

BOARD OF SUPERVISORS



WILMA CHAN
President
Supervisor, Third District

October 24, 2017

Honorable Morris D. Jacobson
Presiding Judge
Superior Court of California
County of Alameda
1225 Fallon Street, Department One
Oakland, CA 94612



Dear Judge Jacobson:

Section 933 of the California Penal Code requires the Board of Supervisors to formally comment on Grand Jury findings and recommendations which pertain to matters under the control and authority of the Board.

In accordance with this statutory directive, I am hereby formally submitting Alameda County's responses to the 2016-2017 Grand Jury Final Report addressing several areas under the control and authority of the Board of Supervisors.

The County's responses were approved by the Board of Supervisors at its meeting of October 24, 2017.

Very truly yours,

Wilma Chan, President
Board of Supervisors

Attachment

cc: Other Members, Board of Supervisors
Susan S. Muranishi, County Administrator
Donna Ziegler, County Counsel
✓ Raymond A. Souza, Foreperson, Alameda County Grand Jury
Chad Finke, Court Executive Officer

C O U N T Y A D M I N I S T R A T O R



SUSAN S. MURANISHI
COUNTY ADMINISTRATOR

October 9, 2017

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

Dear Board Members,

SUBJECT: ALAMEDA COUNTY'S RESPONSE TO THE 2016-2017 GRAND JURY FINAL REPORT

RECOMMENDATIONS:

- A. Accept and approve Alameda County's Response to the 2016-2017 Grand Jury Final Report; and
- B. Authorize the Board President to sign a letter on behalf of the Board of Supervisors formally transmitting Alameda County's Response to the Honorable Morris D. Jacobson, Presiding Judge, Superior Court, County of Alameda.

DISCUSSION:

Section 933 of the California Penal Code requires the Board of Supervisors to formally comment on Grand Jury findings and recommendations which pertain to matters under the control and authority of the Board.

The 2016-2017 Grand Jury Final Report Response comments on the findings and recommendations related to several areas that are under the control and authority of the Board.

FINANCING:

There is no net County cost impact associated with approval of the recommendations

Very truly yours,

A handwritten signature in black ink, appearing to read "Susan S. Muranishi".

Susan S. Muranishi
County Administrator

SSM:JP:MA:mcp
Attachments

- cc: Steve Manning, Auditor-Controller
Joe Angelo, Director, Human Resource Services
Lori A. Cox, Director, Social Services Agency
Willie Hopkins Jr., Director, General Services Agency
Tim Dupuis, Chief Information Officer/Registrar of Voters
Wendy Still, Chief Probation Officer
Donna Ziegler, County Counsel
Rebecca Gebhart, Interim Director, Health Care Services Agency



**ALAMEDA COUNTY RESPONSE
TO THE
2016-2017 GRAND JURY
FINAL REPORT**

COMPILED BY:
OFFICE OF THE COUNTY ADMINISTRATOR

APPROVED BY:
BOARD OF SUPERVISORS
OCTOBER 24, 2017

ALAMEDA COUNTY RESPONSE TO THE
2016-2017 FINAL GRAND JURY REPORT

**UNCHECKED SPENDING: BOARD OF SUPERVISORS
DISCRETIONARY FUNDS**

Finding 17-8:

The dual role played by the county employee in connection with county donations, appropriations, and disbursements to OAW, as both a county employee and as co-founder, chief executive officer and a director of OAW constituted a failure of good governance practices by the County of Alameda.

Response to Finding 17-8:

The Board of Supervisors (BOS) disagrees that the “dual role” played by the county employee “constituted a failure of good governance practices” under the circumstances presented. OAW’s stated mission aligns with and supports the safety net functions of the County of Alameda (County). As set forth on its website, OAW’s mission involves creating opportunities for self-sustainability for people facing extreme barriers to employment and economic survival, including the formerly incarcerated, in an effort to alleviate poverty, reduce crime and create conditions for prosperity for everyone. OAW is a tax exempt nonprofit. As an uncompensated officer of a nonprofit, tax exempt corporation, the county employee was not financially interested in the contractual relationships between the County and OAW and was not barred from involvement with the contract. And, the funds awarded to OAW were for a legitimate public purpose, and the award was made only after review and approval by the full BOS.

Finding 17-9:

The dual role played by the county employee in connection with county donations, appropriations, and disbursements to OAW, as both a county employee and as co-founder, chief executive officer and a director of OAW constituted a conflict of interest, in violation of Alameda County Charter Section 66 and Alameda County Administrative Code Section 2.02.170.

Response to Finding 17-9:

The Board of Supervisors (BOS) disagrees that the role played by the county employee constituted a conflict of interest in violation of the County Charter and Administrative Code. The cited charter and code provisions are interpreted by the County to harmonize with state law conflict of interest requirements. To interpret them otherwise could lead to absurd results when any one of the County’s more than 9500 employees volunteer with nonprofits who receive funding from the County.

Under California law, an employee is not deemed to be interested in a contract if his or her interest is that of a noncompensated officer or member of a nonprofit tax exempt corporation, particularly where the nonprofit’s primary purpose supports the functions of the board. Gov’t Code Section 1091.5. When the employee has a “noninterest” as defined above, the employee may be involved in the making of the contract.

As set forth on its website, OAW’s mission involves creating opportunities for self-sustainability for people facing extreme barriers to employment and economic survival, including the formerly incarcerated, in an effort to alleviate poverty, reduce crime and create conditions for prosperity for everyone. This aligns with the safety net functions and mission of the County. OAW is a tax exempt nonprofit. The employee was not compensated by OAW. Based on these facts, the employee was not financially interested in the contractual relationships between the County and OAW and was not barred from involvement with the contract pursuant to California Government Code Section 1091.5.

The Board acknowledges in hindsight that in light of the direct involvement of the employee in obtaining County funding, the employee’s status as a County employee and officer of OAW should have been disclosed publicly and noted in the official records.

Finding 17-10:

The process by which the Board of Supervisors makes donations to nonprofit organizations from county funds allocated to the Board of Supervisors through the FMRP constitutes a failure of good governance practices by the County of Alameda, in that (a) large amounts of county funds can be, and are, donated to nonprofit organizations without a competitive process and without written contracts; and (b) there is little if any independent oversight of the use of such funds received by nonprofit organizations.

Response to Finding 17-10:

The BOS agrees in part and disagrees in part. The BOS disagrees that its process for allocating fiscal management reward (FMR) funds constitutes a failure of good government. The program is often used as a “grant” award program, without the goal of formally contracting for specific services. As a grant, these awards may be intended to provide bridge funding to continue ongoing work, or to fill-in unanticipated funding gaps experienced by a nonprofit, or for special projects of a nonprofit. The goal of the FMR program is not to acquire continuing oversight or responsibility for the contractor’s programs and operations.

The BOS agrees that the process for awarding (FMR) can benefit from increased accountability measures to ensure that the funds awarded are used for an appropriate public purpose. In the specific circumstance discussed in the Grand Jury report, the employee provided ongoing monthly updates to the supervisor who allocated FMR funds, and to the supervisor’s staff, regarding the expenditure of funds and development of OAW.

Finding 17-11:

The process by which the Board of Supervisors makes donations to nonprofit organizations from county funds allocated to the Board of Supervisors through the FMRP does not comply with the Alameda County Manual of Accounting Policies and Procedures, which states that FMRP expenditures have the same requirements as other expenditures of county dollars. The non-compliance consists of the Board of Supervisors failure to follow the county’s procurement policy and procedures for such donations that exceed \$3,000.

Response to Finding 17-11:

The BOS agrees and disagrees. While the Manual of Accounting Policies and Procedures (MAPP) states that FMR expenditures have the same requirements as other expenditures of county dollars, County policy also allows the Board of Supervisors to approve sole source contracts for services without a competitive procurement and to make exceptions to procurement policy.

Recommendation 17-7:

The Board of Supervisors must establish a policy prohibiting any member of the Board of Supervisors from hiring or directing a staff member to form a nonprofit organization or to take a management position in a nonprofit organization.

Response to Recommendation 17-7:

The recommendation will not be implemented because it is overbroad and not reasonable and may impede upon the powers granted to a Board of Supervisors under California law. The County does not control all activities of a member of the Board or that member’s staff, and neither loses all rights as a private citizen upon election or county employment. Additionally, in the case of OAW, the employee was not hired or directed to form a nonprofit. The supervisor hired the employee as a staff person to engage with constituents of specific communities within the supervisorial district and to represent the office in the community. The employee was on staff for over one year before the concept of OAW developed. The Grand Jury has not offered an explanation for recommending such a broad blanket proscription when the employee was never directed by the supervisor to start a nonprofit.

The broad proscription is particularly problematic in light of the provisions of California Government Code Section 26227 which allows county employees to provide a broad scope of services to nonprofits, on county work time when authorized. It is possible for a staff member to be hired with the express purpose that the staff member may act on behalf of a nonprofit under the authority of Section 26227. Section 26227 provides in part:

The board of supervisors of any county may appropriate and expend money from the general fund of the county to establish county programs or to fund other programs deemed by the board of supervisors to be necessary to meet the social needs of the population of the county, including but not limited to, the areas of health, law enforcement, public safety, rehabilitation, welfare, education, and legal services, and the needs of physically, mentally and financially handicapped persons and aged persons.

The board of supervisors may contract with other public agencies or private agencies or individuals to operate those programs which the board of supervisors determines will serve public purposes. . . . A program may consist of a community support program including a charitable fund drive conducted in cooperation with one or more nonprofit charitable organizations if the board of supervisors deems a program will assist in meeting the social needs of the population of the county. If the board establishes a program, *the officers and employees of the county shall have the authority to carry out the program, using county funds and property if authorized by the board. During working hours, a program may include direct solicitation by county officers and employees and the assignment of officers and employees to attend or assist in the administration of program activities if authorized by the board.* [Emphasis added.]

Recommendation 17-8:

In the interest of good governance practices and in recognition of limited county resources, the Board of Supervisors must adopt and follow a policy that MAPP rules and the “County’s Procurement Policy and Procedures Overview – Guidelines for Acquisition of Goods and Services Including Professional Services” are strictly followed, and that no nonprofit organization may receive more than an aggregate of \$25,000 per fiscal year in donations from the FMRP accounts of members of the Board of Supervisors.

Response to Recommendation 17-8:

The recommendation will not be implemented because it is not warranted or reasonable. The Grand Jury has not provided a basis to connect principles of “good governance” with capping FMR grants from members of the BOS at \$25,000 per year in the aggregate. First, this number appears arbitrary given that grants are approved by the full BOS; one Supervisor is not authorizing large expenditures on his or her signature alone. Second, County funds are spent to further public purposes, which vary widely. The Grand Jury has not identified a public purpose that is served by establishing a blanket cap for this source of funds at \$25,000 per year for each organization. If there is a worthy program and a public purpose served, the County should not be denied the opportunity to provide fiscal aid or relief at larger sums solely because FMR is the source of funds. The County will conduct further analysis to institute accountability measures to ensure that FMR grants are used for legitimate public purposes.

**COUNTY PROVIDES MILLION DOLLAR BAILOUT
TO YOUTH UPRISING**

Finding 17-12:

The County of Alameda has not provided sufficient oversight of Youth UpRising to ensure that services are being provided and the public’s funds are being properly used.

Response to Finding 17-12:

The Health Care Services Agency (HCSA) and BOS disagree with this finding. The oversight provided by the HCSA was sufficient to ensure compliance with the terms of the contract.

Finding 17-13:

The County of Alameda's standard contract administration process and procedures were not used to manage the relationship between the county and Youth UpRising.

Response to Finding 17-13:

The HCSA and BOS disagree with this finding. The standard contract administration process and procedures were used to manage the contract between the HCSA and Youth UpRising. Specifically, a Program Specialist reviewed all reports and requests for payment to ensure compliance with the terms of the contract. If questions arose, the Program Specialist would call Youth UpRising to resolve the issues prior to processing requests for payment. Additionally, Youth UpRising is required to submit quarterly approved progress reports that address Results Based Accountability measures.

Finding 17-14:

The Board of Supervisors approved the "bailout" of Youth UpRising without adequate review.

Response to Finding 17-14:

The HCSA and BOS disagree with this finding. After Youth UpRising made the request for a midyear emergency funding augmentation to deal with an unanticipated financial shortfall, the HCSA Interim Director immediately sought services from an outside financial auditor, and requested that the auditor review Youth UpRising's books and interview Youth UpRising staff to corroborate Youth UpRising's rationale for the request, and to determine if the shortfall would be contained to one year, and if other actions necessary had been taken to stabilize the organization. This review is over and above regular reviews of requests for funding, but was undertaken due to the mid-year emergency nature of the request and the size of the request.

Finding 17-15:

Alameda County's REACH program offers similar services to those provided by Youth UpRising at a similar operational cost. The county is able to provide comprehensive oversight and fiscal management to the REACH program, but has been unable to provide the same oversight to Youth UpRising.

Response to Finding 17-15:

The HCSA and BOS agree with this finding, but also point out a key distinction. The County of Alameda's HCSA *operates* the REACH Ashland Youth Center, and is responsible for all comprehensive oversight and management. REACH is part of the County of Alameda corporate entity. Youth UpRising is a private non-profit organization with its own Board of Directors and staffing separate from Alameda County. Unlike REACH, it is a separate legal entity from the County. The County through the HCSA contracts with over 250 community-based organizations, and relies upon those organizations to conduct appropriate management and oversight of their operations. It is neither feasible nor appropriate that the County and HCSA oversee community based organizations at the same level that we oversee our own operations.

Finding 17-16:

Fragmented oversight of Youth UpRising contributed to the county's failure to identify the root causes of Youth UpRising's financial problems.

Response to Finding 17-16:

The HCSA and BOS disagree with this finding. The HCSA provided consistent and appropriate oversight of Youth UpRising's contract. When the issue of the financial shortfall arose, the HCSA Interim Director engaged the services of an independent financial auditor to identify the causes for the 2016 budgetary shortfall along with verifying the requested amount and if the shortfall is contained within the fiscal year.

It is the responsibility of the Youth UpRising board to identify the root causes of Youth UpRising's financial problems and to develop a long-term remedy, because, as noted above, the County does not operate or govern Youth UpRising.

Recommendation 17-9:

Alameda County must perform a detailed review of the current financial status of Youth UpRising and ensure adequate financial controls and management are put in place.

Response to Recommendation 17-9:

The recommendation is being considered and requires further analysis as well as the identification of funding for the review. The HCSA is invested in the success of Youth UpRising and believes that a detailed review of the financial status could be a helpful tool in planning for the future of the organization, and believes that the Youth UpRising board should undertake a detailed review of the financial status as well. HCSA will make a determination about such a review or further audit by October 31, 2017.

Recommendation 17-10:

Alameda County Health Care Services Agency must assign a contract administrator to manage Youth UpRising's contract going forward, and the HCSA must coordinate its oversight with other county agencies that contract with Youth UpRising.

Response to Recommendation 17-10:

This recommendation has been implemented. A Program Specialist in the HCSA is assigned to the Youth UpRising contract, and will be working to coordinate oversight with other county departments that have contracts with Youth UpRising.

Recommendation 17-11:

Alameda County must evaluate the benefits of continuing to support Youth UpRising as an independent community-based organization when a county-run model might provide improved oversight and control.

Response to Recommendation 17-11:

This recommendation is being considered and requires further analysis. However, it is important to note that the value of contracting with community-based organizations is that they provide their own oversight and control, while having close connections to the community and to the people served. Further, the cost of a county-run model is significantly higher, and it is more difficult for county-operated service to attract outside funding. Based on the limited amount of funding Youth UpRising receives from the County, it is likely that the bulk of its funding comes from other sources. Those sources of funding may not be available with a County run model and therefore result in increased County costs if it converts from its status as a private community based entity.

**POLITICAL INTERFERENCE WITH THE PROBATION DEPARTMENT'S
PROCUREMENT OF SERVICES**

Finding 17-17:

The supervisor exceeded the authority described in Government Code section 25005 and County Charter section 10. Both sections preclude individual board members from acting without concurrence from a majority of board members.

Response to Finding 17-17:

The BOS disagrees with this finding because it appears to stem from a misapplication of the Charter and Government Code Section 25005 to the facts as found by the Grand Jury. Charter Section 10 provides:

The Board of Supervisors shall elect a Chairman, who shall preside at all meetings. In case of his absence or inability to act, the members present must select one of their number to act as Chairman temporarily. Any member of the Board may administer Oaths when necessary in the performance of his official duties. A majority of the members shall constitute a quorum, and no act of the Board shall be valid or binding unless a majority of the members concur therein.

Government Code Section 25005 provides that “[n]o act of the board shall be valid or binding unless a majority of all the members concur therein.”

The BOS’s operating procedures provide that “any Board member may place items on the Board Meeting Agenda by submitting a written document explaining the item and offering recommendations” one week in advance. Placing an item on the agenda is not an “act of the Board,” consequently, it is not governed by the provisions cited by the Grand Jury. Items are submitted for placement on the agenda by Board members, County departments, by other public agencies, community organizations and others; no Board action is required to place an item on the agenda in advance of the meeting. The Grand Jury Report does not identify any “act of the Board” that was undertaken by “the supervisor.” The contract at issue was approved by vote of the full Board of Supervisors, not one member acting alone.

Finding 17-18:

The supervisor’s actions usurped the role of the chief probation officer by impeding procurement of community-based organization services through the competitive RFP process specified by the County of Alameda Uniform Procurement Manual, Chapter 6 - Department Procurement Policies and Procedures.

Response to Finding 17-18:

The BOS disagrees with this finding. The Chief Probation Officer (CPO) is appointed by and reports to the Board of Supervisors. The CPO lacks the capacity to contract for services in excess of \$25,000 without the approval of the Board of Supervisors. Final decision-making authority lies with the BOS. As noted in the Grand Jury Report, the BOS acts on such contracts at a noticed, open and public meeting, which the CPO is encouraged to attend. And, when matters concerning Probation Department operations are on the agenda, the CPO should attend. The CPO is able to speak on any matter on the agenda and is able to advocate to the full BOS the reasons to contract, or not, with a contractor. The supervisor did not impede the role of the CPO under such circumstances.

Finding 17-19:

By insisting on retention of a vendor that was unwilling to provide all the services the Alameda County Probation Department deemed essential, the supervisor impeded the level of religious services provided to juveniles in county custody.

Response to Finding 17-19:

The BOS disagrees with this finding. The Grand Jury Report lacks any facts or information to establish that the religious services provided to the minors at juvenile hall were impeded in any way.

Finding 17-20:

The County Charter requirement that the Alameda County Board of Supervisors hire all department heads creates ambiguity in how department heads are supervised and managed, in that they are responsible both to the county administrator and the members of the Board of Supervisors.

Response to Finding 17-20:

The BOS disagrees with this finding. The BOS’s relationship to department heads is not solely as the hiring authority. Department heads ultimately report to the BOS and the BOS, not the County Administrator, is ultimately responsible for performance evaluation. The County Administrator plays an important role with

department heads who have a reporting relationship through her to the Board, but the ultimate authority remains with the BOS.

Finding 17-21:

No administrative appeal process exists for department heads to address political interference in the procurement process.

Response to Finding 17-21:

The BOS agrees with the finding that “[n]o administrative appeal process exists for department heads to address political interference in the procurement process.”

Recommendation 17-12:

The Alameda County Board of Supervisors must adopt an anti-interference policy to ensure elected officials and their staffs do not interfere with county staff in fulfilling administrative responsibilities.

Response to Recommendation 17-12:

This recommendation will not be implemented and is not warranted. As the elected representative of the governing body within a district, constituents look to their Supervisor to hold County departments accountable for the administration of programs and services consistent with County policy, practice and governing laws. It is acceptable for a Supervisor’s office to investigate and take a position on departmental matters. The responsibility to make departmental decisions rests with the Department Head, subject to the authority of the full Board, not any one Supervisor. Department heads and staff should feel enabled to make decisions using their best judgment; they are not beholden to any one Supervisor’s office or staff member. In this case, the supervisor brought the issue to the full BOS, and the BOS acted at a noticed, open and public meeting at which the CPO could be present and had the opportunity to speak and provide information relevant to the BOS’s decision.

Recommendation 17-13:

The Alameda County Board of Supervisors must take steps to have the county charter amended to make clear that, while the Board of Supervisors creates county policy, the County Administrator has sole responsibility for hiring and supervising non-elected department heads.

Response to Recommendation 17-13:

This recommendation will not be implemented because it is not warranted. The Board of Supervisors appoints the non-elected department heads. This county governance structure is a prevalent model. The National Association of Counties (NACo) reported in June 2015 that approximately one-third of counties use a structure where department heads are appointed by the Board of Supervisors and not the County Administrator. The other two-thirds are a mixture of models. The County of Alameda model may be more prevalent in larger counties, for example, Los Angeles County, the largest county in the country (by population), has considered a return to this model after switching away from it in 2007. Alameda County is one of the top 25 largest counties in the country.

The Board of Supervisors does not agree that the concerns raised by the Grand Jury are uniquely a product of this model, that this model of governance is flawed inherently, or that the model proposed by the Grand Jury resolves the Grand Jury’s concerns.

**CRITICAL TECHNOLOGY CHANGES FOR THE
ALAMEDA PROBATION DEPARTMENT**

Finding 17-22:

By making decisions without ready access to necessary information, the Probation Department has been putting the public at risk. The lack of a comprehensive case management system prevents probation officers

from effectively managing and tracking their workloads, properly evaluating their clients' needs, and accurately identifying potential issues.

Response to Finding 17-22:

Alameda County Probation Department (ACPD) and the BOS partially disagree with this finding. The ACPD has in place a case management tool for juveniles, the Probation Record Information System Management (PRISM), a robust case management system that tracks client information and activities from beginning to end with real time interfaces to other stakeholder systems. The PRISM system supports data driven decision making, day-to-day operations, auditing, and ongoing reporting for Juvenile Field Services and the Facilities.

The ACPD and BOS agree that the lack of a comprehensive case management system has made it difficult to manage and track caseloads for adults. However, Probation staff's professional expertise and their ability to effectively assess a client's needs and engage them in the rehabilitative process undoubtedly contribute to enhanced public safety.

In recognition of the need for a comprehensive case management tool for adults, the ACPD has procured two complimentary automated tools: (1) CaseloadPRO, an automated case management system and (2) Correctional Offender Management Profiling for Alternative Sanctions (COMPAS), a research-based, validated risk and needs assessment tool for criminal justice practitioners, to assist them in the assessment, supervision and case management of clientele.

CaseloadPRO is the Department's automated case management system for adults. This is the primary system by which Probation will manage cases and capture client data, critical information, service referrals, case and contact information, and maintain related documents. The ACPD contract with CaseloadPRO started July 1, 2017, and ACPD staff are working with the vendor to implement the case management system in November 2017. CaseloadPRO will house all of the data (assessments, case plans, client contacts, supervision conditions, etc.) necessary to supervise clients in an organized, user-friendly interface.

The COMPAS tool is a research-based, risk and needs assessment tool for criminal justice practitioners to assist them in the placement, supervision, and case management of offenders in the community and in secure settings. This tool will allow the ACPD to use evidence-based principles, including providing rehabilitative programming to the higher risk-to-reoffend probationers, and provide other types of programs to low-risk-to-reoffend probationers, helps Probation staff assign the right probationers to the right programs at the right time based on individual risk and needs assessments.

The ACPD contract to utilize COMPAS has been executed, and commenced June 1, 2017. ACPD has begun working collaboratively with the vendor (Equivant) towards an implementation date in November 2017. Utilization of COMPAS will enable the ACPD to identify the risk level (for supervision level) and needs (identify criminogenic needs, appropriate service referrals, targeted interventions) of the Department's clients in an effort to reduce recidivism. Deployment of a validated risk and needs assessment tool is one of the eight (8) evidence-based principles of effective interventions in community corrections.

Finding 17-23:

The Probation Department has been unable to report accurate recidivism rates due to inadequate collection, storage and analysis of data.

Response to Finding 17-23:

The ACPD and BOS partially disagree with this finding. The ACPD has produced recidivism data in the past; however, the process to collect and evaluate the required data has been arduous and time consuming, limiting the ability to provide timely data. Information was available on probationers within the County, but not for out of county and out of state probationers. Moreover, because data appears in disparate formats in individual state and national repositories, Management Analysts and Probation Officers have a manual

process of obtaining the aforementioned via hard copy rap sheets run at the client level. This makes large scale aggregate research and reporting prohibitively expensive, time consuming and in many instances impractical. This will be overcome in future phases of the department's case management system implementation and interfacing with various state databases.

The ACPD has proposed a reorganization, which, if approved, will include a robust research component that will allow the Department to establish and maintain ongoing demographic and recidivism statistics. In addition to the proposed reorganization, the ACPD is undergoing a number of reforms, further described below, which should have a marked improvement in the recidivism rates once fully implemented. These will be reported via the departmental website and maintained ongoing.

Finding 17-24:

Probation decisions about which service and/or service provider is best for an individual client have not been sufficiently data driven. Service providers have been chosen based on anecdotal evidence of reputation and previous experience.

Response to Finding 17-24:

The ACPD and BOS agree with this finding. ACPD agrees that historically, the Department has lacked an automated system or data to match services to individual clients. The ACPD has taken a number of actions to improve the process and outcomes going forward:

- Individualized, research-based and targeted case management can improve client outcomes, enhance public safety, and support efficient use of Department resources. A critical aspect of facilitating rehabilitation includes the use of a validated risk and needs assessment, individualized treatment and rehabilitation plans that target specific criminogenic needs and utilizing automated service referral systems and program completion data to improve supervision outcomes and promote public safety. The ACPD's planned implementation of the Adult Referral and Records Management System (ARRMS) and the COMPAS risk and needs assessment instrument are specifically designed for that purpose. COMPAS is a proprietary automated risk and needs assessment tool that has been normed and validated on the California Department of Corrections and Rehabilitation state inmate population. It has also been validated twice on other Bay Area urban jurisdictions. COMPAS shall be the assessment tool that the ACPD utilizes to measure a client's risk of recidivism, risk of violence, and criminogenic needs. ARRMS shall be utilized by Deputy Probation Officers to submit appropriate referrals to meet client needs and to enhance communication between providers and Probation staff. ARRMS tracks referrals to providers for services, ensures that the probation clients are attending the services and gives the community providers a platform to communicate their needs and services being provided back to the Alameda County Probation Department effectively and immediately.
- Developing performance-based metrics for every service provider contract, to ensure there are acceptable goals and outcome measures that can be monitored. Evidence-Based Practices (EBP) places an emphasis on achieving measurable outcomes and making sure that the services provided and the resources used are effective. It involves using research-based and scientific studies to identify interventions that reliably produce significant reductions in recidivism, when correctly applied to offender populations through the use of the following four principles of effective intervention:
 - Risk Principle – focuses on attention on the crucial question of WHO is being served and calls for targeting the higher risk offenders.
 - Need Principle – requires that priority be given to addressing criminogenic risk/need factors with a clear focus on WHAT programs are delivered.
 - Treatment Principle – conveys the importance of using behavioral treatment approaches to achieve the best possible outcomes and requires attention to the questions of HOW programs are delivered.
 - Fidelity Principle – draws attention to HOW WELL programs are delivered and reiterates the necessity that programs be implemented as designed.

Service providers are now required to provide these during the Request for Proposal solicitation process, and will be held accountable to achieving these measures during the contract monitoring phase. The Department began implementing these with contracted services for Fiscal Year 2016-17.

- The Probation Department hired consultants who are subject matter experts in juvenile justice to develop a model of supervision for the juvenile division that is trauma-informed, culturally competent, and gender responsive. This will enable the division to utilize the best and most recent science, programs, and tools in juvenile justice and to procure appropriate services based on risks and needs of Alameda County youth that will provide better outcomes and reduce recidivism rates.
- Finally, the ACPD is undergoing a reorganization, after conducting an in depth review of current departmental resources, and identifying gaps such as the lack of evidence based practices, research and evaluation, policy and standards compliance. By using existing resources in a reorganized way, the ACPD will be establishing a Policy and Standards Compliance Unit, Evidence-Based Practices Unit, and a Research and Evaluation Unit. Under the reorganization, the ACPD will coordinate Department-wide policy development and practice, establish and support the Department's strategic planning efforts, continuously monitor and conduct research and analyses on national correctional statistics and trends in Probation, prepare new and revised policies and procedures for Probation, applying the best practices to Probation program designs. It is anticipated that the reorganization will go to the Public Safety Committee in mid-September, and the Board of Supervisors by the end of September.

Finding 17-25:

Current Probation Department management structure doesn't allow for focused attention on data collection and evidence-based analysis.

Response to Finding 17-25:

The ACPD and BOS agree with this finding. And, as stated in the response to Finding 17-24 above, the ACPD is undergoing a major reform/reorganization to ensure we have established, measurable, evidence-based performance measures.

Finding 17-26:

In the past, staff has been reluctant to embrace/accept new technology and processes. Staff buy-in is critical to the success of any proposed changes.

Response to Finding 17-26:

The ACPD agrees with this finding and in reliance upon the ACPD's determination, the BOS also agrees. To address this issue, the ACPD has assembled Subject Matter Experts (SME) from almost every classification in the field and headquarters operation to include labor organization representatives. These crucial stakeholders are critical in assisting with drafting the processes for caseload supervision specifications and the use of COMPAS by field staff. The SMEs are working in groups to outline the pivotal components of how the systems will be designed, implemented (to include training) and ultimately how staff will utilize the instruments in the field. Requesting feedback and design input, and ultimately soliciting assistance with drafting policy language, ensures acceptance and support from the staff.

Additionally, the ACPD executive staff held two separate four hour "all staff meetings" on March 16, 2017 and July 10, 2017 where the automated databases and new processes were demonstrated in detail and staff were given an opportunity to ask questions. The feedback was positive and welcomed as a much needed change to the current system utilized by staff in the field.

The ACPD now conducts periodic All Staff Meetings to share information and seek the input of all staff. Additionally, the ACPD now includes representatives from the unions, line staff and program supervisors in committees where new and revised policies are discussed. The Department is also making a significant investment in training for all staff in evidence-based practices, to ensure they understand them and become proficient in their use. These customized evidence based practices trainings are certified by the Board of State and Community Corrections - Standards and Training for Corrections. In order to provide a foundational base on EBP, ACPD employees will receive customized EBP overview, training, coupled with detailed four core principles training in the upcoming year, discussed in more detail in the response to Finding 17-24 above. Additionally, further EBP training, including training on the new systems, will be provided in the near future to build on the foundation being implemented within the Department.

The ACPD has undertaken all of these program improvements, and is actively engaging in the bargaining process. It is important to recognize that the reforms mentioned here, in information technology, policy, and operational practice, are significant bargaining issues. The ACPD is committed to working with all stakeholders, including the impacted bargaining units, to ensure a transparent, supported process.

Finding 17-27:

Recognizing that the Department needs an integrated information system that includes case management, risk assessment, reporting, and an access portal for staff, management has begun addressing these issues, beginning with the purchase and installation of new software systems.

Response to Finding 17-27:

The ACPD and BOS agree with this finding. The ACPD is actively pursuing the greatest modernization project in its history. The mission includes a revolutionary approach to utilizing technology and evidenced based approaches to more effectively supervise clients while increasing service and public safety. This modernization project has four automated components that will enhance productivity, align the Department with validated instruments that are in practice in the industry and give us the ability to manage the Department efficiently and report data immediately.

The first component includes the use of a validated risk and needs assessment known as COMPAS. The ACPD's current process of defining risk and needs will be replaced by a system that has been normed and validated on tens of thousands of clients in California including other Bay Area urban jurisdictions.

The second component initiates the use of an electronic Caseload Management System (CMS) known as CaseloadPRO. The CMS will immediately provide up to date information on the ACPD's clients in real time. The workload will be recorded in a system that will help manage the scheduled requirements, assist with navigation to client locations via maps and assist supervisors with balancing workloads.

The third component is the implementation of a state of the art smartphone application for fieldwork. This cutting-edge response to time management will give officers the ability to look up their caseloads or those of other officers as they work in the field. Recording entries with voice to text capabilities and time stamping their work in an electronic format.

Finally, the fourth component is the implementation of the first of its kind program placement portal known as ARRMS. By utilizing the latest techniques in the industry the ACPD has designed and will implement a state of the art electronic system of placing clients into programs and receiving immediate confirmation on their status while communicating with community partners.

Recommendation 17-14:

To ensure public safety, the Alameda County Probation Department must quickly implement and evaluate the new evidence-based integrated case management and risk-assessment systems.

Response to Recommendation 17-14:

The implementation of this recommendation is underway. The ACPD has secured funding through the Board of Supervisors, evaluated, selected and contracted with vendors for all four of the instruments mentioned above. Those contracts span five years or more, and total more than 1.8 million dollars, requiring the department to work with the companies to design, customize, train and implement them over the next 12 months. Additionally, the Department has invested more than 1.2 million dollars in hardware upgrades and infrastructure technology in preparation for the use of the state of the art software programs mentioned in the response for findings 17-27. The hardware is currently ordered and being deployed.

It cannot be understated that the success the ACPD will achieve hinges on the support, cooperation and assistance of the ACPD's partners in Alameda County. The data that drives the automation and information efficiencies of these state of the art systems starts with current databases that are operated by the Sheriff's Office and District Attorney's Office and managed by the Information Technology Department. ACPD project managers are currently consulting and working to establish secure data exchange environments that safeguard the transfer of data while maximizing efficiency and avoiding the redundancy of re-entering data already available in other county databases. Successful implementation is dependent upon the ACPD's County partners' agreement and participation in data sharing agreements.

Additionally, the ACPD has recently entered into a service contract to implement COMPAS. In addition, the ACPD has made a significant investment of over \$3,000,000 to replace outdated computers and equipment and procure the necessary software. The new system will be implemented in the next year.

Recommendation 17-15:

The Alameda County Probation Department must staff appropriately for successful implementation and support of the new case management and risk-assessment systems.

Response to Recommendation 17-15:

The implementation of this recommendation is underway. As stated in the response to Finding 17-24, the ACPD has a reorganization proposal under active review, to establish a Policy and Standards Compliance Unit, Evidence-Based Practices Unit, and a Research and Evaluation Unit. This will enable us to coordinate Department-wide policy development and practice, establish and support the Department's strategic planning efforts, continuously monitor and conduct research and analyses on national correctional statistics and trends in Probation, prepare new and revised policies and procedures for Probation, applying the best practices to Probation program designs.

In addition to the proposed reorganization, the Department has made significant improvements over the past year in its staffing processes. The ACPD has reduced the number of outstanding investigations, retooled the background process to streamline it, filled vacancies, and revised job specifications and qualifying experience and education requirements to improve the efficacy of the organization.

Recommendation 17-16:

Once the new integrated technology is in place, the Alameda County Probation Department must publicly report recidivism data in a timely manner.

Response to Recommendation 17-16:

The implementation of this recommendation is underway. Once fully implemented, the new data systems, coupled with the new Policy and Standards Compliance, Evidence-Based Practices, and Research and Evaluation Units, will enable the ACPD to publish reports regularly on the ACPD website that detail many performance measures, population demographics, and recidivism data on an ongoing basis.

Over the past year, the ACPD has methodically identified its challenges and developed a transformational plan to address them. The Alameda County Board of Supervisors has been supportive of the ACPD's efforts to date, ensuring the ACPD's success.

Recommendation 17-17:

The Alameda County Probation Department must develop an evidence-based vendor evaluation system to ensure that service decisions impacting clients are based on data, not anecdotes.

Response to Recommendation 17-17:

Implementation of this recommendation is underway. As stated in response to Finding 17-24, ACPD is requiring performance-based metrics for every service provider contract, to ensure there are acceptable goals and outcome measures that can be monitored. To ensure the success of this endeavor, the ACPD has contracted with George Mason University, a large public research university, which is in the highest tier of research universities in the country (as determined by the Carnegie Classification of Institutions of Higher Education). They will assist the ACPD with evaluations and performance metrics.

**ALAMEDA COUNTY NEEDS A COMPREHENSIVE
EMAIL RETENTION POLICY**

Finding 17-28:

Alameda County's lack of a consistent policy for retention of electronic communications leaves employees with no guidance as to which email correspondence to keep, to delete, or how long to retain.

Response to Finding 17-28:

The BOS agrees in part and disagrees in part with this finding. To the extent email retention policies exist, they are decentralized. The standards vary by department and may vary by type of email. The reference to "no guidance" may be an overstatement, but the BOS agrees that employees will benefit from improved policy for the retention of email communications.

Finding 17-29:

There is no evidence of adequate training or support to assist Alameda County staff and elected officials in maintaining electronic communications consistent with state law.

Response to Finding 17-29:

The BOS agrees with this finding.

Finding 17-30:

Individual staff members currently have control over which electronic communications are saved and which are deleted. This creates the potential for accidental, negligent, or even intentional destruction of public documents which should be available for public review.

Response to Finding 17-30:

The BOS agrees with this finding, but adds that it is not aware of intentional destruction of public documents that should be available for public review.

Recommendation 17-18:

The Grand Jury recommends that a uniform county-wide email retention policy must be implemented for all departments, agencies and elected officials.

Response to Recommendation 17-18:

This recommendation has not yet been implemented, but will be implemented in the future following further analysis and development of a policy that can be applied countywide. It is anticipated that it may take up to one year to implement a policy.

Recommendation 17-19:

The Grand Jury recommends that all email correspondence must be retained and available for retrieval for at least a two-year period, consistent with state law. This directive must be included in the county-wide policy.

Response to Recommendation 17-19:

This recommendation requires further analysis regarding the retention requirements that may be applicable to various types of records. Email communication is used for wide and varied types of communication, including the creation of records that would not normally be kept in the ordinary course of business and not retained if they were created in hard copy. The goal is to develop a retention policy that acknowledges the full scope of email records that may exist and treats each type of record in conformity with existing law.

Recommendation 17-20:

The Grand Jury recommends that each county department must develop individual training for staff and elected officials regarding email retention and the Public Records Act.

Response to Recommendation 17-20:

This recommendation will be implemented within six to eight months following the adoption of the countywide policy.

**ALAMEDA COUNTY'S LACK OF VENDOR EVALUATION
AND DEBARMENT POLICY**

Finding 17-31:

In spite of two previous Grand Jury recommendations to establish vendor-evaluation policies and the county's acknowledgment of those issues, no formal policies have been implemented.

Response to Finding 17-31:

The BOS agrees in part with this finding, but disagrees to the extent the finding does acknowledge the work that has been done to establish policies. In 2016, the General Services Agency (GSA) began the process of creating an evaluation program for Goods and Services. The pilot program was successful, and has been presented to the Procurement and Contracting Policy Committee (PCPC) for approval. After approval by the PCPC, GSA will seek approval by the Alameda County Board of Supervisors to establish the formal policy within the next 12 months.

Finding 17-32:

Without a comprehensive vendor-evaluation program, county departments are not sufficiently warned when existing vendors perform poorly or even defraud the county.

Response to Finding 17-32:

The BOS agrees with this finding.

Finding 17-33:

The county's failure to adopt a debarment policy has exposed county departments to organizations and businesses that have defrauded the county in the past.

Response to Finding 17-33:

The BOS does not agree with this finding. The finding is vague and ambiguous in its use of the phrase "has exposed county departments in the past" to businesses that have defrauded the County. Because the Grand Jury Report does not reference any instances where businesses or organizations have defrauded the County and continued to receive contracts, the BOS is hesitant to agree with this finding. The BOS agrees, however,

that the lack of a debarment policy poses the risk that organizations and businesses that have defrauded the county in the past will continue to compete and possibly receive subsequent contracts.

Recommendation 17-21:

The Alameda County General Services Agency must adopt a uniform vendor-evaluation program across all county departments.

Response to 17-21:

Implementation of this recommendation is underway. GSA has developed an evaluation model that has been piloted and proven successful for Goods and Services vendors. GSA is currently developing a model for Community Based Organizations (CBO) that clearly outlines best practices for eventual Board adoption. GSA will continue development and update the current procurement policies to reflect the new practices for presentation to the Board in the next 12 months.

Recommendation 17-22:

Alameda County must ensure that the vendor-evaluation program is also applicable to the community-based organization contracts providing health and human services.

Response to Recommendation 17-22:

Implementation of this recommendation is underway. GSA will work with County agencies and departments that utilize the services of CBOs to finalize the development of an evaluation policy. GSA has limited involvement with CBO procurement. The successful creation of the new model is heavily dependent upon collaboration with the user agencies. The estimated time for implementation is within 12 months.

Recommendation 17-23:

Alameda County must adopt a county-wide debarment policy.

Response to Recommendation 17-23:

This recommendation has not been implemented but will be implemented in the future. The estimated timeframe is within 12 months.

ALAMEDA COUNTY CIVIL SERVICE COMMISSION
RULES ARE OUT OF DATE

Finding 17-34:

The outdated rules under which the county is currently working are hindering the recruitment and hiring process as well as other human resources operations.

Response to Finding 17-34:

The BOS agrees with this finding.

Recommendations 17-24:

The County of Alameda must amend its Civil Service Rules, to update them to be more consistent with the current needs of the county, the skills of its workforce and the increased use of technology. In addition, the county must amend Sections 33-45 of the County's Charter (entitled "Civil Service") to the extent necessary to further that objective.

Response to Recommendations 17-24:

This recommendation has not been implemented but will be implemented in the future. County HRS will review and update the recommendations for revisions and amendments that were developed in 2008. HRS will endeavor to work with all impacted stakeholders, including labor unions to develop consensus around

proposed changes. Because the changes will likely impact the terms and conditions of employment, providing the opportunity for engagement with labor through the meet and confer process is key. Additionally, changes to the Charter will require the approval of the voters; the BOS cannot unilaterally change the Charter.

HRS will provide updates to the Administration and Board of Supervisors as to progress and timelines.