROUND

Council Representation

On October 15, 2019 the City of Rohnert Park received a letter from attorney Kevin Shenkman representing the "*Southwest Voter Registration Education Project (SVREP), and its members.*" SVREP is based in San Antonio, Texas, and is dedicated to increasing Latino voter participation. It has been party to more than 70 California Voting Rights Act (CRVA) actions.

In his letter, Mr. Shenkman claimed "*The City of Rohnert Park's at-large system dilutes the ability of Latinos (a "protected class") to elect candidates of their choice or otherwise influence the outcome of the City's elections.*" He also claimed that the at-large elections in Rohnert Park unfairly impacted the representation of Hispanic/Latino voters. As an example, he compared the demographics of the City to the ethnic makeup of those serving on the City Council. He closed by urging the City to make a voluntary change to a district-based election system. Failure to do so would result in litigation. The letter stipulated a November 26, 2019 deadline to advise the potential litigant of the City's decision.

The City Council's Options

The City Council had two options:

- Fight the lawsuit in an effort to retain the at-large election system and potentially incur large legal bills with an unknown outcome
- Transition to a district-based election system quickly to limit the City's legal liabilities

Some members of the City Council expressed misgivings about changing election format in a city the size of Rohnert Park, but ultimately the City Council opted to eliminate the threat of the lawsuit. The City Council announced its intention on November 12, 2019 to transition to district-based representation beginning with the 2020 election cycle.

The Election System Transition

The Council hired NDC to analyze the population of the city and to develop districts that would be in compliance with the California Elections Code § 10010 (Code). During the City Council meeting, November 12, 2019, NDC made a presentation that suggested a calendar of public hearings, draft map presentations, and the required public discussion of the proposed ordinance.

The date of this presentation was critical due to the Code requirement that Council respond to the attorney's demand of redistricting per the Code, or face expensive legal action.

Public information hearings were held on November 12, November 26 and December 10, 2019 and January 14, January 28, February 11, and February 25, 2020. The purpose of the initial two meetings was to discuss the CVRA and the process of defining districts and election sequencing. The purpose of the subsequent meetings was to discuss proposed maps and election sequencing, to introduce the proposed ordinance, and to adopt the final map and sequencing plan. Public comment was solicited at each meeting, and citizens made presentations.

In 2020 the Grand Jury received two citizen complaints about the redistricting. The complaints centered on the process used in transitioning to the district-based system, and on the resulting districts and election sequencing. The complainants alleged potential violations of the CVRA and Code, as well as potential violations of legal requirements for open public meetings ("Brown Act").

Based on these complaints, the Grand Jury decided to investigate. The focus of the investigation was on the compliance with statutes governing the process, and the claim of evidence that open meeting laws had not been followed during the transition.

METHODOLOGY

The Grand Jury interviewed City of Rohnert Park personnel, elected officials and one of the complainants.

The Grand Jury also reviewed relevant laws, including the CVRA, the Code, and the Brown Act.

Finally, the Grand Jury reviewed:

- Documents related to the transition to district elections
- Recorded City Council meetings, public announcements and published minutes of those meetings
- The Press Democrat's coverage of the issue
- Documents provided by witnesses

DISCUSSION

At-Large vs. District-Based Elections

Since its formation, the City of Rohnert Park has used an at-large system to elect Council members. In this system, each voter has the ability to vote for every Council member and every Council member represents all residents of the City. In October 2019, a lawsuit was threatened against the City of Rohnert Park, claiming that the existing at-large system under represented a demographic group concentrated in a portion of the City in violation of the CVRA. The potential litigant demanded that Rohnert Park change to a district-based system, in which the City is divided into districts and voters living in a specific district can vote only to elect the person who will represent that district.

The use of at-large election systems is being reduced by California cities as it has been attacked as potentially leading to inadequate representation of "groups of interest". The at-large election process is therefore subject to expensive litigation and is not readily defensible in court given the CVRA. To date, no city has successfully defended against the claim of unsatisfactory representation of a protected class with an at-large election system. Litigation fees may be

considerable, and these fees and other court settlements may be awarded to a plaintiff if they are successful in their lawsuit.

Rohnert Park had an established history of electing at-large Council members, and some City Council members voiced a preference for continuing to do so, given the size of the City. But the high cost of litigation and the low likelihood of success pushed them to a decision of the district-based election alternative.

The Transition Process

Once the decision was made, the City Council needed to act quickly. A “Safe Harbor” provision exists under current law (AB 350 amendment to Elections Code § 10010), which allows 45 days from receipt of the plaintiff’s notification of CVRA violation to publicly declare the intention to transition. Following such a declaration, the statute allows a 90-day period to pass an ordinance adopting district-based elections before litigation can commence. If the municipality meets both Safe Harbor periods, the expenses reimbursable to the litigant are capped at roughly \$30,000. The Rohnert Park City Council worked aggressively to meet these deadlines, but was unable to adopt the new ordinance within the 90-day period. The potential litigant, SVREP, agreed to an extension. The final map and election sequencing ordinance was passed by the City Council two weeks after the Safe Harbor deadline.

There is established law and procedures for transitioning to district-based elections. They are designed to assure that districts are developed under common guidelines and are appropriately representative of communities of interest, as well as existing commonly distinguished neighborhoods. The Code also helps to assure that the process is open to citizen input and evaluation during the transition.

The Code requires a minimum of two public hearings at which the public is invited to provide input into the development of districts. In addition, there must be a minimum of two public hearings for the public to review the draft maps and the sequencing of elections. These four meetings must be completed prior to a vote by the City Council to approve the selected map and sequence. Along with the Code provisions, the City Council must abide by the Brown Act, which specifies conditions for open meetings of local governing bodies. The Brown Act directs the legislative body to provide for open meetings with suitable notification and access of the public. It does, however, provide for exceptions to open meetings when there is the possibility of litigation.

The first indication of action by the City Council appeared on the agenda for the October 22, 2019 council meeting. The agenda for this meeting listed a closed session with legal counsel to discuss “Exposure to Litigation.” The Brown Act does not require public participation in this type of meeting.

At its next meeting, on November 12, 2019, the City Council publically acknowledged the receipt of Attorney Shenkman's letter, and after an additional closed session, staff reports, public comment and open discussion, the Council adopted Resolution 2019-140. This resolution declared the City’s intent to transition to district-based elections pursuant to the Code. This Resolution provided an initial answer to the potential litigant, and started the City’s 90-day time period to adopt a district-based election ordinance before the potential litigant could take action against the City.

After Resolution 2019-140 was adopted, five public meetings were held to discuss the transition process, to evaluate proposed district maps (see Figure 1), and to adopt a map and related election sequencing for the newly created districts (see Figure 2).

The Council published rules for the development of legally-compliant district maps and boundaries to help citizens participate in the process of defining the districts. They also hired NDC to suggest potential district maps, evaluate citizen-proposed district maps, and evaluate proposed districts for compliance with anti-gerrymandering rules. The demographic evaluations included district population, total population, and voter ethnicity, age, education, income and home ownership in order to assure that proposed districts met state and federal legal requirements (see Appendix A). As noted above, the Code requires the City to hold at least two public hearings to solicit input on potential districts from citizens. The meetings must be held over a period not exceeding 30 days. Beyond that, the City is required to hold at least two public hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections.

As a part of its regular Council meetings on November 12 and November 26, 2019, the City Council included discussion of the proposed transition to district-based elections. Time was set aside for public comment; two and four citizens, respectively, voiced their opinions on the process. These meetings met the Code requirement of two public hearings for input into the development process within 30 days.

As a part of its regular Council meetings on December 10, 2019 and January 14, 2020, the City Council included discussion of the proposed maps and potential election sequencing. Time was allotted at these meetings for public comment and presentation of maps from the public; three citizens spoke about the maps at the December 10 meeting and five citizens spoke at the January 14 meeting. These meetings met the Code requirement of two public hearings for input into the development of maps and sequencing within 45 days.

When the Council adopted a proposed timeline of meetings in November, it anticipated that it would be prepared to adopt an ordinance at its January 28 meeting to establish district elections. A map of the proposed boundaries was identified by the Council members as the preferred district map (Map 110, Figure 1). There was time for public comment and some objections were noted by the three citizens who spoke. The City Council decided not to vote on the map at that meeting, and it was added to the agenda for the next regular Council meeting scheduled for February 11, 2020.

At the February 11 meeting the agenda indicated "*Sixth Public Hearing on Draft Maps and Potential Election Sequencing.*" A City Council discussion took place in open session and time was allocated for public comment. At this meeting, a new citizen-submitted map was introduced, and the demographics were verified for legal compliance by NDC (Map 112, Figure 1). The Council members indicated that this was now the preferred map, replacing Map 110. This meeting included the first of two required discussions and public comment of the proposed ordinance which would adopt Map 112. Two citizens spoke at the meeting regarding the map and the process. Subsequent to the public discussion, the Council adopted Map 112, and proposed the sequence of voting for the districts.

Proposed District Map 110

Selected District Map 112

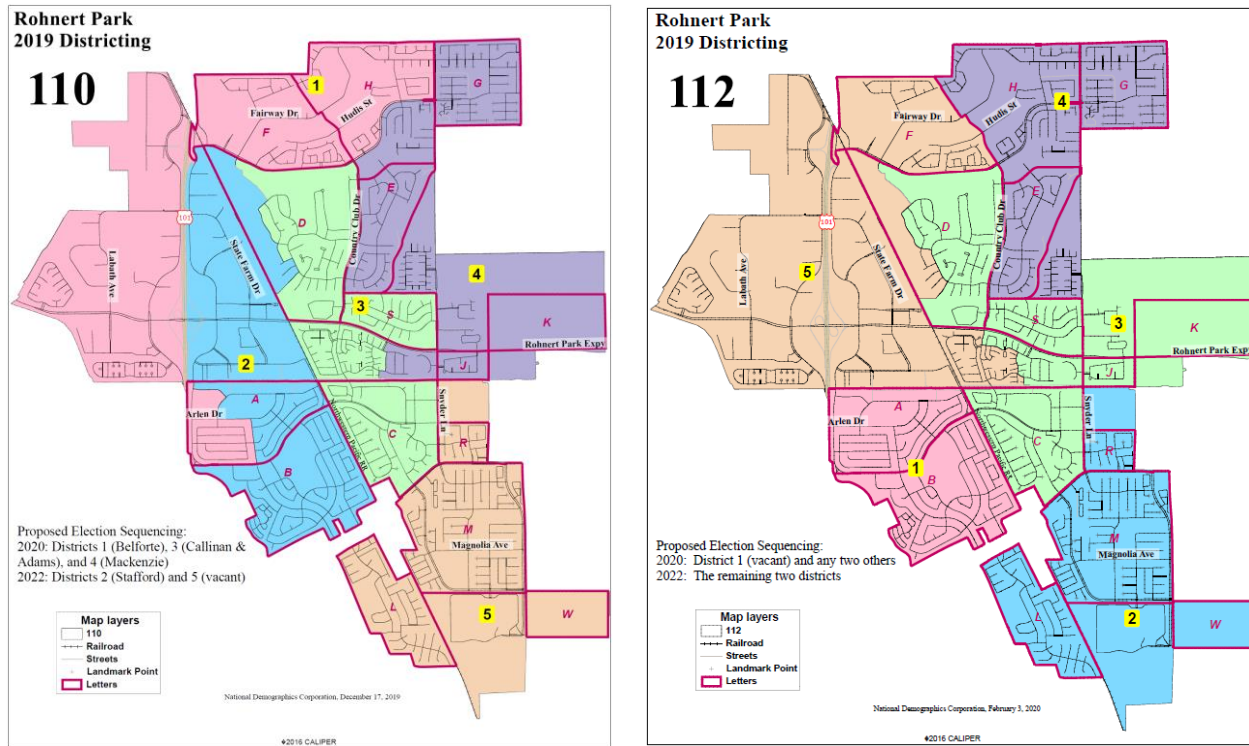


Figure 1: National Demographics Corporation

At the February 25 regular Council meeting, the Council had the second required discussion and public comment of the proposed ordinance. Seventeen citizens spoke at the meeting, largely noting the impact of the proposed sequence of district elections. Subsequent to public discussion, the Council adopted Ordinance 944 by a 3-2 vote in favor of adoption. This ordinance authorized district-based elections using the boundaries defined within Map 112, and adopted a sequence whereby districts 1, 3 and 4 would elect members to the Council in 2020, and districts 2 and 5 would elect members to the Council in 2022. All City Council members serve four-year terms.

The February 11 and 25 meetings fulfill the Code requirement of two public hearings on the decision to accept Map 112. The schedule and content of meetings, demonstrate that the Council was working with public input and following State laws. The additional meetings resulted in the Council exceeding their 90-day window to adopt an ordinance, however, SVREP agreed to an extension for the Council to complete the process.

In addition to the required public meetings, the City Council reported closed executive session meetings with the City Attorney to discuss the potential litigation. These closed meetings related to litigation are permitted under the Brown Act.

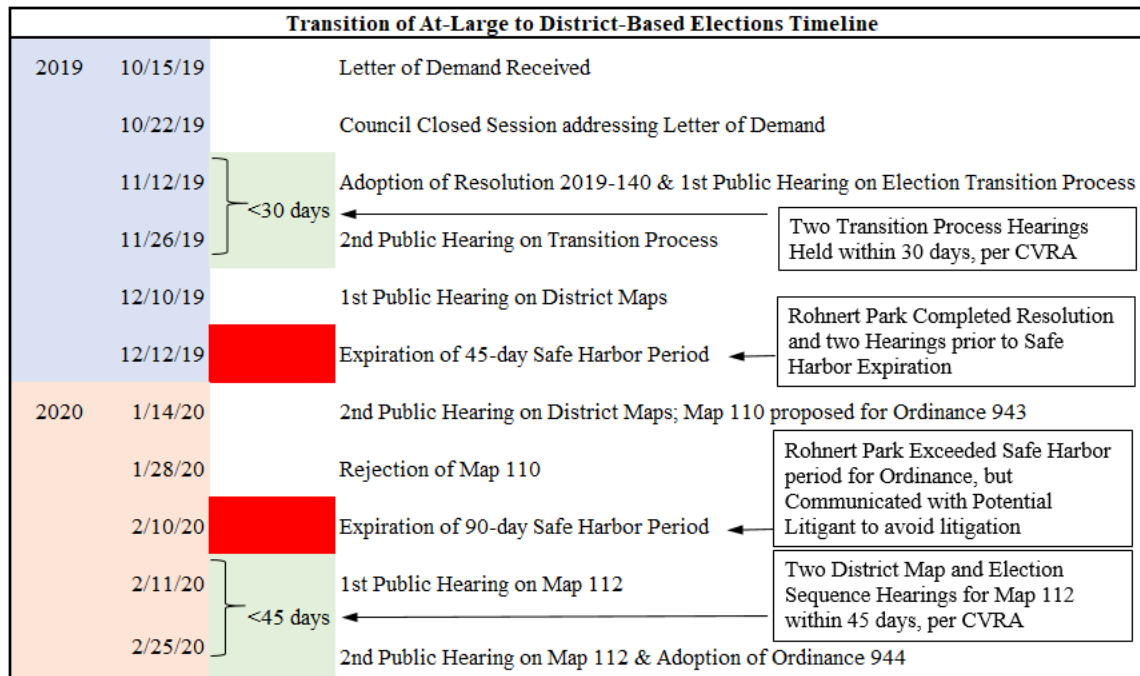


Figure 2

The Final Outcome

In adopting Ordinance 944, the Council voted for a sequencing of district elections that resulted in one incumbent Council member becoming ineligible to run for office. This member’s 4-year term expired in 2020, but the member lived in a district that was not up for election until 2022 under the new sequencing. Two other City Council members would remain as at-large representatives until the expiration of their terms in 2022, and the remaining two Council members’ terms expired in 2020, making them eligible to run for re-election in the newly created districts where they resided.

The districts and the election sequence adopted in Ordinance 944 were in place for the November 2020 election, which unseated both of the Council incumbents running for re-election and seated three new Council members. These three new Council members joined the two at-large incumbents whose terms expire in 2022.

Ralph M. Brown Act Compliance

The Grand Jury did not find credible evidence supporting allegations of Brown Act violations. However, the Grand Jury did find that the bi-annual ethics training required by California Assembly Bill No. 1234, which includes Brown Act training, was not monitored or tracked by the City of Rohnert Park. Because this information is not monitored or tracked, City personnel are unable to determine whether City Council members have attended the training during their tenure in office and are thereby fully aware of Brown Act requirements. Assembly Bill 1234 does not require a municipality to monitor or track the attendance of required training by local officials, but it does require a municipality to provide the training. It also specifically requires local officials to receive training in open government laws. These rules are complex and many times elected local officials have had no prior experience holding public office.

The Grand Jury also notes that Rohnert Park anticipates that the 2020 decennial Census may have an effect on recognized demographics of Rohnert Park. The Code requires that district

boundaries be amended to account for any changed demographics documented in the Census data so that representation continues to meet the legal requirements for districts. Those district boundary decisions may be put into place prior to the 2022 elections, with further impact to incumbents or challengers running for office at that time.

CONCLUSION

The Grand Jury's investigation into the City of Rohnert Park's transition from an at-large to district-based election system confirmed that the City Council met the requirements of the law. The City Council complied with the rules for public notification, public involvement, district demographics and district boundaries. Notably, the City Council held more public meetings than the minimum required, had Spanish translations of pertinent information on the City's website, had robust public comment and ultimately adopted a citizen-submitted district map. Additionally, the Grand Jury found no evidence of violation of the Brown Act.

The Grand Jury found, however, that the circumstances of the threatened litigation drove the City Council's valid objective to complete the process within the condensed Safe Harbor timeline. This, then, coupled with related closed session discussions, led some to question whether the Council was receptive to public input and whether open meeting rules had been violated. The rapid transition actions are not judged by the Grand Jury to be improper, but they are noted to be unique to this transition, and should be avoided if and when the City revises district boundaries in the future. If the Census demonstrates that redistricting is appropriate, the Grand Jury recommends that the Council take early initiation of the process, with time to propose and debate district boundaries and election sequences. This will help to assure the public that the re-districting activity is fully within the public view and according to rule.

FINDINGS

The Sonoma County Civil Grand Jury determined that:

- F1. The Rohnert Park City Council acted in compliance with California law in transitioning to district-based Council elections.
- F2. There is no credible evidence of violations of the Brown Act with regard to non-public communication of the City Council. The Brown Act permits closed-session meetings to discuss litigation.
- F3. The election sequence adopted by the City Council complies with California and federal election law.
- F4. The submission of Map 112 and the City Council's evaluation of it complied with the California Elections Code.
- F5. The City of Rohnert Park does not monitor or track the ethics training required by California Assembly Bill 1234 of all local agency officials in office on or after January 1, 2007.
- F6. The City Council provided legally sufficient opportunity for the public to submit proposed district maps and to comment on submitted maps.

- F7. Subsequent to the first sequencing election in 2020, but prior to the second sequencing election in 2022, in which the transition from At-Large to District-Based elections as adopted in Ordinance 944 is fully adopted, the City of Rohnert Park will have the results of the 2020 decennial Census and will need to evaluate whether Map 112 still provides representation for demographic groups of interest.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that:

- R1. The City of Rohnert Park establish a procedure to monitor and track ethics training for publicly elected officials as required by California Assembly Bill No. 1234. This should occur by December 31, 2021. (F5)
- R2. The City of Rohnert Park notify elected officials of ethics training bi-annual deadlines by December 31, 2021. (F5)
- R3. The City Council members proactively plan in advance and allocate time in Council Meeting agendas to give the public opportunity for robust and ongoing discussion of any changes to the City's demographics that need to be addressed when the new Census data is released on September 30, 2021. This should occur by December 31, 2021. (F7)

REQUIRED RESPONSES

Pursuant to Penal Code §§ 933 and 933.05, the grand jury requires responses as follows:

- City of Rohnert Park City Manager (R1, R2)
- Rohnert Park City Council (R3)

The governing bodies indicated above should be aware that their comments and responses must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

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- Rohnert Park City Council, Resolution 2019-140, "Adoption of a Resolution Declaring the City of Rohnert Park's Intent To Initiate Procedures to Consider Transition from At-Large Elections to By-District Elections," November 12, 2019
- Rohnert Park City Council, Ordinance 944, "An Ordinance Of The City Council Of The City Of Rohnert Park Amending Title 2 "Administration And Personnel" Of The Rohnert Park Municipal Code To Add A Chapter 2.66, "District Elections" To Provide For The Election Of Members Of The City Council By Five Districts; Establish The District Boundaries; And Election Order Of Each District," February 25, 2020
- Assembly Bill No. 2123 Chapter 277, "An act to amend Section 10010 of the Elections Code, relating to elections," September 6, 2018.

- California Elections Code 10010 Chapter 10, “Local, Special, Vacancy, and Consolidated Elections,” 10/17/2019
- Rohnert Park City Council, 10/26/2020 District Election Information
- Rohnert Park City Council, 10/26/2020 Draft Maps
- Rohnert Park City Council, 10/26/2020 Mapping Tools
- Assembly Bill No. 849 Chapter 557, “Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (FAIR MAPS) Act” October 8, 2019
- Assembly Bill No 1234 Chapter 700, Section 4 Article 2.4 “Ethics Training”

APPENDIX A

Map Preparation Rules

Rohnert Park issued the following rules for citizens wishing to prepare district maps for consideration:

- Each council district shall contain a nearly equal population as required by law.
- Each council district shall be drawn in a manner that complies with the Federal Voting Rights Act. No council district shall be drawn with race as the predominate factor in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.
- Additionally, pursuant to Government Code § 21601(d), the Council must not adopt district boundaries for the purpose of favoring or discriminating against a political party.

In addition, several objectives needed to be considered for the proposed districts as follows:

- To the extent practicable, council districts shall be geographically contiguous. Areas within districts that meet only at the points of adjoining corners are not contiguous.
- To the extent practicable, the geographic integrity of any local neighborhood or local community of interest should be respected and included within a single district for purposes of its effective and fair representation in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.
- Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
- To the extent practicable, and where it does not conflict with the preceding criteria, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations and where doing so does not conflict with higher-ranked criteria.
- Where doing so does not conflict with higher-ranked criteria, the City Council may consider other traditional principles in the development of districts. For example, to the extent practicable, each council district shall respect the previous choices of voters by avoiding the creation of head-to-head contests between councilmembers previously elected by the voters, insofar as this does not conflict with Federal or State Law.

Rohnert Park - Map 112							
District		1	2	3	4	5	Total
	Total Pop	8,126	8,461	7,893	8,295	8,196	40,971
	Deviation from ideal	-68	267	-301	101	2	568
	% Deviation	-0.83%	3.26%	-3.67%	1.23%	0.02%	6.93%
Total Pop	% Hisp	36%	17%	19%	15%	23%	22%
	% NH White	54%	70%	69%	73%	65%	66%
	% NH Black	3%	2%	2%	2%	3%	2%
	% Asian-American	4%	9%	6%	7%	6%	6%
	Total	5,102	6,652	6,276	6,542	6,421	30,993
Citizen Voting Age Pop	% Hisp	27%	17%	13%	13%	18%	17%
	% NH White	66%	74%	76%	79%	72%	74%
	% NH Black	2%	2%	2%	1%	2%	2%
	% Asian/Pac.Isl.	4%	7%	7%	5%	5%	6%
	Total	3,348	4,682	4,713	4,812	4,233	21,788
Voter Registration (Nov 2018)	% Latino est.	23%	15%	14%	13%	18%	16%
	% Spanish-Surnamed	20%	14%	13%	12%	17%	15%
	% Asian-Surnamed	2%	3%	3%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	73%	79%	76%	82%	65%	75%
	% NH Black	2%	2%	2%	2%	2%	2%
	Total	2,280	3,351	3,486	3,602	2,885	15,604
Voter Turnout (Nov 2018)	% Latino est.	20%	14%	12%	12%	15%	14%
	% Spanish-Surnamed	18%	12%	11%	11%	14%	13%
	% Asian-Surnamed	2%	3%	3%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	76%	81%	78%	84%	68%	78%
	% NH Black	2%	2%	2%	2%	2%	2%
	Total	2,673	3,757	3,955	4,109	3,378	17,872
Voter Turnout (Nov 2016)	% Latino est.	21%	14%	13%	12%	17%	15%
	% Spanish-Surnamed	19%	12%	12%	11%	15%	13%
	% Asian-Surnamed	2%	3%	2%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	74%	78%	72%	84%	74%	77%
	% NH Black est.	2%	3%	1%	1%	2%	2%
ACS Pop. Est.	Total	8,722	8,454	7,547	8,660	8,687	42,071
Age	age0-19	24%	20%	27%	22%	23%	23%
	age20-60	63%	67%	54%	55%	57%	59%
	age60plus	14%	14%	20%	23%	21%	18%
Immigration	immigrants	24%	9%	11%	10%	18%	14%
	naturalized	37%	71%	59%	66%	45%	50%
Language spoken at home	english	61%	86%	80%	84%	71%	76%
	spanish	33%	9%	12%	9%	22%	17%
	asian-lang	3%	3%	4%	4%	3%	3%
	other lang	3%	2%	4%	3%	3%	3%
Language Fluency	Speaks Eng. "Less than Very Well"	18%	4%	5%	5%	10%	8%
Education (among those age 25+)	hs-grad	61%	63%	66%	63%	61%	62%
	bachelor	16%	22%	20%	20%	20%	20%
	graduatedegree	6%	11%	7%	9%	7%	8%
Child in Household	child-under18	30%	26%	26%	27%	26%	27%
Pct of Pop. Age 16+	employed	63%	66%	64%	63%	64%	64%
Household Income	income 0-25k	23%	14%	16%	11%	20%	17%
	income 25-50k	23%	17%	20%	19%	22%	20%
	income 50-75k	26%	19%	20%	18%	20%	20%
	income 75-200k	27%	46%	40%	47%	34%	39%
	income 200k-plus	2%	4%	4%	6%	5%	4%
Housing Stats	single family	52%	75%	69%	78%	64%	68%
	multi-family	48%	25%	31%	22%	36%	32%
	rented	60%	43%	45%	39%	49%	47%
	owned	40%	57%	55%	61%	51%	53%
Total population data from the 2010 Decennial Census.							
Surname-based Voter Registration and Turnout data from the California Statewide Database.							
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2013-2017 American Community Survey and Special Tabulation 5-year data.							

Selected District Demographics - National Demographics Corporation

Responses to the 2019-2020 Sonoma County Civil Grand Jury Reports

Providing Continuity by Following Through on Previous Investigations

SUMMARY

The 2020-2021 Sonoma County Civil Grand Jury has reviewed the responses to the investigations and Recommendations made by the 2019-2020 Grand Jury. The 2019-2020 Grand Jury issued six investigative reports, and this summary addresses the responses received from the responsible entities named in those reports. Although respondents did not adopt all Recommendations, their responses do comply with the requirements of the Penal Code.

BACKGROUND

The Civil Grand Jury system in California exists to promote effective and efficient local government. The Penal Code gives the Grand Jury broad investigative powers to provide oversight to county, city governments, and special districts within Sonoma County, bringing positive change in the best interest of all residents.

Each year the Grand Jury investigates local government institutions and issues reports containing the results of these investigations and Findings that lead to Recommendations for improvement. Governing bodies and department officials are required to respond to the Findings and Recommendations. Boards are directed to respond within 90 days of the release of a grand jury's report. Elected county officials are required to respond within 60 days. (Penal Code § 933(c)).

Succeeding grand juries review those responses and determine whether they meet the requirements of the Penal Code. This review establishes continuity from one grand jury to the next. The seated grand jury may evaluate responses for adequacy and determine whether appropriate steps have been taken to implement Recommendations.

METHODOLOGY

The Grand Jury evaluated responses for compliance with the governing sections of the Penal Code § 933.05.

DISCUSSION

According to the Penal Code, governing bodies and officials are required to respond to Findings in grand jury reports and the respondent shall indicate one of the following:

- The respondent agrees with the Finding.
- The respondent disagrees wholly or partially with the Finding, in which case the response shall specify the portion of the Finding that is disputed and shall include an explanation of the reasons therefor.

According to the Penal Code, as to each grand jury Recommendation, the responding person or entity shall report one of the following actions:

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

CONCLUSION

The 2020-2021 Sonoma County Civil Grand Jury concluded that the responses to the 2019-2020 Grand Jury Recommendations comply with the Penal Code. In addition, the Grand Jury has included its observations on the responses following pages titled: 2019-2020 Grand Jury Response Summary Chart.

Within the six issued reports, the Grand Jury made 52 Findings and issued 41 Recommendations requiring responses from 19 different County and city agencies, governing boards, and two invited responses.

Of the Recommendations, 63% have been or will be implemented and 17% will require further analysis. The respondents also indicated they will not implement eight of the Recommendations within the Spring Specific Plan and the Homeless Youth reports, equaling 20%.

Report	Recommendation Actions					
	Total	Implemented	In Progress	Future Implementation	Further Analysis	Will Not Be Implemented
Spring Specific Plan	5	2				3
Sheriff-Coroner	2	1			1	
Homeless Youth	14	2		5	2	5
Homeless Crisis	6		4		2	
Emergency Water Shortages	8	3	3		2	
Regional Water Resources	6	4	2			
Total	41	12	9	5	7	8
Percent of all Recommendations >		29%	22%	12%	17%	20%
		63%				

A copy of the full 2019-2020 Grand Jury report and responses received can be located within the County of Sonoma, Superior Court of California website.

[Individual Final Reports and Responses 2019-2020](#)

2019-2020 Grand Jury Response Summary Chart

SPRINGS SPECIFIC PLAN

RES = Respondent BOS = So Co Board of Supervisors PS = Permit Sonoma SSP = Spring Specific Plan

RECOMMENDATIONS	RES.	RESPONSES	2020-2021 GJ OBSERVATIONS
R1. Permit Sonoma offer Donald Street residents an official apology for their missteps by July 1, 2020.	PS	This Recommendation will not be implemented. Permit Sonoma followed all public disclosure laws and met all legal obligations in determining the planning area for the draft SSP.	The Grand Jury acknowledges that this Recommendation will not be implemented. The Grand Jury appreciates PS's efforts to improve communication.
R2. Permit Sonoma hold substantive discussions with the Donald Street residents regarding their principal concerns regarding the SSP by July 1, 2020, or before finalizing the SSP, whichever comes first.	PS	PS has previously implemented this Recommendation. PS is committed to working with area residents as the SSP process continues.	The Grand Jury acknowledges that this Recommendation has been implemented. The Grand Jury appreciates PS's commitment to be responsive to the community.
R3. Permit Sonoma respond to the principal concerns expressed by Donald Street neighborhood with an explanation as to why they can or cannot accommodate the requests of the Donald Street neighborhood residents by July 1, 2020.	PS	PS has implemented this Recommendation. To remove the Donald Street Area from the draft SSP is a policy decision that is at the discretion of the Planning Commission and the BOS. PS reports to the Grand Jury they have extended the public review period for the draft EIR.	The Grand Jury acknowledges that this Recommendation has been implemented.
R4. The Grand Jury does not dictate policy, however, if accommodations cannot be reached, the Board of Supervisors should consider severing Donald Street from the SSP.	BOS	This Recommendation will not be implemented because it is not warranted or reasonable. The BOS states that SSP approval remains under development and is still in a proposal process. Interested members of the public will have opportunities to provide public input and request changes to the draft plan prior to final approval.	The Grand Jury acknowledges that this Recommendation will not be implemented.
R5. Permit Sonoma determine where the procedures used for SSP failed, and adopt revised procedures to avoid a repetition of the oversight, with a copy of the revised procedures sent to the Grand Jury by July 1, 2020.	PS	This Recommendation will not be implemented because it is not warranted. PS does not agree that its public outreach procedures have failed, or that revised procedures are necessary. PS follows the requirements of state law.	The Grand Jury acknowledges this Recommendation will not be implemented.

SONOMA COUNTY SHERIFF-CORONER'S OFFICE

RES = Respondent BOS = So Co Board of Supervisors

RECOMMENDATIONS	RES.	RESPONSES	2020-2021 GJ OBSERVATIONS
<p>R1. The Board of Supervisors, working in conjunction with the Sheriff's Office and the Coroner's Office Lieutenant, identify a new location for the Coroner's Office and Morgue facility by December 1, 2020.</p>	<p>BOS Sheriff</p>	<p>This Recommendation requires further analysis. The Coroner's office relocation depends on the final sale of the Chanate Property. The County will lease back the facility for a short term. This Recommendation has not been implemented but will be in the future. The relocation is the number one priority in the <i>Sheriff's Office Capital Project Request for the 2020-2025 General Government Capital Project Plan</i> in December 2019. It is imperative that planning for a new facility begin in FY 2020-2021.</p>	<p>The Grand Jury acknowledges that that the response requires further analysis. The Grand Jury recognizes that the relocation will depend on the sale of the Chanate Property. In addition, the Grand Jury acknowledges the relocation is dependent on the BOS for project planning and prioritization and for funding.</p>
<p>R2. The Board of Supervisors budget the purchase of a new dental x-ray machine for the Coroner's Office for delivery by December 1, 2020.</p>	<p>BOS</p>	<p>This Recommendation has been implemented. The Sheriff's Office has purchased a portable, handheld dental x-ray machine with existing budgetary appropriations.</p>	<p>The Grand Jury acknowledges that this recommendation has been implemented.</p>

HOMELESS YOUTH

RES = Respondent BOS = So Co Board of Supervisors CAO = County Administrator’s Office
 CDC = So Co Community Development Commission DHS = So Co Department of Health Services
 SCOE = So Co Office of Education

RECOMMENDATIONS	RES.	RESPONSES	2020-2021 GJ OBSERVATIONS
R1. The Board of Supervisors commit to reducing the number of homeless young people in Sonoma County to functional zero within three years.	BOS	This Recommendation needs further analysis. The Board emphasizes that it has made significant investments to develop affordable and permanent housing, including an increase of \$8 million in 2020-2021.	The Grand Jury acknowledges that this Recommendation requires further analysis. The Grand Jury recognizes that considerable efforts and expenditures have been devoted to this problem. However, reduction in the number of homeless youth to functional zero remains as a significant goal.
R2. The Sonoma County Community Development Commission increase the number of shelter beds for homeless youth, keeping in mind the needs for safe space for young people, by February 28, 2021.	CDC	This Recommendation has not been implemented, but will be implemented by February 28, 2021. The Commission needs new funds to pay for additional beds, but will work with shelter providers to allocate additional beds for youth in existing shelters.	The Grand Jury acknowledges that this Recommendation will be implemented.
R3. Sonoma County Community Development Commission ensure that shelter beds for young people are available in all areas of the County with a homeless youth population, by February 28, 2021.	CDC	This Recommendation will not be implemented because it is not reasonable. By February 28, 2021 the Commission will engage homeless youth to develop strategies on where additional shelter beds might be located. Further analysis will be required to secure, fund or develop sheltering, whether temporary or permanent supportive housing. In an interim approach, the CDC can request existing providers to set aside beds for youth in areas such as South County (Petaluma), and youth beds in our winter shelters in Guerneville and Santa Rosa.	The Grand Jury acknowledges that this Recommendation will not be implemented. The Grand Jury recognizes the difficulty of geographic dispersion, the lack of year-round housing in areas of the county, and the uncertain funding inherent in this Recommendation. The Jury appreciates the significant efforts being expended to meet this challenge and encourages the CDC to consider further options.
R4. Sonoma County Department of Health Services contract with an existing in-County residential addiction treatment facility to set aside a small number of beds for youth, by February 28, 2021.	DHS	This Recommendation will not be implemented because it is not warranted. Existing treatment beds are available to both youth and adults, and DHS prioritizes the development of permanent supportive housing alternatives augmented by mental health and substance abuse disorder services.	The Grand Jury acknowledges that this Recommendation will not be implemented. The Grand Jury recognizes efforts by the DHS to provide both permanent housing and treatment beds, but emphasizes the need to consider the specific problems characteristic of homeless youth.

<p>R5. Sonoma County Department of Health Services establish a drug and alcohol program specifically designed to treat youth with substance abuse disorders, by February 28, 2021.</p>	<p>DHS</p>	<p>This Recommendation will be implemented in the future. By February 28, 2021, DHS Behavioral Health Division will complete a mapping of Sonoma County Services and SUD Service System Planning processes, including timelines. This will include development of recommendations for services needed by transition-age youth with substance use disorders. The Department expects to implement age-appropriate treatment protocols by June 30, 2021.</p>	<p>The Grand Jury acknowledges that this Recommendation will be implemented.</p>
<p>R6. Sonoma County Department of Health Services staff a department with a sufficient number of Behavioral Therapists to meet the demand for Medi-Cal mental health services in the homeless youth population, by February 28, 2021.</p>	<p>DHS</p>	<p>This Recommendation will not be implemented because it is not warranted. DHS staffing and contract services meet current state requirements for Medi-Cal Mental Health plans and revenues are not adequate to support new service development at this time. However, future system development will include programs and resources specifically tailored to the young adult population. An example mentioned is to reinstitute mobile crisis response to high school and alternative settings and through Santa Rosa Junior College.</p>	<p>The Grand Jury acknowledges that this Recommendation will not be implemented. The Grand Jury recognizes that DHS staffing and services meet Medi-Cal requirements and appreciates the intention of DHS to expand services and resources in the future.</p>
<p>R7. If it is safe to do so, Sonoma County Department of Health Services set aside a small number of beds for unaccompanied youth in the new short-term mental health facility in Sebastopol, by December 31, 2020.</p>	<p>DHS</p>	<p>This Recommendation will not be implemented because it is not warranted. The Sebastopol site has been determined to be not suitable. A psychiatric health facility is set to be opened in Santa Rosa in Spring, 2021; this will expand capacity in the system, and DHS sees no need to set aside beds specifically for this population. DHS believes the system will have capacity to serve youth in need of services.</p>	<p>The Grand Jury acknowledges that this Recommendation will not be implemented. The Grand Jury recognizes that the Sebastopol site was not suitable and that DHS plans to open a Psychiatric Health Facility in Santa Rosa. The Grand Jury also understands the hesitancy to set aside beds for a specific population if the system has sufficient capacity to meet its needs.</p>

<p>R8. Sonoma County Office of Education form a partnership with a local financial institution to implement a financial literacy program for middle and high school students, by February 28, 2021.</p>	<p>SCOE</p>	<p>This Recommendation has been implemented. SCOE does not have the authority to direct school districts to implement a specific program or adopt a specific curriculum, but since 2009 it has partnered with Sonoma County High Schools and the Redwood Credit Union to offer a free 16-hour Banking and Finance Academy for students in grades 10-12.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p> <p>The Grand Jury recognizes that SCOE cannot direct school districts to implement specific programs and commends SCOE for its partnership with the Redwood Credit Union and county High Schools. The Grand Jury encourages SCOE to seek further voluntary opportunities to foster financial literacy at both middle and high school levels.</p>
<p>R9. Sonoma County Community Development Commission allocate funds to homeless youth programs and services proportionate to the size of the subpopulation in the most recent census data, when not otherwise constrained by restrictions on state and federal funds, for the FY 2021-22 budget cycle.</p>	<p>CDC</p>	<p>This Recommendation has been implemented. It is CDC's policy to allocate funding proportionate to subpopulations, and 2020 homelessness count data will be used in allocation of the 2020-2021 budget. The CDC also notes that the count shows a decrease in the number of homeless youth, reflecting efforts in place to reduce homelessness.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p>
<p>R10. Sonoma County Department of Health Services conduct outreach to the local medical community to encourage the use of the PEARLS assessment tool and provide them information about County programs available to assist children who have experienced serious trauma, by February 28, 2021.</p>	<p>DHS</p>	<p>This Recommendation has not been implemented, but will be implemented by February 28, 2021. The Pediatric Adverse Childhood Experiences (ACEs) and Related Life-Events Screener (PEARLS) is a highly regarded instrument. DHS has already actively incorporated ACEs into our Public Health Field Nursing service model. Case Managers provide health information/education and linkages to needed resources in order to positively impact the health and well-being of the most at-risk families in our community.</p> <p>An overview of ACES and its application to health is provided during all DHS new employee mandatory orientations.</p>	<p>The Grand Jury acknowledges that this Recommendation will be implemented.</p>

<p>R11. Sonoma County Office of Education, by February 28, 2021, begin monitoring the implementation and progress of the Upstream Project, in Hopkins, MN, and the Geelong model pilot project in Tukwila, WA, and consider implementing a pilot program on this model in Sonoma County.</p>	<p>SCOE</p>	<p>This Recommendation will not be implemented because it is not warranted and is not reasonable. The SCOE does not have the authority to direct school districts to implement a specific program or adopt a specific curriculum. Thus, it cannot implement pilot programs such as these with Sonoma County School Districts.</p>	<p>The Grand Jury acknowledges that this Recommendation will not be implemented. However, the Grand Jury encourages SCOE to support efforts that prevent youth from becoming homeless.</p>
<p>R12. Sonoma County Community Development Commission establish and budget for a Youth Action Board to improve the chances of federal funding through HUD’s Youth Homelessness Demonstration Program, by February 28, 2021.</p>	<p>CDC</p>	<p>This Recommendation has not been implemented but will be in the future. Establishment of a Youth Action Board (YAB) as part of the Home Sonoma County Leadership Model has been proposed. CDC staff will partner with youth providers to develop a YAB by June 30, 2021.</p>	<p>The Grand Jury acknowledges that this Recommendation will be implemented by June 30, 2021.</p>
<p>R13. The Sonoma County Board of Supervisors and Sonoma County Administrator’s Office identify, by December 31, 2020, a stable funding source to support sustainable programs that will reduce youth homelessness to functional zero.</p>	<p>BOS CAO</p>	<p>The Recommendation requires further analysis. The BOS expects to identify further funding sources starting with the FY 2021-2022 budget year. The board expects to consider this during the 2021 spring-fall budget discussions. This Recommendation requires further analysis. The CAO response is essentially identical to the BOS response. The framework for these discussions is in place.</p>	<p>The Grand Jury acknowledges that this Recommendation requires further analysis.</p>
<p>R14. The Sonoma County Board of Supervisors and Sonoma County Administrator’s Office develop and implement, by June 30, 2021, a procedure for County departments to consistently identify and track the cost of services provided to the homeless population.</p>	<p>BOS CAO</p>	<p>This Recommendation will be implemented in the future. Cost identification and tracking for the homeless population will be part of a larger program from the Strategic Plan that will allow tracking costs as a whole. They are looking at ways to modify the CDC dashboard to include this project level. This Recommendation will be implemented in the future. The CAO response is essentially identical to the BOS response. Cost identification and tracking for the homeless population will be part of a larger program from the Strategic Plan that will allow tracking costs as a whole, and not only for homelessness programs.</p>	<p>The Grand Jury acknowledges that this Recommendation will be implemented. The Grand Jury recognizes that tracking the cost of services is complex and that tracking costs for homeless youth services is one part of a larger work in progress.</p>

<p>R3. The Leadership Council adopt a plan to deal with homeless encampment emergencies by December 31, 2020.</p>	<p>LC CDC</p>	<p>See Leadership Council response to R2.</p> <p>This Recommendation has not yet been implemented, but will be implemented in the future.</p> <p>The Leadership Council established an Ad Hoc Committee to make recommendations for homeless encampments. Due to the COVID-19 pandemic, this work has been delayed. It is anticipated that the Ad Hoc will begin this work no later than November 2020 and make recommendations to the full Leadership Council in Spring 2021. In the meantime, the County is actively using the Interim Encampment Policy and response efforts for revision and refinement.</p>	<p>The Grand Jury acknowledges that the CDC intends to implement this Recommendation within the context of its restructuring.</p>
<p>R4. The Sonoma County Board of Supervisors develop a funding source for consistent and predictable funding of homeless programs by December 31, 2021.</p>	<p>BOS</p>	<p>This Recommendation requires further analysis.</p> <p>During the FY 2020-2021 budget hearings, the BOS committed to funding additional CDC staff for three years. These new positions are fully funded by the BOS and will support the work of the Homelessness unit within CDC.</p> <p>The Board of Supervisors provides funding for homeless programs and services every year. The Leadership Council has purview of funds allocated to the Continuum of Care (CoC) that assist in funding the work of the CoC to provide homeless services.</p> <p>We agree consistent funding is necessary: however, state and local funds can be unreliable. Additional federal or private sector funds would support the work of the CDC.</p>	<p>The Grand Jury acknowledges that this Recommendation requires further analysis. The Grand Jury recognizes that allocating general fund monies on an annual basis fails to provide the necessary consistency for successful planning and programming.</p> <p>The Grand Jury notes that, although the BOS response references the LC, that entity has been disbanded. (See R2 - Responses and Observations)</p>

<p>R5. The Department of Health Services and Community Development Commission remain under single leadership.</p>	<p>BOS</p>	<p>This Recommendation requires further analysis.</p> <p>DHS and CDC recognize the benefit of operating under single leadership, which allows for improved program outcomes, better alignment of strategic direction, and efficient use of resources for both organizations. Programmatic benefits are realized by coordinating services and programs. It is clear that holistic and integrated service delivery is important to meet the needs of chronically homeless people and that administrative efficiencies are also achieved through economies of scale.</p> <p>The BOS has directed the County Administrator's Office to hire a consultant who will conduct a feasibility study and recommend an appropriate organizational structure to manage the homeless work within the County.</p>	<p>The Grand Jury acknowledges this Recommendation requires further analysis. The Grand Jury recognizes that the BOS is studying this issue.</p>
<p>R6. The County of Sonoma Board of Supervisors direct the County Administrator to develop a methodology for tracking all costs of homeless services and programs across County agencies by June 30, 2021.</p>	<p>BOS</p>	<p>This recommendation has not been implemented, but will be implemented in the future.</p> <p>The Strategic Planning process will include a cost analysis of local programs and projects, which will be included in a full report at the end of the calendar year. Information from that report will be used, along with other local project information, to assist in tracking homeless services costs.</p>	<p>The Grand Jury acknowledges that this Recommendation will be implemented.</p> <p>The Grand Jury recognizes that the BOS intends to include cost analysis in its Strategic Planning process. The Grand Jury believes it is important for County program managers to be able to track the ongoing costs of homelessness across all County agencies.</p>

<p>R4. Sonoma Water, Valley of the Moon Water District, the City of Sonoma, Permit Sonoma, and the California Department of General Services form an agreement by October 31, 2020, that potable water storage facilities at Sonoma Developmental Center shall remain active and available for shared access during emergencies.</p>	<p>DGS</p> <p>VOM</p> <p>City of Sonoma</p> <p>PS</p> <p>SW</p>	<p>The State (DGS) is open to utilizing excess onsite tank storage capacity on an interim basis for other parties to store their water for access during emergencies and interruptions, subject to the approval of the SWRCB (State Water Resources Control Board).</p> <p>VOM agrees with this Recommendation but conditions at SDC prevent the District's ability to achieve the desired outcome in the short term.</p> <p>The City is monitoring the activities of the SDC Specific Plan for when it can participate in plans for shared water access during emergencies.</p> <p>Permit Sonoma indicates this Recommendation requires further analysis. PS does not have authority or control over SDC's potable water storage facilities. However in its role leading the SDC Specific Plan process, PS is committed to facilitate the best outcomes for the community and will evaluate emergency water use agreements as part of the planning process.</p> <p>Sonoma Water does not have jurisdiction or control over the SDC's water storage facilities. SW will continue to work on coordinated water resources planning. SW is leading the development of a Regional Water Supply Resiliency Study, anticipated to take 18-20 months to complete.</p>	<p>The Grand Jury acknowledges this Recommendation requires further analysis.</p> <p>The Grand Jury recognizes the complexity of implementing this Recommendation through multiple agencies. The Grand Jury further recognizes the Water Resources Resiliency Plan and the SDC Specific Plan will address the needs of the community.</p>
<p>R5. The Valley of the Moon Water District accelerate its program for expanding well capacity and water storage by December 31, 2020.</p>	<p>VOM</p>	<p>The District agrees with this Recommendation and will continue its accelerated program for the installation of new wells and tanks. This is a high priority in both its Water Master Plan and Strategic Plan.</p>	<p>The Grand Jury acknowledges that this Recommendation will be implemented. The Grand Jury recognizes and values that this work is a high priority for the District.</p>

<p>R6. The Valley of the Moon Water District establish specific emergency water-use restrictions and communicate them to its customers by September 30, 2020.</p>	<p>VOM</p>	<p>VOM plans to implement this Recommendation with the insertion of the Water Shortage Contingency Plan to its customers on its outgoing water bills beginning September 23, 2020. In addition, the District will post on its website specific actions taken during a water shortage emergency.</p>	<p>The Grand Jury acknowledges that this Recommendation will be implemented.</p>
<p>R7. By September 30, 2020, the Valley of the Moon Water District inform customers annually, or when conditions change, regarding risks and deficiencies in the emergency water supply and any actions taken to mitigate them.</p>	<p>VOM</p>	<p>The District agrees with this Recommendation and has created a new webpage for its customers about risks and water deficiencies in the emergency water supply. The District began notifying its customers about the new webpage on outgoing bills starting September 23, 2020.</p>	<p>The Grand Jury acknowledges that this Recommendation will be implemented. The Grand Jury recognizes VOM's efforts to improve communication with its customers.</p>
<p>R8. Permit Sonoma establish, by September 30, 2020, communication with water system managers for the City of Sonoma, the Valley of the Moon Water District, and Sonoma Developmental Center to inform the SDC Specific Plan process.</p>	<p>PS</p>	<p>This Recommendation has been implemented. PS is committed to robust and meaningful engagement with these entities and other potentially affected entities as part of the SCD Specific Plan.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p>

SONOMA VALLEY REGIONAL WATER RESOURCES

RES = Respondent DGS = California Department of General Services PS = Permit Sonoma
 SDC = Sonoma Developmental Center SW = Sonoma Water
 VOM or the District= Valley of the Moon Water District

RECOMMENDATIONS	RES.	RESPONSES	2020-2021 GJ OBSERVATIONS
<p>R1. Sonoma Water, the Valley of the Moon Water District, the City of Sonoma and Permit Sonoma work with California Department of General Services to seek an agreement, by October 31, 2020, that potable water storage facilities at Sonoma Developmental Center shall remain active and available for sharing water.</p>	DGS	<p>The state (DGS), which is not legally required to respond, is open to utilizing excess onsite tank storage capacity on an interim basis for other parties to store their water for access during emergencies and interruptions, subject to the approval of the State Water Resources Control Board.</p>	<p>The Grand Jury acknowledges that this Recommendation will be implemented. The Grand Jury recognizes the complexity of implementing this Recommendation through multiple agencies. The Jury further recognizes that the <i>Regional Water Supply Resiliency Study</i> and the SDC Specific Plan will provide an opportunity to address water storage.</p>
	VOM	<p>VOM agrees with this recommendation but conditions at SDC prevent the District's ability to achieve the desired outcome in the short term.</p>	
	City of Sonoma	<p>The City is monitoring the activities of the SDC Specific Plan and can participate actively when water options are considered.</p>	
	PS	<p>This Recommendation will be implemented in the future. Under the current schedule for the SDC Specific Plan process, the Water Supply Assessment (WSA) is scheduled to be prepared in 2021. It is likely that VOMWD and the City of Sonoma will be involved in its preparation. PS will communicate the final WSA to both entities as soon as it is available.</p>	
	SW	<p>This Recommendation requires further analysis. Sonoma Water does not have jurisdiction or control over the SDC's water storage facilities. SW will continue to work on coordinated water resources planning. SW is leading the development of a <i>Regional Water Supply Resiliency Study</i>, anticipated to take 18-20 months to complete.</p>	

<p>R2. Permit Sonoma establish, by August 31, 2020, a continuing dialog with water system managers for the City of Sonoma, the Valley of the Moon Water District, and the Sonoma Developmental Center to inform the SDC Specific Plan.</p>	<p>PS</p> <p>VOM</p> <p>City of Sonoma</p>	<p>This Recommendation has been implemented. PS is committed to robust and meaningful engagement with these and other potentially affected entities to inform the SDC Specific Plan process and to shape its outcome.</p> <p>The Valley of the Moon Water District agrees with this Recommendation. As of 9/2/20, the District, PS, and the City of Sonoma have engaged in meetings and ongoing discussions in order to inform the SDC Specific Plan.</p> <p>The recommendation has been implemented.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented. The Grand Jury acknowledges the positive steps taken in the spirit of this Recommendation.</p>
<p>R3. Sonoma Valley water agencies take an active role in the SDC Specific plan process, by September 30, 2020.</p>	<p>PS</p> <p>VOM</p> <p>City of Sonoma</p>	<p>To the extent applicable, PS has implemented this Recommendation. PS has initiated ongoing communications regarding the SDC Specific Plan process and related issues, and will continue to support and facilitate their involvement in the planning process.</p> <p>The District agrees with this Recommendation. Valley of the Moon District staff will represent VOM on the SDC Specific Plan Planning Advisory Team as well as the SDC Technical Advisory Committee for the Specific Plan.</p> <p>This Recommendation has been implemented. The City will continue to monitor the SDC Specific Plan Process and participate as feasible and relevant to Sonoma.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented. The Grand Jury acknowledges the participation of the Sonoma Valley water agencies and Permit Sonoma in the SDC Specific Plan process.</p>

<p>R4. Permit Sonoma communicate the results of the Water Supply Assessment to water system managers for the City of Sonoma and the Valley of the Moon Water District as soon as they become available.</p>	<p>PS</p> <p>VOM</p> <p>City of Sonoma</p>	<p>This Recommendation will be implemented in the future. The Water Supply Assessment (WSA) is scheduled to be prepared by 2021. The VOM and City will be consulted or otherwise involved in the preparation of the WSA. PS will communicate the final WSA as soon as it is available.</p> <p>The District agrees with this Recommendation. The District looks forward to reviewing the results of the WSA when it is made available.</p> <p>This Recommendation will be implemented in the future. The City has established communication with PS so that PS can communicate the results of the WSA.</p>	<p>The Grand Jury acknowledges that this Recommendation will be implemented.</p>
<p>R5. The City of Sonoma and the Valley of the Moon Water District establish a mutual aid agreement that provides for ongoing cooperation on planning, services, projects and such other collaborative efforts that they deem to be to be mutually beneficial (e.g., sharing of such resources as staff, equipment and emergency water), with a copy of the mutual aid agreement to be sent to the Grand Jury by December 31, 2020.</p>	<p>VOM</p> <p>City of Sonoma</p>	<p>The District agrees with this Recommendation. The District and the City of Sonoma are both parties to a mutual aid agreement along with other entities. The City is currently working on engineering and bidding process for the physical interconnection between the distribution systems.</p> <p>The Recommendation has been implemented.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented. The Grand Jury acknowledges the mutual aid agreement between the VOM and the City of Sonoma has been implemented.</p>
<p>R6. The Valley of the Moon Water District and the City of Sonoma meet by October 31, 2020 to discuss the issuance of a regional 2020 Urban Water Management Plan rather than two separate ones.</p>	<p>VOM and City of Sonoma</p>	<p>The Recommendation has been implemented. The Valley of the Moon Water District and the City of Sonoma met in August to discuss combining efforts for the Urban Water Management Plan (UWMP). They are waiting for a revised quote from the UWMP consultant to combine the work.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented. The Grand Jury acknowledges the collaborative effort in implementing the Recommendation.</p>

The 2020-2021 Sonoma County Civil Grand Jury



Neal Baker
Santa Rosa, CA



Chuck Carleton
Santa Rosa, CA
Sargent at Arms



Reg Cullen
Windsor, CA



Sharon DeBenedetti
Healdsburg, CA
Foreperson



Kristen Decker
Petaluma, CA



Nancy C. Dougherty
Sebastopol, CA



Dohn Glitz
Sebastopol, CA



Susan Levine
Sebastopol, CA



Jason Majors
Santa Rosa, CA



Carol Parisek
Santa Rosa, CA
Corresponding Secretary



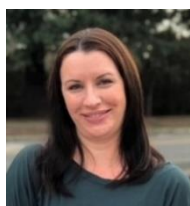
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Petaluma, CA



Linda Schneider
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Dani Sheehan-Meyer
Sebastopol, CA



Rachel Smith
Windsor, CA
Treasurer



Joe Taylor
Healdsburg, CA



Debbie Wallman
Sonoma, CA
Pro Tem

You Can Make a Difference in Sonoma County

To make democracy work, we are most effective as a community of people who are involved in civic engagement and participatory governance. Taking an active role in local government is accessible to all Sonoma County citizens. Throughout our County, there are many avenues to become involved.

You can attend:

Sonoma County Board of Supervisors meetings

- City Council meetings
- School Board meetings
- Police Citizen's Academy
- Independent Office of Law Enforcement Review and Outreach (IOLERO) meetings
- Sonoma County Behavioral/Mental Health Board meetings

or, you can apply to service on governing boards, councils or the Sonoma County Grand Jury.

Application forms to become a Sonoma County Civil Grand Juror are available online at www.sonomagrandjury.org or in person at:

Sonoma County Superior Court
600 Administration Drive, Room 106
Santa Rosa, California 95403
707-521-6501

Citizens' Complaints

If you have a grievance with processes that fall within the jurisdiction of the Sonoma County Civil Grand Jury, you have the right to file a complaint. All complaints and investigations are confidential. Not all complaints warrant an investigation by the Grand Jury. Citizen Complaint forms are available in both English and Spanish. The forms are available at: www.sonomagrandjury.org.

Copies of this report are available at any county library.

The reports contained with this consolidated report are also available on line at:

www.sonomagrandjury.org