

County of Alameda Board of Supervisors
Response to the 2022-2023 Grand Jury Report

SUBJECT: The Santa Rita Jail Mental Health Building Will It Ever See The Light Of The Day

The Board of Supervisors responds:

Finding #23-8:

The substandard level of care for mental health remains unchanged at Santa Rita Jail, and is likely to remain substandard until a new Mental Health Program Service Unit is built.

Response to Finding #23-8:

The Board disagrees with this finding, particularly to the use of the term "substandard". Both the Sheriff and AFBH continue to demonstrate significant policy, programmatic, procedural, and operational improvements that speak directly to enhanced clinical care and the requirements outlined in the Babu Consent Decree. There have been ongoing changes since the *Babu* lawsuit was filed, and they continue. A number of projects are ongoing that will further enhance the level of care for those who need mental health services. Not all are dependent upon the completion of the Mental Health Program Service Unit ("MHPSU") building. It is a misrepresentation to state that the "level of care for mental health remains unchanged at Santa Rita Jail" given the changes that have been implemented in recent years.

Finding #23-9:

The redesigned scope of the Mental Health Program Service Unit no longer includes the renovation of housing units or medical facilities included in the budget of the original proposal; nor does it provide beds, facilities to stabilize patients in crisis or accommodate long-term living units for persons with severe mental illness while they are incarcerated, despite an increase of \$19M in County matching funds.

Response to Finding #23-9:

The Board disagrees with this finding because as drafted it combines multiple concepts in a manner that conveys an overall narrative that is not factual. The Board agrees with this finding to the extent it intends to capture the fact that the MHPSU as envisioned today is no longer attached to housing units, and that as a result those housing units will not be renovated to allow for access to an attached facility. The Board agrees that as currently envisioned, the stand alone MHPSU will not have medical facilities. The Board agrees that the new scope of the MHPSU does not include mental health or medical beds dedicated to stabilizing patients in crisis, or long-term living units for persons with severe mental illness while they are in crisis, *but notes this is not a scope change as neither did the original plan.*

The Board also agrees that the estimated construction costs submitted previously when compared to the current estimate has increased. However, the final cost estimate from preliminary design of the original scope was never fully known. The original scope would have required seismic upgrades to at least a portion of the jail and full upgrades to the existing aging utility infrastructure of the entire jail that are at capacity. These requirements became known during preliminary design, and cost estimating was not updated. The cost estimate of the revised scope is for a facility that will be constructed on a separate parcel as a standalone building with

infrastructure independent of the jail. The current cost estimate is based on preliminary design of the revised scope at current construction market rates escalated to midpoint of construction. This estimate includes an increase in County matching funds required to support the fixed amount of state grant funds.

Finding #23-10: The Board of Supervisors has failed to provide public updates on progress reports from the General Services Agency on the status of the Mental Health Program Service Unit project.

Response to Finding #23-10:

The Board disagrees with this finding. GSA prepares Board letters for all requested authorizations or approvals related to the Mental Health Program Service Unit (MHPSU). These Board letters include a Discussion Summary on the project status, and they are posted prior to the Board's consideration on the public meeting agenda. The Board has not "failed" to provide public updates regarding this project. Below, are the January 2022 – May 2023 Board actions taken in regularly scheduled public meetings related to the MHPSU project:

1. January 25, 2022 - Adoption of a resolution to certify the California Environmental Quality Act for the MHPSU;
2. March 1, 2022 - Award of a consulting services contract with Capital Program Innovations for support on strategic planning, capital cost planning, and delivery of the Five-Year Capital Plan for GSA projects;
3. January 10, 2023 - Award of a professional services Program Management/Construction Management contract with Kitchell CEM, Inc. for the for the Capital Improvement Plan Category II: Santa Rita Jail Program;
4. February 28, 2023 - Approval of two new full time equivalent positions in GSA Capital Programs dedicated to the delivery of the SRJ capital projects; and
5. May 9, 2023 - Approval of the SB 83 MHPSU budget increase and adoption by resolution of the use of local Capital Designation funds for the County's match.

Finding #23-11: Staffing shortages exacerbated by lengthy County job posting requirements have contributed to delays in the construction of Mental Health Program Service Unit due to unfilled job requisitions.

Response to Finding #23-11:

The Board agrees with this finding. See response to Recommendation 23-16 for steps the County has undertaken to address this issue.

Finding #23-12:

There is no evidence that the Board of Supervisors conducted an audit of the GSA or updated its response to Grand Jury Recommendation 20-27, as promised in its original response to the 2019–2020 Grand Jury Report, "Alameda County's General Services Agency Too Often Fails at Capital Project Management."

Response to Finding #23-12:

The Board agrees with this finding.

Finding #23-13:

County matching funds to complete the Mental Health Program Services Unit project have increased by approximately \$19M to date and will continue to rise with additional delays, inflation, cost of labor and increase in building material costs.

Response to Finding #23-13:

The Board agrees that County matching funds/subsidy to complete the Mental Health Program Services Unit project have increased over the years and may continue to rise with additional delays and to the extent inflation and costs of labor and building materials increase. The Board notes that while estimated construction costs submitted previously, when compared to the current estimate, have increased, the final cost estimate for preliminary design of the original scope was never fully known. The original scope would have required seismic upgrades to at least a portion of the jail and full upgrades to the existing aging utility infrastructure of the entire jail as they are at capacity. These requirements became known during preliminary design, and cost estimating was not updated. The cost estimate of the revised scope is for a facility that will be constructed on a separate parcel as a standalone building with infrastructure independent of the jail. The current cost estimate is based on preliminary design of the revised scope at current construction market rates escalated to midpoint of construction. This estimate includes an increase in County matching funds/subsidy required to support the fixed amount of state grant funds.

Finding #23-14:

Departments not familiar with construction of Capital projects and the approval processes that entails, need clear updates on the Mental Health Program Service Unit “in laymen’s terms”.

Response to Finding #23-14:

The Board agrees with this finding.

RECOMMENDATIONS

Recommendation #23-13:

The Grand Jury recommends that by October 31, 2023, the Board of Supervisors establish the completion of the Mental Health Program Service Unit as a top priority by all means to avoid further escalation of costs in monies and lives.

Response to Recommendation #23-13:

The Board will not implement this recommendation because it is not warranted. The Grand Jury’s inclusion of the phrase “by all means” appears to be more rhetoric than meaningful, and the Board declines to adopt it. In any case, the Board has sufficiently conveyed the importance of completing the MHPSU construction through its actions. By adopting the Babu consent decree, the Board committed that the County would use *its best efforts* to complete the MHPSU, as well as take other steps to serve the population at issue. Implementation of the terms of the consent decree is subject to court oversight and includes monitoring by class counsel. The health and welfare of all inmates in the jail is a top priority for the Board as evidenced by the hiring incentives that have been authorized by the Board for both sworn staff and mental health staff in the jail; the funds that have been approved to build the MHPSU; and the capital improvements agreed upon and funded for construction projects within the jail including cell softening and anti-ligature measures. Through these measures, and others in the works, the Board has a demonstrated commitment to saving lives at the jail.

Further, the allocation of capital improvement funding in the Capital Improvement Plan takes into consideration the order of priority criteria as follows:

1. Enhance protection of public health and/or safety;
2. Ensure compliance with State and /or federal law or administrative regulations;
3. Reduce and/or stabilize operating budget costs;
4. Prolong the functional life of a capital asset of the County by 10 years or more;
5. Improve the ability of the County to deliver services.

The MHPSU is intended to achieve three out of the five priorities, above, including the top two. It is well established that it is a priority for the Board that the project moves forward timely.

Recommendation #23-14:

The Grand Jury recommends that by December 31, 2024, the Alameda County Sheriff's Office, Behavioral Health Care Services and the Board of Supervisors develop and implement a plan to provide beds, facilities to stabilize patients in crisis and accommodate long-term living units for persons with severe mental illness while they are incarcerated.

Response to Recommendation #23-14:

The Board will not implement this recommendation because it does not appear warranted; it could benefit from clarification. If the Grand Jury's goal is to expand the number of jails by building new "mental health jails," the County is pursuing a different approach. The County is committed to expanding services available to those living with severe/serious mental health conditions *in the community* with a goal of substantially reducing the number of individuals within this population who are incarcerated. The community efforts are a companion to the efforts the Board has sanctioned for the incarcerated through the *Babu* consent decree. The latter (which is informed by expert recommendations) is designed to improve and expand the comprehensive treatment program provided during incarceration, and to improve day-to-day and overall outcomes while incarcerated and upon release. The focus is on the type, quality, and amount of engagement (both with sworn staff and mental health staff), in and out of the cell, including attention to medication and therapeutic needs, with a goal of substantially improving the experience of persons in custody throughout their term of incarceration, rather than building new jail facilities and more beds for the incarcerated. These efforts taken together should reduce the need to provide new "beds, facilities to stabilize patients in crisis and accommodate long-term living units for persons with severe mental illness *while they are incarcerated.*"

Recommendation #23-15:

The Grand Jury recommends that by October 31, 2023, the Board of Supervisors requires the General Services Agency to present updated, quarterly progress reports (workflow plan, budget changes, workload, progress made, schedule changes, and the reason for those schedule changes, etc.) on the Mental Health Program Service Unit and the reports and minutes be made accessible to the public.

Response to Recommendation #23-15:

This recommendation will be partially implemented with the first *public* quarterly progress report to be presented during the calendar quarter that begins October 1, 2023. The Board declines to commit that the quarterly report will be as expansive in scope as requested. The expectation is that GSA's public quarterly progress reports will provide updates regarding significant changes to

the budget, scope, and schedule. This does not preclude the GSA Director from updating at more frequent intervals when warranted.

Recommendation #23-16: The Grand Jury recommends that by July 1, 2024, the Board of Supervisors, in coordination with Human Resource Services, accelerate hiring policies, streamline the onboarding process, and amend lengthy job posting requirements.

Response to Recommendation #23-16:

The Board will make best efforts to implement this recommendation but *cannot* agree to implement this recommendation fully and may not fully implement this recommendation by July 1, 2024, because the capacity to fully implement does not rest solely with the Board or the County. For example, the lengthy posting requirements to fill jobs within the County’s classified civil service system are set forth in the County Charter.

The Charter may only be amended by the voters. The voters must approve any amendments at a countywide election. The Board cannot know in advance whether a Charter amendment will succeed. If a proposed Charter amendment changes the terms and conditions of employment for existing employees, or if other policy updates do, the County is required to offer to meet and confer with its unions regarding the impacts of the changes first (with few exceptions).

The task of identifying necessary changes and implementing them is underway. In January 2023, the County formed a Recruitment Task Force (“Task Force”) to develop recommendations that address the recruitment issues facing the County. The Task Force identified 12 initiatives, listed below, with noted status of implementation:

1. Identify Technologies to Streamline the Recruiting and Hiring Process ***[In Process]***
2. Ensure an Updated Classification System ***[Completed]***
3. Increase Promotional Opportunities for County Employees ***[Completed]***
4. Use Provisional Appointments in Hard-to-Fill Positions Effectively ***[Completed]***
5. Enhance Recruitment Marketing in Alameda County ***[In Process]***
6. Improve Recruitment marketing in Alameda County ***[In Process]***
7. Establish a Remote/Hybrid Work Policy and Practice ***[In Process]***
8. *Make Improvements in the Temporary Assignment Pool (TAP) Program* ***[In Process]***
9. Implement an Employee Referral Incentive Program for Hard-to-Fill Positions ***[Completed]***
10. Make the Best Use of Civil Service Commission (“CSC”) Rule 1416 ***[In Process]***
11. Make Changes to the County Charter, Administrative Code, and CSC Practice ***[In Process]***
12. Provide More Flexibility in the Appointment and Promotion of Employees ***[In Process]***

To specifically address AFBH staffing shortages in the Santa Rita Jail (“SRJ”), on March 8, 2022, the Board of Supervisors (“BOS”) approved a hiring incentive for newly hired and newly promoted employees in certain clinical classifications in the AFBH division at the jail, effective January 23, 2022, to address ongoing critical recruitment and retention challenges. The BOS authorized extending the sunset date to June 30, 2027, for these critical clinical positions as a recruitment and retention strategy.

The HRS Department staff continues to collaborate closely with HCSA staff to improve the efficiency and effectiveness of the recruitment and selection process.

Recommendation #23-17:

The Grand Jury recommends that by October 31, 2023, the Board of Supervisors conduct the audit of the General Services Agency per their response to Finding 20-27 in the 2019-2020 Grand Jury Report "Alameda County General Services Agency Too Often Fails at Capital Projects" and update the response accordingly.

Response to Recommendation #23-17:

This recommendation has been partially implemented, and this response serves as the update to the 2020 response. The Board hired a new General Services Agency Director, August 2022, and subsequently authorized a consulting services contract with Capital Program Innovations. The consultant performed an initial assessment of the delivery of capital projects, reported findings to the Director in real time as they became known during the process, and made recommendations for immediate and long-term improvements. This effort is still underway. Many if not all recommendations were or are being implemented as approved by the Director, and requests were and will be made to the Board for approvals of additional resources as needed. A full report of the findings to date with recommendations to continue to improve GSA's execution of Capital Projects will be presented to the Board by October 31, 2023. With all steps mentioned above now in place or underway, the goals of the audit identified in the Board's 2020 response have been served, and the audit contemplated in 2020 is no longer warranted.

Recommendation #23-18:

The Grand Jury recommends that by October 31, 2023, the General Services Agency develop a workflow and progress status for all departments and be mindful to present in laymen's terms.

Response to Recommendation #23-18:

The recommendation has been implemented by the GSA Director in the form of an executive project status reporting cadence that includes scope, schedule, budget, and risk updates for all major capital projects which are prepared by professional construction management/project management technical experts. Formatting and terminology will be reviewed for additional improvements based on this recommendation.

SUBJECT: Alameda County Needs A Code Of Ethical Conduct And Whistleblower Policy

The Board of Supervisors responds as follows:

Finding #23-15:

Alameda County needs an Ethics Policy and Code of Conduct that covers all county employees, elected officials, vendors, and volunteers.

Response to Finding #23-15:

The Board agrees with this finding.

Finding #23-16:

Alameda County does not provide adequate ethics training for all county employees.

Response to Finding #23-16:

The Board agrees with this finding.

Finding #23-17:

Alameda County needs a comprehensive whistleblower program encompassing initiating, tracking, investigating, and reporting the number and disposition of complaints, and this program should be accessible to county employees and the public.

Response to Finding #23-17:

The Board agrees that the County needs a comprehensive whistleblower program that will accept complaints from County employees and the public. The ultimate design and full scope of the program will be informed by additional review, study and analysis.

RECOMMENDATIONS

Recommendation #23-19:

The Grand Jury recommends that by July 1, 2024, the Board of Supervisors develop and adopt an ethics policy, including a code of conduct, that applies to all county employees, elected officials, vendors and volunteers.

Response to Recommendation #23-19:

This recommendation will be implemented. The plan is to implement by July 1, 2024. To the extent the policy impacts the terms and conditions of County employees, it may require meet and confer with the County's many labor organizations.

Recommendation #23-20:

The Grand Jury recommends that by July 1, 2024, the Board of Supervisors require ethics training for all county employees, elected officials, vendors and volunteers at onboarding and annually thereafter, with specific instruction on how to initiate a complaint, review of ethical codes and policies, encourage reporting of concerns and track the training in the Training and Education Center's Learning Management System.

Response to Recommendation #23-20:

This recommendation will be partially implemented with a planned implementation not later than July 1, 2024, if possible. The County will not commit to train vendors or to track vendor training in the County's Learning Management System because it is not warranted. The decision whether to require ethics training for all county vendors "at onboarding and annually thereafter" poses a variety of concerns, among them, sheer feasibility to implement. Any vendor doing business with the County is responsible for training its workforce to ensure that its employees engage in ethical and non-discriminatory practices, among other requirements. And, the Learning Management System is an employee performance management resource tool, not a vendor compliance module.

Note that the Training and Education Center Learning Management System currently offers "Government Ethics" training for all County employees. This training aims to foster ethical conduct and work habits and to increase awareness of the shared responsibility to ensure that County operations are fair and honest. In conjunction with the County's development and adoption of ethics and code of conduct policies, the County will look to implement trainings on these County of Alameda specific policies that can be tracked in the Learning Management

System or tracked elsewhere, as appropriate. However, the County may mandate the trainings be completed within the first six months of hire and every two years thereafter (similar to the ethics training required for elected officials) as a resource management measure, rather than at new employee orientation and annually thereafter.

Recommendation #23-21:

The Grand Jury recommends that by July 1, 2024, the Board of Supervisors develop and implement a comprehensive whistleblower program encompassing initiating, tracking, investigating, and public reporting of complaints, with a clear mechanism accessible to county employees and the general public.

Response to Recommendation #23-21:

The recommendation to develop and implement a comprehensive whistleblower program that includes a clear mechanism for both employees and the public to report complaints will be implemented. Additional review, study and analysis will be required to inform the ultimate design and full scope of the program. The Board plans to adopt the policy by the July 1, 2024, recommended date, after completion of additional review, study, and analysis.

SUBJECT: Timeliness Of Child Abuse And Neglect Investigations

The Board of Supervisors responds:

Finding #23-23:

Over the past three years, the percentage of non-immediate investigations initiated within the prescribed 10-day time-period has dropped steadily and significantly from above the 90% benchmark to only 38% in the last quarter of 2022.

Response to Finding #23-23:

The Board agrees with the finding.

Finding #23-24:

Through the pandemic, the Children and Family Services Department has experienced a severe shortage of child welfare workers, especially in the Emergency Response unit, and despite continuing efforts has not been able to recruit and retain child welfare workers to fill the vacant positions.

Response to Finding #23-24:

The Board agrees with the finding.

Finding #23-25:

Caseloads for child welfare workers in the Emergency Response unit are unacceptably high, at least twice the specified effective size of 15 cases per worker.

Response to Finding #23-25:

The Board agrees with the finding to acknowledge that at times a worker's caseload may rise above the effective size of 15, and may rise as high as 30, but does not agree that the standard day-to-day caseload for Child Welfare Workers in the Emergency Response Unit is "at least twice the specified effective size of 15 cases per worker."

Finding #23-26:

Insufficient supervisory support and mentoring of new child welfare workers in the Emergency Response unit contributed to work-related stress, low morale, and workers leaving the job.

Response to Finding #23-26:

The Board disagrees with the finding based on information provided by the Social Services Agency, while acknowledging that staffing shortages come with impacts. Child Welfare Supervisors provide ongoing supervisory support and mentoring of their staff. Child Welfare Supervisors are expected to meet with their staff routinely for regular supervision, providing written documentation to staff about items discussed/areas of potential growth/and support that will be provided to attain that growth. Additionally, Child Welfare Workers consult with their supervisors throughout the course of an investigation to assist with determination of next steps. If a child is removed as a part of the investigation, the Child Welfare Supervisor assists in the coordination of the removal, including any paperwork that must be submitted to the court.

This does not mean that all supervisors perform at the same level or are as proficient at mentoring and hands-on supervision as their peers. The overall staffing shortages in the Emergency Response Unit have likely contributed to feelings of work-related stress, low morale, and workers leaving the job, and impacted the amount of hands-on mentoring and support that can be devoted to each worker. Whether supervisory support and mentoring has been "insufficient" should be evaluated by the Social Services Agency Director and her leadership team on a case-by-case basis, as part of performance management, and the Board declines to paint the supervisors in the Emergency Response Unit with sweeping generalities.

RECOMMENDATIONS

Recommendation #23-25:

The Grand Jury recommends that the Alameda County Social Services Agency, by October 31, 2023, reduce the caseloads of child welfare workers in the Emergency Response unit to a level at or below the specified effective size of 15 cases per worker.

Response to Recommendation #23-35:

This recommendation has not been implemented but may be implemented in the future, to the extent that the recommendation seeks to reduce the actual caseload size to 15 cases or less for each field worker in the Emergency Response Unit. It is not guaranteed that this can be achieved by October 31, 2023. At times it may be necessary or feasible to carry a higher caseload.

The reduction of caseload size from the current effective caseload size of 15 requires a meet and confer process with applicable union. A request for the meet and confer process has been submitted. The meet and confer process can take months to complete, as the caseload guidelines for all programs in Children and Family Services will be included. However, without sufficient staff

onboard, merely changing the effective case size will not solve the problem. Recruiting and retaining sufficient staff to ensure the effective case size will not be exceeded will be a challenge. For example, a caseload guideline of twelve, would require forty-two staff which is, at a minimum, an additional twenty-five Child Welfare Workers assigned to the field.

The Agency continues to seek new ways to recruit and hire additional staff, while continuing to seek creative solutions to address the particular staffing and workload challenges in Emergency Response. An immediate solution is to assign staff outside of the program and department, who have volunteered to work overtime, to assist with completing rote administrative tasks; thereby, allowing Child Welfare Workers assigned to ERU to focus on and complete critical tasks.

Recommendation #23-26:

The Grand Jury recommends that the Alameda County Social Services Agency, by October 31, 2023, take steps to increase work-related support for child welfare workers in the Emergency Response unit by requiring supervisors to schedule regular check-ins, provide timely guidance and mentoring for caseload management, and respond adequately to requests for assistance.

Response to Recommendation #23-26:

The Social Services Agency advises that this recommendation has already been implemented. The Social Services Agency reports that as a long-standing practice, Child Welfare Supervisors meet with their staff a minimum of twice a month for regular supervision, including in the Emergency Response Unit. The supervision meetings include discussion of the work, suggestions for working with families, potential areas of professional growth and, if necessary, referrals for emotional support through the Employee Assistance Program. Written documentation of the discussions is provided for Child Welfare Workers to refer to in between supervision meetings. Additionally, ongoing consultation is required during child abuse investigations to assist with determination of next steps. Child Welfare Supervisors review and provide feedback for any written documentation that is submitted. Child Welfare Supervisors continue to look for avenues to support their staff including advocating for them for time away from receiving investigations. The Board continues to receive recommendations from Human Resource Services (in partnership with the Agency) regarding recruitment and retention strategies for employees in the Emergency Response Unit and is committed to adopting policies to improve staffing. More staffing may improve mentorship and support by increasing the opportunity for peer support that may be lacking due to short staffing.

Recommendation #23-27:

The Grand Jury recommends that Alameda County take steps to increase financial compensation for Child Welfare Workers (CWW) in the Emergency Response Unit, including: at the first opportunity, define Emergency Response child welfare workers as a specialized class for higher salary and increase the premium payments for child welfare workers with excessive caseloads in the Memorandum of Understanding (MOU) between the County and SEIU Local 1021; and, starting with the next County budget cycle, establish special compensation above and beyond salary (e.g., stipend or bonus) for child welfare workers in the Emergency Response unit.

Response Recommendation #23-27:

This recommendation requires further analysis. On December 20, 2022, the Board approved providing retention pay stipends to employees in the classifications of Child Welfare Worker I and

It based on the State of California Budget Act of 2021 included State-funded grants (“ER Enhancement Funds”) that allow the County to enhance child welfare emergency response services, including to address retention issues, by providing a retention pay stipend to eligible employees. Eligible employees who are active and assigned to work continuously in emergency response field units for a required length of service (12, 18, 24, 36, and 60-months) shall receive a retention pay stipend corresponding to the required length of service (\$1,000, \$2,500, \$3,000, \$4,000, and \$5,000, respectively).

Human Resource Services is actively engaged in evaluating classifications identified by County departments for designation as specialized classes in need of special compensation. Human Resource Services continues to develop recommendations for scope and type of pay enhancements where warranted. The Board expects that if the Social Services Agency has not identified the Child Welfare Worker classifications in the Emergency Response Unit for review, it will do so immediately.