



# OFFICE OF THE COUNTY ADMINISTRATOR

## COUNTY OF SONOMA

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August 19, 2021

The Honorable Brad DeMeo  
Presiding Superior Court Judge  
600 Administration Drive  
Santa Rosa, CA 95403

RE: Response to the 2020-21 Sonoma County Civil Grand Jury Report

Dear Honorable Judge DeMeo,

Thank you for the opportunity to respond to the 2020-21 Grand Jury Report. Attached are the County Administrator's responses to the reports entitled:

1. Broadband Access in Sonoma County: *Broadband is a Utility; The Quite Crisis of Availability.*
2. Emergency Alerts and Communication: *Toward a Culture of Preparedness*

I would like to thank the 2020-21 Grand Jurors for their service.

Sincerely,

SHERYL BRATTON  
County Administrator

Attachments: Responses

cc:  
Sonoma County Board of Supervisors  
Clerk of the Board of Supervisors  
Grand Jury Foreperson

Response to Grand Jury Report Form

Report Title: Broadband Access in Sonoma County

Report Date: June 20, 2021

Response by: Sheryl Bratton Title: County Administrator

Agency/Department Name: Sonoma County Office of Administration

**FINDINGS: F13**

I (we) agree with the findings numbered: F13

I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

**RECOMMENDATIONS: R8**

Recommendations numbered: \_\_\_\_\_ have been implemented.

(Attach a summary describing the implemented actions.)

Recommendations numbered: \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.


(Attach a timeframe for the implementation.)

Recommendations numbered: R8 require(s) further analysis.

(Attach 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 director 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.)

Recommendations numbered: \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: 8/19/2021 Signed: 

Number of pages attached: 1

(See attached Civil Grand Jury Response Requirements)

**County Administrator's Office Response to  
" Broadband Access in Sonoma County" Grand Jury Report**

We thank the Grand Jury for review of this important issue.

**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.**

This recommendation requires further analysis. On June 18, 2021 the Board of Supervisors adopted the 2021-22 budget. The next opportunity to allocate funding during the annual budget process will take place in June, 2022. The County Administrator's Office will work with departments to determine if funding is available for "laying cable or empty conduit in upcoming infrastructure projects" and will make appropriate recommendations to the Board of Supervisors through the normal budget hearing process.

CAO/DEM Draft Response – Due 8/19/2021

Response to Grand Jury Report Form

Report Title: Emergency Alerts and Communications

Report Date: June 20, 2021

Response by: Sheryl Bratton Title: County Administrator

Agency/Department Name: Department of Emergency Management

**FINDINGS: F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F19, F20, F21, F22, F24, F25**

I (we) agree with the findings numbered: F5, F6, F7, F19, F22, F24, F25

I (we) disagree wholly or partially with the findings numbered: F3, F4, F8, F9, F10, F11, F12, F13, F14, F20, F21

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

**RECOMMENDATIONS: R1, R3, R4, R5, R9, R10, R11, R12, R13, R16, R17, R19**

Recommendations numbered: R4, R5, R11 have been implemented.

(Attach a summary describing the implemented actions.)

Recommendations numbered: R3, R13, R19 have not yet been implemented, but will be implemented in the future.


(Attach a timeframe for the implementation.)

Recommendations numbered: R1, R9, R10, R12, R16, R17 require(s) further analysis.

(Attach 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 director 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.)

Recommendations numbered: \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: 8/19/2021 Signed: 

Number of pages attached: 11

(See attached Civil Grand Jury Response Requirements)

**County Administrator/Department of Emergency Management Response to  
"Emergency Alerts and Communications" Grand Jury Report**

We thank the Grand Jury for its attention to these functions which are so vital to the safety and health of our residents and visitors.

**FINDINGS**

**We agree with these findings:**

**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.**

**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.**

**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.**

Note: As per the California state Emergency Alert System (EAS) plan, local entities are responsible for filing an EAS plan with the State Emergency Communications Committee (SECC). Sonoma County is part of the San Francisco Bay Area Local Emergency Communications Committee (LECC). The Bay Area LECC has not met since sometime before 2010.

The SECC, which appoints chairs of the LECCs, has not met since 2011 and is effectively defunct. The federal government is currently considering mandating annual meetings of the SECC which could restart the LECCs and the updating of local EAS plans.

**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, and Community Emergency Response Teams groups are deemed essential as major emergencies could overwhelm agencies' ability to fully reach and protect people and property.**

Note: Community preparedness (individuals, families, neighborhoods) is the fundamental method for addressing emergencies and disasters. We fully concur that this effort requires ongoing and sustained efforts. Additional organizations that are critical to this effort include Map Your Neighborhood groups and Fire Safe Councils, Sonoma County is one of just a few local governments in California with a dedicated disaster preparedness program and staff.

Last month, the National Association of Counties (NACo) granted Sonoma County a 2021 Achievement Award for its program titled "Sonoma Ready Sonoma Strong: Community Preparedness Program" in the category of Risk and Emergency Management.

**We disagree wholly or partially with these finding(s):**

**F3. During an emergency, residents in both the incorporated and unincorporated portions of Sonoma County receive multiple and at times conflicting messages.**

We disagree partially with this finding.

We concur that residents may receive multiple warning messages. Multiple methods are needed to overcome the deficiencies inherent in each warning system (ex. "Cricket"-type cell phones cannot receive Wireless Emergency Alert (WEA) messages). Also, the use of multiple systems and even multiple messages is a key psychological concept of warning in that individuals need to receive - or corroborate - information from more than one source before taking action – this activity is called "milling".<sup>1</sup>

Per the State of California Alert & Warning Guidelines, "People rarely act on a single warning message alone. To be effective, warnings should be delivered in various formats across multiple media platforms, both to increase reliability of warning delivery and to provide a sense of corroboration that will encourage recipients to take protective actions."<sup>2</sup> Indeed, the use of multiple alerting systems is one of our County Alert & Warning program objectives. While the use of multiple systems can frustrate our residents, the failure to deliver a warning is certainly a much worse scenario.

Regarding residents receiving conflicting warning messages, the County has made very significant and effective use of warning systems with very low levels of actual conflicting information issued. In highly dynamic incidents, such as a wind-driven firestorm, residents receive information from official warnings as well as many other sources including media, social media, and fellow residents. In these incidents in which events are unfolding on a minute-by-minute basis, the latency of information delivered by various sources can often be a source of confusion.

We are aware of only one recent instance in the 2020 Glass Fire in which the Santa Rosa Police Department issued information via Nixle regarding evacuations which briefly conflicted with information being provided by the County of Sonoma. The City also elected to use the Emergency Alert System (EAS) although the County did not due to the massive spill over in messaging across the San Francisco Bay Area. The new Alert & Warning Annex includes policies and procedures to help prevent this from occurring in the future. However, cities retain the primary responsibility for warning their residents and retain the autonomy to do so.

Finally, this finding makes an assumption that public safety agencies and partners have a clear understanding of the situation but simply do not communicate that well. However, in the early hours of rapidly developing incidents - such as wildfire - efforts to warn residents are often significantly challenged by a lack of situational awareness. Incidents with this level of dynamic severity such as the 2017 or Glass Fires will continue to present communications challenges to residents and responders alike. In many cases, there simply is no clear picture of where the hazard is and which areas it threatens – in this case, public safety officials will err on the side of caution and provide warnings to areas that may be subject to risk.

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<sup>1</sup> <https://martinlea.com/public-response-to-disaster-warnings/>

<sup>2</sup> <http://calalerts.org/documents/2019-CA-Alert-Warning-Guidelines.pdf>, p. 29

**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.**

We disagree partially with this finding.

While it is more challenging to provide warning services to some communities of Sonoma County residents (ex. migrant farm workers or deaf and hard of hearing), the County has developed a robust capability to reach most residents which has been demonstrated in the many recent disasters the County has experienced. Key to these efforts is the drive to ensure that public safety leaders can issue timely, accurate, and actionable warnings to all residents and visitors at any time. Additional work is being done to address social equity in all disaster preparedness programs including alert and warning.

**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.**

We disagree partially with this finding.

In 2018 and 2019, the Department of Emergency Management explored the potential for development of a network of outdoor audible warning sirens. The Department assessed best practices, siren technologies, systems limitations, vendor products, deployment strategies, initial/ongoing program costs as well as participating in field tests in Sonoma County. In 2018, the Department also applied for federal grant funding to further explore this option but was denied.

Please note - the effectiveness of outdoor sirens may be compromised by terrain, vegetation, urban development, and ability to be heard inside buildings.<sup>3</sup> Modern building construction – including dual and triple-paned windows makes hearing this sirens very difficult – this has been seen in recent community evacuation drills in which vehicle-mounted Hi-Lo sirens were used.

Staff are continuing to assess the long-term potential for use of outdoor sirens in very specific hazard areas (ex. tsunami inundation zones).

**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.**

We disagree partially with this finding.

While different zones for the same area would be confusing, the County has adopted a standard set of evacuation zones that all public safety agencies will use. The County's zones for the unincorporated areas number more than 200 and so the naming convention integrates the regular Sheriff's Office patrol zone and a unique letter/number identifier. These 3 character zone names (ex. 2D3) are much easier to communicate and remember as opposed to the 6 character naming convention used in other counties like Napa (ex. NPA-E152).

The City of Santa Rosa elected to use a geographic naming convention for their zones as they have smaller and fewer zones to communicate to their residents than the County.

It is important to note that evacuation warnings and orders use not only the evacuation zone name but also provide a neighborhood name (ex. "Penngrove") as well as geographic description of the zone

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<sup>3</sup> [https://www.midstatecomm.com/PDF/FEMA\\_guide.pdf](https://www.midstatecomm.com/PDF/FEMA_guide.pdf)

boundaries (ex. street name boundaries). This gives the recipient three different frames of reference they can draw on.

**F10. Because evacuation zones were not published or known, prior to the recent emergencies, residents were unaware of their evacuation zones.**

We disagree partially with this finding.

This finding implies that evacuation zones had been established but simply not communicated to County residents. Draft versions of the zones were used in the 2020 LNU Lightning Complex and Glass Fires. Once finalized in June 2021, the zones were immediately published and the County undertook a "Know Your Zone" community engagement campaign to help residents identify the zones in which they may work or live.

**F11. Not all police and fire agencies within the County show an Evacuation Map on their website.**

We disagree partially with this finding.

As of June 30, 2021, most cities and the County have posted all the evacuation zone maps or links to the maps on their respective government/public safety websites or social media sites. Some very small fire districts have not done so - most will reference the County's map which contains all zones across the County.

**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.**

We disagree partially with this finding

Sonoma County's Telecommunications radio-communications system is maintained by the Sheriff's Office Telecommunications Bureau (T-Comm). We understand that T-Comm has not delayed maintenance and does not agree that the system is at risk due to aged equipment.

**F13. There is no backup system for the County communication towers/repeaters or for commercial cellular towers should they fail to function.**

We disagree partially with this finding.

County communications towers

The County communications towers are maintained by Sheriff's Office and include a robust series of backups, in the event of primary power loss. All county communications towers maintained by the Sheriff's office have back up generators with enough fuel to power the tower for at least 10 days in addition to battery backup systems.

Commercial cellular towers

The County - along with other local governments - was successful in 2020 in petitioning the California Public Utilities Commission (CPUC) to require that telecommunications providers provide state and local emergency responders with information directly about the areas that have lost, or may lose, service due



to the impacted infrastructure and requiring that outage maps be posted on public-facing websites. CPUC Decision 21-02-029<sup>4</sup> requires 72-hours backup power for wireless providers in Tier 2 and Tier 3 High Fire Threat Districts – except for those facilities which the providers identify in their resiliency plans that don't need backup or are impossible to provide backup.

Per the CPUC map of areas that don't have sufficient backup, there are relatively few in Sonoma County that are at risk from power failure. See

<https://capuc.maps.arcgis.com/apps/webappviewer/index.html?id=4ffc5f03a0e14f22a28e4f14aca20327> (dark blue is vulnerable). However without real-time system status reporting, we don't know if this is really what will occur during a major event.

Per CPUC Rulings 18-03-011<sup>5</sup>, 18-03-011<sup>6</sup>, and Decision 21-02-029<sup>7</sup>, the County of Sonoma has received emergency plans from wireless (U.S Cellular, Verizon, AT&T, TMobile) and wireline communications providers (Comcast, AT&T). The wireless broadband providers have made some progress in developing backup power for key sites but the overall status of this effort is not known.

The County has experienced loss of power and subsequent loss of wireless broadband systems as a result of wildfires in 2017, 2019, and 2020 and well as Public Safety Power Shutoff events in 2019 and 2020. In each of these, the ability to alert the public to life safety threats such as recent wildfires was compromised.

The County strongly supports additional proposed requirements for telecommunications service providers to give state and local emergency responders precise ZIP code updates of (1) facilities that are damaged or destroyed, (2) the status of facilities on backup battery or generator power, and (3) facilities that are offline.

**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.**

We disagree partially with this finding.

County communications towers

Sonoma County's Telecommunications radio-communications system is maintained by the Sheriff's Office.

Commercial cellular towers

The County of Sonoma cannot respond to maintenance levels of the commercial cellular provider's infrastructure, equipment or systems.

**F15. Department of Emergency Management towers in does not have documentation/maps of the physical location of the cellular provider communication the event of a disaster.**

We disagree partially with this finding.

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<sup>4</sup> <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M366/K625/366625041.PDF>

<sup>5</sup> <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M328/K685/328685793.PDF>

<sup>6</sup> <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M343/K633/343633733.PDF>

<sup>7</sup> <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M366/K625/366625041.PDF>

The commercial wireless broadband providers generally do not share the location of their infrastructure as they categorize that as proprietary information. Nevertheless, the County Department of Emergency Management does have locations of some sites that we procured to assist us in overcoming an identified flaw in the Wireless Emergency Alert where tower location could negatively impact the effectiveness of the system. This was a partial solution as the identified flaw was inherent in a specific cellular carrier's implementation of the WEA system.

However, due to change made in the system recently made after DEM reported the problem to FEMA, the flaw was rectified and the need for physical locations for cellular communications towers was made irrelevant. Tests conducted in March 2021 appeared to confirm this, although we will continue to test.

**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.**

**We disagree wholly with this finding.**

Since 2017, the County has developed several after action reports for wildfire, flood and power shut off incidents. Recommendations and actions from these AARs are a key element of ongoing improvements and program development. The AAR addressing the County's Emergency Operations Center (EOC) in the 2017 Fires has directly led to changes in organization and procedure. A key recommendation was to develop a new EOC facility which has now been incorporated into the County's Strategic Plan and Capital Improvement Plan.

Of course, not all the improvements can be immediately implemented – especially as the historic number and scope of recent incidents has necessarily prioritized response efforts over preparedness. That said, significant progress in implementing many AAR recommendations has been made in the last three years. AARs provide critical input as new plans are developed, new training offered, and new equipment purchased.

By way of example, recommendations made in the Alert & Warning AARs developed following the 2018 and 2019 warning exercises, the 2019 Kincade Fire and PSPS events, and the 2020 LNU and Glass Wildfires have been incorporated into the new Alert & Warning Annex and the larger warning program.

The County's new Emergency Operations Plan which is expected to be approved by the Board of Supervisors by the end of 2021 further incorporate many other recommendations made in AARs as do the Annexes for Public Safety Power Shutoff (PSPS) and Evacuation which have already been approved by the Board of Supervisors.

**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.**

**We disagree wholly with this finding.**

Army Regulations which govern the U.S. Army Corps of Engineers (USACE) provide for release of Dam Emergency Action Plans (EAPs) to agencies conducting official business. Agencies must submit a request and sign a Non-Disclosure Agreement (NDA).

The Department of Emergency Management is in possession of hard and electronic copies of the draft 2019 Warm Springs Dam Emergency Action Plan EAP. However, the County remains subject to the NDA which restricts release of the EAP.

USACE recently (October 2020) announced that it would no longer restrict to only public safety and emergency management officials the release of Inundation Maps which are part of Dam EAPs. However, electronic access to those maps will not occur until late 2021 and USACE must determine for each dam if the security risks outweigh the benefits of releasing the maps.

The Department of Emergency Management has not received any prior requests for the EAP from any government or public safety agency.

Note: the County's 2020 General Plan Safety Elements summarizes the hazards posed by dam failure along with other natural hazards. The plan includes a map showing dam inundation which can be found at [http://sonoma-county.granicus.com/MetaViewer.php?view\\_id=2&clip\\_id=430&meta\\_id=142327](http://sonoma-county.granicus.com/MetaViewer.php?view_id=2&clip_id=430&meta_id=142327). A revised version of the dam failure inundation map will be included in the County's new Local Hazard Mitigation Plan which is currently available for public review and comment at <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Hazard-Mitigation-Update/>.

## RECOMMENDATIONS

### 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)**

Response: Recommendation R1 has not been implemented and may not be implemented.

The recommendation is vague. The County's Alert & Warning Annex addresses the challenge of reaching all segments of communities and identifies strategies and procedures to support this effort.

**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)**

Response: Recommendation R3 has not been implemented but will be implemented in the future.

The Department of Emergency Management will work with public information staff in the County and with stakeholder agencies to develop messaging and information products related to this subject. The challenges associated with emergency communications are one the key focus that staff address in speaking with residents at town halls and other informational events. The need to have as many types of warnings at the ready has become a clear topic in these presentations

### 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)**

Response: Recommendation R4 has already been implemented.

The consolidated map of County unincorporated and city evacuation zones is located at [www.SoCoEmergency.org/evacuation-map](http://www.SoCoEmergency.org/evacuation-map). These zones are used by first responders and in public communications as per the Alert & Warning Annex to the County's Emergency Operations Plan as approved by the County Board of Supervisors on April 11, 2021.

**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)**

Response: Recommendation R5 has already been implemented.

In a coordinated effort by Sheriff's office and Emergency Management, a "Know Your Zone" campaign launched on May 21, 2020. This included County and Sheriff's social media, press releases, and direct communication with local neighborhood leaders to help the public learn their zones. The efforts also included multiple town hall meetings, and Emergency Management developed a community tool, Evac Packs, which include Know Your Zone sticker to note zone on for future reference. The "Know Your Zone" campaign continues through the summer and fall, and will be refreshed annually for the public. A preparedness calendar has been developed and "Know Your Zone" is an annual topic in May preparedness efforts.

### Infrastructure

**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)**

Response: Recommendation R9 has not been implemented and may not be implemented.

Commercial wireless broadband providers are not required to and do not voluntarily share the location of their infrastructure as they categorize that as proprietary information. Nevertheless, the County Department of Emergency Management does have locations of some sites that we compiled when testing the WEA system, and recognized after later testing that issues that the problem we were testing for had been corrected by the specific cellular company voluntarily pursuant to a request from FEMA and the FCC. The compilation of cell tower locations is no longer seen as relevant information required for the optimal use of our Alert and Warning systems.

**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)**

Response: Recommendation R10 has not been implemented and may not be implemented.

County communications towers

Sonoma County's Telecommunications radio-communications system is maintained by the Sheriff's Office.

Commercial cellular towers

The County of Sonoma cannot respond to maintenance levels of the commercial cellular provider's infrastructure, equipment or systems.

**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)**

Response: Recommendation R11 has been implemented.

The Sheriff's Office and Department of Emergency Management coordinate with CalFire and local fire agencies during disasters to preserve life and safety including the protection of essential communications infrastructure.

**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)**

Response: Recommendation R12 has not been implemented and may not be implemented.

The Department of Emergency Management does not establish building or infrastructure safety requirements for cellular tower providers but, as partners in public safety, will support this effort.

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)**

Response: Recommendation R13 has not been implemented but will be implemented in the future.

The Department of Emergency Management is currently developing a new County Emergency Operations Plan and expects to present it for review and approval by the Board of Supervisors in the 4<sup>th</sup> Quarter of 2021.

The Department of Emergency Management has, and will continue to, post onto its website all After Action Reports (including recommendations) for disasters experienced since 2017.

**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)**

Response: Recommendation R16 has not been implemented and may not be implemented.

Army Regulations which govern the U.S. Army Corps of Engineers (USACE) provide for release of Dam Emergency Action Plans (EAPs) to agencies conducting official business. Agencies must submit a request and sign a Non-Disclosure Agreement (NDA). The Department of Emergency Management is in possession of hard and electronic copies of the draft 2019 Warm Springs Dam Emergency Action Plan EAP. However, the County remains subject to the NDA which restricts release of the EAP.

USACE recently (October 2020) announced that it would no longer restrict to only public safety and emergency management officials the release of Inundation Maps which are part of Dam EAPs. However, USACE electronic access to those maps will not occur until late 2021 and USACE must determine for each dam if the security risks outweigh the benefits of releasing the maps.

Note: the County's 2020 General Plan Safety Elements summarizes the hazards posed by dam failure along with other natural hazards. The plan includes a map showing dam inundation which can be found at [http://sonoma-county.granicus.com/MetaViewer.php?view\\_id=2&clip\\_id=430&meta\\_id=142327](http://sonoma-county.granicus.com/MetaViewer.php?view_id=2&clip_id=430&meta_id=142327). A revised version of the dam failure inundation map will be included in the County's new Local Hazard Mitigation Plan which is currently available for public review and comment.

**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)**

Response: Recommendation R17 has not been implemented and may not be implemented.

As per the State Emergency Alert System (EAS) plan, the County does not unilaterally submit an annual EAS plan to the state. The County does so as part of the San Francisco Bay Area Local Emergency Communications Committee (LECC) which has not met since 2010.

The State Emergency Communications Committee (SECC), which appoints chairs of the LECCs, has not met since 2011 and is currently being reconstituted by the California Governor's Office of Emergency Services (CalOES). The federal government is currently considering mandating annual meetings of the SECC which could restart the LECCs and the updating of local EAS plans.

### **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)**

Response: Recommendation R19 has not been implemented but will be implemented in the future.

The Department of Emergency Management does support COPE, CERT and COAD groups efforts currently in a number of ways. Along with Map Your Neighborhood groups and Fire Safe Councils, DEM provides speakers and program support to these groups, provides materials for distribution, and encourages new group formation regularly. Staff member sits on the Board of the Northern Sonoma County COPE, and presents monthly to the leadership group at their meetings.

A full page the on [SoCoEmergency.org/get-ready](http://SoCoEmergency.org/get-ready) website is devoted to Neighborhood efforts. In all public engagement opportunities, the importance of Neighborhood Preparedness efforts is highlighted. These efforts will be enhanced and prioritized over the next two years to continue to support growth in this important activity.

DEM has applied for federal grant funding to supplement this support. Community preparedness funds will work to develop leadership in areas where groups are not present, and fund existing group's efforts to help them grow and strengthen. If approved, the grant for CERT programs will provide full-time assistance to grow this program countywide.



August 19, 2021

The Honorable Brad DeMeo  
Presiding Superior Court Judge  
600 Administration Drive  
Santa Rosa, CA 95403

RE: Response to the 2020-21 Sonoma County Civil Grand Jury Report

Dear Honorable Judge DeMeo,

Thank you for the opportunity to respond to the 2020-21 Grand Jury Report. Attached is the Economic Development Board's response to the report entitled Broadband Access in Sonoma County: *Broadband is a Utility; The Quite Crisis of Availability*.

I would like to thank the 2020-21 Grand Jurors for their service.



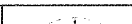
Sincerely,

A handwritten signature in black ink, appearing to read "Sheba Person-Whitley", with a long horizontal flourish extending to the right.

Sheba Person-Whitley  
EDB Executive Director

Attachments: Responses

cc:  
Sonoma County Board of Supervisors  
Clerk of the Board of Supervisors  
Grand Jury Foreperson

BOARD OF DIRECTORS	KATHRYN HECHT, CHAIR - JORGE ALCAZAR SKIP BRAND - PAM CHANTER - WAYNE LEACH LINDA KACHIU – MICHAEL NICHOLLS JORDAN KIVELSTADT - RICHARD MARZO REGINA MAHIRI SHEBA PERSON-WHITLEY, EXECUTIVE DIRECTOR		707.565.7170		WWW.SONOMAEDB.ORG	
		141 STONY CIRCLE, STE 130   SANTA ROSA, CA 95401				



Response to Grand Jury Report Form

Report Title: Broadband Access in Sonoma County

Report Date: June 20, 2021

Response by: Sheba Person-Whitney Title: Executive Director

Agency/Department Name: Sonoma County Economic Development Board

**FINDINGS:** F9, F10, F14

I (we) agree with the findings numbered **F9, F14**

I (we) disagree wholly or partially with the findings numbered: **F10**

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)


**RECOMMENDATIONS:** R4, R5, R9

Recommendations numbered: \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)

Recommendations numbered: **R4, R5** have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)

Recommendations numbered: **R9** require(s) further analysis.  
(Attach 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 director 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.)

Recommendations numbered: \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 8/19/2021 Signed: 

Number of pages attached: **none**  
(See attached Civil Grand Jury Response Requirements)

## Required Responses

### **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**

We partially disagree with F10 as Access Sonoma Broadband (ASB) is an informal advisory group to the Director of the Economic Development Board. The EDB has been given the authority to expand ASB into the official governing body responsible for broadband development, should an appropriate structure be identified. On June 8, 2021, the Board of Supervisors allocated \$315,000 to the initial exploratory steps needed to create such a body, which includes a comprehensive business plan for start-up costs, ongoing staffing, and development of infrastructure.

### **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)**

This recommendation has not yet been implemented, but will be in the future. Access Sonoma Broadband, as an informal advisory body to the Director of the Economic Development Board, recently completed a Broadband Action Plan, which was subsequently presented to the Board of Supervisors on June 8, 2021. The plan calls for the creation of a governing structure yet to be determined, though inclusive of County/City departments and other regional stakeholders, to facilitate broadband expansion projects through the public development and ownership of infrastructure. The Action Plan was approved by the Sonoma County Board of Supervisors, which also allocated \$315,000 for the initial stages of this work (consulting service, legal services, and grant management).

An RFP for consulting services related to this effort is currently in development, with a release planned for late July 2021. The scope includes comprehensive research of potential governing structures and the creation of a business plan for the recommended structure. It is anticipated that a contract will be awarded in September 2021, with a governance structure and partnerships identified in late 2021.

### **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)**

A Joint Powers Agreement (JPA) is one of the structures recommended by the Broadband Action Plan, and will be considered as part of the scope of work outlined in the response to R4. Neighboring counties, including Mendocino, are currently members of the North Bay North Coast Broadband Consortium (NBNCBC), and the county plans to consult the organization during the information finding component of the work described in the response to R4. As a part of the analysis described in the response to R4 the County will consider if a regional model is an appropriate tool for deploying broadband infrastructure in Sonoma County.

### **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)**

This recommendation requires further analysis. Though download/upload speeds of 100/20 have been recommended by the state as well as identified by NBNCBC as a target, it is unlikely that formal adoption

of any particular speed recommendation will be made locally before a governing structure and business plan are identified and created.



County of Sonoma  
Permit & Resource Management Department

19 August 2021

The Honorable Brad DeMeo  
Presiding Superior Court Judge  
600 Administration Drive  
Santa Rosa, CA 95403

**RE: RESPONSE TO THE 2020-21 SONOMA COUNTY CIVIL GRAND JURY REPORT**

Dear Presiding Judge DeMeo:

Thank you for the opportunity to respond to the 2020-21 Grand Jury Report. Permit Sonoma's response to the report entitled Broadband Access in Sonoma County: *Broadband is a Utility; The Quite Crisis of Availability*.

We would like to thank the 2020-21 Grand Jurors for their service.

Sincerely,

**Tennis Wick**  
Digitally signed by Tennis Wick  
Date: 2021.08.19  
12:42:37 -07'00'

Tennis Wick, AICP  
Director

Attachments: Responses

cc: Sonoma County Board of Supervisors  
Sheryl Bratton, Clerk of the Board of Supervisors  
Grand Jury Foreperson



## Response to Grand Jury Report Form

Report Title: Broadband Access in Sonoma County

Report Date: June 20, 2021

Response by: Tennis Wick Title: Director

Agency/Department Name: Permit Sonoma

### FINDINGS: F13

I (we) agree with the findings numbered F13

I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

### RECOMMENDATIONS: R7

Recommendations numbered: \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)

Recommendations numbered: R7 have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)

Recommendations numbered: \_\_\_\_\_ require(s) further analysis.

(Attach 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 director 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.)

Recommendations numbered: \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 29 JULY 2021 Signed: Tennis Wick

Number of pages attached: 1

**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.**

The Permit and Resource Management Department (Permit Sonoma) agrees with this finding.

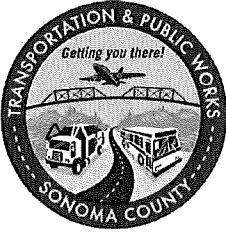
Permit Sonoma serves as regulatory agent for the Transportation and Public Works Department (TPW), reviewing and permitting improvements proposed within the public right-of-way, including broadband facilities.

TPW provides direction to Permit Sonoma, usually through memoranda of understanding (MOU’s) and specifications – narrative and graphic – for permitting utilities such as broadband in the public right-of-way.

**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)**

Permit Sonoma agrees with this recommendation.

By December 31, 2021, Permit Sonoma will begin working with TPW to start the development of formal public right-of-way construction standards that will facilitate the permitting and installation of broadband facilities. TPW and Permit Sonoma will work with other entities as needed, such as Access Sonoma Broadband, factoring in decisions by the Board of Supervisors regarding any governance structure for broadband.



Integrated Waste  
Road & Bridge Operations  
Sonoma County Airport  
Sonoma County Transit

**Johannes J. Hoevertsz, Director**

Trish Pisenti, Deputy Director- Transportation & Operations  
Janice Thompson, Deputy Director- Engineering & Maintenance

August 19, 2021

The Honorable Brad DeMeo  
Presiding Superior Court Judge  
600 Administration Drive  
Santa Rosa, CA 95403

RE: Response to the 2020-21 Sonoma County Civil Grand Jury Report

Dear Honorable Judge DeMeo,

Thank you for the opportunity to respond to the 2020-21 Grand Jury Report. Attached is Transportation and Public Works' response to the report entitled Broadband Access in Sonoma County: *Broadband is a Utility; The Quite Crisis of Availability*.

I would like to thank the 2020-21 Grand Jurors for their service.

Sincerely,

Johannes J. Hoevertsz, Director  
Sonoma County Transportation and Public Works

Attachments: Responses

cc:  
Sonoma County Board of Supervisors  
Clerk of the Board of Supervisors  
Grand Jury Foreperson

Response to Grand Jury Report Form

Report Title: "Broadband Access in Sonoma County"

Report Date: June 20, 2021

Response by: Johannes Hoevertsz Title: Director of Transportation

Agency/Department Name: Sonoma County Department of Transportation

**FINDINGS: F13**

I (we) agree with the findings numbered F13

I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

**RECOMMENDATIONS: R7**

Recommendations numbered: \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)

Recommendations numbered: R7 have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)

Recommendations numbered: \_\_\_\_\_ require(s) further analysis.  
(Attach 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 director 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.)

Recommendations numbered: \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 8/19/2021 Signed: Johannes J. Hoevertsz

Number of pages attached: 1  
(See attached Civil Grand Jury Response Requirements)



**Department of Transportation and Public Works Response to  
"Broadband Access in Sonoma County" Grand Jury Report**

**FINDINGS**

**We agree with these finding(s): 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.

**RECOMMENDATIONS**

**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)**

Response: Recommendation R7 has not been implemented but will be implemented in the future. By December 31, 2021, TPW will begin working with Permit Sonoma to start the development of formal public right-of-way construction standards that will facilitate the permitting and installation of broadband facilities. TPW and Permit Sonoma will work with other entities as needed, such as Access Sonoma Broadband, factoring in decisions by the Board of Supervisors regarding any governance structure for broadband.

## Response to Grand Jury Report Form

Report Title: Emergency Alerts and Communications

Report Date: June 20, 2021

Response by: Mark Essick Title: Sheriff

Agency/Department Name: Sonoma County Sheriff's Office

### FINDINGS: **F4, F6, F7, F8, F9, F10, F11, F12, F13, F14**

I (we) agree with the findings numbered: **F4, F6, F9, F10**

I (we) disagree wholly or partially with the findings numbered: **F7, F8, F11, F12, F13, F14**

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

### RECOMMENDATIONS: **R1, R4, R5, R6, R7, R8, R10, R11**

Recommendations numbered: **R4, R5, R6, and R11** have been implemented.

(Attach a summary describing the implemented actions.)

Recommendations numbered: **R7 and R8** have not yet been implemented, but will be implemented in the future.

(Attach a timeframe for the implementation.)

Recommendations numbered: \_\_\_\_\_ require(s) further analysis.

(Attach 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 director 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.)

Recommendations numbered: **R1 and R10** will not be implemented because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Number of pages attached: **7**

(See attached Civil Grand Jury Response Requirements)

SONOMA COUNTY SHERIFF'S OFFICE  
RESPONSE TO THE 2020-2021 GRAND JURY REPORT

**Emergency Alerts and Communications**

**FINDINGS**

***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.***

RESPONSE: The respondent agrees with the finding.

Although the Department of Emergency Management is ultimately responsible for the County's alert and warnings, the Sheriff's Office agrees that specified groups and individuals may not currently be receiving alerts directly. The Sheriff's Office, in support of the Department of Emergency Management uses numerous warnings systems, including social media (Instagram, Facebook, and Twitter), Nixle, SoCo Alerts, the Wireless Emergency Alert system (WEA), radio and television Emergency Alert Systems, the National Oceanic and Atmospheric Administration radio. Nixle and social media alerts are released in English and Spanish.

Sheriff's Office field service vehicles, which includes all patrol vehicles, are equipped with a Hi/Low siren. This siren produces a different sound than a traditional siren and will only be used to alert residents to evacuate. The unique European style two tone siren will only be utilized to alert residents in specific areas of the need to evacuate. Since the Hi/Low sirens were installed in 2018, the Sheriff's Office has been educating the public on the use of these sirens. Additionally, during emergencies deputies will make public announcements from their patrol vehicles and when necessary and appropriate will make personal contact at residences.

***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.***

RESPONSE: The respondent agrees with the finding.

The Sheriff's Office appreciates the Grand Jury's commendation for the achievements made in the area of emergency information sharing among police and fire districts as well as the improvements that have been made with consistency of the messaging systems.

***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.***

RESPONSE: The respondent partially disagrees with the finding.

The Sheriff's Office agrees that the two tone, Hi/Low evacuation sirens installed in all Sheriff's Office Field Services vehicles have been a success in effectively notifying individuals to evacuate in both rural and populated areas. Given that the Sheriff's Office is not ultimately responsible for the County's alert and warning systems, the Office is not the appropriate department to evaluate, install, or operate air raid sirens. We are supportive of the County's Department of Emergency Management exploring this alternative solution.

***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.***

RESPONSE: The respondent partially disagrees with the finding.

The Sheriff's Office partially agrees that air raid sirens placed strategically around the County could potentially reach residents in remote areas; however, the responsibility for the County's alert and warning systems lies with the County's Department of Emergency Management (DEM). Therefore, DEM would be the appropriate department to evaluate the effectiveness of air-raid sirens.

***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.***

RESPONSE: The respondent agrees with the finding.

The Sheriff's Office agrees that clear direction in regards to evacuation zones can be critical in an active emergency. Over the past four years the Sheriff's Office, in cooperation with DEM, CalFire, and local public safety agencies, has been working on developing a County-wide evacuation mapping system. The goal is to have pre-set evacuation zones for all areas of the County so that people can identify their zone well in advance of a disaster and be better prepared should the need to evacuate arise.

***F10. Because evacuation zones were not published or known, prior to the recent emergencies, residents were unaware of their evacuation zones.***

RESPONSE: The respondent agrees with the finding.

Since late 2020, the Sheriff's Office has been working with all nine cities within the County to establish a unified evacuation mapping system. On May 24<sup>th</sup>, 2021, the Sheriff's Office, along with the County's Department of Emergency Management, posted to their websites a complete County-wide evacuation map of the unincorporated areas, along with all nine cities. The County-wide map displays all the numbered evacuation zones in the unincorporated area and the nine incorporated cities. The County-wide evacuation map was shared with every law enforcement agency and fire agency within Sonoma County.

***F11. Not all police and fire agencies within the County show an Evacuation Map on their website.***

RESPONSE: The respondent partially disagrees with the finding.

The Sheriff's Office does not have jurisdiction or oversight over other police and fire agencies. The County's Department of Emergency Management, as the lead agency for the Sonoma County Operational Area, would take the lead role in coordinating emergency information for the Operational Area. The Sonoma County Operational Area consists of nine incorporated cities: Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma, and the Town of Windsor as well as Sonoma State University, the Sonoma County Junior College District, and other special districts within the County's geographical boundary.

***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.***

RESPONSE: The respondent partially disagrees with the finding.

Sonoma County's Telecommunications radio-communications system is maintained by the Sheriff's Office Telecommunications Bureau (T-Comm). T-Comm has not delayed maintenance and does not agree that the system is at risk due to aged equipment. The system could greatly benefit from newer technologies and upgrades to older equipment, but such upgrades will not increase or decrease potential tower/repeater/equipment loss. Any significant damage to multiple sites, as a result of a disaster is likely to result in reduced system functionality, to include potential loss of system reliability.

***F13. There is no backup system for the County communication towers/repeaters or for commercial cellular towers should they fail to function.***

RESPONSE: The respondent partially disagrees with the finding.

Following the 2017 Tubbs Fire, the Sheriff's Office recognized the need for a failsafe mobile warning system, not relying on County communication towers or cellular towers. All Sheriff's Office field service vehicles, including patrol vehicles, are equipped with a Hi/Low siren. The unique European style two tone siren will only be utilized to alert residents in specific areas of the need to evacuate. Since the Hi/Low sirens were installed in 2018, the Sheriff's Office has been educating the public on the use of these sirens. The Hi/Low evacuation sirens emitted from patrol vehicles have been tested through several fires since the Tubbs Fire and have been proven to be effective, notifying individuals in both rural and populated areas. Additionally, during emergencies, deputies will make public announcements from their patrol vehicles and when necessary and appropriate will make personal contact at residences

The County's communications towers include a very robust series of backups, in the event of primary power loss. Every County communication tower includes a backup generator, with sufficient fuel to run for at least 10 days of primary power interruption. In addition, every County communication site includes a robust battery backup system that will continue to power the system, in the case of loss of both primary and generator power. Finally, due to the way that the system has been designed, the loss of a singular site will not drastically impact County wide emergency services.

The Sheriff's Office cannot speak to the commercial cellular provider's infrastructure, equipment, or systems.

***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.***

RESPONSE: The respondent partially disagrees with the finding.

The County maintains communication sites through three types of land ownership: County-owned real estate, private and commercial land owners, and state-owned land. Given this diverse field of property ownership arrangements, the County can only be responsible for defensible space on County-owned lands. The County's General Services Department, Real Estate Division is responsible for vegetation management at sites owned or managed by the County. While vegetation management on private, commercial, and State land is covered in our real-estate agreements, it is the responsibility of the land owners to fund and perform that work.

The Sheriff's Office cannot speak to the commercial cellular provider's infrastructure, equipment or systems.

## **RECOMMENDATIONS**

***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)***

RESPONSE: The recommendation will not be implemented because it is not warranted or not reasonable.

The Sonoma County Sheriff's Office is not responsible for the County's Emergency Operations Plans and does not control the County's disaster alert and warning program.

***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)***

RESPONSE: The recommendations has been implemented.

Since late 2020, the Sheriff's Office has been working with all nine cities within the County to establish a unified evacuation mapping system. On May 24<sup>th</sup>, 2021, the Sheriff's Office, along with the County's Department of Emergency Management, posted to their websites a complete County-wide evacuation map of the unincorporated areas, along with all nine cities. The County-wide map displays all the numbered evacuation zones in the unincorporated area and the nine incorporated cities. The County-wide evacuation map was shared with every law enforcement agency and fire agencies within Sonoma County.

***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)***

RESPONSE: The recommendation has been implemented.

The Sheriff's Office has informed the public of on evacuation zones within the County's jurisdiction by publishing evacuation maps in local media, online, and through SoCo Emergency. The Sheriff's Office cannot guarantee commitment from other agencies/cities or set deadlines for these organizations as we have no jurisdiction over them. However, since late 2020, the Sheriff's Office has been working with all nine cities within the County to establish a unified evacuation mapping system. On May 24<sup>th</sup>, 2021, the Sheriff's Office, along with the County's Department of Emergency Management, posted to their websites a complete County-wide evacuation map of the unincorporated areas, along with all nine cities. The County-wide map

displays all the numbered evacuation zones in the unincorporated area and the nine incorporated cities. The County-wide evacuation map was shared with every law enforcement agency and fire agencies within Sonoma County.

***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)***

RESPONSE: The recommendation has been implemented.

The Sheriff's Office Telecommunications Bureau continually monitors and analyzes existing communications tower equipment and repeater systems for obsolescence/end of life concerns. Those items that are deemed most critical to overall communications system functionality are annually submitted for funding to the County Board of Supervisors as part of the County's Capital Improvement Plan (CIP). The most current list of these projects is contained in the FY 2021-2026 Capital Improvement Plan ([Sonoma County Capital Improvement Plan](#)).

***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)***

RESPONSE: The recommendation has not yet been implemented, but will be implemented in the future.

The Sheriff submits requests for equipment replacement funding on behalf of the Telecommunications Bureau through the County's Capital Improvement Plan process. The General Services Department and County Administrator then make recommendations to the Board of Supervisors, whom ultimately have authority to appropriate funding. This process takes place in conjunction with the County's annual budget process in the spring of each year.

***R8. By June 30, 2022, the Sheriff's Office implement the plan to bring the communication tower equipment/repeaters up-to-date. (F12)***

RESPONSE: The recommendation has not yet been implemented, but will be implemented in the future.

The implementation of the above recommendation is dependent on the results of the analysis outlined in the response to the Grand Jury's Recommendation 6 and the Board of Supervisors funding of projects in the Sonoma County 2021-2026 Capital Improvement Plan and future CIPs.



***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)***

RESPONSE: This recommendation will not be implemented because it is not warranted or not reasonable.

As stated in the Sheriff's Office response to Finding 14, the County cannot assume responsibility for vegetation management on sites that they do not directly own or manage. Furthermore, the Sheriff's Office does not maintain the responsibility of vegetation management on County owned property. This responsibility falls under the County's General Services Department.

***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)***

RESPONSE: This recommendation has been implemented.

During natural disasters, the Sheriff's Office Telecommunications Bureau is in constant contact with CalFire and local fire agencies regarding the protection of County public-safety communications infrastructure. These efforts are evidenced by the protection of the Mount Jackson communications site during the LNU Complex fires from 2020.

## Response to Grand Jury Report Form

Report Title: COVID-19 Mitigation at the County Jail

Report Date: June 20, 2021

Response by: Mark Essick Title: Sheriff

Agency/Department Name: Sonoma County Sheriff's Office

### FINDINGS: **F4, F5, F7, F8, F9, F10, F11**

I (we) agree with the findings numbered \_\_\_\_\_

I (we) disagree wholly or partially with the findings numbered: **F4, F5, F7, F8, F9, F10, and F11**

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

### RECOMMENDATIONS: **R1, R2, R3, R4, R6, R7**

Recommendations numbered: **R2** have been implemented.

(Attach a summary describing the implemented actions.)

Recommendations numbered: **R1 and R6** have not yet been implemented, but will be implemented in the future.

(Attach a timeframe for the implementation.)

Recommendations numbered: **R4** require(s) further analysis.

(Attach 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 director 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.)

Recommendations numbered: **R3 and R7** will not be implemented because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Number of pages attached: **7**

(See attached Civil Grand Jury Response Requirements)

SONOMA COUNTY SHERIFF'S OFFICE  
RESPONSE TO THE 2020-2021 GRAND JURY REPORT

**COVID-19 Mitigation at the County Jail**

The Sheriff's Office would like to take this opportunity to thank the Grand Jury for recognizing the efforts we have made during the pandemic to mitigate COVID-19 throughout our detention facilities to insure the on-going health and safety of inmates and our employees. The Sheriff's Office is committed to continuing to follow CDC COVID guidelines, and State and local COVID mandates and orders.

**FINDINGS**

***F4. Keeping the incarcerated population at or below 800 people would save the County between five and six million dollars every year.***

RESPONSE: The respondent partially disagrees with the finding.

The Sheriff's Office is acutely aware of the correlation between inmate population and the cost of housing and caring for individuals in our custody. We agree that variable costs are lower when the inmate population is lower. However, we do not have direct control of the inmate population and cannot, with any amount of certainty, commit to keeping the population at or below 800 inmates. The Sheriff's Office Detention Division FY 21-22 budget assumes an average daily inmate population of 800 for budgetary projections based on our current assumptions and best estimates. The FY 21-22 savings estimated as a result the reduced populations is approximately \$2.5 million, quite a bit less than identified in Finding 4.

The average daily inmate population within the jail is not controlled by the Sheriff's Office. Arresting agencies, the Court, District Attorney's Office, Office of the Public Defender, Probation Department and the California Department of Corrections and Rehabilitation all influence which inmates remain incarcerated within our jail. Therefore, with the continuous fluctuation of our inmate population, the Sheriff's Office considers a projection of our inmate population during a pandemic to be undependable. In return, the Sheriff's Office cannot adequately develop the suggested potential savings cost.

***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.***

RESPONSE: The respondent partially disagrees with the finding.

The Sheriff's Office policy regarding issuing citations in the field for certain misdemeanors and non-violent felonies has not changed due to the pandemic. The Main Adult Detention Facility and North County Detention Facility are the only adult detention facilities in Sonoma County. Given this, the Sonoma County Sheriff's Office houses all individuals arrested by all law

enforcement agencies within Sonoma County. Therefore, it is not only the arrest practices of the Sonoma County Sheriff's Office that have an effect on the number of inmates booked and housed in the Sheriff's Office two facilities, but all law enforcement agencies practices. Additional data, including the practices of other law enforcement agencies within Sonoma County is required to concur with or disagree with this finding.

***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.***

RESPONSE: The respondent wholly disagrees with this finding. The Sheriff's Office Detention Division began meeting with County Department of Health Services, Public Health Division (Public Health) and County Risk Management (Risk) in the very early stages of the pandemic in order to develop comprehensive procedures and protocols designed to protect the health and welfare of both inmates and staff. From the beginning of the pandemic, the Detention Division has followed all health orders regarding congregate facilities. The Detention Division continues to work closely with Public Health in an attempt to keep all of our inmates and staff members safe.

The Sheriff's Office acknowledges a reduction in programs during the COVID-19 pandemic. Since the beginning of the pandemic, the Sheriff's Office has continued to strategize and work in conjunction with several of our County partners, to include Public Health, in an attempt to mitigate health risks within our congregate facilities, while providing as many services as possible. During this pandemic, the Sheriff's Office and our County partners ranked mitigating inmate COVID-19 health related risks as a top priority. The primary focus has been, and will continue to be keeping COVID-19 from spreading within our facility. Controlling the pandemic at the County's adult detention facilities has drastically decreased potential litigation and complaints regarding the safety of incarcerated friends and family. As the Sheriff's Office continues to operate without a single inmate hospital admission due to COVID-19 complications, we are acutely aware of the sacrifices we continue to be forced to make in the form of inmate programing. As the pandemic begins to diminish and the threat of the virus weakens within our highly vulnerable congregate facilities, we will once again focus on the continuation of inmate programs. Our ability to reinstitute many of our inmate programs will continue to be dependent on the behavior of the virus and its variants.

In an effort to address the concerns regarding isolation and mitigate the Covid related impacts on inmates, the Detention Division approved the issuance of free phone cards to inmates during the worst stages of the pandemic and later offered free daily 10 minute phone calls. To alleviate the decreased inmate program availability as a result of Covid mandates and precautions, the Detention Division implemented classes and programs using zoom and other platforms.

***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.***

RESPONSE: The respondent wholly disagrees with the finding.

As of June 19, 2021, the Sheriff's Office has resumed pre-pandemic visiting guidelines for all inmates who have been incarcerated at our facility for more than 14 days and also received a negative result from a COVID-19 test.

From May 1, 2021 to June 19, 2021, the Sheriff's Office provided the above mentioned inmates with 3,797 available hours of visiting. Of those available hours, friends and family of the inmates only took advantage of and attended 403 hours, using only 11% of the available time.

In addition, only 11% of our inmate population has been housed in our facility for more than 365 days. Therefore, the entire population has not been absent of visual communication with friends and family for more than a year.

***F9: Allowing jail staff and inmates to refuse testing and vaccination creates a risk to public health.***

RESPONSE: The respondent wholly disagrees with the finding.

The Sheriff's Office recognizes the importance of COVID-19 surveillance testing, as well as the importance of the COVID-19 vaccination.

The Sheriff and his staff as well as County partners continue to work towards the goal of vaccinating as many staff members and inmates who are willing to do so. The Sheriff's Office inmate medical provider (CFMG/Wellpath), Public Health, as well as volunteer nurses and doctors continue to educate our inmates and staff on the COVID-19 vaccination. These efforts have resulted in over 494 inmate vaccinations since March 12, 2021. All inmates can request a vaccination at any time. CFMG/Wellpath continues to conduct weekly vaccination clinics within our facility.

***F10. Discharge planners could play an indispensable role in preventing the spread of COVID-19 between the jail and the community.***

RESPONSE: The respondent partially disagrees with the finding.

The Sheriff's Office believes discharge planners play an important role in connecting our inmates with the community. However, it is inconclusive on how crucial their role would be in preventing the spread of COVID-19 between the jail and the community, nor are we aware of data supporting a direct link between the two.

Since the onset of the COVID-19 pandemic, Sheriff's Office staff and CFMG/Wellpath have worked in partnership with the Public Health on every occasion when an inmate who is known to be positive for COVID-19 is released from our custody by the court or by citation.

It should be noted for informational purposes that the Sheriff's Office cannot legally hold an inmate for any unreasonable amount of time after the court orders their release from custody. Inmates may be released from Sheriff's Office custody outside of typical business hours and business days, and regularly without any significant amount of prior notification as a result of the Court's order. Therefore, a discharge planner would often not be present or have any significant time to plan the discharge of many inmates. It should also be noted, discharge planners are not necessarily involved with the release of every inmate. Inmates who are independently financially stable or have stable support systems would not require the services of a discharge planner.

***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.***

RESPONSE: The respondent partially disagrees with the finding.

The Sheriff's Office recognizes the important role discharge planners contribute to the incarcerated population. However, additional data and information is necessary before the Sheriff's Office can either agree or disagree if discharge planners would be directly associated with a lower inmate population. If they were proven to lower population it is not clear what the number of new discharge planners would be necessary to lower recidivism rates. As previously noted, discharge planners would not necessarily be involved with the release of every inmate. Inmates who are independently financially stable or have stable support systems would not require the services of a discharge planner.

## **RECOMMENDATIONS**

***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.***

RESPONSE: The recommendation has not yet been implemented, but will be implemented in the future.

As of June 19, 2021, the Sheriff's Office has restored in person visiting and out of cell activity to pre-pandemic levels.

The Sheriff's Office acknowledges the importance of inmate programming. Because of the nature of our congregate settings, Detention staff continue to take all the steps necessary to stop the spread of COVID-19 within our facility. As a detention facility, we continue to follow more restrictive local and State directives and CDC guidelines than other areas of the community. Barring unforeseen circumstances, Detention staff will attempt to resume pre-pandemic level programming by August 20, 2021. This date could potentially be pushed out if additional COVID-19 requirements and conditions are imposed.

An important portion of programming is the socialization amongst inmates from different housing areas within classroom. Unfortunately, recent reporting of Public Health COVID-19 test positivity rates, active case rates, and the Delta variant, though lower than the height of the pandemic, have shown an increase in previous weeks and there have been a number of "break-through" cases in the community. The fraternization of inmates from different housing areas could potentially lead to the quarantine of several housing areas at the same time. This potential number of quarantined housing areas would be detrimental to the operation of our facility and the health and safety of inmates and staff.

Detention staff will continue to monitor COVID-19 case rates to determine if our August 20, 2021 date is the appropriate date to resume pre-pandemic level programming. As with all COVID-19 related decisions, we will consult with Public Health, Risk Management, and follow best practices and guidelines.

The Sheriff's Office continues to work with a vendor to provide the technology and infrastructure for video visitation at the Main Adult Detention Facility. It is the goal of the Sheriff's Office is to have this project completed by April 1, 2022.

***R2. The Sheriff's Office implement 30-minutes of video visiting per week by September 30, 2021, and continue to until it fully restores in-person visits to their pre-pandemic levels.***

RESPONSE: The recommendation was implemented.

As of June 19, 2021, the Sheriff's Office has restored in-person visiting to pre-pandemic levels. In addition, the Sheriff's Office continues to work with a vendor to provide the technology and infrastructure for video visiting at the Main Adult Detention Facility.

***R3. The Sheriff's Office should continue the pandemic-era policies favoring citations over arrests.***

RESPONSE: The recommendation will not be implemented.

The Sheriff's Office realizes the importance of citations for non-violent, non-sexual, non-serious offenses in managing jail population. However, the Sheriff cannot legally "favor" citations over arrests. Officers in the field are expected to use their training and experience to determine if issuing a citation is appropriate given the nature of the offense. In general, officers are always encouraged to evaluate each unique situation and respond appropriately.

***R4. The Sheriff's Office and 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.***

RESPONSE: The recommendation requires further analysis.

The Sheriff's Office recognizes the substantial role discharge planners play for our inmates with on-going mental health and medical needs. The most current CFMG/Wellpath inmate medical contract, the Sheriff's Office added a discharge planner to the Main Adult Detention Facility and the funding to cover the cost of the additional position. The Sheriff's Office FY 21-22 Adopted Budget does not include available resources to cover any additional medical or mental health staff. The Sheriff's Office will monitor the case load of the existing discharge planners, and continue to evaluate the need for additional discharge planners using empirical evidence and industry best practices. If additional discharge planners are warranted the Sheriff's Office will submit proposals to the Board of Supervisors who make the ultimate funding and contractual decisions.

***R6. The Sheriff's Office implement a surveillance-testing program and require 100% participation by all unvaccinated jail staff by September 1, 2021.***

RESPONSE: The recommendation has not yet been implemented, but will be implemented in the future.

The Sheriff's Office understands the importance of COVID-19 surveillance testing and has continued to provide voluntary testing to all jail staff members twice per week since the beginning of the pandemic.



In light of the California Department of Public Health's July 26, 2021 State Public Health Officer Order, the Sheriff's Office will be implementing this recommendation and be fully compliant with the Order by August 23, 2021.

The State Public Health Officer Order of July 26, 2021 requires that Sheriff's Office Detention Facilities comply with the order as High-Risk Congregate Setting. All State and local correctional facilities and detention centers must: verify vaccine status of all workers (both paid and unpaid, contractual, volunteers, and any personnel who could be exposed to infectious agents that can be transmitted in a health care setting) provide and require the wearing of FDA-cleared surgical masks, and provide mandatory diagnostic screening testing for asymptomatic unvaccinated or incompletely vaccinated workers at least one a week, and track vaccination information and testing results

As of the date of this response, the Sheriff's Office has been informed that Sonoma County Human Resources, Employee Relations will be meeting with labor bargaining units in an attempt to adopt this policy with ultimate authority being the Board of Supervisors. The Sheriff does not have the authority to bargain with employee unions or associations, therefore, does not have the authority to act on this recommendation.

***R7. The Sheriff's Office reassign jail staff who decline vaccination or participation in surveillance testing by September 1, 2021.***

RESPONSE: The recommendation will not be implemented because it is not warranted or not reasonable.

Given the State Public Health Order this recommendation is no longer warranted as vaccination tracking and surveillance testing it is now mandatory for State and local correctional facilities and detention centers. The Sheriff's Office will be fully compliant with the Order by the August 23, 2021 deadline.

The reassignment of Detention staff is not reasonable nor is it possible. The particular job classes assigned to the Detention Division are specific to perform their duties within a custody setting. Simply put, the Sheriff's Office does not have the opportunity to reassign a Correctional Deputy, Detention Specialist, Detention Assistant, Cook, etc. to another position outside of our congregate facility due to specifications within their job classes. Employee non-compliance with the mandate will be a personnel issue and handled following Sonoma County Civil Service processes as managed by the Sonoma County Human Resources Department and Civil Service Commission.

## Response to Grand Jury Report Form

Report Title: County Jail Inmate Telephone and Commissary

Report Date: June 20, 2021

Response by: Mark Essick Title: Sheriff

Agency/Department Name: Sonoma County Sheriff's Office

### FINDINGS: F1, F2, F3, F5, F6, F7, F8

I (we) agree with the findings numbered **F5**.

I (we) disagree wholly or partially with the findings numbered: **F1, F2, F3, F6, F7, F8**.

Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

### RECOMMENDATIONS: R1, R2, R3, R4, R5, R6, R7

Recommendations numbered: **R3**, have been implemented.  
(Attach a summary describing the implemented actions.)

Recommendations numbered: **R6** have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)

Recommendations numbered: **R1, R2, and R5** require(s) further analysis.  
(Attach 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 director 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.)

Recommendations numbered: **R4 and R7** will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Number of pages attached: **10**  
(See attached Civil Grand Jury Response Requirements)

## SONOMA COUNTY SHERIFF'S OFFICE

### RESPONSE TO THE 2020-2021 GRAND JURY REPORT

#### **Sonoma County Sheriff's Office: County Jail Inmate Telephone and Commissary**

Commissary services are non-mandated amenities made available to inmates in the Sonoma County Adult Detention facilities in order to provide inmates the opportunity to obtain food products, beverages, and other items that are otherwise not available. There is no legal requirement for the County to provide commissary services in the jail. California Penal Code 4025 indicates the prices of the articles offered for sale at the jail store shall be fixed by the sheriff, and the profit, along with commission received from inmate phone calls, shall be deposited in the Inmate Welfare Trust.

#### **FINDINGS**

***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.***

RESPONSE: The respondent wholly disagrees with the finding.

The Sheriff's Office Detention Division has received inmate phone services from Legacy Inmate Communications since 2017, and anticipates that the proposed transition to GTL will occur in August 2021. The Sheriff's Office acknowledges the costs of telephone communication for the incarcerated and their families may appear to be unreasonable if one does not understand all that goes into the provision of inmate phone services, however, the safety and security measures required of communication systems within a jail environment require a significant amount of infrastructure and expense to establish and maintain. The rates charged for Sonoma County inmate phone services (\$0.21/minute for debit/prepaid and \$0.25/minute for collect calls) meet the Federal Communications Commission's (FCC) inmate calling service rates, and those initially proposed by California Public Utilities Commission (CPUC) staff in April 2021 for interim rate relief for inmate phone services. To correct an error in the Grand Jury Report (page 1, paragraph 2): The service rate charged by Sonoma County is not "well above what is available to inmates in other California counties." On the contrary, according to the CPUC Proposed Decision regarding Interim Rate Caps (July 2021) pre-paid, call per minute rates charged to Sonoma County inmates are well below the county jail state average of \$0.31/minute. The Grand Jury report contained significant misinformation in its discussion about the Sheriff's Office contract amendment with Legacy in June 2019 (page 5, paragraph 2). Phone commissions declined in FY 2018-19 as the result of a contract dispute, not declining phone usage as reported. As stated in the amended agreement, the Sheriff's Office agreed to forfeit commission on debit card calls. In order to preserve funding for inmate programs, commission on other services increased by 10%. The Grand Jury reported in error that "After signing, all phone charges at the jail increased and the additional revenue flowed into the IWT." In fact, the amendment shows that rates remained

exactly the same as the original contract. Phone charges did not increase, and the cost of calls was not impacted whatsoever. It was the commission structure that changed, and the overall result, as anticipated by the Sheriff's Office, was an ongoing loss of phone revenue, as shown below:

FY 16-17	\$415,514
FY 17-18	\$373,577
FY 18-19	\$316,845
FY 19-20	\$271,305*
FY 20-21	\$144,566*

\*Revenue for fiscal years 19-20 and 20-21 were further impacted by lower inmate population due to COVID-19; and in FY 20-21, by the implementation of the free daily 10-minute phone calls, the cost of which is being deducted from commission revenue.

***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.***

RESPONSE: The respondent partially disagrees with the finding.

The Sheriff's Office agrees that lower mark-ups on commissary and phone card sales may make purchasing easier for some people, but disagrees with the assessment that current rates are creating undue burden. The Sheriff's Office provides, at no cost to the inmate, for the essential needs of inmates including three nutritionally balanced meals each day, clothing, medical, dental, and mental health services, incentives for positive behavior, and essential hygiene items (soap and feminine hygiene products). The Sheriff's Office also offers intake and assistance bags at no cost to indigent inmates. These bags include a toothbrush/toothpaste, small deodorant, shampoo, comb, and pencil.

The provision of commissary services are not mandated, but provide additional options for inmates to purchase incidentals and snack items. With the new commissary contract scheduled to take effect later this year, some items such as brushes/combs, deodorant, shampoo/conditioner toothbrush/toothpaste, and shaving cream will be offered through commissary for zero markup as they are considered basic needs. Additionally, inmates receive ten minutes of free phone calls daily and inmates wishing to purchase more phone time or supplementary supplies are provided the option to do so through commissary.

***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.***

RESPONSE: The respondent partially disagrees with the finding.

The Sheriff's Office Agreement for Inmate Communication Services is expected to transition to GTL in August 2021, and while negotiating a new agreement without commission might reduce the cost of phone calls for some inmates, it would at the same time limit the capacity of the Inmate Welfare Trust to make free daily calls available to all inmates. So while the Sheriff's Office agrees that reducing phone services commission could lower the phone rates, it would not necessarily save all inmates money, nor provide greater access for low income inmates to make calls, because they would lose the free daily calls they currently receive. Removing and or limiting phone commissions would also require that expenses for Inmate Programs as well as inmate phone infrastructure and maintenance be passed to on the County taxpayers via the County General Fund if an alternative source of funding were not identified.

***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.***

RESPONSE: The respondent agrees with the finding.

As explained in F1, the Sheriff's Office is currently within California Public Utilities Commission (CPUC) guidelines, and is charging rates well below the average for California county jails. Sonoma County rates have not been deemed excessive by the CPUC. If the Commission decides to place a lower cap on commissions, the Inmate Welfare Trust will be quickly depleted and a new source of funding will need to be identified in order to maintain Inmate Programs. During a normal, non-pandemic year, Programs include contracts with local nonprofits to deliver a range of services including anger management, parenting, substance use disorder treatment, adult literacy, legal research, assistance-dog puppy training, job and life skills, horticulture, and family liaison/inmate support. The IWT also pays for two positions (Programs Deputy and Programs Admin Aide) that are critical to Inmate Programs operations- work that includes coordination of the aforementioned services in addition to year-round implementation of the accredited high school GED program and Santa Rosa Junior College courses. Procurement of supplies needed to support Programs (art and holiday supplies; books to address different levels of reading proficiency, interests, languages, and faiths; recreational and entertainment equipment; etc.). The Grand Jury argues (page 6, paragraph 5) that only "\$547,484 of the \$921,346, or 60% of the monies expensed in the budget actually directly benefitted the inmates." In making this statement, the Grand Jury has chosen not to count the salaries of these Programs staff members, or the supplies mentioned above and in F7. The Sheriff's Office would like to make clear that the Programs Deputy, Admin Aide, and supplies are providing direct benefit to inmates and is expressly permitted by Penal Code § 4025, to suggest otherwise is both ill-informed and irresponsible. While the Grand Jury "agrees that many of the IWT expenditures remain critically important," the Sheriff's Office maintains that all of the expenditures are critically important.

***F6. The Sheriff's Office detention staff holds disproportionate control over the Inmate Welfare Trust Commission with nine seats of the 10-member committee.***

RESPONSE: The respondent wholly disagrees with finding.

The Sheriff's Office recognizes nine of the ten-member committee are from within the Sheriff's Office. The Sheriff's Office is unaware of any requirements, guidelines, or recommendation on the size, make-up, or rank for local county jail Inmate Welfare Trust committees (IWTC), therefore disagrees with the finding. Nothing in Penal Code § 4025 and 5006 even requires the Sheriff to form a IWTC. There is no requirement for the make-up of IWTC in local jails, only State prisons, which operate a much more complex system. The current Sonoma County Inmate Welfare Trust Committee consists of one community member, the Inmate Programs Sergeant, the Inmate Programs/Classification Lieutenant, the Planning and Research Lieutenant, the Detention Operations Captain, the Detention Special Services Captain, the Sheriff's Supervising Accountant, the Detention Administrative Services Officer and a Department Analyst.

***F7. The high mark-up on the commissary and phone card sales continued while visitation and inmate supportive programs, which are funding (sic) by the Inmate Welfare Trust revenues, were cancelled.***

RESPONSE: The respondent partially disagrees with the finding.

The sale of commissary and phone cards continued throughout the pandemic, using regular commissary pricing. Public visiting was canceled in March 2020 in response to the public health crisis. In an effort to make more calls available during this difficult time, the Inmate Welfare Trust Committee approved funding for the ongoing distribution of free 90-minute phone cards to all inmates who wanted them; and later, when the option became available through the contract vendor, transitioned to ten minutes of free calls per inmate daily. Inmates wanting additional phone time were able to purchase it through the commissary. Although most programs were canceled due to COVID restrictions, others continued and these services and fixed costs were paid for by the Trust. The two Inmate Programs staff positions funded by the Trust (Programs Administrative Aide and Programs Deputy) worked throughout the pandemic on providing and enhancing remote learning access and maintaining high school and JC classes, as well as sporadic but intensive activities that continued in spite of the pandemic, such as facilitating inmate voting in the November elections. Other fixed Inmate Welfare Trust costs included inmate cable television services, copier lease and maintenance for the high school, inmate incentives (televisions, snacks, movies, and project supplies); inmate newspaper and media subscriptions; inmate programs computer tablets; and inmate education supplies. Fixed commissary costs (paid for with commissary revenue ) include labor expenses for detention assistant and detention assistant supervisor time spent ordering, stocking, maintaining, and delivering commissary items; equipment maintenance; administrative overhead (payroll, purchasing, and personnel), and auditing services.

***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.***

RESPONSE: The respondent partially disagrees with the finding.

The Sheriff's Office agrees that revenue from commissary and phone commissions are deposited into the Inmate Welfare Trust, but disagrees with the Grand Jury's assessment that the fund balance represents "accumulated excess."

The Grand Jury has misinterpreted information regarding Inmate Welfare Trust funds and activities, including Bullet 1, page 1: The Sheriff's Office does not gain "revenue in excess of \$1 million per year" as reported by the Grand Jury. During the past four years, net gain was: \$121,175 in FY 17-18; \$152,864 in FY 18-19; \$148,516 in FY 19-20; and \$35,770 in FY 20-21. The Inmate Welfare Trust fund balance (now at \$1.6M) is an accumulated balance that has historically been much lower. Prior to FY 12-13 the fund balance was impossibly low for an operating account at less than \$100,000.

The Committee has taken a conservative approach to managing the funds. In part to maintain a prudent reserve, to ensure funds are only spent on activities that directly benefit inmates, and because commission levels are revisited nearly annually on a statewide basis. SB 555 was vetoed by the Governor in September 2020 due to the damage it would cause to inmate programs statewide. Given the volatility of the on-going commission debate the funding generated from commissions is considered vulnerable. It should also be understood that situations that are outside the IWT Committee's control have significantly impacted spending in recent years, and as a result, the balance is higher than the Committee planned it would be. Most recently, funding that was ear-marked for three-year service provider contracts went unspent because providers were unable to deliver services due to COVID restrictions.

On page 5, paragraph 1, the Grand Jury admits it did not review complete financial information, yet concluded in error that "In each of two years under review the IWT Committee decided not to spend all of the commissions it collected. A total of \$274,037 went to IWT surplus." In fact, this was not a "decision not to spend" and with full analysis, it is clear that the Committee had indeed planned to spend more than it received in revenue in recent years. This information is detailed in the approved budgets, The Sheriff's Office was not able to fund certain contracts as intended due to unforeseen circumstances. For example, the IWT had at one time paid a large portion of the cost of Starting Point, the in-custody substance use disorder treatment program provided by County Department of Health Services. Unfortunately, the program gradually shrank due to the County's inability to provide clinicians. Spending for Starting Point was \$224,882 in FY 17-18; \$156,309 in FY 18-19, and \$0 in FY 19-20. The last clinician position was ultimately cut from County Health Services budget in FY 20-21 due to the loss of the remaining (non-General Fund) funding, and the position has not been restored. The Inmate Welfare Trust Committee fully intends to continue to support a substance use disorder treatment program, but must wait for the results of a Request for Proposals and new contract, before funding can be initiated again. COVID-19 continues to impact the ability to spend because the rules governing activities in congregant living environments like the jail simply will not allow for these types of in person activities.

## **RECOMMENDATIONS**

***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.***

RESPONSE: The recommendation requires further analysis.

The Sheriff's Office is open to considering the elimination of commission and examine the San Francisco Sheriff's Department model with the Sonoma County Board of Supervisors at any time. The Sheriff's Office recognizes that this would require a major on-going funding commitment from the Board. It should be acknowledged that the decision by the San Francisco Sheriff's Department, in partnership with the Board of Supervisors, to stop charging commission and assume full fiscal responsibility for inmate phone infrastructure and maintenance, came with substantial financial commitment by the Board of Supervisors of San Francisco in the form of General Funds. All San Francisco County inmates can now make free phone calls. Phone calls are paid for by City and County of San Francisco with General Fund dollars. This model of phone service delivery will cost the City and County of San Francisco \$1.5M in new expenses over a three year period (per their GTL contract term August 1, 2020 – July 31, 2023). It is unclear what impact this change has had on their inmate programs, and whether or not they have been discontinued or funded through alternative means and if so what those means are. The elimination of commission-based audio and video services and replacing it with the San Francisco County Sheriff's Department model would require extensive conversations and funding commitments by the Sonoma County Board of Supervisors.

The Sheriff's Office has no issue with changing this structure (partially or wholly), and allowing the Board to direct ongoing General Fund dollars to assume the cost. The Sheriff's Office is not supportive of sacrificing Inmate Programs, because they are critical to relieving stress, enabling self-reflection, and providing education and enrichment to inmates facing the realities of incarceration and the inherent loss of freedom that it represents. They are fundamental to re-entry with family and community and provide essential life skills to inmates who will reenter our community. Absent the commissions and \$142,564 from the Community Corrections Partnership (Realignment), funding for inmate programs and phone services does not currently exist in the Sheriff's Office Adopted budget. If commissions cease to be collected, the Board will need to make deliberate funding decision to continue inmate programs and inmate phone services. In FY 19-20, the cost to house each inmate in the County's adult detention facilities was \$221.15/day. The Sheriff's Office is acutely aware of and sensitive to the fiscal pressure the Sheriff's Detention Division budget has on the General Fund, and the Sheriff's Office has made deep cuts in recent years (\$5 million from the Detention Division in FY 20-21), along with other County Departments, in order to reach County budget goals. Additionally, the Sheriff's Office has



responsibly ensured that Inmate Trust revenue goes exclusively to inmate benefit. The Inmate Welfare Trust is regularly audited by the County's Auditor, Controller, Treasurer, Tax Collector (ACTTC) and these audits are shared with the Board of Supervisors by ACTTC. Many of the services provided by the Detention Division are mandated and cannot be cut; others, including commissary, are voluntary and based on the benefit of inmates and the capacity of the Sheriff's Office to provide them. If funding is not guaranteed for inmate commissary and inmate programs, they will need to be discontinued, and the people most impacted will be the inmates that receive the benefit.

The Sonoma County Detention facilities provide many more options to inmates than other county detention facilities. We are proud of the work we do for the benefit of incarcerated individuals. The Sheriff's Office is not opposed in any way to a conversation regarding how these programs are funded; as long as it's comprehensive and collaborative.

Given the enormity of this change, the need for consultation and agreement on alternative funding and budgetary changes, the replacement of the current commission-based audio and video contract with Global Tel Link using a model based on the San Francisco County Sheriff's Department cannot be implemented by December 31, 2021.

***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.***

RESPONSE: The recommendation requires further analysis.

The Sheriff's Office acknowledges the importance of sufficient telephone kiosks and video visitation for inmates. The transition to GTL has not yet occurred. Detention staff are currently in communication with GTL on equipment needs and requirements including additional telephone kiosks in specific areas as well as video visitation at the Main Adult Detention Facility. The analysis will be available by December 2021 if the transition to GTL occurs as anticipated in August 2021. Delays in transition have the potential to delay implementation of communications equipment. The Sheriff's Office is currently offering 70 minutes of free phone calls per inmate, per week. In order to ensure the Office is able to continue funding for the free phone calls, Sheriff's staff have prepared an American Rescue Plan Act funding request for the Board of Supervisors consideration. If the Board agrees to continue funding for free phone calls, it can be deduced that the demand for phone time will go up therefore requiring additional phone infrastructure. The Sheriff's Detention Division will continue to monitor demand and work with GTL to make appropriate adjustments.

***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.***

RESPONSE: The recommendation has been implemented.

The Sheriff's Office has been providing an annual report detailing line item revenue and expense within the Inmate Welfare Trust since at least FY 03-04, as required by Penal Code Section 4025 (e) . The most recent (Attachment A) was approved by the Board of Supervisors on November 10, 2020. The next Inmate Welfare Trust annual report will be submitted by November 30, 2021.

The IWT annual report is reviewed by the Board of Supervisors, is posted in both Sonoma County Detention facilities, and is made available to inmates. The FY 19-20 Annual Report included discussion of the Committee's conservative spending approach due to the instability of revenue sources that continue to be challenging for agencies throughout the State; as well as the difficulties presented to the Sheriff's Detention Division in spending dollars that were appropriated for three-year service provider contracts which were then unable to deliver services due to COVID restrictions.

***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.***

RESPONSE: The recommendation will not be implement because it is not warranted.

The Sheriff's Office understands the importance of in-person visiting for our inmate population and their family and friends. From May 1, 2021 through June 16, 2021, the Sheriff's Office removed the suspension of in-person visiting and introduced an adjusted and cautious visiting schedule with the safety of the public, inmates, and our staff in mind. During this amended schedule, inmates continued to receive one 10-minute phone call per day, free of charge.

On June 17, 2021, the Sheriff's Office returned to normal visiting operations. In addition to the return to normal visiting operations, the Sheriff's Office continues to provide one 10-minute phone call per day to each inmate, free of charge.

***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.***

RESPONSE: The recommendation requires further analysis.

The Sheriff's Office intends to change the pricing structure, but cannot commit to grocery store pricing at the time of this writing. The Sheriff's Office released an RFP earlier this year, for inmate commissary services through which we plan to update and modernize the antiquated commissary system. Basic hygiene supplies are already provided to inmates free of charge, and it is SCSO's intent to charge 0% mark-up on additional hygiene supplies (such as brushes/combs, deodorant, toothbrush/toothpaste, shampoo/conditioner, and shaving cream), and stationery products.

Additionally, the Sheriff's Office provides inmates with three nutritionally balanced meals a day. The Sheriff's Office believes that a comparison of the Sheriff's Office commissary structure to an organization such as Safeway Inc. is unreasonable. Safeway, Inc. is engaged in the food and drug retailing business in North America. It has a network of distribution, manufacturing, and food processing facilities to support the retail operations, and full array of grocery items, food, and general merchandise and specialty departments (deli, pharmacy, etc.) as well as Starbucks and fuel centers<sup>1</sup> all generating profit from the public at large.

The Sheriff's Office cannot compete with the overall buying power, distribution, and warehousing capabilities of companies such as Safeway, Inc. We have a small storage area, place frequent orders, must conduct background checks for all who enter the facility, and provide staff to assemble and deliver orders twice weekly to more than 700 individuals (1,000 pre-pandemic, in two facilities), many of whom are considered dangerous. The expense associated with the labor intensive distribution of goods in a correctional setting, and the safety and security requirements that protect staff and inmates, far exceed what might be compared to Safeway's environment. For this reason, commissary snack items must be priced in a manner that reflects the unique costs associated with the detention facility operating environment.

The Sheriff's Office will be in a position to discuss pricing by December 2021, as the RFP process continues, proposals are evaluated, and decisions made regarding the available options.

***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.***

RESPONSE: The recommendations have not yet been implemented, but will be implemented in the future.

The Sheriff's Office recognizes the importance of inmate programs for the advancement of our inmate population and is fully committed to inmate programming. Because of the nature of our congregate settings, Detention staff continue to take all steps necessary to stop the spread of COVID-19 within our facility. One of the effective precautions has been eliminating the prolonged interactions between inmates from different housing areas. Barring unforeseen circumstances, Detention staff will resume pre-pandemic level programming when it is safe to do so.. As recently reported by Public Health, COVID-19 test positivity rates and active case rates, though lower than the height of the pandemic, have increased in previous weeks. The new and possibly more dangerous "Delta variant" has been shown to spread faster within the community. With a high number of unvaccinated inmates, the Delta variant poses a real threat, particularly in congregant living environments. Detention staff are also keeping an eye on "break-through" cases and will continue to monitor COVID-19 case rates to determine the appropriate time to resume pre-

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<sup>1</sup> <https://www.forbes.com/companies/safeway/?sh=7fbb45d26d15>

pandemic level programming. As with all COVID-19 related decisions, we will evaluate them in consultation with Public Health and follow best practices and guidelines.

***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.***

RESPONSE: The recommendation will not be implemented because it is not warranted.

The Sheriff relies on the Inmate Welfare Trust Committee for recommendations and direction on inmate programming and the expenditure of Inmate Welfare Trust funds. The Office is dedicated to continually evolving and improving and is always open to evaluating suggestions from the community. As a county detention facility, the Sheriff's Office Inmate Welfare Trust Committee is not mandated to meet the requirements of Penal Code § 5006, which applies only to state prisons.

ATTACHMENT A



**APPROVED**

November 10, 2020

**COUNTY OF SONOMA**

**SUMMARY REPORT**

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

THE WITHIN INSTRUMENT IS A  
CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

ATTEST: November 10, 2020

SHERYL BRATTON, Clerk/Secretary  
BY

**Agenda Date:** 11/10/2020

**#23**

**To:** Board of Supervisors

**Department or Agency Name(s):** Sheriff's Office

**Staff Name and Phone Number:** Liz Parra, 565-3116

**Vote Requirement:** Majority

**Supervisory District(s):** Countywide

**AYE NO**

<b>GORIN</b>	x	
<b>RABBITT</b>	x	
<b>ZANE</b>	x	
<b>GOORE</b>	x	
<b>HOPKINS</b>	x	

**Title:**

Inmate Welfare Trust Annual Report

**Recommended Action:**

Receive the Fiscal Year 2019-2020 Inmate Welfare Trust Fund Annual Report. The funds described in this Report provide funding for programs primarily for the benefit, education, and welfare of the inmates confined within the Sonoma County adult detention facilities.

**Executive Summary:**

California Penal Code Section 4025 (e) requires that this itemized annual report of the activity of the Inmate Welfare Trust Fund be submitted to the Board of Supervisors for review. Accordingly, the Fiscal Year 2019-2020 Inmate Welfare Annual Report is attached for the Board's information and review.

**Discussion:**

California Penal Code Section 4025 allows the Sheriff to authorize expenditures from the Inmate Welfare Trust Fund for items or programs primarily for the benefit, education, and welfare of inmates confined within the Sonoma County detention facilities. Any funds that are not needed for the benefit, welfare, education of inmates may be expended by the Sheriff for the maintenance of jail facilities, or for other programs as deemed appropriate by the Sheriff. Inmate Welfare funds must be expended in accordance with the California Penal Code, Section 4025(e).

The Sheriff is also authorized to operate a jail store, known as the Inmate Commissary, to sell goods to inmates. The Inmate Commissary is operated through the Jail Stores Trust Fund. All revenues from the operation of the Inmate Commissary are deposited in the County Treasury for the benefit of the Inmate Welfare Trust Fund. Expenditures from the Jail Stores Trust are primarily for the purchase of goods to sell to inmates through the Commissary. Per Sections 4.2 B(a) and 4.15 A, of the Inmate Welfare and Jail Stores Trust Policy, the profits generated from these sales is transferred to the Inmate Welfare Trust Fund.

Revenues cover the following three major expenditure categories in the Inmate Welfare Trust: salaries and benefits, inmate education programs, and service and supplies. The total costs for salaries and benefit in FY 19 -20 was \$317,571, \$252,060 on inmate educational programs, and \$112,376 on services and supplies. Details of these expenditures are outlined in Exhibit B of the Report.

The Inmate Welfare Trust (IWT) maintains a reserve to cover unexpected shortfalls in revenues and to fund unanticipated expenditures. Throughout the history of the Inmate Welfare Trust and Jail Stores Trust funds, there have been periods when the funds have failed to generate profit, and the fund balances were needed to offset operating shortages. The IWT Committee, comprised of nine members, including Sheriff's Office administrative and operational managers and one member of the public, has deliberately avoided spending the accumulated fund balance over the past several years due to volatility in the revenue sources. This volatility has been impacted by the sweeping changes to California's criminal justice system since the implementation of the Public Safety Realignment initiative in 2011. Prior to Realignment, revenue shortfalls required the County General Fund to subsidize jail programs in the County's adult detention facilities. Additionally, in 2013, the Federal Communications Commission (FCC) ordered a cap on phone rates in all prisons and jails. In the years following the rate cap, a series of court challenges created uncertainty for the future of phone commission revenue. Not knowing how these FCC changes would impact revenues, the IWT continued to maintain a fiscally conservative approach to spending in the event that fund balance would be needed to offset declining phone commission revenue. FY 17-18 was the first full fiscal year phone revenues were received under the new rates.

The inmate phone commission debate has continued with a new phone commission structure taking effect in June 2019, resulting in less revenue in FY 19-20. Additionally, the COVID-19 pandemic has resulted in a reduction of the jail population that in turn has impacted telephone revenue for the fourth quarter of FY 19-20. As a result, phone revenue was approximately \$45,000 less than FY 18-19.

In February 2019, SB 555 was introduced in the California State Legislature. The bill, if approved, would have not only place a limit on communication charges but also on the amount that could be charged for commissary items. The mark-up for goods sold in the Inmate Commissary would have had a maximum mark-up of 10%, and inmate telephone rates would be capped at \$0.05 per minute. Governor Newsom vetoed the bill on September 30, 2020. With the veto of SB 555 by the Governor, we expect that future legislation is likely to be proposed in the next session to regulate revenue sources, thereby decreasing funding for jail programs.

#### FY 19-20 Financial Summary

The revenues for Jail Stores Trust were \$1,434,117 and expenditures were \$1,365,319, for a net increase in fund balance of \$68,797. The Annual Report's Exhibit A includes an itemized list of revenues and expenditures. Ending fund balances for the Jail Stores Trust in FY 18-19, FY 19-20, and projected balance for FY 20-21, are referenced in the table below.

Revenues for the Inmate Welfare Trust were \$830,522. Expenditures totaled \$682,007 for a net increase of \$148,515. The Annual Report's Exhibit B includes an itemized list of revenues and expenditures. The ending fund balances for the Inmate Welfare Trust in FY 18-19, FY 19-20, and projected balance for FY 20-21, are referenced in the table below.

On July 15, 2019, a FY 18-19 year-end transfer of profits was made from the Jail Stores Trust to the Inmate Welfare Trust. This left a \$100,000 fund balance in the Jail Stores Trust. However, prior to fiscal year closing, several additional payable invoices were recorded. These additional expenditures reduced the fund balance to \$54,711. This is less than the targeted \$100,000 fund balance, per Sections 4.2 B(a) and 4.15 A, of the Inmate Welfare and Jail Stores Trust Policy.

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**Agenda Date:** 11/10/2020

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On July 20, 2020, a FY 19-20 year-end transfer was made from the Jail Stores Trust to the Inmate Welfare Trust. This left a \$100,000 fund balance in the Jail Stores Trust. However, prior to the fiscal year closing, additional revenue increased the fund balance to \$123,508. In this case, the target was more than \$100,000 fund balance, but less than the \$125,000 fund balance, for an additional profit transfer, per Sections 4.2 B(b).

Ending Fund Balance			
	Actual FY 18-19	Actual FY 19-20	Projected FY 20-21
Inmate Welfare Trust Fund	\$ 1,487,666	\$ 1,636,181	\$ 1,581,383
Jail Stores Trust Fund	\$ 54,711	\$ 123,508	\$ 100,000
Trust Fund Totals	\$ 1,542,377	\$ 1,759,689	\$ 1,681,383

The Sheriff is requesting that the Board receive the Fiscal Year 2019-2020 Trust Fund Annual Report.

**Prior Board Actions:**

Acceptance of the Inmate Welfare Trust Annual Report since the inception of the Inmate Welfare Trust.

**FISCAL SUMMARY**

Expenditures	FY 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

This item is requesting acceptance of a prior year fiscal report and serves as a historical record for the Inmate Welfare Trust and Jail Stores Trust. The item has no fiscal impact.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

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**Agenda Date:** 11/10/2020

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**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

FY 2019-2020 Inmate Welfare Trust Annual Report

**Related Items "On File" with the Clerk of the Board:**

N/A





# SONOMA COUNTY SHERIFF'S OFFICE

MARK ESSICK  
Sheriff-Coroner

JAMES NAUGLE  
Assistant Sheriff  
Law Enforcement Division

EDDIE ENGRAM  
Assistant Sheriff  
Detention Division

HEIDI KEITH  
Chief of Financial and  
Administrative Services

## Fiscal Year 2019-2020 Annual Inmate Welfare Trust Fund Report

The Annual Inmate Welfare Trust Fund Report serves to meet the requirement outlined in the California Penal Code, Section 4025 (e) which requires that an itemized report of trust fund revenues and expenditures be submitted annually to the Board of Supervisors.

The Jail Stores Trust Fund and the Inmate Welfare Trust Fund are two separate funds utilized in the inmate accounting system. The Jail Stores Trust Fund was established as the operating fund for the Inmate Commissary. The Inmate Welfare Trust Fund holds the money to be spent by the Sheriff primarily for the benefit, education, and welfare of inmates confined within the jail. Any funds that are not needed for the welfare of inmates may be spent for the maintenance of the county jail facilities or as otherwise deemed appropriate by the Sheriff, in accordance with the Penal Code.

### Jail Stores Trust Fund

Revenues generated in this fund come from commissary sales, inmate vending sales, aluminum can recycling and prior year revenue. Expenditures are classified in the following categories: salaries and benefits, merchandise expenses, operating expenses, and operational transfers to the Inmate Welfare Trust. Profit generated from the operation of the Commissary is a significant source of revenue for the Inmate Welfare Trust Fund. Exhibit "A" is a detailed summary of the Jail Stores Trust revenues and expenditures for FY 19-20.

### Inmate Welfare Trust Fund

The Inmate Welfare Trust Fund is managed through the Inmate Welfare Trust Committee. The Sheriff or his designee has authority over all Inmate Welfare Trust Fund activities. Revenues received in this fund are derived from the following sources: interest earned from funds deposited in the County Treasury by both trust funds, vending machine commissions, inmate telephone commissions, miscellaneous revenues, and transfers from the Jail Stores Trust Fund (profit from various sources). Exhibit "B" is a detailed summary of the Inmate Welfare Trust revenues and expenditures for FY 19-20.

**EXHIBIT A**

Jail Stores Trust Fund Report  
For Fiscal Year July 1, 2019 - June 30, 2020

<b>Beginning Fund Balance</b>	<b>\$</b>	<b>54,711</b>
<b>REVENUE</b>		
Unrealized Gains and Losses	\$	(1,885)
Recycling	\$	103
Vending	\$	58,436
Commissary & Phone Cards	\$	1,370,881
Prior Year Revenue Miscellaneous	\$	6,582
<b>Total Revenue</b>	<b>\$</b>	<b>1,434,117</b>
<b>EXPENDITURES</b>		
Commissary Merchandise		
Phone Cards	\$	49,584
Vending Inventory and Services	\$	40,766
Food and Beverages	\$	434,653
Other Supplies	\$	2,828
Clothing and Personal Items	\$	36,258
Office Supplies	\$	4,518
Books/Media/ Subscriptions	\$	519
Mail and Postage Supplies	\$	16,774
Merchandise Credit	\$	(173)
<b>Total Merchandise Expenditures</b>	<b>\$</b>	<b>585,726</b>
Operating Expenditures		
Printing and Binding Supplies	\$	10,104
Maintenance - Equipment	\$	4,788
Software/Licensing	\$	340
Administrative Overhead	\$	35,471
Audit Services	\$	15,250
Staff Payroll	\$	237,233
ISD - Baseline Services	\$	5,409
<b>Total Operating Expenditures</b>	<b>\$</b>	<b>308,595</b>
Operating Transfers		
Profits to Inmate Welfare Trust	\$	470,998
<b>Total Operating Transfers</b>	<b>\$</b>	<b>470,998</b>
<b>Total Expenditures</b>	<b>\$</b>	<b>1,365,319</b>
<b>Ending Fund Balance</b>	<b>\$</b>	<b>123,508</b>

**EXHIBIT B**

Inmate Welfare Trust Fund Report  
For Fiscal Year July 1, 2019 - June 30, 2020

<b>Beginning Fund Balance</b>	<b>\$ 1,487,666</b>
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**REVENUE**

Interest on Pooled Cash	\$ 36,770
Unrealized Gains and Losses	\$ (2,057)
Telephone Revenues	\$ 271,305
Jail Sign Board Advertising	\$ 44,625
Kiosk Commission	\$ 3,257
Locker Revenue	\$ 529
Prior Year Revenue Miscellaneous	\$ 2,596
Donation	\$ 2,500
Profits from Jail Stores	\$ 470,998
<b>Total Revenue</b>	<b><u>\$ 830,522</u></b>

**EXPENDITURES**

Salaries and Benefits

Program Correctional Deputy	\$ 183,052
Program Administrative Aide	\$ 133,268
Reading Program	\$ 1,251
<b>Total Salaries and Benefits</b>	<b><u>\$ 317,571</u></b>

Inmate Educational Programs

California Parenting Institute	\$ 45,188
Friends Outside in Sonoma County	\$ 71,136
Goodwill Industries of the Redwood Empire	\$ 13,790
Legal Research Associates	\$ 22,033
Jail Industries	\$ 60,000
Edovo Tablets	\$ 20,029
Changing Gears Bicycle Program	\$ 1,021
Provider Office Remodel	\$ 10,315
Supplies	\$ 8,548
<b>Total Inmate Educational Programs</b>	<b><u>\$ 252,060</u></b>

Service and Supplies

Communication Expense	\$ 9,621
Maintenance - Building Improvements	\$ 3,306
Client Accounting Services - Monthly	\$ 3,350
Auditing Services	\$ 15,250
TV Services	\$ 11,310
Indigent Mail	\$ 142
Training and Conferences	\$ 4,116
Memberships/Certifications	\$ 150
Inmate Incentives	\$ 21,502
Office Supplies	\$ 2,597
Books/Media/ Subscriptions	\$ 12,276
Minor Equipment and Small Tools	\$ 5,352
Welfare Bags	\$ 23,404
<b>Total Services and Supplies</b>	<b><u>\$ 112,376</u></b>

<b>Total Expenses</b>	<b><u>\$ 682,007</u></b>
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<b>Ending Fund Balance</b>	<b>\$ 1,636,181</b>
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COUNTY OF SONOMA

**OFFICE OF THE DISTRICT ATTORNEY**

Hall of Justice • 600 Administration Drive, Room 212-J • Santa Rosa, CA 95403  
707.565.2311 • FAX 707.565.2762 • [www.sonoma-county.org/da/](http://www.sonoma-county.org/da/)

July 22, 2021

**JILL RAVITCH**  
District Attorney

Honorable Brad DeMeo  
Presiding Superior Court Judge  
Hall of Justice  
600 Administration Drive  
Santa Rosa, CA 95403

Foreperson  
Sonoma County Civil Grand Jury  
P.O. Box 5109  
Santa Rosa, CA 95402

**Re: 2020-2021 Grand Jury Report – COVID-19 Mitigation at the County Jail**

Dear Judge DeMeo and Grand Jury Foreperson:

Pursuant to Penal Code sections 914.1 and 933(c) I am providing a response to the report of the Grand Jury impaneled during the year 2020-2021. Specifically, my comments are addressed to the section entitled **COVID-19 Mitigation at the County Jail and Its Unexpected Consequences**. The Grand Jury determined that “F6. The Implementation of the Zero Cash Bail Initiative has helped to prevent the MADF population from increasing.” The Grand Jury recommended that “R5. The District Attorney discontinue cash bail for defendants charged with misdemeanors and non-violent, non-sexual, and less serious felonies.” My response is below.

Contrary to the indication in the Report of the Grand Jury, page 12, the District Attorney does not have “unilateral power to end the use of cash bail.” Indeed the District Attorney does not have any unilateral power over the decision to release criminal defendants or suspects in any circumstance. The only unilateral power held by the District Attorney is the power to decide whether to file criminal charges against an individual which may *result* in their incarceration. But whether criminal defendants are then confined or released, and the conditions upon which they may be released, including bail, is exclusively within the purview of the court.

The District Attorney in Sonoma County, and every jurisdiction within the state, is bound by the constitutional and statutory provisions regarding bail. In the state of California, bail is governed by the California Constitution, Article I, section 12, which states:

A person shall be released on bail by sufficient sureties, except for:

- (a) Capital crimes when the facts are evident or the presumption great;
- (b) Felony offenses involving acts of violence on another person, or felony sexual

assault offenses on another person, when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others; or

(c) Felony offenses when the facts are evident or the presumption great and the court finds based on clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released.

Excessive bail may not be required. In fixing the amount of bail, *the court* shall take into consideration the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case.

A person may be released on his or her own recognizance in the *court's* discretion.

Thus, the state constitution itself vests power to set bail or release a criminal defendant exclusively in the judicial branch.

California Penal Code sections 1268, 1269a, and 1269b further define the court's exclusive constitutional power over the release of criminal defendants with the courts:

Penal Code section 1268 defines Admission to Bail as "the order of a competent Court or magistrate that the defendant be discharged from actual custody upon bail."

Penal Code section 1269a dictates that "(n)o defendant charged . . . with any public offense shall be discharged from custody upon bail except upon written order of a competent court or magistrate . . . All such orders must be signed by such court or magistrate and delivered to the officer having custody of the defendant before defendant is released."

Penal Code section 1269b(b) mandates that "(i)t is the *duty of the superior court judges* in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and *for all misdemeanor and infraction offenses*."

Finally, under Penal Code section 1270, it is exclusively within the power of the courts to decide whether to release a criminal defendant on their own recognizance instead of bail.

In 2020, the Superior Court enacted an Emergency Bail Schedule in response to the pandemic, to allow for release of individuals for \$0 bail for all misdemeanor and felony offenses with a few exceptions as noted in the order. It remains in effect. This follows a trend throughout the state. Yet, as noted in the report, in November 2020, the voters specifically rejected Proposition 25, which would have eliminated cash bail statewide. Also noted is a recent Supreme Court decision addressing pretrial detention and consideration of less restrictive measures than incarceration to ensure public safety and attendance of the defendant. It is clear that the issue of pretrial release is still under discussion, notwithstanding the pandemic.

The county probation department is routinely tasked by the court with formulating recommendations regarding pretrial release, and is assigned to the supervision of inmates

released pending trial who do not post bail. Indeed in Sonoma County a new pretrial services program has been enacted allowing for the release from jail of arrestees after release by a magistrate based upon a risk assessment submitted by the probation department. Representatives of the District Attorney's Office can seek review of that decision at the first court appearance, but have no authority over that recommendation or the ultimate decision by the court.

The Grand Jury noted that during the COVID pandemic, as well as during other recent local crises wrought by regional wildfires, the District Attorney and Public Defender collaborated to significantly reduce the population of the Sonoma County jail by agreeing to release hundreds of low-level offenders. However, the agreements were agreed upon *recommendations* to the court; it was a Superior Court Judge, not the District Attorney, who actually had to adopt those recommendations and issue written rulings in order to effectuate the release of those inmates.

The District Attorney's Office will continue to make bail/release recommendations to the court on a case-by-case basis based on the nature of the offense, the criminal history of the offender, the best interests of the victim(s), and the safety of the community. Where dictated by local, regional, or broader emergencies such as wildfire and pandemic, the District Attorney will continue to collaborate with the Public Defender and the court, to the extent possible, to keep jail population at a safe level while ensuring the safety of the community as well.

Sincerely,



JILL R. RAVITCH  
District Attorney

enc: Response to Grand Jury Report Form

cc: Sheryl Bratton, County Administrator for Sonoma County w/ enc.

## Response to Grand Jury Report Form

Report Title: COVID-19 Mitigation in the County Jail

Report Date: June 20, 2021

Response by: Jill Ravitch Title: District Attorney

Agency/Department Name: Sonoma County District Attorney

### FINDINGS: F6

I (we) agree with the findings numbered F6

I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

### RECOMMENDATIONS: R5

Recommendations numbered: \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)

Recommendations numbered: \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)

Recommendations numbered: \_\_\_\_\_ require(s) further analysis.  
(Attach 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 director 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.)

Recommendations numbered: R5 will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: July 22, 2021 Signed: 

Number of pages attached: 3  
(See attached Civil Grand Jury Response Requirements)



August 19, 2021

The Honorable Brad DeMeo  
Presiding Superior Court Judge  
600 Administration Drive  
Santa Rosa, CA 95403

RE: Response to the 2020-21 Sonoma County Civil Grand Jury Report

Dear Honorable Judge DeMeo,

Thank you for the opportunity to respond to the 2020-21 Grand Jury Report. Attached is the Access Sonoma Broadband response to the report entitled Broadband Access in Sonoma County: *Broadband is a Utility; The Quite Crisis of Availability.*

I would like to thank the 2020-21 Grand Jurors for their service.




Sincerely,

A handwritten signature in black ink, appearing to read "Sheba Person-Whitley", with a long horizontal flourish extending to the right.

Sheba Person-Whitley  
EDB Executive Director

Attachments: Responses

cc:  
Sonoma County Board of Supervisors  
Clerk of the Board of Supervisors  
Grand Jury Foreperson

BOARD OF DIRECTORS	KATHRYN HECHT, CHAIR - JORGE ALCAZAR SKIP BRAND - PAM CHANTER - WAYNE LEACH LINDA KACHIU – MICHAEL NICHOLLS JORDAN KIVELSTADT - RICHARD MARZO REGINA MAHIRI SHEBA PERSON-WHITLEY, EXECUTIVE DIRECTOR		707.565.7170		WWW.SONOMAEDB.ORG	
		141 STONY CIRCLE, STE 130   SANTA ROSA, CA 95401				



Response to Grand Jury Report Form

Report Title: Broadband Access in Sonoma County

Report Date: June 20, 2021

Response by: Sheba Person-Whitley Title: Executive Director

Agency/Department Name: Access Sonoma Broadband/Economic Development Board

**FINDINGS: F13, F14**

I (we) agree with the findings numbered; **F13, F14**

I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_

\_\_\_\_\_  
(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

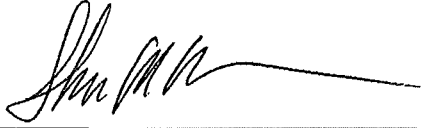
**RECOMMENDATIONS: R7, R9**

Recommendations numbered: \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)

Recommendations numbered: \_\_\_\_\_ have not yet been implemented,  
but will be implemented in the future.  
(Attach a timeframe for the implementation.)

Recommendations numbered: **R7, R9** require(s) further analysis.  
(Attach 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 director 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.)

Recommendations numbered: \_\_\_\_\_ will not be implemented because  
they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 8/19/2021 Signed: 

Number of pages attached: **1**  
(See attached Civil Grand Jury Response Requirements)

## **Required Responses**

**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)**

This recommendation requires further analysis. Access Sonoma Broadband (ASB) is currently an informal advisory body to the Director of the Economic Development Board (EDB). The EDB has been given the authority to expand ASB into the official governing body responsible for broadband development, should an appropriate structure be identified. It is unlikely that ASB will exist at an operational capacity sufficient to create and recommend policy before a governance structure is identified and created, however they may hold preliminary conversations with Transportation and Public Works and Permit Sonoma to begin scoping a policy before the end of the year.

**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)**

This recommendation requires further analysis. Though download/upload speeds of 100/20 have been recommended by the state as well as identified by the North Bay North Coast Broadband Consortium as a target, it is unlikely that formal adoption of any particular speed recommendation will be made locally before a governing structure and business plan are identified and created. At the June 8, 2021 Board of Supervisors meeting, staff proposed that an update on this work would be made to the full Board within six months, and that is anticipated to take place in early-December 2021.