

ORANGE COUNTY



Orange County Grand Jury
2022 – 2023
Final Report



In Memoriam
Michael Sal Ernandes



The Orange County Grand Jury is mourning the loss of one of its own. Michael Sal Ernandes passed away on January 27, 2023 at the age of 74. Born in Favignana, Italy in 1948, Michael immigrated to the United States at age 13 and spent the rest of his life living in his beloved California.

Mike was a wonderful person who made everyone feel welcomed. He was an inspiration to all the jurors and court staff for having served four times on the Orange County Grand Jury. His relaxed nature and humor made the day go by just a little bit faster.

Michael was the consummate public servant who dedicated his life to making the place he lived and loved a better place. He will be greatly missed, said the Honorable Maria Hernandez, Presiding Judge of the Orange County Superior Court.



ORANGE COUNTY GRAND JURY

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June 30, 2023

The Honorable Maria D. Hernandez, Presiding Judge
Superior Court of California County of Orange
700 Civic Center Drive West
Santa Ana, CA 92701

Dear Judge Hernandez:

On behalf of the 2022-2023 Orange County Grand Jury, I am pleased to present our Final Report. This report includes seven investigative reports. Report topics ranging from water planning to school safety. We are proud to have released reports on issues never previously investigated by the Orange County Grand Jury such as the current Fentanyl crisis, Group Homes, and Students Experiencing Homelessness. These reports are important investigations which should be closely monitored by future Grand Juries.

The Grand Jury approached its investigative responsibilities with an emphasis on preparing quality reports as opposed to completing a specific number of reports. This allowed all topics to be thoroughly researched and analyzed with realistic and workable findings and recommendations. Each committee took the extra step of conducting fact checking exit interviews during the preparation of the reports to enhance credibility. The 2022-2023 Grand Jury also held itself to a strict schedule which helped ensure abundant time was available for each report to receive a thorough review.

As part of the Grand Jury's criminal indictment responsibilities, the 2022-2023 Grand Jury held six criminal indictment hearings and four investigative hearings comprising approximately twelve percent of our time. The Grand Jury also fulfilled its role as "watchdog" on behalf of the citizens of Orange County.

Our term of service on the Grand Jury offered each member a tremendous educational opportunity. We learned about the functioning of the county, its agencies, city governments, special districts and much more. We were exposed to many of the people who enable our County and Cities to deliver the services on which Orange County residents depend. We experienced that a positive impact can be made to local government as a direct result of citizen participation. Finally, we developed friendships that enriched our lives and made the journey fulfilling.

We are grateful for your support and guidance and that of Judge Larsh during the past year. In addition, we wish to acknowledge a number of people we relied on and who contributed to the success of the Grand Jury's work:

Honorable Maria Hernandez

June 30 , 2023

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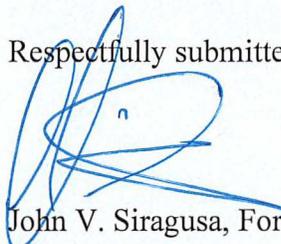
- Honorable Cheri Pham, Assistant Presiding Judge of the Orange County Superior Court
- Honorable Jonathan Fish, Central Felony Trial Panel of the Orange County Superior Court
- Kostas Kalaitzidis, Court Public Information Officer
- Todd Spitzer, District Attorney
- Brett Bryan, Assistant District Attorney
- Dustin Chupurdy, Deputy District Attorney
- Donald Barnes, Sheriff-Coroner
- Phillip Kohn, from Rutan and Tucker, Special Counsel to the Grand Jury

Special appreciation is due to James Steinmann, Deputy County Counsel. James was always available for consultation when the Grand Jury was confounded over legal issues affecting its work. The Grand Jury was especially grateful that, in addition to providing his guidance on matters, he gave us extensive reasoning behind the guidance. This was a great help in focusing our efforts and left us with a deeper understanding of the law. James was also responsible for reviewing the proposals for, and reports of, the Grand Jury's investigations.

The Grand Jury could not have done its work this year without the unwavering support we received from Joyce Mwangi, Grand Jury Coordinator, along with Theda Kaelin, and Liza Valenzuela, Legal Processing Specialists. Day in and day out, they served as our guides to the history and procedures of the Grand Jury. They were also our link to the Court, the District Attorney, County Counsel, and the dozens of agencies with which we interacted. The assistance provided by Joyce and the team exceeded anything we might have expected of them.

Finally, the Grand Jury thanks you, Judge Hernandez, and the members of the Grand Jury Recruitment and Selection Committee who interviewed and selected us for this opportunity to serve the people of Orange County over the past year. It has been an honor and a pleasure.

Respectfully submitted,



John V. Siragusa, Foreperson

2022-2023 Orange County Grand Jury

JVS:jm

2022- 2023 Orange County Grand Jury



(Back to Front)

Gene Siegel, Younger Klippert, Rebecca Holden, Grant Uehara, Tom Burnham
John Hendrix, Larry Rein, Joe Barrett
Michael Neben, Shohreh Saljooghi, Jane Gibbons, Tex Boggs, Mike Perry
John Siragusa, Karen Fuller Beck, Pauli Merry, Judy Howard, Bonnie Christie, Ray Dunne

Foreperson – John Siragusa
Foreperson Pro Tem – Gene Siegel
Secretary – Judy Howard
Sergeant at Arms – Karen Fuller Beck

History and Duties of the Grand Jury

The earliest mentions of a grand jury appear to be from the ancient Greeks. Throughout history there have been references to citizen groups formed for the specific purpose of hearing criminal charges and investigating civil complaints against government agencies and officials, specifically misconduct and neglect.

In the United States, Grand Juries take their authority from the Fifth Amendment to the Constitution's Bill of Rights. Almost every state empanels grand juries to review criminal indictments and/or make inquiries into government activities. Orange County's first Grand Jury was empaneled in 1890. California makes criminal indictments by grand juries optional, and the Orange County Grand Jury is one of the few in the state that performs both civil and criminal duties.

A grand jury is a judicial body empowered with investigative duties. It is part of the Superior Court of California in the county in which it is convened. A grand jury is an oversight body composed of local citizens whose principal role is to investigate complaints about local governmental agencies, to audit those agencies, and to publish the findings and recommendations resulting from their investigations. The primary goal of a grand jury's civil duties is to serve the citizens of the county by recommending improvements in governmental operations.

The criminal responsibility of the grand jury is to hear cases presented to it by the District Attorney and then vote to return indictments when the evidence presented meets the level of probable cause for proceeding to trial.

The 2022-2023 Orange County Grand Jury carried on the tradition of investigating civil complaints, reviewing the functions of various governmental agencies, and assisting the District Attorney by hearing criminal cases for indictment. It produced the seven investigative reports on subjects of concern to the public included in this publication. It also held indictment and investigative hearings for the District Attorney's office.



The Old Orange County Courthouse

**Orange County Grand Jury 2022 - 2023
Reports in Order of Issuance**

The ABC's of Educating Children Experiencing Homelessness in Orange County

A focused look at school-aged children experiencing homelessness in Orange County, and the responsibility of the school districts to provide them an equitable education. The report also examines the impact of homelessness on the academic performance and likelihood of these children graduating from high school.

Gimme Shelter and a Pound of Advice: The State of Animal Welfare overseen by the County of Orange

An investigation of the operations at Orange County Animal Care was initiated after a significant number of complaints were received. The recommendations in this report provide a roadmap for potential governance changes and operating improvements to enhance shelter effectiveness for the welfare of the animals.

Historic Rain, Yet Drought Remains

Orange County experienced record rainfall this year yet concerns remain that the current water supplies will not be sustainable due to climate change. This report examines how water supplies are delivered and makes recommendations for a new source of water and a management structure to protect water supplies in the future.

Welcome to the Neighborhood. Are cities responsibly managing the integration of group homes?

An investigation into the impact group homes have on neighborhoods when there is an over-concentration of these homes in a particular residential area. The report identifies challenges introduced by pressure from residents, group home operators and government agencies, and provides recommendations to alleviate these challenges.

School Shootings: How Prepared Are OC Public Schools

In light of the on-going problem of active shooter situations on school campuses, this report reviews safety and security procedures at Orange County public schools. The report provides recommendations for improvements which would make our schools safer for students, faculty and staff while maintaining a quality educational environment.

Human Sex Trafficking

Orange County is a high-demand area for prostitution. This report looks at how vulnerable people are manipulated, exploited, forced into prostitution, and trafficked. It details how various Orange County agencies and nonprofits work together and recommends ways to heighten public awareness of ways to combat this crime.

Russian Roulette: Fentanyl in Orange County

The presence of fentanyl on America's streets is a deadly threat that has quickly evolved into a crisis Orange County must face head on. This report takes a sober look at the impact of fentanyl on Orange County residents and examines the County's efforts to address it.

California Penal Code Required Reports

Orange County Detention Center Review.
Continuity Report of Responses to Findings and Recommendations included in the 2021-2022 Grand Jury Reports.



**THE ABC'S OF EDUCATING CHILDREN EXPERIENCING
HOMELESSNESS IN ORANGE COUNTY**



COUNTY OF ORANGE

Grand Jury 2022-2023

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SUMMARY

Children experiencing homelessness are an invisible population; they are hidden in plain sight. The national conversation around homelessness is focused on the people we see, mostly single adults who are very visible in urban areas. Not visible to most people are the children, youth, and families. The conversation has not been focused on the housing and education of homeless children and youth. Until it is, the cycle of poverty and homelessness will continue.

While the Housing and Urban Development's (HUD) *Point in Time* count identifies 722 Orange County children experiencing homelessness in 2022, that number does not align with the staggering count of 23,246 identified by the twenty-eight school districts in Orange County who identify children experiencing homelessness based on the federal McKinney-Vento Homeless Assistance Act. While the number of homeless students identified by schools is surprisingly high, it does not capture the true, even higher number of homeless students, as it does not capture those that remain unidentified.

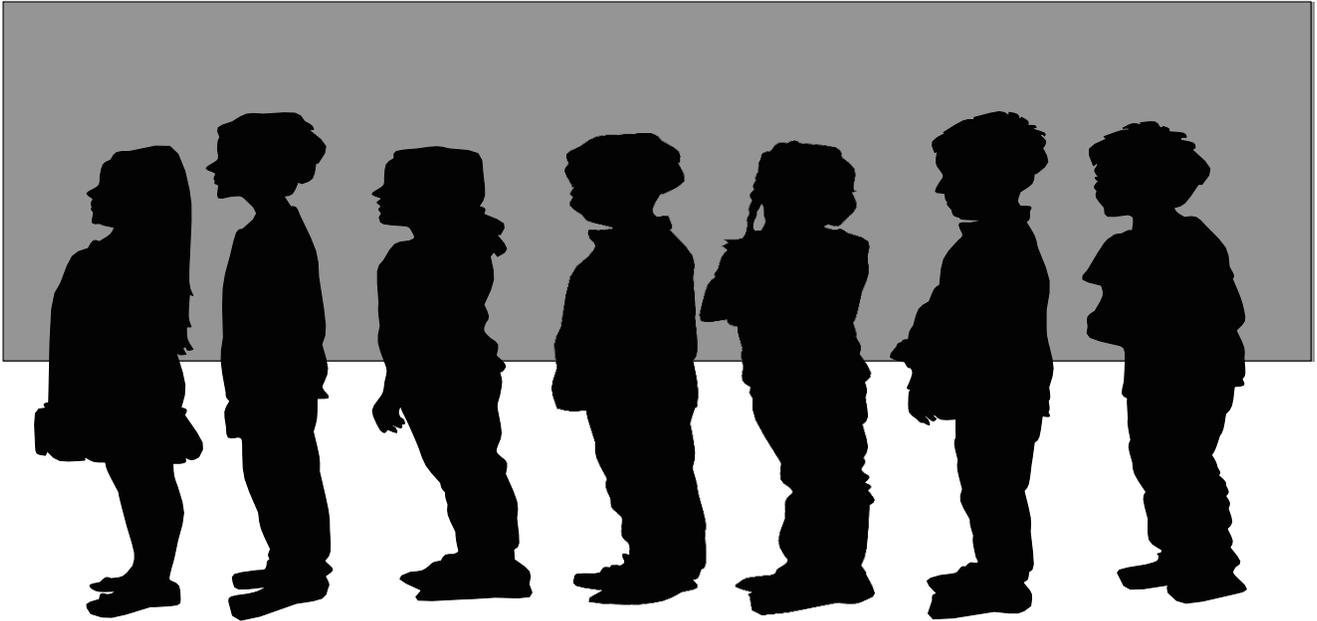
“Children experiencing homelessness are largely an invisible population; they are hidden in plain sight.”

Local Educational Agency (LEA) Liaisons, all of whom face huge challenges in facilitating academic success for homeless students in their school districts, generally agree that the lack of recognition of eligibility for housing for the children they support was the greatest challenge for students to reach that success. The County of Orange has several housing options available for the homeless; however, the Grand Jury learned from a number of tours and interviews that most are not available to families. Orange County must invest in the future through the development of Permanent Supportive Housing (PSH) for families with children.

Children who are raised in homelessness have higher absenteeism rates, lower literacy rates, and a more limited vocabulary, with nearly 70% unable to meet state standards on state-mandated tests. In Orange County, less than 35% of all homeless students in public schools Met or Exceeded State Standards in English Language Arts, less than 25% Met or Exceeded State Standards in math, and they graduate at lower rates than average. This limits their opportunities for stable jobs, increasing the risk of continuing housing insecurity in adulthood and maintaining the ongoing cycle of homelessness.

Despite the valiant efforts and dedication of Liaisons who face huge challenges, the facts gathered from the School Accountability Report Cards (SARCs) make it clear that public schools are failing far too often in their efforts to educate children experiencing homelessness. The Orange County Grand Jury strongly recommends that the Orange County Department of

Education and the twenty-eight public school districts, in conjunction with the County of Orange, prioritize the unique needs of children experiencing homelessness with the goal being a measurable improvement in their academic performance.



BACKGROUND

How often do you see homeless adults on the streets of Orange County? Now, think about this same scene and what you don't see--children experiencing homelessness. There are over 23,000 homeless children in Orange County as reported by the public school system, and more than 30,000 according to a number of non-profit organizations and subject matter experts.

Children experiencing homelessness are difficult to identify, are easily missed, and can face innumerable challenges in obtaining an education. From transportation difficulties to the perceived stigma of homelessness, these challenges can and do impact performance.

The Grand Jury has compiled a list of common signs to help educators identify children experiencing homelessness. This compilation of signs came from a review of various sources including School House Connection and the National Center for Homeless Education (NCHE). (See Appendix A)

Homeless students graduate at lower rates than average, decreasing their opportunities for stable jobs and increasing the risk of continuing housing insecurity in adulthood and maintaining the ongoing cycle of homelessness.

The McKinney-Vento Act is a federal law that promises children experiencing homelessness an equal opportunity at acquiring an education, but many children fall through the cracks. (See Appendix B for History of McKinney-Vento Act.)

The McKinney-Vento Act defines homeless children and youth as individuals who lack a fixed, regular, and adequate nighttime residence due to economic hardship. This definition also includes:

- Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (doubled-up, tripled-up, renting a room or living room);
- Children and Youth sharing housing with multiple families due to economic hardship (couch-surfing or living with friends and acquaintances);
- Children and youth who may be living in motels, hotels, trailer parks, campgrounds, recreational vehicles, and shelters;
- Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings such as: living in a dwelling without electricity, bathrooms, insulation, or permission/access to a shower or not meant for habitation like an uninsulated garage;
- Children and youth who are living in cars, parks, public places, abandoned buildings, substandard housing, bus or train stations, or similar type settings.

Migratory children also qualify as homeless under the McKinney-Vento Act because they live in circumstances similar to those listed above.

In addition to the trauma of living the life of homelessness, many of these children have experienced other difficult life events such as abuse, neglect, domestic violence, extreme poverty, or exposure to a family member with addiction or mental health problems. As a result, these children often need a variety of support services to help them to succeed in school.

REASON FOR THE STUDY

The 2022 HUD *Point in Time* count identified only 722 homeless children in Orange County, yet the public schools identify more than 23,000 experiencing homelessness. The disparity between the McKinney-Vento Act and Department of Housing and Urban Development (HUD) definitions of homelessness adds to the problem of accurately identifying these children. Many subject matter experts the Grand Jury interviewed acknowledged not identifying all children experiencing homelessness.

The confusion created by the difference in definitions also contributes to an undercount of children experiencing homelessness which led the Grand Jury to determine that the non-profits' and subject matter expert's estimate of 30,000 is closer to the real number.

The number of homeless children is consistently understated primarily because of the widely publicized HUD *Point in Time*. This annual one-night count of the homeless population excludes “precariously housed or doubled-up families;” rather, only those living in emergency shelters, transitional housing, and Safe Havens (encampments) are included. In Orange County, most homeless families find themselves forced to live with other families due to economic hardship; they are doubled up or tripled up, and older children are often couch-surfing in their friends’ houses.

Homelessness can affect a child’s ability to learn and perform well in school. Nationwide and in Orange County, homeless students graduate at lower rates than average. Children who are raised in homelessness have higher absenteeism rates, lower literacy rates, and a more limited vocabulary, with nearly 70% unable to meet state standards on state-mandated tests. In Orange County, less than 35% of all homeless students in public schools Met or Exceeded State Standards in English Language Arts, and less than 25% Met or Exceeded State Standards in math. These academic challenges lead to higher dropout rates which limits future opportunities. This in turn contributes to a multi-generational cycle of homelessness. This cycle can and must be broken.

With this report the Grand Jury shines a spotlight on the true, and significantly higher, number of children experiencing homelessness in Orange County. The County uses the HUD definition of homelessness which differs from the education-focused McKinney-Vento Act federal definition of homelessness for families with children in school. The County’s use of the HUD definition of homelessness results in the undercounting of children experiencing homelessness in Orange County, the denial of housing assistance, and contributes to ongoing homelessness for families. Unfortunately, the Permanent Supportive Housing and low cost/long term housing shortages are not going to be resolved in the foreseeable future. Therefore, the question is: What can school districts do in the near future to improve learning outcomes for children experiencing homelessness?

Under federal law, the McKinney-Vento Act definition of homelessness is tied to a mandate for public schools to provide a district liaison to address the needs of homeless children and ensure educational rights and protections for these children. This report examines how well that is being done across the twenty-eight public school districts in Orange County.

METHOD OF STUDY

The 2022-2023 Orange County Grand Jury traced the history of the McKinney-Vento Act from its inception as the *Stewart B. McKinney Homeless Assistance Act*, signed into law by President Ronald Reagan on July 22, 1987, through the *Every Student Succeeds Act*, signed into law by President Barack Obama on December 10, 2015.

The Grand Jury also interviewed selected professionals responsible for implementing McKinney-Vento requirements laid out by federal law. The interviews were designed to identify current policies and procedures used within the County of Orange to meet McKinney-Vento requirements, as well as best practices to support the educational endeavors of children experiencing homelessness. Included among these professionals were educators,

administrators, and staff from various school districts. Additionally, the Grand Jury sent an extensive and detailed survey to all McKinney-Vento Liaisons and received comprehensive responses from the overwhelming majority. A sample of the survey sent by the Grand Jury is attached at Appendix C, and Liaisons' responses are relied upon throughout this report.

Selected individuals from State and local agencies (elected and non-elected) were also interviewed. These interviews were designed to determine, at least in part, the availability of funds and other resources required to ensure success in the education of children experiencing homelessness. As there is also an extensive network of non-profits providing support, the Grand Jury interviewed a significant number of leaders from those organizations.

The Grand Jury also conducted tours of many public and private shelters. These helped the Grand Jury assess the need for additional family-friendly emergency and permanent affordable housing. Homeless adults are obvious in public, but the magnitude of the number of children experiencing homelessness is difficult to comprehend because they are living in the shadows.

The Grand Jury reviewed documents and publications from numerous official sources, including federal, State, and local governmental websites, as well as publications from public and private universities, knowledgeable professionals, and organizations supporting children experiencing homelessness. School Accountability Report Cards for all public schools in Orange County were also used in the investigation process to analyze performance outcomes.

This report's Findings and Recommendations are based on validated facts from multiple sources. Tours and documents were used to validate statements made during interviews. Any conflicting information was thoroughly reviewed to ensure accuracy before inclusion in this report.

INVESTIGATION AND ANALYSIS

Liaisons

The McKinney-Vento Act requires that every Local Educational Agency (LEA) designate a staff member to be the Liaison for homeless children. At the heart of the management of McKinney-Vento regulations and expectations in each LEA (school district) is the McKinney-Vento Liaison.

According to the Local Liaison Toolkit published by the National Center for Homeless Education (NCHE): "In general, LEAs must continue a homeless child's or youth's education in the school of origin for the duration of homelessness and for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or enroll the homeless child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend. [42 U.S.C. § 11432(g)(3)(A).]" It is the McKinney-Vento Liaison's job to carry out this legal mandate.

Liaisons are charged with the responsibility of ensuring that the homeless children and youth in their school district receive the mandated services so that they have the opportunity to experience academic success.

This process begins by the Liaison working to make sure that any student experiencing homelessness is clearly identified as such, is enrolled in school, and receives all the services for which they are eligible so they can achieve academic success.

Some of the responsibilities of each Liaison include, but are not limited to, homeless awareness, guidance, determining eligibility, school selection and enrollment, access to services such as food and transportation, working with parents and guardians, as well as addressing the needs of unaccompanied youth. (A full list of responsibilities is attached at Appendix D.)



Liaison Challenges and Frustrations

Each Liaison has a myriad of responsibilities which for any full-time dedicated employee would be daunting, but most Liaisons in Orange County public school districts have multiple job assignments that severely limit the time they can spend on students they are intended to help.

In a June 2022 survey of Orange County Liaisons conducted by the OCDE, 40% of respondents indicated that their McKinney-Vento work comprised less than 10% of their job duties.

In the same survey, 40% indicated they had less than one year of experience as a McKinney-Vento Liaison. These factors make it difficult for Liaisons to fulfill their job responsibilities.

In addition, many Liaisons do not have adequate, if any, district support staff, nor school site-level coordinators to assist them in their duties. Several districts have chosen to spend American Rescue Plan (ARP) or Elementary and Secondary School Emergency Relief (ESSER) funds to create Community or School Liaison positions to assist the District Liaison in their work. This has greatly increased the ability of such districts to identify and assist students experiencing homelessness. However, Orange County school districts vary in the number of schools they have, which means a single Liaison may be responsible for as few as six or as many as forty or more schools; this is a formidable task for even six schools—responsibility for forty is arguably impossible. It is important to note that ARP and ESSER funds are scheduled to end in September 2024.

McKinney-Vento Liaisons continually face the challenge of funding. While there are grants funded by both the federal government and the State of California, there are limitations placed on spending them. Liaisons must be creative in ways they provide students with assistance. Seeking community help is one way that has been used to provide items such as backpacks, school supplies, clothing, and food needs. In some cases, businesses and non-profits have aided the Liaisons in sponsoring 'Back to School' events in August or September where families can come to one location to receive necessary school items. A few districts have also established Community Resource Centers, one-stop shops where families can go to receive several forms of assistance but more of these types of centers are needed in the county.

Another major challenge facing Liaisons, which often turns into frustration, is identifying a student as being homeless. School districts request families to self-identify their living status through a required Housing Questionnaire. Families may be embarrassed about their status and not self-identify, or they may not have access to a computer to fill out the form online. These scenarios impact the number of students experiencing homelessness that a district reports. It also means that a Liaison, even if they have the time, must work with personnel in schools to identify the unidentified students who should be receiving McKinney-Vento assistance. Most Liaisons do not have the time nor resources to go out into the community and visit families that schools indicate have not self-identified.

“Families may be embarrassed about their status and not self-identify”

Many Liaisons shared their frustration that many parents will not identify as homeless because they are fearful a governmental agency will take their children from them. This is a tragic but

understandable situation especially because many such families are living in cars, vans, or RVs, which they are fearful might be determined by a social services agency to be an unsafe environment for children.

Therefore, the challenge facing each Liaison is how to get those families to disclose their living situation so that their children can begin to receive the benefits provided by the McKinney-Vento Act.

While many Liaisons report great satisfaction from being able to assist students experiencing homelessness, they consistently reference the challenges and frustrations mentioned above as limiting their effectiveness. Later in this report, reference is made to the ratio of Homeless Students to Liaisons which takes into consideration McKinney-Vento District Liaisons and Campus Liaisons/Coordinators assisting the District Liaisons.

Housing

While the Housing and Urban Development's (HUD) *Point in Time* count identifies 722 Orange County children experiencing homelessness in 2022, that number does not align with the staggering count of 23,246 identified by the twenty-eight school districts in Orange County. While the number of homeless students is surprisingly high, it does not capture the true, even higher number of homeless students, as it does not capture those who remain unidentified.

Local Educational Agency (LEA) Liaisons were provided with a survey to complete and return to the Orange County Grand Jury about children experiencing homelessness. When "handed" a fictional magic wand and asked what they would conjure up with a wave of that wand to assist them in their job role as McKinney-Vento Liaisons, the overwhelming response was housing. It is essential that the school districts, the OCDE, and the County of Orange work together to help the parents/guardians of these children secure permanent housing.

The County of Orange has several housing options available for the homeless, however most are not available to families. There are not enough shelter options for families in Orange County, nor are there enough mid- to long-term solutions such as temporary and permanent supportive housing; most housing has a wait list of one to eight years, and some have closed their waiting list. As if that is not daunting enough, most homeless families do not qualify to join the waiting lists as they are not considered homeless under the definition of Housing and Urban Development (HUD), while at the same time they are considered homeless under the definition of the McKinney-Vento Act. Are they homeless, or not homeless? How can two statutes differ so widely in the definition of something so important? The differences exist in the fact that HUD does not consider a family to be homeless if they are living in a motel (with a few exceptions), and they do not consider families staying with others to be homeless (also with a few exceptions, for example, economic hardship, which carries a heavy burden of proof and requires approval by HUD).

Most families with children attending Orange County schools are not living in shelters or in a park, although some of them do. The majority are living doubled and tripled up with other families, in cars and RVs, and in motels. In some cases, the older kids are couch-surfing at the homes of their friends. They are counted as homeless under the McKinney-Vento definition but not by HUD, and it is the HUD definition which drives the government programs that financially assist with housing.

Lack of access to housing is one of the greatest barriers for homeless children to reach academic success.

The best environment for children experiencing homelessness is one where they are offered safety, stability, and the space to do their schoolwork. Permanent Supportive Housing (PSH) provides a permanent place to live for the family; a place where children can have their own bed, privacy, and quiet space to do their schoolwork.

Permanent Supportive Housing is a form of subsidized housing. It provides long-term, affordable housing, and support services to people who are homeless or at risk of becoming homeless. PSH programs provide permanent rental assistance and on-site social services to eligible households, including educational classes, job training opportunities, healthcare referrals, and rehabilitation counseling. With this kind of support services available every day, formerly homeless families are more likely to find employment and stay permanently housed, thereby providing a stable environment for their children.

The challenges faced by children experiencing homelessness can be overwhelming and ultimately handicap their ability to succeed in school. The McKinney-Vento Liaisons, waving their imaginary wands and wishing for more housing, recognize this unmet need as the number one barrier to educational and personal success for the students they support. The Grand Jury hopes to pull these invisible, yet very important, children out of the shadows, and illuminate the need to prioritize housing for them and their families. The investment in today's children will help break the cycle of poverty and homelessness and yield a long-term benefit to society.



Challenges Faced by Children Experiencing Homelessness

Transportation was reported as one of the most challenging and highest-cost problems faced by schools in their efforts to overcome the challenges of educating homeless children.

During interviews, multiple professionals noted that chronic absenteeism is often caused by challenges in transportation that make it difficult for children experiencing homelessness to get to school.

All schools are required to provide transportation for homeless children when parents request that the child remain in their school of origin. To achieve this, districts address such requests in different ways. Some provide passes on public transportation, others may use rideshare systems, while others use school or contracted buses. School buses are clearly the safest and most effective way, but cost may be a prohibitive factor. The system most frequently used by school districts is the public bus system.

The public bus system is the least desirable transportation for children going to and from school. One school superintendent reported that a child in their school district had to change buses three times, which added 45 minutes to the travel time each way to and from school. This was not an isolated situation; other school administrators also reported similar situations. The Grand Jury believes that public transportation exposes children to potentially unsafe situations.

Frequently changing circumstances of the families, such as being required to move from motel to motel every twenty-eight days (which may be in different cities or school districts), will often impede a child's ability to get to school.

Another of the many challenges faced by children experiencing homelessness is the lack of appropriate clothing and shoes. One story shared during an interview was that a small boy in elementary school would arrive on cold-winter mornings with no coat or warm clothing and with worn-out shoes, and his family would not admit to their homeless situation to permit support. The staff of the school pulled together and bought a coat, shoes, and other needed supplies and told the child that he had won a contest and received these items. The surprise and happy smile on his face told the story.

“It is easier to build strong children than to repair broken men”
Frederick Douglass

There are many situations in schools where, due to the stigma of being identified as homeless, or due to other fears, the parents refuse to admit their current homeless situation. Several Liaisons and district superintendents reported in most identified serious cases, the schools provided supplies or gift cards or somehow found a way to provide the needed items.

Without basic human needs being met, it is hard to succeed in life, and this is especially true for children experiencing homelessness.



Privacy

The California Department of Education provides a Housing Questionnaire for use by Local Educational Agencies (LEAs). The information on the Questionnaire will assist the LEA to determine what services are available to the child of a family experiencing homelessness. (See Appendix E.)

Students experiencing homelessness who are enrolled in an elementary district often do not continue to receive McKinney-Vento benefits when they move to a high school or other district because the 1974 Federal Educational Rights and Privacy Act (FERPA) prevents the sharing of this information between districts. Schools in unified districts can share McKinney-Vento information because they are within the same district. However, schools cannot share this information when students change districts, which results in families having to do the homeless enrollment process again in order for the student to receive McKinney-Vento benefits. For many reasons, re-enrollment does not always occur, and the child may be without benefits temporarily and may perhaps never regain those benefits.

The Grand Jury recommends that each school district add a section to their mandatory school enrollment form enabling parents/guardians to give advance permission for their school to share information regarding their child's McKinney-Vento status with other districts that their child may attend. Adding a parental/guardian FERPA waiver to enrollment forms would provide a way for the child's homeless status to be communicated to their next school to prevent loss of benefits and promote successful transition into the next grade level or between schools. (See Appendix F to find proposed FERPA waiver language.)

During this investigation, the Grand Jury interviewed many LEA Liaisons and leaders of non-profit organizations who provide assistance to those families experiencing homelessness. The Grand Jury was informed that there are many resources available to provide assistance to homeless families in need. The Grand Jury suggests that school districts develop a written list of community agencies and non-profits that offer assistance and support to homeless families. If a district does create such a list, then all families who declare themselves to be homeless should be informed of the existence of the list, and it should be made available to all who request a copy.

Inter-District Relationships

While children experiencing homelessness are found within every Orange County school district, the results of the Grand Jury's study show that there is not enough communication between districts as to best practices in educating these students. We were surprised to hear many Liaisons say that they do not know many of their fellow Liaisons in neighboring districts, and that there was little or no exchange of ideas, programs, or procedures.

The Orange County Department of Education (OCDE) provides training, advice, and clarification as to the provisions of the McKinney-Vento Act, yet there is no existing requirement that each District Liaison even participate at any level of training. All school districts should make training mandatory. Our study has found that the OCDE provides a wealth of information and training that would benefit the Liaisons, especially since the

tendency is for a high level of turnover in this position across school districts county-wide. In addition, the California Department of Education (CDE) provides material and advice for all Liaisons in the state.

Orange County school districts with higher numbers of homeless children tend to have well-developed programs and practices that would benefit districts with lower numbers of these students. But there are twenty-eight public school districts with separate governing boards that drive their programs, practices, and policies. (See Appendix G for an Orange County school system organizational chart.) There is a great deal of isolation between districts. Programs that work well in one district do not always find their way to another district which could benefit from the knowledge and experiences of those programs and practices.

Funding

When searching for sources of funding for education, one is confronted with a dizzying array of programs, but few which direct funds for the education of children experiencing homelessness. With the passing of the McKinney Homeless Assistance Act in 1987, the federal government began to address the issue of homelessness in the United States. This law had fifteen programs that primarily dealt with shelter issues and provided little protection and assistance for the education of children experiencing homelessness. When provisions were added to the law that defined homeless children as “individuals who lack a fixed, regular and adequate nighttime residence,” the law became known as McKinney-Vento.

At this point many requirements for dealing with children in this category were put into statute. These requirements applied to State Educational Agencies (SEAs) and Local Educational Agencies (LEAs).

The question facing all LEAs was how to obtain federal funding to assist in the education of children experiencing homelessness. The U.S. Department of Education (USDE) makes McKinney-Vento grant funds available to SEAs for which LEAs can then apply. These grants come through the Education of Homeless Children and Youth Program (HCY). McKinney-Vento grants for LEAs are based on the annual HCY state allocation. While states receive an average of approximately \$7 million per year, California averages \$12-13 million. These competitive grants are awarded over three one-year periods. The dollar amounts awarded are tied to the number of children experiencing homelessness in each LEA. In California, only 121 of the approximately 1,800 LEAs received these grants. Of great importance in securing these funds is the desire and ability of schools and school districts to submit written applications for the grants. While most school districts have some capability to submit applications, a number do not appear to have staff trained in grant writing. Most grant applications are challenging documents to complete and trained personnel are needed to complete the task.

However, LEAs also could access funds through Title 1-A of the Elementary & Secondary Education Act (ESEA) of 1965 and subsequently through the re-authorization of that law by the No Child Left Behind Act (NCLB) in 2001 and Every Student Succeeds Act (ESSA) in 2015. Title 1-A funds target public school districts and schools where high percentages of students are from low-income families.

These funds help schools create programs that would not be possible without outside funding. The USDE distributes Title 1-A funds to SEAs which distribute funds to specific LEAs and their schools which meet the criteria.

A school is eligible for Title 1-A funds if at least 40% of its students are from low-income families, based on the U.S. Census definition of low-income. That definition indicates that a student from a low-income family is one whose family's taxable income for the preceding year did not exceed 150% of the poverty level. In 2022, for a family of four, the annual poverty level income was \$27,750, making the low-income threshold \$41,625 for a family of four.

Funding assistance from Title 1-A is dispersed primarily through grants. These grants are awarded to schools when their leadership team demonstrates a desire by developing a plan that will improve the school's educational standing. In requesting a Title 1-A grant, the school-site application must describe how the funds would be used to improve academic performance. These grants are designated for school-wide programs or targeted assistance for specific students who are identified as academically failing or at risk of failing. This is where most of the recurring funding used to assist children experiencing homelessness is secured.

Following the onset of the COVID-19 pandemic, Congress authorized funds through the American Rescue Plan (ARP) to help reopen and sustain the operation of schools and address the impact of the COVID-19 pandemic on students. The three grant programs from ARP are known as the Elementary & Secondary Emergency Relief Funds (ESSER). ESSER III provided \$15,068,884,546 to the State of California, with 90% (\$13,571,726,487) required to go to LEA's based on each district's share of funds from the 2020-21 Title 1-A allocations. ESSER III funds can be used to reimburse expenses incurred between March 13, 2020, and September 30, 2024. *No funds from the ARP/ESSER III program will be available beyond September 30, 2024.*

Of importance to this Grand Jury study is that the ARP Act set aside \$800 million in ESSER III grants to support very specific and urgent needs of homeless children and youth because of the major impact the coronavirus pandemic had on children experiencing homelessness. This is the ARP Homeless Children and Youth (ARP-HCY) Fund. As a result of the pandemic, students experiencing homelessness were less likely to be identified due to learning outside the school system. These funds were distributed to SEAs in two sections, ARP Homeless I (25% of the total) and ARP Homeless II (75% of the total). Distribution was accomplished using a LEA's allocation under Title 1 Part A of the ESEA (2020-21) and the number of identified homeless children and youth in either school year 2018-19 or 2019-20, whichever is greater. Funds from this program must be used for identifying homeless children and youth and providing them with wrap around services and assistance to enable them to attend school and participate fully in school activities. In addition, use of these funds must adhere to allowable uses specified in the McKinney-Vento Homeless Assistance Act.

The State of California created the Expanded Learning Opportunities Program (ELO-P) as additional help for all TK-6th grade students in public schools. This program, primarily funded by the State of California, has applied some of the ARP-ESSER III funds which were allocated to SEAs to be directed to the ELO-P. In addition, these ELO-P grants include an additional \$1,000 per homeless student in each LEA.

Children experiencing homelessness are benefitting from this program as LEAs participating in the ELO-P have created afterschool, inter-session, and summer school enrichment programs.

Report Card						
Name	Half Year Ending					
Teacher	Grade					
STUDIES	1	2	3	4	Exam	Final
Reading						
Writing						
Drawing						
Music						
Spelling						
Language						
Arithmetic						
Geography						
U.S. History						
Latin						
Mathematics						

A - Excellent B - Good C - Satisfactory
D - Poor F - Failure

Student Accountability Report Cards

For purposes of this investigation, the Orange County Grand Jury viewed all 2020-2021 Student Accountability Report Cards (SARC) posted by the twenty-eight Orange County public school districts. Data were collected from the SARCs of the 490 schools reporting a performance outcome for at least one student experiencing homelessness. These 490 schools enrolled more than 365,000 students including more than 200,000 students identified as Socioeconomically Disadvantaged Students, and more than 22,000 identified as Homeless Students.

The SARC provides data for eighteen distinct categories of students. Data from only three of these categories are used in the analyses done for this report. Those three categories are:

- All Students
- Socioeconomically Disadvantaged Students
- Homeless Students

Data from four performance areas were collected for analysis. The performance areas were:

- Percent who Met or Exceeded State Standards in English Language Arts (ELA)
- Percent who Met or Exceeded State Standards in Math
- Chronic Absenteeism Rates
- Graduation Rates (for high schools only)

Because this was a study of children experiencing homelessness in Orange County, this analysis did not consider outcome performances of students by school or by school district. Instead, the population for each category of students was the total number of students enrolled in all Orange County public schools reporting a performance outcome for at least one Homeless Student in at least one of the identified performance areas.

The data from the 490 schools were analyzed using the following groupings:

- All reported students in each of the performance areas by category.
- Students in each of the three school levels.
- Each of the three school levels further divided into sub-groupings by the number of Homeless Students enrolled in each level of schools.

The Facts Learned from the Analysis of the 2020-2021 Data

The differences between the performance of Homeless Students and both All Students and Socioeconomically Disadvantaged Students are understated on the SARCs. This is because both Socioeconomically Disadvantaged Students and Homeless Students are included in the All-Students category, and Homeless Students are included in the Socioeconomically Disadvantaged Students category. Nevertheless, the facts identified during this analysis of the performance of Homeless Students in Orange County Public Schools are conclusive.

The essential facts are:

1. For both ELA and Math, the percent of Homeless Students who Met or Exceeded State Standards is lower than the percent of All Students and Socioeconomically Disadvantaged Students who Met or Exceeded State Standards.
2. 55.7% of All Students Met or Exceeded State Standards in ELA which is 1.75 times greater than the percent of Homeless Students who Met or Exceeded State Standards in ELA.
3. 46.3% of All Students Met or Exceeded State Standards in Math which is 2.07 times greater than the percent of Homeless Students who Met or Exceeded State Standards in Math.
4. 42.6 % of Socioeconomically Disadvantaged Students Met or Exceeded State Standards in ELA which is 1.34 times greater than the percent of Homeless Students who Met or Exceeded State Standards in ELA.
5. 32.5 % of Socioeconomically Disadvantaged Students Met or Exceeded State Standards in Math which is 1.45 times greater than the percent of Homeless Students who Met or Exceeded State Standards in Math.
6. In Elementary Schools reporting no Homeless Students enrolled, 75.1% of All Students Met or Exceeded State Standards in ELA and 75.7% Met or Exceeded State Standards in Math.
7. In Elementary Schools reporting an outcome for at least one Homeless Student, 28.9% of Homeless Students Met or Exceeded State Standards in ELA and 24.2% Met or Exceeded State Standards in Math.
8. Chronic Absenteeism Rates are higher among Homeless Students than among All Students and Socioeconomically Disadvantaged Students.

9. The Chronic Absenteeism Rate for Homeless Students is 20.5%.
10. The Chronic Absenteeism Rate for Socioeconomically Disadvantaged Students is 12.7%.
11. The Chronic Absenteeism Rate for Socioeconomically Disadvantaged Students excluding Homeless Students is 11.7%.
12. The Chronic Absenteeism Rate for All Students is 9.4%.
13. The Chronic Absenteeism Rate for All Students when Socioeconomically Disadvantaged Students are excluded is 5.3%.
14. The Chronic Absenteeism Rate is highest among Homeless Students enrolled in high schools with fewer than 25 Homeless Students.
15. The Chronic Absenteeism Rate among Homeless Students enrolled in high schools with fewer than twenty-five Homeless Students is three times greater than the Chronic Absenteeism Rate for Socioeconomically Disadvantaged Students and six times greater than that of All Students.
16. The Chronic Absenteeism Rate for Homeless Students enrolled in high schools with fewer than twenty-five Homeless Students is 44%.
17. The Chronic Absenteeism Rate of Homeless Students is lowest in stand-alone middle schools with enrollments of more than one hundred Homeless Students.
18. Graduation Rates of Homeless Children are lower than the Graduation Rates of both All Students and Socioeconomically Disadvantaged Students.
19. Graduation Rates of Homeless Children are highest and Chronic Absenteeism Rates are lowest in high schools with more than 200 Homeless Students.
20. Even though only 39% of all high school students experiencing homelessness Met or Exceeded State Standards in ELA and only 21% Met or Exceeded State Standards in Math, the Graduation Rate for Homeless Students is 87%.
21. In high schools enrolling more than 200 students experiencing homelessness, the percent of Homeless Students who Met or Exceeded State Standards decreased to 31% in ELA and 17% in Math, but Graduation Rates increased to 93%.

(See Appendix H for Student Accountability Report Cards Statistical Analysis Worksheets and Tables.)

These twenty-one facts demonstrate that children experiencing homelessness were:

- More likely to be Chronically Absent
- Less likely to Meet or Exceed State Standards in ELA and Math
- Less likely to graduate

Validating the Facts Derived from the 2021 Data Analysis

The great majority of students “learned from home” for most of academic year 2020-2021 and only returned to their campuses in the spring. The Grand Jury was concerned that the 2020-2021 SARC data might not provide an accurate representation of student performance. When the 2021-2022 SARC data were posted in early 2023, the Grand Jury decided to analyze the new data to determine the validity of the facts that were identified in the analysis of the 2020-2021 SARC data. Due to time constraints, limited data from the 2021-2022 SARCs, available as of February 1, 2023, were tested. High school Homeless Student enrollment was used as it is the largest of the three school levels.

It was determined that an analysis of the high school data would be an adequate test of the validity of the facts that emerged from the 2020-2021 data.

When the 2021-2022 high school data for All Students, Socioeconomically Disadvantaged Students, and Homeless Students were analyzed, two significant differences in performance outcomes between the 2020-2021 data and the 2021-2022 data were identified.

- The first was that Chronic Absenteeism Rates were higher for all three reported student groups in 2021-2022.
- The second was that the percent of students who Met or Exceeded State Standards in Math was much lower for all three reported student groups in 2021-2022. However, in both instances, the rank order remained the same for the three groups.

The absence of change in the rank order of the three groups of students and the similarity of the differences in performance outcomes between children experiencing homelessness and other children both years lend support to the validity of the facts which emerged from the analysis of the 2020-2021 data. (See Appendix H).

A Change in How Data is Reported in the SARCs and the Possible Consequences

One significant change in how data were reported in the 2021-2022 SARCs was identified. Specifically, in the guidelines for reporting results of the 2021-2022 SARCs, the California Department of Education informed districts that in order to protect the privacy rights of Homeless Students, outcomes were not to be reported if the number of students in the reporting category was fewer than fifteen. Consequently, this Grand Jury was unable to determine the percent of the 1,068 Homeless Students reported to be attending high schools with fewer than fifty Homeless Students enrolled who Met or Exceeded State Standards in English Language Arts and Math.

This decision had a significant impact on only these two performance categories and was limited almost exclusively to high schools with fifty or fewer Homeless Students. Unfortunately, the ELA and Math test results for these 1,068 students were not included in the 2021-2022 SARCs, and the absence of these data may have the unintended consequence of pushing these children “out of sight and out of mind”, thereby leaving them without the support they need and to which they are entitled. Loss of this support could cause these students to drop out of school or fail. The consequence of either outcome is the likelihood of becoming a homeless adult.

What Have We Learned?

The facts identified during the analysis of the 2020-2021 SARCS were not surprising. Given the challenges encountered by children experiencing homelessness, it was predictable that these children would perform at lower levels than most other students. What was surprising was how much more frequently students experiencing homelessness were chronically absent, and proportionately, how many failed to meet state standards on English Language Arts and Math tests.

It was also surprising to learn that, when the number of Homeless Students in schools increased, Chronic Absenteeism Rates decreased, and Graduation Rates increased even though the percent who Met or Exceeded State Standards in both ELA and Math decreased. While the Grand Jury agrees it is important that children experiencing homelessness graduate, the Grand Jury also believes it is essential that they graduate from high school with the knowledge and skills necessary to succeed in higher education or in the workplace. Allowing these students to graduate from high school without the requisite knowledge and skills to succeed will make it difficult for many to avoid a lifetime of poverty and homelessness.

Most surprising of all was the fact that the 2020-2021 Chronic Absenteeism rate of Homeless Students in high schools with fewer than twenty-five Homeless Students was 44%. This was the highest Chronic Absenteeism rate among Homeless Students regardless of school level or number of Homeless Students enrolled. The reason this was the most surprising of the twenty-one facts listed above is that an early assumption of the Grand Jury was that a low ratio of Homeless Students to Liaisons would be the most important factor in predicting the success of Homeless Students. However, the high rate of Chronic Absenteeism and lower Graduation Rates make it clear that even though a low Homeless Students to Liaison ratio is an important contributing factor to the success of Homeless Students, it is only one of many factors that must be addressed in order to increase the number of Homeless Students who attend school regularly, Meet or Exceed State Standards on state tests, and graduate with the knowledge and skills necessary to succeed beyond high school.

“...the facts gathered from the SARCs make it clear that public schools are failing far too often in their efforts to educate children experiencing homelessness.”

Where Do We Go From Here?

Despite the valiant efforts and dedication of Liaisons who face huge challenges, the facts gathered from the SARCs make it clear that public schools are failing far too often in their efforts to educate children experiencing homelessness.

However, there are school districts, and schools within school districts, where children experiencing homelessness have significantly lower than average rates of chronic absenteeism and significantly higher than average rates of success on ELA and Math tests. The Grand Jury believes the higher levels of performance in these districts and on these campuses can be attributed primarily to higher levels of engagement on the part of the McKinney-Vento Liaisons, higher levels of support from district administrators, and higher levels of support from teachers and staff in the schools they attend.

This report includes recommendations for engagement and support that have enhanced the performance of Homeless Students in kindergarten through high school graduation. Some of the recommendations were crafted using information from interviews provided by state and local McKinney-Vento administrators, current and former McKinney-Vento Liaisons, current Campus Liaisons/Coordinators, Assistant Superintendents, and Superintendents. They shared their successes, and the reasons for those successes, with the Grand Jury. Other recommendations were identified through the Grand Jury's review of pertinent documentation and research.

The Grand Jury believes that if the recommendations included in this report are implemented, more children experiencing homelessness will Meet or Exceed State Standards on State-administered tests, fewer will be chronically absent, and more will graduate from high school with the knowledge and skills necessary to succeed in college or in the workplace.

COMMENDATION

Jeanne Awrey, Coordinator of Student Programs and Services of the Orange County Department of Education (OCDE), and the Homeless Outreach Promoting Educational Success (HOPES) team, are consistently reported as providing excellent support for those Liaisons who seek assistance. The OCDE offers outstanding ongoing support to the McKinney-Vento Liaisons and school districts by providing one-on-one advice, legal guidance, training, and educational materials.

COMMENDATION

The many non-profits in Orange County who are consistent in their support of families experiencing homelessness as reported by many of the McKinney-Vento Liaisons interviewed by the Grand Jury.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) Responses from each agency affected by the Findings presented in this section. The Responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled, The ABC's of Educating the Children Experiencing Homelessness in Orange County, the 2022-2023 The Grand Jury has arrived at sixteen Findings, as follows:

- F1** Many children experiencing homelessness are not identified as such, and therefore do not receive the support and benefits authorized by the McKinney-Vento Act.
- F2** The lack of mandatory McKinney-Vento Act training of school site office staff, counselors, and teachers contributes to a failure to identify children experiencing homelessness.
- F3** There is disparity in the application of McKinney-Vento regulations across Orange County public school districts which results in unequal access to educational benefits for children experiencing homelessness.
- F4** The majority of McKinney-Vento Liaisons are in full-time positions, but because their work includes multiple non-McKinney-Vento responsibilities, most do not have sufficient time to do the work required by the McKinney-Vento Act.
- F5** Many McKinney-Vento Liaisons lack needed experience due to a high turnover rate in those positions.
- F6** McKinney-Vento Act training is not mandatory for the majority of McKinney-Vento Liaisons.
- F7** Students experiencing homelessness who are enrolled in an elementary district often do not continue to receive McKinney-Vento benefits when they move to a high school district because the Federal Educational Rights and Privacy Act (FERPA) prevents the sharing of this information between districts.
- F8** McKinney-Vento funds depend on school districts submitting grant proposals, but not all districts have employees trained in writing grant applications, resulting in missed funding opportunities.
- F9** School districts that do not apply for grants which fund programs benefitting children experiencing homelessness miss potential revenue opportunities.
- F10** McKinney-Vento is an unfunded federally mandated program; however, school districts which qualify and apply for Title I, Part A funds may obtain revenues that can be used

for children experiencing homelessness. These funds are insufficient to meet the needs of the school districts supporting children experiencing homelessness.

- F11** A lack of reliable transportation for children experiencing homelessness often results in chronic tardiness and absenteeism.
- F12** Chronic Absenteeism Rates of Homeless Students are disproportionately high in comparison with the Chronic Absenteeism Rates of All Students and Socioeconomically Disadvantaged Students.
- F13** Children experiencing homelessness in Orange County perform at a lower level on standardized tests and have a lower graduation rate than All Students and Socioeconomically Disadvantaged Students.
- F14** The percent of Homeless Students graduating who failed to meet state standards on English Language Arts and Math tests. is significantly higher than it is for All Students and Socioeconomically Disadvantaged Students.
- F15** There is a tendency by school districts to operate in isolation, which prevents productive collaboration on addressing the issue of children experiencing homelessness and the challenges of their education.
- F16** A significant lack of affordable permanent housing contributes to many families being caught in the cycle of homelessness.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) responses from each agency affected by the Recommendations presented in this section. The Responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled, The ABC's of Educating Children Experiencing Homelessness in Orange County, the 2022-2023 Grand Jury makes the following eleven Recommendations:

- R1** All Orange County school districts should develop a "Back to School" plan which includes mandatory McKinney-Vento Act training for all district and school administrators, teachers, office staff, and counselors by December 31, 2023, and annually thereafter. (F1, F2, F3)
- R2** Participation in Orange County Department of Education (OCDE) McKinney-Vento Act training programs for all Local Education Agencies (LEA) McKinney-Vento Liaisons should be mandated by October 1, 2023, and annually thereafter. (F1, F3, F5, F6)

- R3** Given that most LEA McKinney-Vento Liaisons are responsible for a number of other duties, and do not have sufficient time to do their McKinney-Vento required work, school districts should identify ways to increase support and/or staff to address the numerous tasks of the Liaisons by October 1, 2023. (F4)
- R4** By January 1, 2024, for children experiencing homelessness to receive uninterrupted McKinney-Vento benefits, Orange County school districts should add a section to their mandatory enrollment school form enabling parents/guardians to give permission for their school to share information regarding their child's McKinney-Vento status with other districts that their child may be attending. (F7)
- R5** By October 1, 2023, each Orange County school district should develop and maintain a centralized list of district employees with grant application writing capability so that they are prepared to apply for available grants to assist in educating children experiencing homelessness. (F8, F9, F10)
- R6** By October 1, 2023, a joint task force should be formed by the OCDE comprised of a district-level administrator from each Orange County school district and leadership from non-profit organizations who serve homeless families, to address absenteeism, low test scores and low graduation rates of children experiencing homelessness. (F.11, F.12, F13, F14, F15)
- R7** To address one of the primary barriers to the education of minors experiencing homelessness, the County of Orange should develop a plan to increase the number of family shelters, permanent supportive housing, and low-cost/long term housing for families by January 1, 2024. (F16)
- R8** By May 1, 2024, each Orange County school district administration should develop, and present to the District Board of Education, a plan to lower the Absenteeism Rates of homeless students. (F11, F12)
- R9** By May 1, 2024, each Orange County school district administration should develop, and present to the District Board of Education, a plan to improve the performance of homeless students in English Language Arts and Math. (F13, F14)
- R10** The Orange County Superintendent of Schools should provide information from the School Accountability Report (SARC) to the Board of Supervisors identifying the number and describing the performance of children experiencing homelessness in Orange County public schools. This data should include the aggregate of students in each district who are experiencing homelessness, their chronic absenteeism rates, and the high school graduation rate and the percent who meet or exceed state standards in English and Math, starting October 31, 2023, and yearly thereafter. (F11, F12, F13, F14, F15)

- R11** By July 1, 2024, the County Board of Supervisors should identify and pursue sustainable financial funding to support all Orange County school districts, with enrolled children experiencing homelessness, in their effort to successfully meet the unfunded Federal mandate to equitably educate these children. (F10)

REQUIRED RESPONSES

California Penal Code Section 933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g., District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors. Furthermore, California Penal Code Section 933.05 specifies the manner in which such comment(s) are to be made as follows:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

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

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code Section 933.05 are required from the governing body of each school district below:

Findings – 90 Day Response Required

Anaheim Elementary School District	F1, F2, 3F, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Anaheim Union High	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Brea Olinda Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Buena Park	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Capistrano Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Centralia Elementary	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Cypress	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Fountain Valley	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Fullerton	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Fullerton Joint Union High	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Garden Grove Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16

Findings – 90 Day Response Required

Huntington Beach City	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Huntington Beach Union High	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Irvine Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Laguna Beach Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
La Habra City	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Los Alamitos Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Lowell Joint	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Magnolia	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Newport-Mesa Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Ocean View	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Orange Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Placentia-Yorba Linda Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Saddleback Valley Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Santa Ana Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Savanna	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16

Findings – 90 Day Response Required

Tustin Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
Westminster	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16

Recommendations – 90 Day Response Required

Anaheim Elementary School District	R1, R2, R3, R4, R5, R6, R8, R9
Anaheim Union High	R1, R2, R3, R4, R5, R6, R8, R9
Brea Olinda Unified	R1, R2, R3, R4, R5, R6, R8, R9
Buena Park	R1, R2, R3, R4, R5, R6, R8, R9
Capistrano Unified	R1, R2, R3, R4, R5, R6, R8, R9
Centralia Elementary	R1, R2, R3, R4, R5, R6, R8, R9
Cypress	R1, R2, R3, R4, R5, R6, R8, R9
Fountain Valley	R1, R2, R3, R4, R5, R6, R8, R9
Fullerton	R1, R2, R3, R4, R5, R6, R8, R9
Fullerton Joint Union High	R1, R2, R3, R4, R5, R6, R8, R9
Garden Grove Unified	R1, R2, R3, R4, R5, R6, R8, R9
Huntington Beach City	R1, R2, R3, R4, R5, R6, R8, R9
Huntington Beach Union High	R1, R2, R3, R4, R5, R6, R8, R9
Irvine Unified	R1, R2, R3, R4, R5, R6, R8, R9
Laguna Beach Unified	R1, R2, R3, R4, R5, R6, R8, R9
La Habra City	R1, R2, R3, R4, R5, R6, R8, R9

Recommendations – 90 Day Response Required

Los Alamitos Unified	R1, R2, R3, R4, R5, R6, R8, R9
Lowell Joint	R1, R2, R3, R4, R5, R6, R8, R9
Magnolia	R1, R2, R3, R4, R5, R6, R8, R9
Newport-Mesa Unified	R1, R2, R3, R4, R5, R6, R8, R9
Ocean View	R1, R2, R3, R4, R5, R6, R8, R9
Orange Unified	R1, R2, R3, R4, R5, R6, R8, R9
Placentia-Yorba Linda Unified	R1, R2, R3, R4, R5, R6, R8, R9
Saddleback Valley Unified	R1, R2, R3, R4, R5, R6, R8, R9
Santa Ana Unified	R1, R2, R3, R4, R5, R6, R8, R9
Savanna	R1, R2, R3, R4, R5, R6, R8, R9
Tustin Unified	R1, R2, R3, R4, R5, R6, R8, R9
Westminster	R1, R2, R3, R4, R5, R6, R8, R9

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code Section 933.05 are required below:

Findings – 90 Day Response Required

Orange County Board of Supervisors	F10, F16
Orange County Department of Education	F2, F6, F10

Recommendations – 90 Day Response Required

Orange County Board of Supervisors	R7, R10, R11
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Recommendations – 90 Day Response Required

Orange County Department of Education R2, R6, R10

REQUESTED RESPONSES

Findings – 90 Day Response Requested

Robyne's Nest	F11, F16
Project Hope Alliance	F11, F16
Illumination Foundation	F11, F16
Stand Up For Kids	F11, F16
OC Rescue Mission	F11, F16
Thomas House	F11, F16
Family Solutions Collaborative	F11, F16

Recommendations – 90 Day Response Requested

Robyne's Nest	R6
Project Hope Alliance	R6
Illumination Foundation	R6
Stand Up For Kids	R6
OC Rescue Mission	R6
Thomas House	R6
Family Solutions Collaborative	R6

GLOSSARY

ARP

American Rescue Plan funds from the US Government are part of the COVID pandemic recovery program and expire on September 30, 2024. Funds can be used by SEAs and LEAs to equitably expand opportunities for students in need. Includes students from low-income backgrounds, students of color, students with disabilities, English learners, students experiencing homelessness, and students with inadequate access to technology. In the initial distribution, California received more than \$15 billion.

California School Dashboard

Source of information on public schools, such as SARCs.

CALPADS

California Longitudinal Pupil Achievement Data System maintains historical data on LEAs by and for state and federal agencies. (Replaced CBEDS California Basic Educational Data System.)

CDE

California Department of Education

Charter School

Public school that operates as a school of choice. Operates outside normal public-school requirements according to its charter of educational objectives.

Chronic Absenteeism

Students are determined to be chronically absent if they miss 10 percent or more of the days they were enrolled in school.

Couch-Surfing

To stay temporarily in a series of other people's homes, typically by sleeping on their sofas.

ELA

English Language Arts

ESD/CSD

Elementary/City School District controls PK-6 or PK-8 schools within a geographic area (PK is pre-kindergarten).

ELO-P

Expanded Learning Opportunity Program provides funding for afterschool, intersession, and summer school enrichment programs for transitional kindergarten through sixth grade. They are pupil-centered, results driven, and may include community partners which offer programs that complement but do not replicate, learning activities in the regular school day and school year.

ESEA

Elementary & Secondary Education Act (1965) contains Title I and was enacted by the U.S. Congress on April 9, 1965, as part of President Lyndon B. Johnson's "War on Poverty."

ESSA

Every Student Succeeds Act (2015) reauthorized the ESEA, a federal K-12 education law of the United States. ESSA replaced the previous education law called "No Child Left Behind." ESSA extended more flexibility to States in education and laid out expectations of transparency for parents and for communities. It required each state to establish a 'State Report Card' which in California is called SARC.

ESSER

Elementary and Secondary School Emergency Relief

FERPA

The Federal Educational Rights and Privacy Act (1974) bars the disclosure of personally identifiable data in student records to third parties, including between school districts, without parental consent.

FRPM

Free or Reduced-Price Meal

Students from households with incomes at or below 130 percent of the Federal poverty line can receive a free lunch. Between 130 and 185 percent of the Federal poverty line can receive a reduced-price lunch.

GRANTS GIVEN THROUGH TITLE ONE:

Basic Grants

They comprise the vast majority of available grants. Allocated to school districts in which there are at least 10 formula-eligible students and where at least two percent of the school age population is formula-eligible. Formula-eligible includes children 5 to 17 years old in families living in poverty, children who receive Temporary Assistance for Needy Families (TANF), neglected and delinquent children, and foster children.

Concentration Grants

Provides additional funds for districts with large low-income and disadvantaged student populations. Eligibility requires over 6,500 formula-eligible students or 15% of the school-age population.

EFIG

Educational Finances Incentive Grants are distributed to LEAs through the CDE and are based on statewide income data. A minimum of 10 formula-eligible students and make up at least 5% of the school-age population.

HCY

Homeless Children and Youth Act is the source of federal McKinney-Vento grants distributed to states.

Targeted Grants

Use the same as Basic and Concentration Grants but provide weighting of data allowing more funds to flow to schools with higher formula-eligible student counts.

HOPES

Homeless Outreach Promoting Educational Success Collaborative is a partnership including the Orange County Department of Education, County of Orange Homeless Prevention, Orange County school districts, community-based organizations, faith-based communities, law enforcement, and shelter and housing service providers. Removes enrollment barriers, increases school attendance, and ultimately improves the academic success of children and youth under the McKinney-Vento Homeless Education Assistance Act. Technical assistance and training are available to LEAs, charter schools, organizations and agencies involved in working with children, youth and families experiencing homelessness.

HUD

U.S. Department of Housing and Urban Development

LCFF

Local Control Funding Formula was enacted in 2013, giving local communities control and flexibility to base school funding on student need. Funds for the Principal Apportionment are made through grants. The adjusted base grant for 2022-23 ranges from \$9,166 to \$11,102 based on grade level.

LEA

Local Educational Agency (School District)

McKinney-Vento Act

Provides rights and services to children and youth experiencing homelessness and includes those who are: sharing the housing of others due to a loss of housing, economic hardship, or a similar reason; staying in motels, trailer parks or camp-grounds due to the lack of an adequate alternative; staying in shelters or transitional housing; or sleeping in cars, parks, abandoned buildings, substandard housing, or similar settings.

McKinney-Vento Homeless Liaison

Each Local Educational Agency (LEA) must designate a liaison for students experiencing homelessness who leave able to carry out the duties described in the law.

NCHE

National Center for Homeless Education

NGO

Non-Government Organization

NSLP

National School Lunch Program

OC211

Orange County 2-1-1 is to help people find available and needed help by eliminating the barriers to finding and accessing social services in Orange County.

OCBE

Orange County Board of Education

OCDE

Orange County Department of Education

OCHMIS

Orange County Homeless Management Information System

OSC

Office of State Coordinator is designated by each State Educational Agency (SEA) to carry out duties outlined in the McKinney-Vento Act.

PSH

Permanent Supportive Housing-A type of housing and social service model that combines affordable housing assistance with voluntary support services for people experiencing chronic homelessness. The services are designed to help a person build independent living skills while connecting them to health care and employment services.

PIT

Point-in-Time is a count of sheltered and unsheltered people experiencing homelessness on a single night in January. HUD requires that Continuums of Care (CoC) conduct annual counts of people experiencing homelessness that are sheltered in emergency shelters, transitional housing, and Safe Havens, and those living unsheltered on the streets or homeless encampments.

P.L.

Public Law

PPRA

Protection of Pupil Rights Amendment (1978) clarified FERPA and included student surveys, instructional materials and evaluations funded by the federal government that deal with highly sensitive issues.

SARC

School Accountability Report Card is prepared annually by each public school in California and includes student performance and attendance information needed by the CDE and USDE.

Three classifications of students from SARC were used in this report:

- *Socioeconomically Disadvantaged Students* (SED): (1) eligible for the *National School Lunch Program* (NSLP) or certified for a *Free or Reduced-Price Meal* (FRPM), or (2) migrant, homeless, or foster youth, or (3) where neither of the parents are high school graduates.
- *All Students* refers to total enrollment.

Homeless Students per the McKinney-Vento Act definition (| (See Glossary).

School of Origin

School that a child experiencing homelessness attended just prior to being designated homeless under McKinney-Vento Act, or prior school when enrolling in a new school.

SEA

State Educational Agency (aka CDE)

Title 1, Part A

Source of financial assistance for LEAs to support the education of children from low-income families. LEAs and schools with high numbers or a high percentage of children from low-income families benefit from these funds to help ensure all children meet challenging state academic standards. A school is eligible for Title 1 funding if at least 40% of its students are from low-income families, based on the U.S. Census definition of low-income. From that starting point, complex formulas are used to determine funding. Requesting a Title 1 grant involves an application process. In the grant, the school must describe how the funds would be used to improve academic performance.

USD

Unified School District sets policies and procedures for all schools, PK-12, within its geographic area.

UHSD

Union High School District sets policies and procedures for school grades 7-12 or 9-12 within its geographic area.

U.S. Census Bureau

Defines low income as a family whose household income does not exceed 150% of the national poverty level. In 2022, for example, 150% of the poverty level for a family of four was \$41,625.

USDE

U.S. Department of Education

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Brazil, Ben, 'Nobody could be more worthy,' February 28, 2019, Los Angeles Times

Izumi, Lance & Steeb, Michele, California must do a better job of helping homeless children Orange County Register, March 13, 2020

Home Box Office (HBO), Documentary, 'Homeless: The Motel Kids of Orange County' 2010 www.HBOMax.com

Stand Up For Kids, 'What Back to School Means for Youth Experiencing Homelessness' August 22, 2022

REFERENCES

- Policies and Procedures of all Orange County Public School Districts regarding the education of children experiencing homelessness
- Surveys developed by the Grand Jury for all county school district McKinney-Vento Liaisons
- Orange County Department of Education materials/media developed for McKinney-Vento Liaisons on the topic of Homeless Education
- OCDE published McKinney-Vento informational documents for students and families
- Flyers and pamphlets designed by OC school districts regarding the rights and programs for students experiencing homelessness and their parents
- School Accountability Report Cards (SARC) for Orange County public Elementary Schools 2020-2021; public High Schools 2020-2021, 2021-2022
- Highlights from State of Crisis Report: Understanding School District Educational Patterns for California Students Experiencing Homelessness, CDE 20
- California Homeless Enrollment Multi-Year Summary by Grade K-12 years 2020-2021.
- Project Hope Alliance Annual Report-Ending the Cycle of Homelessness, One Child at a Time, 2022
- Project Hope Alliance: Societal Benefits of Ending the Cycle of Homelessness for Orange County Youth
- Illumination Foundation Comprehensive Care Services (CCS) Program
- Various publications from public and private universities on the subject of educating students experiencing homelessness
- Various publications from School House Connection
- Various publications from the National Center for Homeless Education (NCHE)

APPENDICES

Appendix A

Common Signs of Homeless Children for Educators

Transportation and Attendance Problems

- Tardiness
- Absences
- Failure to participate in after-school activities
- Absence of participation in field trips
- Unable to contact parents

Poor Hygiene

- Inconsistent grooming
- Wearing the same clothes several days in a row
- Body odor

No Personal Study Space at Home

- Consistent lack of preparation for school
- Incomplete or missing homework
- Unable to complete projects
- Absence of basic school supplies
- Loss of books and school supplies on a regular basis
- Concern for safety of belongings

Poor Health and Nutrition

- Fatigue
- Persistent hunger
- Unaddressed medical, dental, vision, and hearing needs
- Absence of immunizations

Lack of Progression in Education

- Attendance at multiple schools
- Poor ability to comprehend
- Poor organizational skills
- Lack of school skill development
- Lack of records needed to enroll
- Unable to pay school related fees

Reactions or Statements Made by the Child

- Showing anger or shame when asked about current address
- States staying with grandparents, friends, other family members
- States staying at a motel
- Claims: I do not know or remember the name of my last school, or
- My parents and I have been moving around a lot, or
- We have a new address, and I cannot remember it, or
- We are staying with relatives, or
- I do not know the names of the people I am living with

Behavioral and Social Concerns

- Poor/short attention span
- Poor self-esteem
- Changes in behavior
- Withdrawn
- Failure to form relationships with other children and teachers
- Does not socialize at recess
- Hard time trusting people
- Shows aggression at times
- Defensive of parents
- Delays in development
- Fear of being abandoned
- Wants to be with parent
- Gets anxious as school day progresses

Sources:

Schoolhouse Connection.org

NCHE.ed.gov

Appendix B

History of the McKinney-Vento Act

The McKinney-Vento Homeless Assistance Act (P.L. 100-77) was the first and remains the only major Federal Legislative response to homelessness.

In the early 1980's, the initial responses to widespread and increasing homelessness were primarily local.

In the years that followed, advocates around the country demanded that the federal government acknowledge homelessness as a national problem necessitating a national response.

In 1986, legislation encompassing Title I of the Homeless Persons' Survival Act-emergency relief provisions for shelter, food, mobile healthcare and transitional housing-was introduced as the Urgent Relief for the Homeless Act. A large bipartisan majority in both chambers of Congress passed the Legislation in 1987.

After the death of its chief Republican sponsor, Representative Steward B. McKinney of Connecticut, the Act was renamed the Steward B. McKinney Homeless Assistance Act. It was signed into law on July 22, 1987.

On October 30, 2000, President Clinton renamed the Legislation the McKinney-Vento Homeless Assistance Act after the death of Representative Bruce Vento, a Democrat from Minnesota, a leading supporter of the Act since its original passage in 1987.

In 2001, Congress reauthorized the McKinney Education of Homeless Children and Youth Program as the McKinney-Vento Homeless Education Assistance Improvement Act in the No Child Left Behind Act (P.L. 107-110), signed by President George W. Bush on January 8, 2002. Congress was influenced by statistics that over one million children were likely to experience homelessness in any given year and extreme poverty, coupled with high mobility and loss of housing, placed these children at great risk for educational challenges.

The Public Law became effective on July 1, 2002. The purpose of the Law was to close the achievement gap with accountability, flexibility, and choice so that no child is left behind.

The *Every Student Succeeds Act* (ESSA) was signed by President Obama on December 10, 2015, replacing the *No Child Left Behind Act*. Most of the Amendments to the *McKinney-Vento Act* under ESSA went into effect on October 1, 2016. Those Amendments would change the way schools support the academic success of children and youth experiencing homelessness, from preschool through high school graduation. ESSA emphasized collaboration and coordination at the state and local level to ensure appropriate supports are in place for youth experiencing homelessness.

Appendix C

School District Survey

2022-2023 Orange County Grand Jury Education of Children Experiencing Homelessness Questionnaire For School District McKinney-Vento Liaisons

Mailing Address: OC Grand Jury, 700 W Civic Center Dr, Santa Ana, CA 92701

e-Mail Address: grandjurysupport@occourts.org

Admonition: This correspondence and your response to it are strictly confidential. This confidential document may only be discussed with those individuals responsible for or needed to answer the survey questions. This means that the contents of this survey and your answers are not to be released to the public or shared with anyone not directly involved in responding without the prior written authorization of the Orange County Superior Court or Orange County Grand Jury. The Grand Jury assures you that it will maintain the confidentiality of site-specific information provided in each response, will not publicly disclose anything that could lead to the identity of any respondents, and thanks you in advance for your cooperation.

Name: _____
Title: _____
Liaison Position: Full Time: _____ Part Time: _____ Hours per Week: _____
Length of Time in Position: _____
Phone Number: _____ e-Mail: _____
Response Date: _____

Note: Response cells are formatted for word wrap and will expand as needed. Use as much space as necessary for your responses.

All questions relate only to children experiencing homelessness.

1. Please provide the name of the School District for which you are responsible: School District: _____

2. Do you use the McKinney-Vento definition of homeless in determining the number of children experiencing homelessness?
 Yes
 No (please provide definition used): _____

3. For only the Children Experiencing Homelessness (CEH), please provide a list of Schools and the current enrollment, not total enrollment, at each School in your School District for which you are responsible. ***This may be provided as a separate attachment if you prefer:***
School
CEH

4. Please provide a printed or electronic copy of the School District/Schools policies and procedures related to the education and other services provided to children experiencing homelessness.

Mailing Address:

Orange County Grand Jury

700 W Civic Center Dr

Santa Ana, CA 92701

e-Mail Address:

GrandJurySupport@occourts.org

5. What type of specialized training do you receive, if any, to prepare you for this responsibility?

Please explain:

6. How are children experiencing homelessness identified by the School District?

Please explain:

7. How are the identified children enrolled and placed in schools?
(Check all that apply)

Physical Temporary Address

Available Space at School

Availability of Transportation

Placement Testing (by District)

Placement Testing (by School)

Age of Child

Prior School

Other (please explain):

8. How are children without a parent or legal guardian enrolled and placed in schools, if different?

Not Different

Different (please explain):

9. How are children informed about educational opportunities, such as special needs, Magnet Schools, Advanced Placement, summer schools and career technical education?

Please explain:

10. How are pre-school aged children provided access to services based on need?

Please explain:

11. What procedure is followed if a child becomes homeless during the school year? Please explain:
12. What enrollment barriers might exist for children, and how are they mitigated/overcome? Please explain:
13. How are children accommodated for transportation to and from school?
(Check all that apply)
- Public Buses
 - School Buses
 - Dial-a-Ride
 - Ride Share
 - Volunteer Carpools
 - Walking
 - Other (please identify):
14. Are the nutritional needs of children addressed by a federal or state program? (Check all that apply)
- Yes (please specify):
 - No
 - Other (please explain):
15. What is done to facilitate access to other needed services or resources for the children, such as housing? Please explain:
16. How is the privacy of the child's homeless status protected? Please explain:
17. How do you resolve disputes regarding eligibility, school selection or enrollment? Please explain:
18. How is chronic absenteeism managed? Please explain:
19. How are potential expulsion events resolved? Please explain:
20. If you could "**wave a magic wand,**" what suggestions do you have to improve the education of children experiencing homelessness? Please explain:

Appendix D

DEPARTMENT OF EDUCATION

LIAISON RESPONSIBILITIES

RESOURCE: [HTTP://CENTER.SERVF.ORG/NCHE/DOWNLOADS/TOOLKIT2/APP2R.PDF](http://center.servf.org/nche/downloads/toolkit2/app2r.pdf)

The McKinney-Vento Act requires:

every Local Educational Agency (LEA) to designate a liaison for students experiencing homelessness to ensure identification, school enrollment, attendance in order to promote opportunities for student success. In 42 U.S.C. § 11432 (g) (6) (A), the McKinney-Vento Act lists the responsibilities of the local liaison. The law states the liaison has to be someone who is able to "carry out the duties" 11432 (g) (1) (J) (iii).

Services

- Inform parent, guardian and housing insecure unaccompanied youth of educational opportunities available to ensure students have equal access to magnet and summer schools, career technical education, advance placement, and other LEA programs.
- Ensure that preschool-aged housing insecure children and their families have access to and receive services, if eligible, under LEA-administered preschool, (Head Start, Part of Individuals with Disabilities Act (IDEA) and other LEA programs).
- Refer housing insecure families and students to housing services, in addition to other services. Liaison may affirm whether homeless students meet the U.S. Department of Housing and Urban Development (HUD) definition of homeless in order to qualify for HUD homeless assistance programs.

Educational Rights, Identification & Enrollment

- Disseminate public notice of McKinney-Vento educational rights in locations frequented by parents/guardians and unaccompanied youth, a manner/form understandable to parents, guardians, and youth.
- Ensure housing insecure children/youth are properly identified and are immediately enrolled by school personnel.
- Ensure students identified have school stability, and parents/school personnel are informed on how school of origin extends to preschools, receiving schools, and transportation services until the end of the school year, even if a student becomes permanently housed.
- Ensure that parents and LEA staff are aware of the importance of the privacy of student records, including information about a child or youth's living situation.
- Inform parent/guardian/unaccompanied youth of all services, including transportation to the school of origin, and the criteria for transportation assistance.
- Remove enrollment barriers related to missed application/enrollment deadlines, fines or fees, records required for enrollment, including immunizations or other required health records, proof of residency, or other documentation, academic records, including credit transfer.
- Assist housing insecure unaccompanied youth with enrollment, school placement and obtaining records.

Coordination & Collaboration

- Develop and coordinate collaborations with resources, including: public and private child welfare, social services agencies, law enforcement, juvenile/family courts, agencies providing mental health services, domestic violence, child care providers, runaway/homeless youth centers, food banks, providers of services and programs funded under the Runaway and Homeless Youth Act, and providers of emergency, transitional/permanent housing agencies, and family shelter providers.
- Coordinate and collaborate with different divisions within the LEA such as special education, migrant education, Title I, nutrition services, transportation, etc. to ensure homeless students are afforded the opportunities and additional resources as their housed peers.
- Ensure public notice of the educational rights is disseminated in locations frequented by parents, guardians and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens, in an understandable manner and form.
- Participate in mediations of school enrollment disputes, Student Success Teams (SST), School Attendance Review Board (SARB), Expulsion Determination meetings, etc. to advocate for the needs of housing insecure youth.

Professional Development

- Participate in professional development and technical assistance activities and ensure that school personnel providing McKinney-Vento services receive professional development and support.
- Review/revise local policies and practices (LEA Board Policies) to ensure that students are not segregated or stigmatized (by school/program) on the basis of their living circumstances.

California Department of Education | Homeless Education Team | HomelessEd@cde.ca.gov

Appendix E

California Department of Education Housing Questionnaire

Local Educational Agencies' Instructions for the Housing Questionnaire

Instructions:

Add your local educational agency (LEA) information to this form before sharing this with parents, guardians, families, and/or youth. The area reserved for the agency information is right under the heading and is also a fillable section under the title. The completed section will look like this:

Housing Questionnaire for

The Name of Your LEA or School Site

The parent, guardian, or youth will read and complete the middle sections of the Housing Questionnaire as it relates to the child or children's names, nighttime residency, contact information, and other children living with parent or guardian.

The LEA will need to complete the bottom portion of the Housing Questionnaire. There are three fillable sections: one for the name of your LEA's Homeless Liaison, one for their phone number, and one for their email address.

This form should be included as part of the registration materials that the LEA shares with families and youth. This form is intended to be used as a template or as a standalone depending on your LEA's current enrollment forms.

For further guidance on the use or completion of, or any questions about, the Housing Questionnaire, please access the Guidance for Completion of Housing Questionnaire (<https://www.cde.ca.gov/sp/hs/cy/documents/guidanceforquestionnaire.docx>). The guidance provides the LEA with detailed information around the purpose and use of, data/information sharing concerns regarding, and how to best use the Housing Questionnaire with families and youth.

If you have any questions regarding this subject, please contact the California Department of Education Homeless Education Program within the Integrated Student Support and Programs Office by phone at 866-856-8214, or by email at HOMELESSED@cde.ca.gov.

Housing Questionnaire for

Student Last Name	First	Middle

Name of School:

The information provided below will help the LEA determine what services you and/or your child may be eligible to receive. This could include additional educational services through Title I, Part A and/or the federal McKinney-Vento Assistance Act. The information provided on this form will be kept confidential and only shared with appropriate school district and site staff.

Presently, are you and/or your family living in any of the following situations?

- Staying in a shelter (family shelter, domestic violence shelter, youth shelter) or Federal Emergency Management Agency (FEMA) trailer
- Sharing housing with other(s) due to loss of housing, economic hardship, natural disaster, lack of adequate housing, or similar reason
- Living in a car, park, campground, abandoned building, or other inadequate accommodations (i.e., lack of water, electricity, or heat)
- Temporarily living in a motel or hotel due to loss of housing, economic hardship, natural disaster, or similar reason
- Living in a single-home residence that is permanent

I am a student under the age of 18 and living apart from parent(s) or guardian

- Yes No

The undersigned parent/guardian certifies that the information provided above is correct and accurate.

Print Parent/Guardian Name	Signature	Date

Phone Number	Street Address	City	State	Zip

Your child or children may have the right to:

- Immediate enrollment in the school they last attended (school of origin) or the local school where you are currently staying, even if you do not have all the documents normally required at the time of enrollment.
- Continue to attend their school of origin, if requested by you and it is in the best interest.
- Receive transportation to and from their school of origin, the same special programs, and services, if needed, as provided to all other children, including free meals and Title 1.
- Receive the full protections and services provided under all federal and state laws, as it relates to homeless children, youth, and their families.

Please list all children currently living with you.

Name	Gender	Birthdate	Grade	School

If you have any questions about these rights, please contact your LEA's Homeless Liaison:

Name

Phone

Email

Appendix F

The 1974 Federal Educational Rights and Privacy Act (FERPA) prevents the sharing of this Housing Questionnaire information when your child/student changes school districts or moves on to a high school district. Your signing of the attached FERPA waiver allows our school/district to communicate your child's McKinney-Vento status to their next school to prevent a loss of benefits and promote a successful transition to the next school.

FERPA Consent to Release Student Information

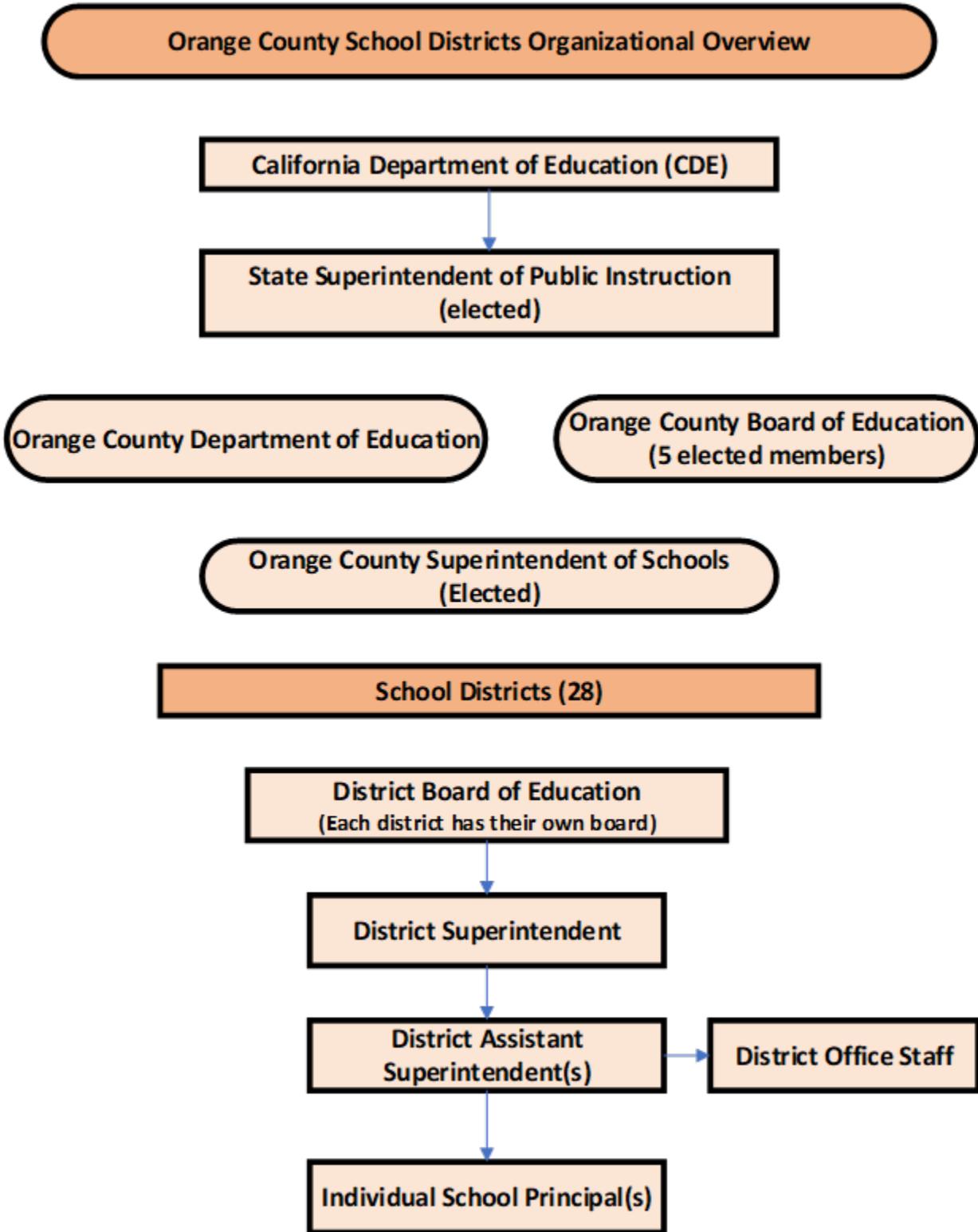
Please provide the McKinney-Vento Housing Questionnaire information identifying the educational records of _____ (Name of Student) to the administrative office of all subsequent schools attended through high school of the identified student except for their disciplinary records.

I understand the information may be released orally or in the form of copies of written records, as preferred by the requester. I further understand that until I revoke my consent, this consent shall remain in effect and educational records will continue to be provided for the identified student.

Date: _____

Responsible Parent/Guardian _____

Appendix G



Appendix H

Student Accountability Report Cards Statistical Analysis Worksheets

2020-21 Elementary Schools with Fewer than 25 Homeless Students Enrolled

ELA Test

212 Elementary Schools

57137 **All Students** Took ELA Test.

34226 **All Students** Met or Exceeded State Standards

34226/57137 = 59.9% = % All Students (in Elementary Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

212 Elementary Schools

25735 **Socioeconomically Disadvantaged Students** Took ELA Test

11249 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

11249/25735 = 43.7% = % Socioeconomically Disadvantaged Students (in Elementary Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

74 Elementary Schools

511 **Homeless Students** Took ELA Test

181 **Homeless Students** Met or Exceeded State Standards

181/511 = 35.4% = % Homeless Students (in Elementary Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

212 Elementary Schools

58624 **All Students** Took Math Test.

31096 **All Students** Met or Exceeded State Standards

31096/58624 = 53% = % All Students (in Elementary Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on Math Test

212 Elementary Schools

26802 **Socioeconomically Disadvantaged Students** Took Math Test

9763 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

9763/26802 = 36.4% = % Socioeconomically Disadvantaged Students (in Elementary Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

86 Elementary Schools

622 **Homeless Students** Took Math Test

169 **Homeless Students** Met or Exceeded State Standards

169/622 = 27.2% = % Homeless Students (in Elementary Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on Math Test

Chronic Absenteeism

212 Elementary Schools

73316 **All Students** Chronic Absenteeism Eligible Enrollment

6308 **All Students** Chronic Absenteeism Count

6308/73316 = 8.6% = All Students Chronic Absenteeism Rate

212 Elementary Schools

31558 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

4263 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

4263/31558 = 13.5% = Socioeconomically Disadvantaged Students Chronic Absenteeism Rate

212 Elementary Schools

1990 **Homeless Students** Chronic Absenteeism Eligible Enrollment

529 **Homeless Students** Chronic Absenteeism Count

529/1990 = 26.6% = Homeless Students Chronic Absenteeism Rate

2020-21 Elementary Schools with 25-49 Homeless Students Enrolled

ELA Test

47 Elementary Schools

12571 **All Students** Took ELA Test.

5346 **All Students** Met or Exceeded State Standards

5346/12571 = 42.5% = % All Students (in Elementary Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on ELA Test

47 Elementary Schools

9344 **Socioeconomically Disadvantaged Students** Took ELA Test

3196 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

3196/9344 = 34.2% = % Socioeconomically Disadvantaged Students (in Elementary Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on ELA Test

47 Elementary Schools

735 **Homeless Students** Took ELA Test

193 **Homeless Students** Met or Exceeded State Standards

193/735 = 26.3% = % Homeless Students (in Elementary Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

47 Elementary Schools

12589 **All Students** Took Math Test.

4705 **All Students** Met or Exceeded State Standards

4705/12589 = 37.4% = % All Students (in Elementary Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on Math Test

47 Elementary Schools

9400 **Socioeconomically Disadvantaged Students** Took Math Test

2710 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

2710/9400 = 28.8% = % Socioeconomically Disadvantaged Students (in Elementary Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on ELA Test

47 Elementary Schools

745 **Homeless Students** Took Math Test

165 **Homeless Students** Met or Exceeded State Standards

165/745 = 22.1% = % Homeless Students (in Elementary Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on Math Test

Chronic Absenteeism

47 Elementary Schools

23723 **All Students** Chronic Absenteeism Eligible Enrollment

3040 **All Students** Chronic Absenteeism Count

3040/23723 = 12.8% = All Students (in Elementary Schools with 25-49 Homeless Students) Chronic Absenteeism Rate

47 Elementary Schools

17570 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

2574 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

2574/17570 = 14.6% = Socioeconomically Disadvantaged Students (in Elementary Schools with 25-49 Homeless Students) Chronic Absenteeism Rate

47 Elementary Schools

1559 **Homeless Students** Chronic Absenteeism Eligible Enrollment

472 **Homeless Students** Chronic Absenteeism Count

472/1559 = 30.3% = Homeless Students (in Elementary Schools with 25-49 Homeless Students) Chronic Absenteeism Rate

2020-21 Elementary Schools with 50-99 Homeless Students Enrolled

ELA Test

47 Elementary Schools

15086 **All Students** Took ELA Test.

5907 **All Students** Met or Exceeded State Standards

5907/15086 = 39.2% = % All Students (in Elementary Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

47 Elementary Schools

10650 **Socioeconomically Disadvantaged Students** Took ELA Test

3467 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

3467/10650 = 32.6% = % Socioeconomically Disadvantaged Students (in Elementary Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

47 Elementary Schools

1707 **Homeless Students** Took ELA Test

493 **Homeless Students** Met or Exceeded State Standards

493/1707 = 28.9% = % Homeless Students (in Elementary Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

47 Elementary Schools

15928 **All Students** Took Math Test.

5364 **All Students** Met or Exceeded State Standards

5364/15928 = 33.7% = % All Students (in Elementary Schools with 50/999 Homeless Students) Who Met or Exceeded State Standards on Math Test

47 Elementary Schools

11123 **Socioeconomically Disadvantaged Students** Took Math Test

3061 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

3061/11123 = 27.5% = % Socioeconomically Disadvantaged Students (in Elementary Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

47 Elementary Schools

1607 **Homeless Students** Took Math Test

376 **Homeless Students** Met or Exceeded State Standards

376/1607 = 23.4% = % Homeless Students (in Elementary Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on Math Test

Chronic Absenteeism

47 Elementary Schools

29996 **All Students** Chronic Absenteeism (in Elementary Schools with 50-99 Homeless Students) Eligible Enrollment

3812 **All Students** Chronic Absenteeism Count

3812/29996/ = 12.7% = All Students (in Elementary Schools with 50-99 Homeless Students) Chronic Absenteeism Rate

47 Elementary Schools

22121 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

3349 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

3349/22121 = 15.1% = Socioeconomically Disadvantaged Students (in Elementary Schools with 50-99 Homeless Students) Chronic Absenteeism Rate

47 Elementary Schools

3254 **Homeless Students** Chronic Absenteeism Eligible Enrollment

792 **Homeless Students** Chronic Absenteeism Count

792/3254 = 24.3% = Homeless Students (in Elementary Schools with 50-99 Homeless Students) Chronic Absenteeism Rate

2020-21 Elementary Schools with 100-199 Homeless Students Enrolled

ELA Test

19 Elementary Schools

8028 **All Students** Took ELA Test.

2824 **All Students** Met or Exceeded State Standards

2824/8028 = 35.2% = % All Students (in Elementary Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on ELA Test

19 Elementary Schools

6219 **Socioeconomically Disadvantaged Students** Took ELA Test

2001 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

2001/6219 = 32.2% = % Socioeconomically Disadvantaged Students (in Elementary Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on ELA Test

19 Elementary Schools

1659 **Homeless Students** Took ELA Test

447 **Homeless Students** Met or Exceeded State Standards

447/1659 = 26.9% = % Homeless Students (in Elementary Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

19 Elementary Schools

8050 **All Students** Took Math Test.

2166 **All Students** Met or Exceeded State Standards

2166/8050 = 26.9% = % All Students (in Elementary Schools with 100/199 Homeless Students) Who Met or Exceeded State Standards on Math Test

19 Elementary Schools

6557 **Socioeconomically Disadvantaged Students** Took Math Test

1653 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

1653/6557 = 25.2% = % Socioeconomically Disadvantaged Students (in Elementary Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on ELA Test

19 Elementary Schools

1661 **Homeless Students** Took Math Test

364 **Homeless Students** Met or Exceeded State Standards

364/1661 = 21.9% = % Homeless Students (in Elementary Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on Math Test

Chronic Absenteeism

19 Elementary Schools

12176 **All Students** Chronic Absenteeism Eligible Enrollment

1592 **All Students** Chronic Absenteeism Count

1592/12176 = 13.1% = All Students (in Elementary Schools with 100-199 Homeless Students) Chronic Absenteeism Rate

19 Elementary Schools

10338 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

1483 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

1483/10338 = 14.3% = Socioeconomically Disadvantaged Students (in Elementary Schools with 100-199 Homeless Students) Chronic Absenteeism Rate

19 Elementary Schools

2388 **Homeless Students** Chronic Absenteeism Eligible Enrollment

419 **Homeless Students** Chronic Absenteeism Count

419/2388 = 17.5% = Homeless Students (in Elementary Schools with 100-199 Homeless Students) Chronic Absenteeism Rate

2020-21 Elementary Schools with More Than 200 Homeless Students Enrolled

ELA Test

8 Elementary Schools

3149 **All Students** Took ELA Test.

1329 **All Students** Met or Exceeded State Standards

1329/3149 = 42.2% = % All Students (in Elementary Schools with More Than 200 Homeless Students) Who Met or Exceeded State Standards on ELA Test

8 Elementary Schools

2531 **Socioeconomically Disadvantaged Students** Took ELA Test

938 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

938/2531 = 37.1% = % Socioeconomically Disadvantaged Students (in Elementary Schools with More Than 200 Homeless Students) Who Met or Exceeded State Standards on ELA Test

8 Elementary Schools

1253 **Homeless Students** Took ELA Test

383 **Homeless Students** Met or Exceeded State Standards

383/1253 = 30.6% = % Homeless Students (in Elementary Schools with More Than 200 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

8 Elementary Schools

3681 **All Students** Took Math Test.

1337 **All Students** Met or Exceeded State Standards

1337/3681 = 36.3% = % All Students (in Elementary Schools with More Than 200 Homeless Students) Who Met or Exceeded State Standards on Math Test

8 Elementary Schools

2877 **Socioeconomically Disadvantaged Students** Took Math Test

903 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

903/2877 = 31.4% = % Socioeconomically Disadvantaged Students (in Elementary Schools with More Than 200 Homeless Students) Who Met or Exceeded State Standards on ELA Test

8 Elementary Schools

1369 **Homeless Students** Took Math Test

380 **Homeless Students** Met or Exceeded State Standards

380/1369 = 27.8% = % Homeless Students (in Elementary Schools with More Than 200 Homeless Students) Who Met or Exceeded State Standards on Math Test

Chronic Absenteeism

8 Elementary Schools

5099 **All Students** Chronic Absenteeism Eligible Enrollment

731 **All Students** Chronic Absenteeism Count

731/5099 = 14.3% = % All Students (in Elementary Schools with More Than 200 Homeless Students) Chronic Absenteeism Rate

8 Elementary Schools

4340 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

659 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

659/4340 = 15.2% = % Socioeconomically Disadvantaged Students (in Elementary Schools with More Than 200 Homeless Students) Chronic Absenteeism Rate

8 Elementary Schools

1993 **Homeless Students** Chronic Absenteeism Eligible Enrollment

291 **Homeless Students** Chronic Absenteeism Count

291/1993 = 14.6% = % Homeless Students (in Elementary Schools with More Than 200 Homeless Students) Chronic Absenteeism Rate

2020-21 Middle Schools with Fewer than 25 Homeless Students Enrolled

ELA Test

33 Middle Schools

21316 **All Students** Took ELA Test.

13758 **All Students** Met or Exceeded State Standards

13758/21316 = 64.5% = % All Students (in Middle Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

33 Middle Schools

7791 **Socioeconomically Disadvantaged Students** Took ELA Test

4109 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

4109/7791 = 52.7% = % Socioeconomically Disadvantaged Students (in Middle Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

33 Middle Schools

197 **Homeless Students** Took ELA Test

86 **Homeless Students** Met or Exceeded State Standards

86/197 = 43.6% = % Homeless Students (in Middle Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

33 Middle Schools

21183 **All Students** Took Math Test.

11545 **All Students** Met or Exceeded State Standards

11545/21183 = 54.5% = % All Students (in Middle Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on Math Test

33 Middle Schools

7714 **Socioeconomically Disadvantaged Students** Took Math Test

2978 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

2978/7714 = 38.6% = % Socioeconomically Disadvantaged Students in Middle Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on Math Test

33 Middle Schools

215 **Homeless Students** Took Math Test

58 **Homeless Students** Met or Exceeded State Standards

58/215 = 27% = % Homeless Students in Middle Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on Math Test

Chronic Absenteeism

33 Middle Schools

24536 **All Students** Chronic Absenteeism Eligible Enrollment

1946 **All Students** Chronic Absenteeism Count

1946/24536 = 7.9% = % All Students Chronic Absenteeism Rate in Middle Schools with Fewer than 25 Homeless Students)

33 Middle Schools

9336 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

768 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

768/9336 = 8.2% = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate in Middle Schools with Fewer than 25 Homeless Students

33 Middle Schools

323 **Homeless Students** Chronic Absenteeism Eligible Enrollment

56 **Homeless Students** Chronic Absenteeism Count

56/323= 17.3% = % Homeless Students Chronic Absenteeism Rate in Middle Schools with Fewer than 25 Homeless Students

2020-21 Middle Schools with 25-99 Homeless Students Enrolled

ELA Test

26 Middle Schools

19155 **All Students** Took ELA Test.

10252 **All Students** Met or Exceeded State Standards

10252/19155 = 53.5% = % All Students (in Middle Schools with 25-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

26 Middle Schools

11794 **Socioeconomically Disadvantaged Students** Took ELA Test

5316 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

5316/11794 = 45.1% = % Socioeconomically Disadvantaged Students (in Middle Schools with 25-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

26 Middle Schools

1003 **Homeless Students** Took ELA Test

365 **Homeless Students** Met or Exceeded State Standards

365/1003 = 36.4% = % Homeless Students (in Middle Schools with 25-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

26 Middle Schools

19306 **All Students** Took Math Test.

8500 **All Students** Met or Exceeded State Standards

8500/19306 = 44% = % All Students (in Middle Schools with 25-99 Homeless Students) Who Met or Exceeded State Standards on Math Test

26 Middle Schools

11962 **Socioeconomically Disadvantaged Students** Took Math Test

4039 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

4039/11962 = 33.8% = % Socioeconomically Disadvantaged Students in Middle Schools with 25-99 Homeless Students) Who Met or Exceeded State Standards on Math Test

26 Middle Schools

1052 **Homeless Students** Took Math Test

240 **Homeless Students** Met or Exceeded State Standards

240/1052 = 22.8% = % Homeless Students in Middle Schools with 25-99 Homeless Students) Who Met or Exceeded State Standards on Math Test

Chronic Absenteeism

30 Middle Schools

23902 **All Students** Chronic Absenteeism Eligible Enrollment

1622 **All Students** Chronic Absenteeism Count

1622/23902 = 6.8% = % All Students Chronic Absenteeism Rate in Middle Schools with 25-99 Homeless Students)

30 Middle Schools

17454 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

1361 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

1361/17454 = 7.8% = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate in Middle Schools with 25-99 Homeless Students

30 Middle Schools

1677 **Homeless Students** Chronic Absenteeism Eligible Enrollment

231 **Homeless Students** Chronic Absenteeism Count

231/1677 = 13.8% = % Homeless Students Chronic Absenteeism Rate in Middle Schools with 25-99 Homeless Students

2020-21 Middle Schools with 100 or More Homeless Students Enrolled

ELA Test

12 Middle Schools

11410 **All Students** Took ELA Test.

3826 **All Students** Met or Exceeded State Standards

3826/11410 = 33.5% = % All Students (in Middle Schools with more than 99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

12 Middle Schools

9404 **Socioeconomically Disadvantaged Students** Took ELA Test

3003 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

3003/9404 = 31.9% = % Socioeconomically Disadvantaged Students (in Middle Schools with more than 99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

12 Middle Schools

2241 **Homeless Students** Took ELA Test

641 **Homeless Students** Met or Exceeded State Standards

641/2241 = 28.6% = % Homeless Students (in Middle Schools with more than 99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

12 Middle Schools

11433 **All Students** Took Math Test.

2430 **All Students** Met or Exceeded State Standards

2430/11433 = 21.2% = % All Students (in Middle Schools with more than 99 Homeless Students) Who Met or Exceeded State Standards on Math Test

12 Middle Schools

9434 **Socioeconomically Disadvantaged Students** Took Math Test

1805 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

1805/9434 = 19.1% = % Socioeconomically Disadvantaged Students in Middle Schools with more than 99 Homeless Students) Who Met or Exceeded State Standards on Math Test

12 Middle Schools

2233 **Homeless Students** Took Math Test

394 **Homeless Students** Met or Exceeded State Standards

394/2233 = 17.6% = % Homeless Students in Middle Schools with more than 99 Homeless Students) Who Met or Exceeded State Standards on Math Test

Chronic Absenteeism

8 Middle Schools

8743 **All Students** Chronic Absenteeism Eligible Enrollment

665 **All Students** Chronic Absenteeism Count

665/8743 = 7.6% = % All Students Chronic Absenteeism Rate in Middle Schools with more than 99 Homeless Students)

8 Middle Schools

7333 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

612 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

612/7333 = 8.3% = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate in Middle Schools with more than 99 Homeless Students

8 Middle Schools

1926 **Homeless Students** Chronic Absenteeism Eligible Enrollment

178 **Homeless Students** Chronic Absenteeism Count

178/1926 = 9.2% = % Homeless Students Chronic Absenteeism Rate in Middle Schools with more than 99 Homeless Students

2020-21 High Schools with Fewer than 25 Homeless Students Enrolled

ELA Test

24 High Schools

12066 **All Students** Took ELA Test.

9521 **All Students** Met or Exceeded State Standards

9521/12066 = 78.9% = % All Students (in High Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

24 High Schools

2954 **Socioeconomically Disadvantaged Students** Took ELA Test

1716 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

1716/2954 = 58.1% = % Socioeconomically Disadvantaged Students (in High Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

3 High Schools

32 **Homeless Students** Took ELA Test

8 **Homeless Students** Met or Exceeded State Standards

8/32 = 25% = % Homeless Students (in High Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

24 High Schools

12987 **All Students** Took Math Test.

9383 **All Students** Met or Exceeded State Standards

9383/12987 = 72.2% = % All Students (in High Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on Math Test

24 High Schools

3002 **Socioeconomically Disadvantaged Students** Took ELA Test

1480 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

1480/3002 = 49.3% = % Socioeconomically Disadvantaged Students (in High Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

3 High Schools

32 **Homeless Students** Took Math Test

4 **Homeless Students** Met or Exceeded State Standards

4/32 = 12.5% = % Homeless Students (in High Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on Math Test

Graduation

24 High Schools

7931 # of **All Students** in Graduation Cohort

7456 # of **All Students** Who Were Cohort Graduates

7456/7931 = 94% = % All Students (in High Schools with Fewer than 25 Homeless Students) Who Graduated

24 High Schools

3277 # of **Socioeconomically Disadvantaged Students** in Graduation Cohort

3000 # of **Socioeconomically Disadvantaged Students** Who Were Cohort Graduates

3000/3277 = 91.5% = % Socioeconomically Disadvantaged Students (in High Schools with Fewer than 25 Homeless Students) Who Graduated

5 High Schools

103 **Homeless Students** in Graduation Cohort

92 **Homeless Students** Who Were Cohort Graduates

92/103 = 89.3% = % Homeless Students (in High Schools with Fewer than 25 Homeless Students) Who Graduated

Chronic Absenteeism

24 High Schools

44704 **All Students** Chronic Absenteeism Eligible Enrollment

3037 **All Students** Chronic Absenteeism Count

3037/44704 = 6.8% = All Students Chronic Absenteeism Rate

24 High Schools

12529 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

1870 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

1870/12529 = 14.9% = Socioeconomically Disadvantaged Students Chronic Absenteeism Rate

24 High Schools

274 **Homeless Students** Chronic Absenteeism Eligible Enrollment

121 **Homeless Students** Chronic Absenteeism Count

121/274 = 44.2% = Homeless Students Chronic Absenteeism Rate

2020-21 High Schools with 25-49 Homeless Students Enrolled

ELA Test

19 High Schools

7550 **All Students** Took ELA Test.

5471 **All Students** Met or Exceeded State Standards

5471/7550 = 72.5% = % All Students (in High Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on ELA Test

19 High Schools

3287 **Socioeconomically Disadvantaged Students** Took ELA Test

2085 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

2085/3287 = 63.4% = % Socioeconomically Disadvantaged Students (in High Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on ELA Test

19 High Schools

152 **Homeless Students** Took ELA Test

64 **Homeless Students** Met or Exceeded State Standards

64/152 = 42.1% = % Homeless Students (in High Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

19 High Schools

6884 All Students Took Math Test.

3711 All Students Met or Exceeded State Standards

3711/6884 = 53.9% = % All Students (in High Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on Math Test

19 High Schools

3023 **Socioeconomically Disadvantaged Students** Took Math Test

1213 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

1213/3023 = 40.1 = % Socioeconomically Disadvantaged Students (in High Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on Math Test

19 High Schools

157 **Homeless Students** Took Math Test

42 **Homeless Students** Met or Exceeded State Standards

42/157 = 26.8% = % Homeless Students (in High Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on Math Test

Graduation

19 High Schools

8536 # of All Students in Graduation Cohort

8002 # of All Students Who Were Cohort Graduates

8002/8536 = 93.7% = % All Students (in High Schools with 25-49 Homeless Students) Who Were Cohort Graduates

19 High Schools

4292 # of **Socioeconomically Disadvantaged Students** in Graduation Cohort

3924 # of **Socioeconomically Disadvantaged Students** Who Were Cohort Graduates

3924/4292 = 91.4% = % Socioeconomically Disadvantaged Students (in High Schools with 25-49 Homeless Students) Who Were Cohort Graduates

19 High Schools

334 **Homeless Students** in Graduation Cohort

275 **Homeless Students** Who Were Cohort Graduates

275/334 = 82.3% = % Homeless Students (in High Schools with 25-49 Homeless Students) Who Were Cohort Graduates

Chronic Absenteeism

19 High Schools

35,933 **All Students** Chronic Absenteeism Eligible Enrollment

2284 **All Students** Chronic Absenteeism Count

2284/35933 = 6.3% = %All Students Chronic Absenteeism Rate

19 High Schools

16324 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

1539 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

1539/16324 = 9.43% = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate

19 High Schools

581 **Homeless Students** Chronic Absenteeism Eligible Enrollment

149 **Homeless Students** Chronic Absenteeism Count

149/581 = 25.6% = Homeless Students Chronic Absenteeism Rate

2020-21 High Schools with 50-99 Homeless Students Enrolled

ELA Test

20 High Schools

6698 **All Students** Took ELA Test.

4302 **All Students** Met or Exceeded State Standards

4302/6698 = 64.2% = % All Students (in High Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

20 High Schools

2811 **Socioeconomically Disadvantaged Students** Took ELA Test

1319 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

1319/2811 = 46.9% = % Socioeconomically Disadvantaged Students (in High Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

20 High Schools

382 **Homeless Students** Took ELA Test.

131 **Homeless Students** Met or Exceeded State Standards

131/382 = 34.3% = % Homeless Students (in High Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

20 High Schools

7151 **All Students** Took Math Test.

3135 **All Students** Met or Exceeded State Standards

3135/7151 = 43.8% = % All Students (in High Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on Math Test

20 High Schools

3189 **Socioeconomically Disadvantaged Students** Took Math Test

822 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

822/3189 = 25.8% = % Socioeconomically Disadvantaged Students (in High Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on Math Test

20 High Schools

430 **Homeless Students** Took Math Test.

72 **Homeless Students** Met or Exceeded State Standards

72/430 = 16.7% = % Homeless Students (in High Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on Math Test

Graduation

20 High Schools

8068 # of **All Students** in Graduation Cohort

7380 # of **All Students** Who Were Cohort Graduates

7380/8068 = 91.5% = % All Students (in High Schools with 50-99 Homeless Students) Who Were Cohort Graduates

20 High Schools

3704 # of **Socioeconomically Disadvantaged Students** in Graduation Cohort

3254 # of **Socioeconomically Disadvantaged Students** Who Were Cohort Graduates

3254/3704 = 87.9% = % Socioeconomically Disadvantaged Students (in High Schools with 50-99 Homeless Students) Who Were Cohort Graduates

20 High Schools

638 **Homeless Students** in Graduation Cohort

526 **Homeless Students** Who Were Cohort Graduates

526/638 = 82.4 = % Homeless Students Graduation Rate (in High Schools with 50-99 Homeless Students)

Chronic Absenteeism

20 High Schools

33446 **All Students** Chronic Absenteeism Eligible Enrollment

3298 **All Students** Chronic Absenteeism Count

3298/33446 = 9.86% = % All Students Chronic Absenteeism Rate (in High Schools with 50-99 Homeless Students)

20 High Schools

15968 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

2003 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

2003/15968 = 12.5% = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate (in High Schools with 50-99 Homeless Students)

20 High Schools

1345 **Homeless Students** Chronic Absenteeism Eligible Enrollment

382 **Homeless Students** Chronic Absenteeism Count

382/1345 = 28.4% = Homeless Students Chronic Absenteeism Rate (in High Schools with 50-99 Homeless Students)

2020-21 High Schools with 100-199 Homeless Students Enrolled

ELA Test

11 High Schools

3913 **All Students** Took ELA Test.

2519 **All Students** Met or Exceeded State Standards

2519/3913 = 64.4% = % All Students (in High Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on ELA Test

11 High Schools

2351 **Socioeconomically Disadvantaged Students** Took ELA Test

1153 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

1153/2351 = 49% = % Socioeconomically Disadvantaged Students (in High Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on ELA Test

11 High Schools

532 **Homeless Students** Took ELA Test.

219 **Homeless Students** Met or Exceeded State Standards

219/532 = 41% = % Homeless Students (in High Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

11 High Schools

3724 **All Students** Took Math Test.

1343 **All Students** Met or Exceeded State Standards

1343/3724 = 36.1% = % All Students (in High Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on Math Test

11 High Schools

2219 **Socioeconomically Disadvantaged Students** Took Math Test

523 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

523/2219 = 23.6% = % Socioeconomically Disadvantaged Students (in High Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on Math Test

11 High Schools

486 **Homeless Students** Took Math Test.

101 **Homeless Students** Met or Exceeded State Standards

101/486 = 20.8% = % Homeless Students (in High Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on Math Test

Graduation

11 High Schools

5489 # of **All Students** in Graduation Cohort

4980 # of **All Students** Who Were Cohort Graduates

4980/5489 = 90.7% = % All Students (in High Schools with 100-199 Homeless Students) Who Were Cohort Graduates

11 High Schools

3497 # of **Socioeconomically Disadvantaged Students** in Graduation Cohort

3080 # of **Socioeconomically Disadvantaged Students** Who Were Cohort Graduates

3080/3497 = 88.1% = % Socioeconomically Disadvantaged Students (in High Schools with 100-199 Homeless Students) Who Were Cohort Graduates

11 High Schools

754 **Homeless Students** in Graduation Cohort

629 **Homeless Students** Who Were Cohort Graduates

629/754 = 83.4% = % Homeless Students Graduation Rate (in High Schools with 100-199 Homeless Students)

Chronic Absenteeism

11 High Schools

21811 **All Students** Chronic Absenteeism Eligible Enrollment

3058 **All Students** Chronic Absenteeism Count

3058/21811 = 14% = % All Students Chronic Absenteeism Rate (in High Schools with 100-199 Homeless Students)

11 High Schools

13859 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

2439 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

2439/13859 = 17.6% = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate (in High Schools with 100-199 Homeless Students)

11 High Schools

1663 **Homeless Students** Chronic Absenteeism Eligible Enrollment

466 **Homeless Students** Chronic Absenteeism Count

466/1663 = 28% = % Homeless Students Chronic Absenteeism Rate (in High Schools with 100-199 Homeless Students)

2020-21 High Schools with 200-299 Homeless Students Enrolled

ELA Test

9 High Schools

3931 **All Students** Took ELA Test.

2330 **All Students** Met or Exceeded State Standards

2330/3931 = 59.2% = % All Students (in High Schools with 200-299 Homeless Students) Who Met or Exceeded State Standards on ELA Test

9 High Schools

2491 **Socioeconomically Disadvantaged Students** Took ELA Test

1234 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

1234/2491 = 49.5% = % Socioeconomically Disadvantaged Students (in High Schools with 200-299 Homeless Students) Who Met or Exceeded State Standards on ELA Test

9 High Schools

710 **Homeless Students** Took ELA Test.

314 **Homeless Students** Met or Exceeded State Standards

314/710 = 44.2% = % Homeless Students (in High Schools with 200-299 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

9 High Schools

3911 **All Students** Took Math Test.

1403 **All Students** Met or Exceeded State Standards

1403/3911 = 35.9% = % All Students (in High Schools with 200-299 Homeless Students) Who Met or Exceeded State Standards on Math Test

9 High Schools

2457 **Socioeconomically Disadvantaged Students** Took Math Test

628 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

628/2457 = 25.6% = % Socioeconomically Disadvantaged Students (in High Schools with 200-299 Homeless Students) Who Met or Exceeded State Standards on Math Test

9 High Schools

720 **Homeless Students** Took Math Test.

180 **Homeless Students** Met or Exceeded State Standards

180/720 = 25% = % Homeless Students (in High Schools with 200-299 Homeless Students) Who Met or Exceeded State Standards on Math Test

Graduation

9 High Schools

4526 # of **All Students** in Graduation Cohort

4340 # of **All Students** Who Were Cohort Graduates

4340/4526 = 95.6% = % All Students (in High Schools with 200-299 Homeless Students) Who Were Cohort Graduates

9 High Schools

2831 # of **Socioeconomically Disadvantaged Students** in Graduation Cohort

2700 # of **Socioeconomically Disadvantaged Students** Who Were Cohort Graduates

2700/2831 = 95.37% = % Socioeconomically Disadvantaged Students (in High Schools with 200-299 Homeless Students) Who Were Cohort Graduates

9 High Schools

722 **Homeless Students** in Graduation Cohort

681 **Homeless Students** Who Were Cohort Graduates

681/722 = 94.3% = % Homeless Students Graduation Rate (in High Schools with 200-299 Homeless Students)

Chronic Absenteeism

9 High Schools

20439 **All Students** Chronic Absenteeism Eligible Enrollment

1928 **All Students** Chronic Absenteeism Count

1928/20439 = 9.4% = % All Students Chronic Absenteeism Rate (in High Schools with 200-299 Homeless Students)

9 High Schools

14665 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

1732 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

1732/14665 = 11.8% = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate (in High Schools with 200-299 Homeless Students)

9 High Schools

2326 **Homeless Students** Chronic Absenteeism Eligible Enrollment

366 **Homeless Students** Chronic Absenteeism Count

366/2326 = 15.7% = Homeless Students Chronic Absenteeism Rate (in High Schools with 200-299 Homeless Students)

2020-21 High Schools with More Than 300 Homeless Students Enrolled

ELA Test

3 High Schools

1086 **All Students** Took ELA Test.

346 **All Students** Met or Exceeded State Standards

346/1086 = 31.9% = % All Students (in High Schools with more than 300 Homeless Students) Who Met or Exceeded State Standards on ELA Test

3 High Schools

989 **Socioeconomically Disadvantaged Students** Took ELA Test

318 Socioeconomically Disadvantaged Students Met or Exceeded State Standards

318/989 = 32.2% = % Socioeconomically Disadvantaged Students (in High Schools with more than 300 Homeless Students) Who Met or Exceeded State Standards on ELA Test

3 High Schools

320 **Homeless Students** Took ELA Test.

99 **Homeless Students** Met or Exceeded State Standards

99/320 = 30.9% = % Homeless Students (in High Schools with more than 300 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

3 High Schools

1083 **All Students** Took Math Test.

173 **All Students** Met or Exceeded State Standards

173/1083 = 16% = % All Students (in High Schools with more than 300 Homeless Students) Who Met or Exceeded State Standards on Math Test

3 High Schools

988 **Socioeconomically Disadvantaged Students** Took Math Test

158 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

158/988 = 16% = % Socioeconomically Disadvantaged Students (in High Schools with more than 300 Homeless Students) Who Met or Exceeded State Standards on Math Test

3 High Schools

322 **Homeless Students** Took Math Test.

54 **Homeless Students** Met or Exceeded State Standards

54/322 = 16.8% = % Homeless Students (in High Schools with more than 300 Homeless Students) Who Met or Exceeded State Standards on Math Test

Graduation

3 High Schools

1470 # of **All Students** in Graduation Cohort

1335 # of **All Students** Who Were Cohort Graduates

1335/1470 = 90.8% = % All Students (in High Schools with more than 300 Homeless Students) Who Were Cohort Graduates

3 High Schools

1396 # of **Socioeconomically Disadvantaged Students** in Graduation Cohort

1277 # of **Socioeconomically Disadvantaged Students** Who Were Cohort Graduates

1277/1396 = 91.5% = % Socioeconomically Disadvantaged Students (in High Schools with more than 300 Homeless Students) Who Were Cohort Graduates

3 High Schools

254 **Homeless Students** in Graduation Cohort

231 **Homeless Students** Who Were Cohort Graduates

231/254 = 90.9% = % Homeless Students (in High Schools with more than 300 Homeless Students) Who Were Cohort Graduates

Chronic Absenteeism

3 High Schools

7311 **All Students** Chronic Absenteeism Eligible Enrollment

828 **All Students** Chronic Absenteeism Count

828/7311 = 11.3% = % All Students Chronic Absenteeism Rate (in High Schools with more than 300 Homeless Students)

3 High Schools

6644 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

769 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

769/6644 = 11.6% = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate (in High Schools with more than 300 Homeless Students)

3 High Schools

1322 **Homeless Students** Chronic Absenteeism Eligible Enrollment

195 **Homeless Students** Chronic Absenteeism Count

195/1322 = 14.8% = Homeless Students Chronic Absenteeism Rate (in High Schools with more than 300 Homeless Students)

2021-22 High Schools with Fewer than 25 Homeless Students Enrolled

ELA Test

23 High Schools

8041 **All Students** Took ELA Test.

5725 **All Students** Met or Exceeded State Standards

5725/8041 = 71.2% = % All Students (in High Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

23 High Schools

2145 **Socioeconomically Disadvantaged Students** Took ELA Test

1222 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

1222/2145 = 57% = % Socioeconomically Disadvantaged Students (in High Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on ELA Test

23 High Schools

Because fewer than 15 Homeless Student took ELA Test in any of the 23 high schools, schools instructed to not report results.

Math Test

23 High Schools

7999 **All Students** Took Math Test.

4268 **All Students** Met or Exceeded State Standards

4268/7999= 53% = % All Students (in High Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on Math Test

23 High Schools

2117 **Socioeconomically Disadvantaged Students** Took Math Test

850 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

850/2117 = 40.2 = % Socioeconomically Disadvantaged Students (in High Schools with Fewer than 25 Homeless Students) Who Met or Exceeded State Standards on Math Test

23 High Schools

Because fewer than 15 Homeless Students took Math Test in any of the 23 high schools, schools instructed to not report results

Graduation

23 High Schools

7310 # of All Students in Graduation Cohort

6901 # of All Students Who Were Cohort Graduates

6901/7310 = 94.4% = % All Students (in High Schools with Fewer than 25 Homeless Students) Who Graduated

23 High Schools

2551 # of All Students in Graduation Cohort

2413 # of All Students Who Were Cohort Graduates

94.6% = % Socioeconomically Disadvantaged Students (in High Schools with Fewer than 25 Homeless Students) Who Graduated

23 High Schools

Because fewer than 15 Homeless Students were in the Graduation Cohort in any of the 23 high schools, schools instructed to not report results.

Chronic Absenteeism

23 High Schools

31,692 **All Students** Chronic Absenteeism Eligible Enrollment

4986 **All Students** Chronic Absenteeism Count

4986/31692 = 15.7% = All Students Chronic Absenteeism Rate

23 High Schools

9455 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

2400 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

2400/9455 = 25.4% = Socioeconomically Disadvantaged Students Chronic Absenteeism Rate

23 High Schools

247 **Homeless Students** Chronic Absenteeism Eligible Enrollment

99 **Homeless Students** Chronic Absenteeism Count

99/247 = 40% = Homeless Students Chronic Absenteeism Rate

2021-22 High Schools with 25-49 Homeless Students Enrolled

ELA Test

23 High Schools

9114 **All Students** Took ELA Test.

6202 **All Students** Met or Exceeded State Standards

6202/9114 = 68% = % All Students (in High Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on ELA Test

23 High Schools

4931 **Socioeconomically Disadvantaged Students** Took ELA Test

2905 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards
2905/4931 = 58.9% = % Socioeconomically Disadvantaged Students (in High Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on ELA Test

23 High Schools

Because fewer than 15 Homeless Student took ELA Test in any of the 23 high schools, schools were instructed to not report results.

Math Test

23 High Schools

9021 All Students Took Math Test.

3847 All Students Met or Exceeded State Standards

3847/9021 = 42.6% = % All Students (in High Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on Math Test

23 High Schools

4874 **Socioeconomically Disadvantaged Students** Took Math Test

1564 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

1564/4874 = 32.1 = % Socioeconomically Disadvantaged Students (in High Schools with 25-49 Homeless Students) Who Met or Exceeded State Standards on Math Test

23 High Schools

Because fewer than 15 Homeless Students took Math Test in 22 of the 23 high schools, those schools were instructed to not report results. Only one of the 23 schools reported more than 15 students taking the Math Test

Graduation

23 High Schools

9859 # of All Students in Graduation Cohort

9246 # of All Students Who Were Cohort Graduates

9246/9859 = 93.8% = % All Students (in High Schools with 25-49 Homeless Students) Who Were Cohort Graduates

23 High Schools

5917 # of **Socioeconomically Disadvantaged Students** in Graduation Cohort

5442 # of **Socioeconomically Disadvantaged Students** Who Were Cohort Graduates

5442/5917 = 92% = % Socioeconomically Disadvantaged Students (in High Schools with 25-49 Homeless Students) Who Were Cohort Graduates

23 High Schools

453 **Homeless Students** in Graduation Cohort

381 **Homeless Students** Who Were Cohort Graduates

381/453 = 84.1% = % Homeless Students (in High Schools with 25-49 Homeless Students) Who Were Cohort Graduates

Chronic Absenteeism

23 High Schools

39,643 **All Students** Chronic Absenteeism Eligible Enrollment

7826 **All Students** Chronic Absenteeism Count

7826/39643 = 19.7% = %All Students Chronic Absenteeism Rate

23 High Schools

21977 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

5275 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

5275/21977= 24% = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate

23 High Schools

821 **Homeless Students** Chronic Absenteeism Eligible Enrollment

330 **Homeless Students** Chronic Absenteeism Count

330/821 = 40.2% = Homeless Students Chronic Absenteeism Rate

2021-22 High Schools with 50-99 Homeless Students Enrolled

ELA Test

16 High Schools

5856 **All Students** Took ELA Test.

3717 **All Students** Met or Exceeded State Standards

3717/5856 = 63.5% = % All Students (in High Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

16 High Schools

2563 **Socioeconomically Disadvantaged Students** Took ELA Test

1280 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

1280/2563 = 49.9% = % Socioeconomically Disadvantaged Students (in High Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

16 High Schools

209 **Homeless Students** Took ELA Test.

76 **Homeless Students** Met or Exceeded State Standards

76/209 = 36.4% = % Homeless Students (in High Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

16 High Schools

5822 All Students Took Math Test.

2418 All Students Met or Exceeded State Standards

2418/5822 = 41.5% = % All Students (in High Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on Math Test

16 High Schools

2538 **Socioeconomically Disadvantaged Students** Took Math Test

625 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

625/2538 = 24.6 = % Socioeconomically Disadvantaged Students (in High Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on Math Test

16 High Schools

209 **Homeless Students** Took Math Test.

34 **Homeless Students** Met or Exceeded State Standards

34/209 = 16.3% = % Homeless Students (in High Schools with 50-99 Homeless Students) Who Met or Exceeded State Standards on Math Test

Graduation

16 High Schools

6459 # of All Students in Graduation Cohort

6027 # of All Students Who Were Cohort Graduates

6027/6459 = 93.3% = % All Students (in High Schools with 50-99 Homeless Students) Who Were Cohort Graduates

16 High Schools

3432 # of **Socioeconomically Disadvantaged Students** in Graduation Cohort

3148 # of **Socioeconomically Disadvantaged Students** Who Were Cohort Graduates

3148/3432 = 91.7% = % Socioeconomically Disadvantaged Students (in High Schools with 50-99 Homeless Students) Who Were Cohort Graduates

16 High Schools

527 **Homeless Students** in Graduation Cohort

442 **Homeless Students** Who Were Cohort Graduates

442/527 = 83.9% = % Homeless Students Graduation Rate (in High Schools with 50-99 Homeless Students)

Chronic Absenteeism

16 High Schools

25982 **All Students** Chronic Absenteeism Eligible Enrollment

4967 **All Students** Chronic Absenteeism Count

4967/25982 = 19.1% = % All Students Chronic Absenteeism Rate (in High Schools with 50-99 Homeless Students)

16 High Schools

12066 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

2984 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

$2984/12066 = 24.7\%$ = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate (in High Schools with 50-99 Homeless Students)

16 High Schools

1242 **Homeless Students** Chronic Absenteeism Eligible Enrollment

512 **Homeless Students** Chronic Absenteeism Count

$512/1242 = 41.2\%$ = Homeless Students Chronic Absenteeism Rate (in High Schools with 50-99 Homeless Students)

2021-22 High Schools with 100-199 Homeless Students Enrolled

ELA Test

13 High Schools

6168 **All Students** Took ELA Test.

3495 **All Students** Met or Exceeded State Standards

$3495/6168 = 56.7\%$ = % All Students (in High Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on ELA Test

13 High Schools

3535 **Socioeconomically Disadvantaged Students** Took ELA Test

1597 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

$1597/3535 = 45.2\%$ = % Socioeconomically Disadvantaged Students (in High Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on ELA Test

13 High Schools

393 **Homeless Students** Took ELA Test.

155 **Homeless Students** Met or Exceeded State Standards

$155/393 = 39.4\%$ = % Homeless Students (in High Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

13 High Schools

6115 **All Students** Took Math Test.

1817 **All Students** Met or Exceeded State Standards

$1817/6115 = 29.7\%$ = % All Students (in High Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on Math Test

13 High Schools

3547 **Socioeconomically Disadvantaged Students** Took Math Test

545 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

545/3547 = 15.4% = % Socioeconomically Disadvantaged Students (in High Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on Math Test

13 High Schools

399 **Homeless Students** Took Math Test.

59 **Homeless Students** Met or Exceeded State Standards

59/399 = 14.8% = % Homeless Students (in High Schools with 100-199 Homeless Students) Who Met or Exceeded State Standards on Math Test

Graduation

13 High Schools

5922 # of All Students in Graduation Cohort

5555 # of All Students Who Were Cohort Graduates

5555/5922 = 93.8% = % All Students (in High Schools with 100-199 Homeless Students) Who Were Cohort Graduates

13 High Schools

4102 # of **Socioeconomically Disadvantaged Students** in Graduation Cohort

3803 # of **Socioeconomically Disadvantaged Students** Who Were Cohort Graduates

3803/4102 = 92.7% = % Socioeconomically Disadvantaged Students (in High Schools with 100-199 Homeless Students) Who Were Cohort Graduates

13 High Schools

771 **Homeless Students** in Graduation Cohort

678 **Homeless Students** Who Were Cohort Graduates

678/771 = 87.9% = % Homeless Students Graduation Rate (in High Schools with 100-199 Homeless Students)

Chronic Absenteeism

13 High Schools

25595 **All Students** Chronic Absenteeism Eligible Enrollment

6066 **All Students** Chronic Absenteeism Count

6066/25595 = 23.7% = % All Students Chronic Absenteeism Rate (in High Schools with 100-199 Homeless Students)

13 High Schools

15752 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

4323 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

4323/15752 = 27.4% = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate (in High Schools with 100-199 Homeless Students)

13 High Schools

1820 **Homeless Students** Chronic Absenteeism Eligible Enrollment

664 Homeless Students Chronic Absenteeism Count

664/1820 = 36.5% = Homeless Students Chronic Absenteeism Rate (in High Schools with 100-199 Homeless Students)

2021-22 High Schools with 200-299 Homeless Students Enrolled

ELA Test

9 High Schools

4410 All Students Took ELA Test.

2722 All Students Met or Exceeded State Standards

2722/4410 = 61.7% = % All Students (in High Schools with 200-299 Homeless Students) Who Met or Exceeded State Standards on ELA Test

9 High Schools

3535 Socioeconomically Disadvantaged Students Took ELA Test

1597 Socioeconomically Disadvantaged Students Met or Exceeded State Standards

1597/3535 = 45.2 = % Socioeconomically Disadvantaged Students (in High Schools with 200-299 Homeless Students) Who Met or Exceeded State Standards on ELA Test

9 High Schools

393 Homeless Students Took ELA Test.

155 Homeless Students Met or Exceeded State Standards

155/393 = 39.4% = % Homeless Students (in High Schools with 200-299 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

9 High Schools

6115 All Students Took Math Test.

1817 All Students Met or Exceeded State Standards

1817/6115 = 29.7% = % All Students (in High Schools with 200-299 Homeless Students) Who Met or Exceeded State Standards on Math Test

9 High Schools

3547 Socioeconomically Disadvantaged Students Took Math Test

545 Socioeconomically Disadvantaged Students Met or Exceeded State Standards

545/3547 = 15.4% = % Socioeconomically Disadvantaged Students (in High Schools with 200-299 Homeless Students) Who Met or Exceeded State Standards on Math Test

9 High Schools

399 Homeless Students Took Math Test.

59 Homeless Students Met or Exceeded State Standards

59/399 = 14.8% = % Homeless Students (in High Schools with 200-299 Homeless Students) Who Met or Exceeded State Standards on Math Test

Graduation

9 High Schools

5922 # of All Students in Graduation Cohort

5555 # of All Students Who Were Cohort Graduates

5555/5922 = 93.8% = % All Students (in High Schools with 200-299 Homeless Students) Who Were Cohort Graduates

9 High Schools

4102 # of **Socioeconomically Disadvantaged Students** in Graduation Cohort

3803 # of **Socioeconomically Disadvantaged Students** Who Were Cohort Graduates

3803/4102 = 92.7% = % Socioeconomically Disadvantaged Students (in High Schools with 200-299 Homeless Students) Who Were Cohort Graduates

9 High Schools

771 **Homeless Students** in Graduation Cohort

678 **Homeless Students** Who Were Cohort Graduates

678/771 = 87.9% = % Homeless Students Graduation Rate (in High Schools with 200-299 Homeless Students)

Chronic Absenteeism

9 High Schools

25595 **All Students** Chronic Absenteeism Eligible Enrollment

6066 **All Students** Chronic Absenteeism Count

6066/25595 = 23.7% = % All Students Chronic Absenteeism Rate (in High Schools with 200-299 Homeless Students)

9 High Schools

15752 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

4323 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

4323/15752 = 27.4% = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate (in High Schools with 200-299 Homeless Students)

9 High Schools

1820 **Homeless Students** Chronic Absenteeism Eligible Enrollment

664 **Homeless Students** Chronic Absenteeism Count

664/1820 = 36.5% = Homeless Students Chronic Absenteeism Rate (in High Schools with 200-299 Homeless Students)

2021-22 High Schools with More Than 300 Homeless Students Enrolled

ELA Test

4 High Schools

2063 **All Students** Took ELA Test.

725 **All Students** Met or Exceeded State Standards

725/2063 = 35.1% = % All Students (in High Schools with more than 300 Homeless Students) Who Met or Exceeded State Standards on ELA Test

4 High Schools

1707 **Socioeconomically Disadvantaged Students** Took ELA Test

573 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

573/1707 = 33.6% = % Socioeconomically Disadvantaged Students (in High Schools with more than 300 Homeless Students) Who Met or Exceeded State Standards on ELA Test

4 High Schools

392 **Homeless Students** Took ELA Test.

130 **Homeless Students** Met or Exceeded State Standards

130/392 = 33.2% = % Homeless Students (in High Schools with more than 300 Homeless Students) Who Met or Exceeded State Standards on ELA Test

Math Test

4 High Schools

2064 **All Students** Took Math Test.

247 **All Students** Met or Exceeded State Standards

247/2064 = 12% = % All Students (in High Schools with more than 300 Homeless Students) Who Met or Exceeded State Standards on Math Test

4 High Schools

1707 **Socioeconomically Disadvantaged Students** Took Math Test

188 **Socioeconomically Disadvantaged Students** Met or Exceeded State Standards

188/1707 = 11% = % Socioeconomically Disadvantaged Students (in High Schools with more than 300 Homeless Students) Who Met or Exceeded State Standards on Math Test

4 High Schools

396 **Homeless Students** Took Math Test.

38 **Homeless Students** Met or Exceeded State Standards

38/396 = 9.6% = % Homeless Students (in High Schools with more than 300 Homeless Students) Who Met or Exceeded State Standards on Math Test

Graduation

4 High Schools

1985 # of All Students in Graduation Cohort

1846 # of All Students Who Were Cohort Graduates

1846/1985 = 93% = % All Students (in High Schools with more than 300 Homeless Students) Who Were Cohort Graduates

4 High Schools

1856 # of **Socioeconomically Disadvantaged Students** in Graduation Cohort

1732 # of **Socioeconomically Disadvantaged Students** Who Were Cohort Graduates

1732/1856 – 93.3% = % Socioeconomically Disadvantaged Students (in High Schools with more than 300 Homeless Students) Who Were Cohort Graduates

4 High Schools

392 **Homeless Students** in Graduation Cohort

361 **Homeless Students** Who Were Cohort Graduates

361/392 = 92.1% = % Homeless Students (in High Schools with more than 300 Homeless Students) Who Were Cohort Graduates

Chronic Absenteeism

4 High Schools

9167 **All Students** Chronic Absenteeism Eligible Enrollment

2898 **All Students** Chronic Absenteeism Count

2898/9167 = 31.6% = % All Students Chronic Absenteeism Rate (in High Schools with more than 300 Homeless Students)

4 High Schools

7757 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Eligible Enrollment

2528 **Socioeconomically Disadvantaged Students** Chronic Absenteeism Count

2528/7757 = 32.6% = % Socioeconomically Disadvantaged Students Chronic Absenteeism Rate (in High Schools with more than 300 Homeless Students)

4 High Schools

1583 **Homeless Students** Chronic Absenteeism Eligible Enrollment

581 **Homeless Students** Chronic Absenteeism Count

581/1583 = 36.7% = Homeless Students Chronic Absenteeism Rate (in High Schools with more than 300 Homeless Students)

TABLES

SARC Performance Outcomes Comparison Tables – 2020-21

Elementary Schools Chronic Absenteeism Rates			
# of Homeless Students Enrolled	All Students	Socioeconomically Disadvantaged Students	Homeless Students
< 25	8.6%	13.5%	26.6%
25 - 49	12.8%	14.6%	30.3%
50 - 99	12.7%	15.1%	24.3%
100 - 199	13.1%	14.3%	17.5%
> 200	14.3%	15.2%	14.6%

Elementary Schools % Students Who Met or Exceeded State Standards						
# of Homeless Students Enrolled	All Students		Socioeconomically Disadvantaged Students		Homeless Students	
	ELA	MATH	ELA	MATH	ELA	MATH
< 25	59.9%	53.0%	43.7%	36.4%	35.4%	27.2%
25 - 49	42.5%	37.4%	34.2%	28.8%	26.3%	22.1%
50 - 99	39.2%	33.7%	32.6%	27.5%	28.9%	23.4%
100 - 199	32.2%	26.9%	32.2%	25.2%	26.9%	21.9%
> 200	42.2%	36.3%	37.1%	31.4%	30.6%	27.8%

Middle Schools Chronic Absenteeism Rates			
# of Homeless Students Enrolled	All Students	Socioeconomically Disadvantaged Students	Homeless Students
< 25	7.9%	8.2%	17.3%
25-99	6.8%	7.8%	13.8%

>100	7.6%	8.3%	9.2%
------	------	------	------

Middle Schools						
% Students Who Met or Exceeded State Standards						
# of Homeless Students Enrolled	All Students		Socioeconomically Disadvantaged Students		Homeless Students	
	ELA	MATH	ELA	MATH	ELA	MATH
< 25	64.5%	54.5%	52.7%	38.6%	43.6%	27.0%
25 - 99	53.5%	44.0%	45.1%	33.8%	36.4%	22.8%
> 100	33.5%	21.2%	31.9%	19.1%	28.6%	17.6%

High Schools - Chronic Absenteeism Rates			
	All Students	Socioeconomically Disadvantaged Students	Homeless Students
< 25	6.8%	14.9%	44.2%
25 - 49	6.4%	9.4%	25.6%
50 - 99	9.9%	12.5%	28.4%
100 - 199	14.0%	17.6%	28.0%
200 - 299	9.4%	11.8%	15.7%
> 300	11.3%	11.6%	14.8%

High Schools						
% Students Who Met or Exceeded State Standards						
# of Homeless Students Enrolled	All Students		Socioeconomically Disadvantaged Students		Homeless Students	
	ELA	MATH	ELA	MATH	ELA	MATH
< 25	78.9%	72.2%	58.1%	49.3%	25.0%	12.5%
25 - 49	72.5%	53.9%	63.4%	40.1%	42.1%	26.8%
50 - 99	64.2%	43.8%	46.9%	25.8%	34.3%	16.7%
100 - 199	64.4%	36.1%	49.0%	23.6%	41.0%	20.8%
200 - 299	59.2%	35.9%	49.5%	25.6%	44.2%	25.0%
> 300	31.9%	16.0%	32.2%	16.0%	30.9%	16.8%

High Schools Graduation Rates			
# of Homeless Students Enrolled	All Students	Socioeconomically Disadvantaged Students	Homeless Students
< 25	94.0%	91.5%	89.3%
25 - 49	93.7%	91.4%	82.3%
50 - 99	91.5%	87.9%	82.4%
100 - 199	90.7%	88.1%	83.4%
200 - 299	95.6%	95.4%	94.3%
> 300	90.8%	91.5%	90.9%

High Schools Graduation Rates		
All Students	Socioeconomically Disadvantaged Students	Homeless Students
93.9%	90.7%	86.8%

Combined Elementary, Middle, and High Schools Chronic Absenteeism Rates			
	All Students	Socioeconomically Disadvantaged Students	Homeless Students
Elementary School	10.7%	14.3%	22.4%
Middle School	7.4%	8.0%	11.8%
High School	8.8%	12.9%	22.4%

Combined Elementary, Middle, and High Schools Chronic Absenteeism Rates		
All Students	Socioeconomically Disadvantaged Students	Homeless Students
9.4%	12.7%	20.5%

% Combined Elementary, Middle, and High Schools Students Who Met or Exceeded State Standards					
All Students		Socioeconomically Disadvantaged Students		Homeless Students	
ELA	MATH	ELA	MATH	ELA	MATH
55.7%	46.3%	42.6%	32.5%	31.7%	22.3%

% Combined Elementary, Middle, and High Schools Students Who Met or Exceeded State Standards						
	All Students		Socioeconomically Disadvantaged Students		Homeless Students	
	ELA	MATH	ELA	MATH	ELA	MATH
Elementary School	51.7%	45.2%	39.9%	33.5%	28.9%	24.2%
Middle School	53.7%	43.2%	42.9%	30.3%	31.7%	19.8%
High School	72.5%	53.4%	52.6%	32.4%	39.2%	21.1%



Gimme Shelter and a Pound of Advice

The State of Animal Welfare Overseen by the County of Orange



COUNTY OF ORANGE

Grand Jury 2022-2023

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SUMMARY

Orange County Animal Care has been a source of public concern since the 1990s, with no less than five previous Orange County Grand Jury reports detailing troubling conditions. The previous reports cited excessive euthanasia rates, poor leadership, inadequate numbers of animal care attendants, a lack of cooperation between staff departments, the exclusion of kennel staff from euthanasia decisions, the lack of proper assessment of animals chosen for euthanasia, and low morale negatively impacting operation of the shelter.

Recent public outcry citing conditions at the shelter, recent litigation, and publicly circulated petitions calling for changes at the shelter suggest the previously expressed concerns remain. In addition to these publicly voiced concerns, the current Orange County Grand Jury received direct complaints requesting an inquiry. The Grand Jury determined a renewed investigation was warranted. The investigation focused on three major areas of concern: the management of the shelter, the welfare of animals under shelter care, and the communication and engagement with the public and the animal rescue community.

A particular concern of the Grand Jury was the shelter's termination of its Trap, Neuter, and Return (TNR) program for community cats. In early 2020, the shelter decided to stop its TNR program. The Grand Jury's investigation determined that termination of the TNR program had detrimental consequences for the welfare of the animals under the shelter's care.

The elimination of the TNR program also has contributed to substantial public dissatisfaction and alienation that undermines the public's and the rescue community's relations with shelter leadership.

During the Grand Jury's investigation, it was reported by the shelter's senior management that the termination of the TNR program resulted from an opinion rendered by the County's legal counsel. Understanding the reason leading to the decision to terminate the TNR program would be important for considering whether the program can and/or should be reinstated. Toward that end, the Grand Jury endeavored to obtain a copy of the opinion of the County's legal counsel by directing a written request to the Chair of the Orange County Board of Supervisors. While the Grand Jury recognizes that the opinion may enjoy confidentiality pursuant to the attorney-client privilege, the Board of Supervisors has the discretion to waive that privilege. The Grand Jury's request included its commitment to maintain the confidentiality of the opinion itself and its contents. Nevertheless, the request was declined, as was the Grand Jury's alternative request that the County simply identify the legal authority reviewed in studying the issue.

Members of shelter management indicated their understanding the TNR program was terminated due to the opinion that the program violates a state law. The law makes it a crime to willfully abandon an animal notwithstanding that the program was designed to

return cats to their original location rather than releasing them to randomly selected sites. TNR programs are widespread throughout California, not to mention the nation as set forth in a report from the American Bar Association. The Grand Jury is unaware of any published court case determining that a bona fide TNR program is prohibited under the anti-abandonment statute. Given the important benefits to animals and the public provided by such programs, the Grand Jury believes it would be prudent for the County to revisit the propriety of the former program and consider obtaining a second legal opinion.

This report highlights analysis of data provided to the Grand Jury by the shelter indicating that euthanasia rates related to dog behavior and to cats have increased significantly within the last two years. The increase in dog behavioral euthanasia rates suggests that there is inconsistency over time as to how dogs are being assessed and evaluated for behavior-related euthanasia. The increase in feline euthanasia rates appears to be correlated with elimination of the TNR program.

This report also addresses the challenges in maintaining quality staff at the shelter, especially in the Animal Care Attendant positions. Hiring practices for the shelter are too cumbersome, lengthy and lack consideration of how those practices impact animal welfare. Animal Care Attendant staffing at the shelter is inadequate and Animal Care Attendant staffing vacancies need to be filled more quickly.

This report discusses major deficiencies with each of the issues identified above and makes specific recommendations to help support a more engaged community. Status quo at the shelter is unacceptable. Appropriate remedial steps must be taken as animal welfare is paramount!

Finally, this report comments on the difficulties the Grand Jury encountered during its investigation. Without explanation, the entirety of the Orange County County Counsel's office determined itself to be conflicted with the Grand Jury's inquiry into Orange County Animal Care. The investigation was hampered and slowed during the six weeks the Grand Jury was required to arrange for outside legal counsel.

BACKGROUND

Orange County Animal Care (OCAC) began operations in 1941 and was responsible for rabies and tending to lost livestock. In 1950, the population of Orange County was roughly 216,000. By January 2022, the estimated population was 3.1 million people.

OCAC provides a myriad of services over a wide territory and variety of client needs and expectations. OCAC serves the unincorporated areas of Orange County and contracts its services to 14 client cities: Anaheim, Brea, Cypress, Fountain Valley, Fullerton, Huntington Beach, Lake Forest, Orange, Placentia, San Juan Capistrano, Santa Ana, Tustin, Villa Park, and Yorba Linda. The remaining cities in Orange County either have their own shelter or contract with other cities or non-profit groups to provide animal care and control services. The unincorporated areas of the county and the 14

contract cities have a combined population of approximately 1.8 million residents, greater than half of the total population of Orange County.

In March 2018, a new shelter was opened on a 10-acre site at a cost of \$35 million. The shelter includes a two-story, approximately 30,000 square-foot main building, six stand-alone kennel buildings, multiple dog play yards, a barnyard, and a rabbit housing area. OCAC can shelter up to 600 animals and is the single largest municipal animal facility in the western United States serving residents in one location.

OCAC has 137 authorized staff positions. Approximately 21 staff are animal care attendants who are represented by the Teamsters Union. All other staff are represented by the Orange County Employees Association. Labor relations and contract terms must be taken into consideration while operating the shelter.

OCAC, like most municipal shelters, relies upon a variety of rescue support groups and citizen volunteers to enhance animal welfare and outcomes. The relationship between shelter management, rescue groups, and volunteers has deteriorated in the last three years. The historical partnership between the shelter and rescue groups has become stressed due to a variety of reasons. The breakdown in communication, engagement, and trust between parties has negatively affected shelter operations.

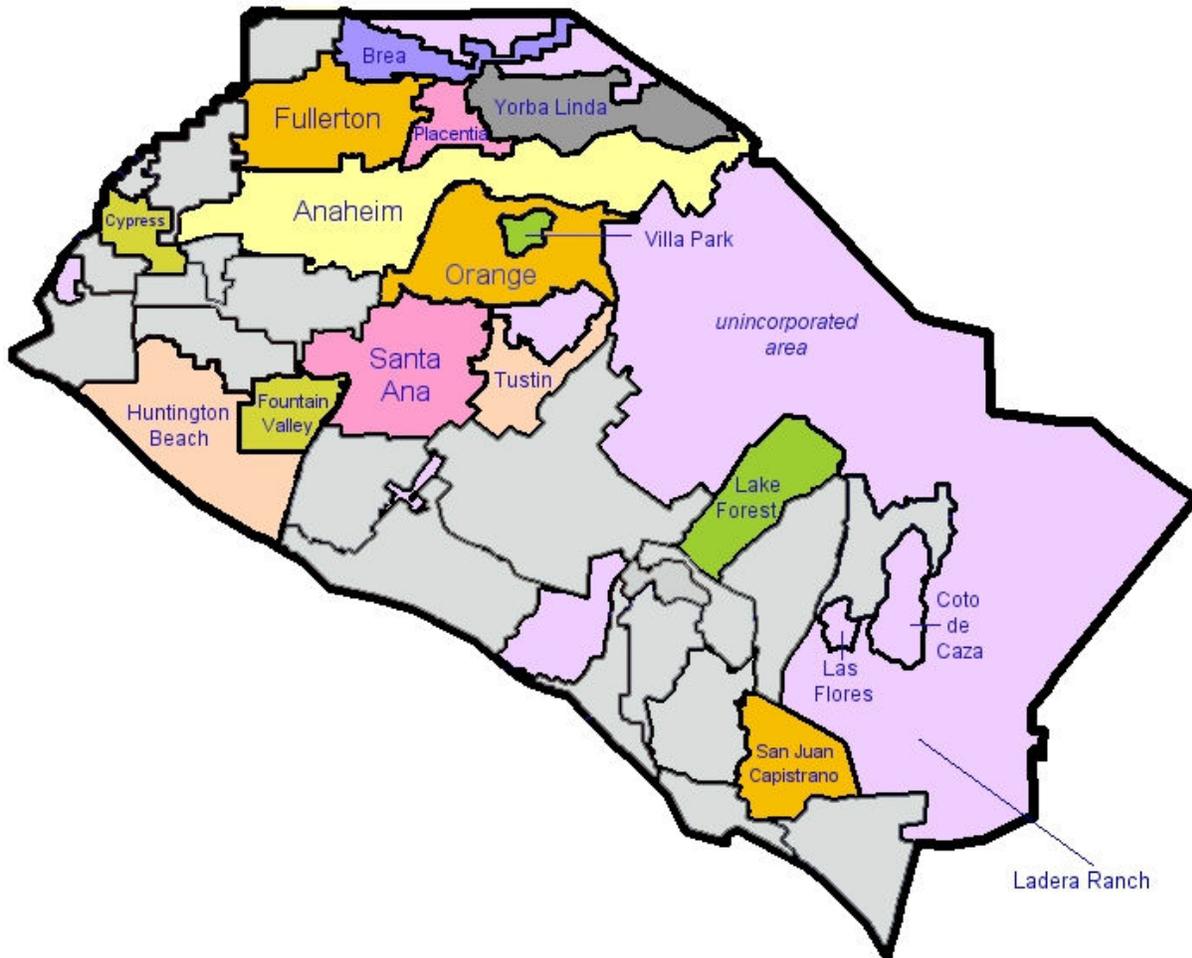
Most large municipal shelters are “kill” shelters, which are shelters where animals may be euthanized for any of a variety of reasons. Privately operated shelters and smaller municipal shelters tend to be non-kill shelters. Non-kill shelters may euthanize some animals in special cases, but generally do not euthanize animals. Large municipal shelters, owing to their size, capacity, public responsibility, operational mandates, and their positioning as “shelters of last resort,” euthanize animals as a matter of course. Animals are euthanized for a variety of reasons, such as:

- they suffer from irredeemable disease or injury,
- they are of a species that represent a danger to the community, or
- they are behaviorally unfit for adoption.

Many shelters have Trap, Neuter and Return (TNR) programs. In accordance with these programs, feral and community cats are captured from their outdoor environment, taken to a shelter or veterinarian where they are neutered, and then returned to the location from where they were trapped. TNR programs serve to reduce colonies of feral and community cats in a humane manner and serve to manage and reduce this cat population. OCAC had a TNR program beginning in 2013 until early 2020 when it was discontinued.

Figure 1 - Map of Orange County

Cities Contracted with Orange County Animal Care



The map above shows the cities and unincorporated areas currently contracted with OCAC. All city contracts are not alike in that OCAC may provide partial services for some cities and full services for others.

REASON FOR STUDY

In 2022, the Grand Jury received 14 complaints about the Orange County Animal Care (OCAC) shelter. Many of those complaints were the same complaints addressed in five previous Grand Jury reports, including:

- the shelter's unresponsiveness to community needs,
- restricted public access to the shelter's kennels,
- restricted opportunities to walk through the kennels and engage with adoptable animals, and
- concerns related to inadequate staffing and volunteer levels.

Complainants also expressed concerns about animal surrenders, a perceived increase in homeless cats with less spay/neuter availability, and the shelter's increased euthanasia rates.

About the same time the Grand Jury was receiving public complaints about the shelter, a petition with thousands of signatures was delivered to the Orange County Board of Supervisors. The petition addressed the same concerns as the complaints received by the Grand Jury and demanded change in the shelter's appointment-only system and reinstatement of the shelter's TNR program.

The Grand Jury also learned about a lawsuit filed by Elizabeth Hueg, Safe Rescue Team (a California 501(c)(3) nonprofit corporation), and Cats In Need Of Human Care (another California 501(c)(3) nonprofit corporation) seeking an injunction from the Orange County Superior Court for the assignment of a shelter monitor to oversee shelter operations.

The 2022-2023 Grand Jury revisited OCAC because public discussion pointed to new and allegedly ongoing and unresolved concerns about shelter operations. The Grand Jury focused on current practices at OCAC to determine how well the needs of the animals, staff, and public are being met.

METHOD OF STUDY

The Orange County Grand Jury's objective is to provide an accurate portrayal of OCAC's current operations, culture, inner workings, and challenges. The Grand Jury investigation relied on interviews, public and shelter documents, surveys, site visits, and news accounts about the shelter. The information supporting the facts, findings, and recommendations in this report is corroborated, validated, and verified through multiple sources.

Interviews

The interviews conducted by the Grand Jury focused on an in-depth review of OCAC management, staffing, operating structure, animal care procedures, communications, animal care statistics, operating plan, organization structure, morale, the volunteer

program, relationship with rescue organizations, and complaints. Interviews included the following:

- Management and staff from OCAC.
- Current and former volunteers from OCAC.
- Management from the OC Community Resources (OCCR) office.
- Management from the Orange County Centralized Human Resources and OCCR Human Resources offices.
- Community complainants from Orange County Grand Jury Public Concern Letters.
- Retained outside legal counsel.
- Leaders of Orange County city-managed shelters.
- Animal advocates.

Surveys

The Grand Jury solicited feedback from the shelter's clients by surveying the 14 cities contracted with OCAC to provide animal care and control services. Questions in the survey were crafted to determine city satisfaction with the services provided and cost effectiveness, and to solicit any concerns city leaders, managers, and residents may have with OCAC. (Appendix 3)

A second survey was directed to the five independent city-managed animal shelters in Orange County, soliciting information about their shelter operations, staffing, animal population, adoption procedures, and other challenges. (Appendix 4)

Site Visits

The Grand Jury conducted tours and site visits to the OCAC shelter:

- One visit was a guided tour of the facility, during which the Grand Jury was provided behind-the-scenes access to observe conditions and observe shelter staff as they went about their daily routines.
- A second visit was an anonymous visit by two members of the Grand Jury. The two members visited the shelter to experience, firsthand, guest services and the appointment process for adopting an animal.
- A third visit was an unscheduled visit to observe kennel cleaning and to gather additional documents and records.

The Grand Jury also toured the City of Irvine Animal Shelter and the Mission Viejo Animal Services Center.

Key Documents

- Documents and information provided by OCAC:
 - Policy and Procedure Manual governing the Orange County Animal Shelter
 - Volunteer Program Manual

- Total number of volunteers who have served by year since 2018
- Organization Charts
- Job Descriptions of all authorized and contracted positions
- Statistics on animals under OCAC care, including adoptions
- The OCAC Monthly and Quarterly National Shelter Statistics Project Data Matrix (2018-2022)
- OCAC euthanasia records
- OCAC Asilomar Reports
- OCGJ cat and dog euthanasia statistical analysis derived from OCAC euthanasia records and OCAC Asilomar Reports
- City Run Shelters and Contracted City survey responses and summaries
- Reports from city-managed shelters
- OCGJ Public Concern Letters
- Legal briefs filed in the lawsuit against OCAC (Orange County Superior Court Case No. 30-2022-01282419-CU-WM-CJC)
- Reports from five former OC Grand Juries: 1999-2000, 2003-2004, 2007-2008, and 2014-2015 (2 reports in 2014-2015)
- OCAC Performance Audit responses (February 4, 2016)
- American Bar Association legal opinion 102B, Tort Trial and Insurance Practice Section report to House of Delegates - Resolution No. 29N, pages 1 and 2
- California Penal Code Section 597s
- OCAC Strategic Plan Executive Summary (January 22, 2018) - Strategic Priority, pages 1 to 4
- Association of Shelter Veterinarians Guidelines for Standards of Care in Animal Shelters

Documents Requested but Not Provided

- Daily census of all animals plus breakdown of number of cats and dogs from 2018 through 2022 (not provided by OCAC since it reportedly is not tracked).
- Complaints and Grievance log.
- The Grand Jury attempted, without success, to obtain a copy of OC County Counsel's opinion concerning the terminated TNR program. The Grand Jury's request to the Chair of the Orange County Board of Supervisors for a copy of the opinion was denied, as was an alternative request that the County simply identify the legal authority reviewed in studying the issue.

INVESTIGATION AND ANALYSIS

Services and Facilities

The Orange County Animal Care (OCAC) shelter is the largest municipal shelter in the western United States serving residents in one location. The nature, size, and scope of the shelter adds complexity and unique challenges to its operation. The shelter employs 137 staff engaged in a variety of functions including animal sheltering and care, animal control, reuniting lost pets with their owners, veterinary services, licensing, adoption, marketing, public relations, and administration. Supporting the varied needs of over 1.8

million residents requires a substantial investment in facilities, infrastructure, personnel, organization, customer service, and public outreach.

OCAC provides temporary shelter and medical care for “lost” owned or stray animals and opportunities for adoption of these animals. OCAC houses and provides medical care for impounded dogs, cats, and exotic animals. OCAC also provides animal control services that include removing dangerous non-domesticated animals where they pose a hazard to humans or other animals.

OCAC is not a No-Kill shelter. OCAC euthanizes animals for several different and sometimes compelling reasons, including animals injured beyond redemptive medical care, behavior, species and breed, and age.

The size and complexity of the shelter leads to numerous managerial and operational challenges. The shelter has space capacity to care for up to 600 animals; however, at times, the number of animals at the shelter exceeds shelter capacity. When capacity is exceeded, temporary capacity is created by moving cat cages into administrative areas such as the facility’s training and conference room. On the day the Grand Jury toured the shelter, there were 450 animals. The Grand Jury was unable to obtain a full accounting of the average number of animals per day at the facility since OCAC only began keeping daily animal census records in December 2022. However, the Grand Jury was able to estimate average daily cat and dog count from the shelter’s Asilomar reports.

Average daily cat and dog count based on quarterly Asilomar data for the years 2021 and 2022 was between 350 and 400 cats and dogs. Actual daily counts will vary from the average and counts vary with the seasons.

The Grand Jury surveyed the cities being served by OCAC. Most cities expressed satisfaction with the services provided by the shelter. During interviews with the Grand Jury, shelter management voiced the challenge of expanding and enhancing services versus the willingness of contract cities to pay for additional services. Shelter management expressed the need to balance services with the cost consciousness of their contract cities and the county budget, while also providing a level of service expected by the public. Shelter management expressed awareness that contract cities have alternative service options if the prices charged by OCAC for its service are beyond city expectations or budget.

From 1995 through 2016, the California Department of Public Health (CDPH) collected and published data from California’s animal shelters. Currently, CDPH does not keep or compile comprehensive data on animal shelters operating within the State. Out of concern for crowding and high euthanasia rates, animal welfare groups within the State have pressed for legislative action in Sacramento. In January of 2023, Assembly Bill 332, called the “Shelter Animal Collection Data Act,” was introduced by Assemblyman Alex Lee (D-San José) and coauthored by Assemblywoman Marie Waldron (R-Valley Center). Assembly Bill 332, if adopted, would require shelter data collection and reporting that piggybacks onto current rabies reporting mandates. The bill would further require CDPH to collect and publish animal shelter intake and outcome data, including adoption, redemption, euthanasia, and other categories.

Volunteer and Rescue Relations

Most animal shelters rely on a host of shelter volunteers to help with the care and enrichment of the animals under supervision, and they also rely on private rescue organizations (rescues) to help with the adoption process and fostering. OCAC is no exception.

Shelter volunteers help by assisting shelter staff with animal care, socialization, and enrichment; community outreach and events; conducting tours; greeting shelter visitors; and assisting with shelter adoptions. Volunteers are often the ones who walk the dogs, work with their socialization, and foster kittens without mothers. The volunteer program is vital.

Rescue organizations help by accepting animals from the shelter and facilitating adoptions or placing animals in foster care for eventual adoption. Rescues help relieve the shelter of overcrowding. These organizations benefit animals by facilitating adoptions or placing them in foster homes with enriched social environments greater than the shelter can reasonably provide.

The coordinated efforts of shelter staff, volunteers, and rescue organizations are vital to OCAC's success and the welfare of animals under its care. OCAC has been challenged by both inadequate staffing and strained collaboration between the shelter, volunteers, and rescues. Some challenges are the result of the recent COVID-19 crisis, when the volunteer program was shut down in response to County health mandates. Other challenges are due to some rescue organizations' responses to changes in shelter organization, operation, and procedures within the last 2 to 3 years. Moreover, some organizations report recent funding challenges that limit their ability to fully assist the shelter with its animal welfare mandate. Funding has been especially challenging for rescues since COVID-19.

The shelter's volunteer program was not restarted until late 2022, although state COVID-19 restrictions were lifted June 15, 2021. Unfortunately, restarting the program required more than calling all volunteers back from COVID-19 isolation. Some former volunteers have not returned because they have moved on with their lives. Some volunteers have not returned because of their dissatisfaction with recent changes in organization, operation, and procedures at the shelter. However, some volunteers have returned, and more are being recruited to form the foundation for a re-energized volunteer program.

Relationships between the shelter and some rescues remain strained. Leadership changes within the past three years, changes in circumstances at the shelter, and the shelter's response to COVID-19 resulted in changes to shelter priorities and practices to which some rescues object. Some changes were precipitated by differences in priorities and concerns that came with the change in shelter leadership, some changes were in response to COVID-19 restrictions and concerns, and one change came as the result of the shelter's response to a threat of litigation by a lone animal activist from outside Orange County challenging the shelter's TNR program.

Strained relations between OCAC and rescue organizations are detrimental to the operations of the shelter and ultimately to the welfare of animals under the shelter's care.

To operate at its highest potential, OCAC needs to have a good working relationship with the rescues. Rescues want to have a good working relationship with OCAC. During Grand Jury interviews, both management at OCAC and representatives of rescues indicated a desire to work to resolve their differences, and both expressed the welfare of the animals as being their highest priority.

OCAC will benefit if it has a robust outreach program to continually recruit volunteers and will benefit by engaging with the rescue community to mend the fractured relationship that has developed between them.

Human Resources

The OCAC shelter is a 24/7 facility that requires adequate staffing during all hours to meet the highest standards of animal welfare.

Continuity of leadership at the OCAC shelter has been a challenge over the past four years with turnover in management and supervisorial staff level positions. Over the past four years, two executive directors have been hired with interim leadership having to be provided on two separate occasions. The Chief Veterinary position went unfilled for months until the current Chief Veterinarian was brought onboard in May 2022. Between September 2021 and May 2022, the shelter did not have a chief or a staff veterinarian and services were provided by one contract veterinarian.

OCAC is under the direction of OC Community Resources (OCCR). However, day-to-day human resource and recruitment support for the shelter is performed by OC Human Resource Services (OCHRS). OCHRS provides separate, targeted human resource support for OCAC's recruitment, labor relations, and employee relations needs.

Personnel turnover in critical job categories, such as kennel attendants, can add huge pressure to the remaining staff. Vacancies in critical positions strain shelter operations and impact animal welfare. There are currently 21 allocated Animal Care Attendant positions out of the 136 shelter staff positions. The 21 animal care attendants are assigned to fill the shelter's attendant needs over the 7-day shelter week. There is reason for concern and urgency when even one Animal Care Attendant position goes unfilled.

County policies and practices exacerbate high turnover and make filling vacant positions difficult. Current county practice allows an employee to promote out of their shelter position, or any position, at any time, even while they are still within their probationary period. The ease and fluidity of transitioning adds to the shelter's understaffing and staffing volatility.

Staff vacancies, which have been as high as 23%, negatively impact shelter operations and have taken as long as six months or longer to fill. Delays in filling staff positions disrupt shelter operations. Delays have resulted in qualified candidates declining job offers because they have accepted other positions. Animal Care Attendant and Veterinarian positions are particularly critical and vital to the welfare of the shelter's animals. While OCCR has taken some steps to correct hiring delays, there needs to be an increased sense of urgency when posting and filling critical vacant positions.

As a unionized organization, limitations exist which impact the assignment of human resources within the shelter's organization and daily operations. Staff are siloed into operational categories and job functions, which limits managerial flexibility in their ability to respond to special operational needs. An inflexibility in management's ability to respond to vacancies in Animal Care Attendant staffing is one such example. Staffing limitations and operational inflexibility has resulted in instances of inefficient allocation of shelter human resources. Moreover, labor rules limit shelter volunteers from performing certain duties that *must* be performed by shelter employees. Volunteers are drawn to the shelter out of a desire to work and care for the animals. Restricting volunteers from lending a hand when they see the need is disheartening to the volunteers.

Animal Care Attendants

Animal care attendants at OCAC provide the direct, daily care of the animals. They attend to several areas of responsibilities:

- Intaking animals brought to the shelter by the public or impounded by animal control or the cities, entering information about the animal into the shelter's data base, and taking pictures of the animals.
- Feeding and watering of all the shelter's animals – domestic, exotic, and wild.
- Cleaning and disinfecting kennels, cages, corrals, and equipment and maintaining the general cleanliness of the shelter's kennel facilities.
- Monitoring, documenting, and reporting on the health and well-being of sick, exotic, and quarantined animals; reporting any abnormalities or changes in condition to veterinary staff.
- Assisting with animal adoptions, including providing counseling on breed characteristics, matching and introducing the appropriate animal to the potential adopter, and instructing adopters in basic animal care.
- Grooming the animals for the health and comfort of the animals.
- Responding to public inquiries about legal retention, adoption procedures, basic animal care, and behavior.

Animal Care Attendants may be assigned into any one of three areas of responsibility: Intake, Cat Team, or Dog Team. Usually, Intake has two Animal Care Attendants assigned to it; they may receive 30 to 60 animals per day. The Cat Team is responsible for the kennel areas housing cats, kittens, rabbits, guinea pigs and other animals. Their duties include cleaning and feeding, enrichment, adoption and the other activities discussed above. The Dog Team is responsible for the kennel areas housing dogs. Their duties include cleaning and feeding, enrichment, adoption and the other activities noted above.

In 2016, OCAC brought in professional consultants to provide recommendations for a 2018 Strategic Plan. One of the consultant's recommendations was for the shelter to increase staffing allocation to 26 Animal Care Attendant positions. OCAC did not implement that recommendation. Additionally, the consultant recommended the shelter follow the Association of Shelter Veterinarians (ASV) Guidelines for Standards of Care in Animal Shelters. Those practices include National Animal Control Association (NACA)

guidelines and the Humane Society of the United States (HSUS) guidelines (which is the current standard).

The allocation of Animal Care Attendants at OCAC is insufficient for the shelter to meet industry standards for level of care. NACA and HSUS recommend a minimum of 15 minutes of care per day per animal for feeding and cleaning each animal housed in the shelter; 9 minutes for cleaning and 6 minutes for feeding and watering.

There are currently 21 Animal Care Attendant positions allocated at the shelter. Three positions were vacant as of May 1, 2023. A normal Animal Care Attendant daily shift at the shelter is 10 hours, of which the attendants are expected to spend half their time cleaning, feeding, and watering the animals and half their time attending to other responsibilities, including those responsibilities noted above. Half the Animal Care Attendants work from Wednesday through Saturday and the others work Sunday through Wednesday. Animal Care Attendants spend about 4½ hours cleaning and feeding the animals each day.

The Grand Jury evaluated the Animal Care Attendant's workload during the four-month period between December 4, 2022 and April 10, 2023. Individual Animal Care Attendants cared for 48 animals per shift on average and in some cases up to 90 animals per shift. Conservatively, Animal Care Attendants at the shelter spend less than 6 minutes on average per animal attending to cleaning and feeding, which is much less than the 15 minutes recommended by the NACA and HSUS guidelines.

Of note, the four-month period reviewed by the Grand Jury is not the shelter's busy season. During kitten season, the cats and kittens alone can number up to 500 to 600 cats and kittens per day. The Grand Jury could not evaluate daily census records prior to December 4, 2022 because OCAC did not keep daily animal census records prior to that date.

There are still other needs the animals have, such as time for animal enrichment which is required daily. The other half of the Animal Attendant's shift is devoted to picking up animals from intake, showing animals for potential adoptions, walking dogs, stocking supplies, washing dishes or other non-direct animal care tasks.

ASV Guidelines stress enrichment should be given the same significance as feeding, watering, and veterinary care. Successful enrichment programs prevent the development and display of abnormal behavior and provide for the well-being of the animal. Regular positive daily social interaction with humans is essential for both dogs and cats. Animals need daily walking, playing, grooming, petting, etc. OCAC's 2018 Strategic Plan called for all sheltered dogs and cats to receive appropriate daily enrichment tailored to their needs. The Grand Jury found that other shelters in Orange County walk their dogs several times per day and provide numerous opportunities for enrichment. At the OCAC shelter, dogs are not always walked daily. Instead, animal care attendants only walk dogs every other day, as time permits.

The Grand Jury recognizes that resources are limited, but the shelter must prioritize the welfare of the animals over other shelter operation considerations. This puts pressure on management to operate the shelter efficiently. Other animal care facilities report 50% of

their staff provide direct care to their animals. At OCAC, only 15% of staff provide direct care. The Grand Jury recommends a review of the current allocation of positions within OCAC. OCAC has 137 budgeted staff positions of which only 21 positions provide direct care to the animals. Assigning adequate resources to the direct care of the animals must be a priority as the health and welfare of the animals is the shelter's primary charge. The current allocation of Animal Care Attendant positions is insufficient.

Communication

The shelter's organizational challenges are numerous; many challenges are systemic, but some are self-inflicted. With many constituents, such as shelter staff, volunteers, rescue organizations, and the public at large, robust communication programs are essential to addressing the concerns and needs of both internal and external audiences.

Collaboration and communication within the shelter are lacking. Departments within the shelter are siloed. Staff within departments focus solely on their duties and responsibilities and are not encouraged to think of their efforts as being part of a "Big Picture." Morale is reported to be low. Workplace rules and position classifications tend to discourage a collaborative mindset.

In March 2015, the Orange County Office of the Performance Director issued a report on the OCAC. The OC Auditor noted that, among other things, the shelter was not holding regular "all-hands" staff meetings. The Auditor recommended that the shelter hold meetings at least every quarter. The 2014/2015 Orange County Grand Jury report of the OCAC made the same recommendation. The response from OCAC to this Grand Jury report was that all-hands meetings *were* implemented. However, all-hands meetings currently do not occur at any regularly scheduled interval. Although shelter staff have a general sense of shelter operations and functions, the shelter is a siloed work environment. Without regularly scheduled all-hands meetings, staff have little opportunity to hear and be heard by shelter leadership and for management to communicate a consistent message.

Shelter volunteers are limited to a program that effectively segregates them from shelter staff and management. Volunteers have little to no voice or effective input into the shelter's decision hierarchy.

Policies and Procedures

The Grand Jury found that the shelter's Policies and Procedures manual does not undergo regular internal review. There are policies and procedures in the manual that do not reflect current shelter practices. Additionally, there are important shelter practices and functions that are not addressed or are inadequately documented within the manual. There are some policies and procedures in the manual addressing programs that are no longer relevant or where the manual describes practices that are outdated. It is evident some policies and procedures in the manual have from time to time been inserted or revised, but those cases appear to be done on an ad-hoc basis and are not methodical.

Individual policies and procedures documented in the manual are annotated with the date they became effective and, when applicable, revised. However, there is nothing to

indicate when or if a policy or procedure has been contemporarily reviewed and determined to be relevant, accurate, and applicable. Some policies and procedures in the manual were written as long ago as the late 1970s with revisions in the mid-2000s. There is no indication that any particular policy or procedure has been reviewed as current and appropriate, or by whom, or when.

Operating a shelter without up-to-date, reliable policies, procedures, and guidelines make formal training difficult, if not impossible, and results in inconsistent operating protocols and practices. More importantly, when new staff are hired, training becomes “on the job training” and subject to inconsistency. With the high level of turnover at the shelter, it is all the more important to ensure policies and procedures are up to date.

COVID-19

The impacts of COVID-19 on shelter operations should not go unacknowledged. Shelter operations were severely strained as state and county COVID-19 restrictions were put into place. The shelter was effectively closed to the public. Emergency protocols and practices were put into place to ensure the safety of the public and OCAC staff.

Leadership had to manage a 24-hour shelter, with many members of the staff required to work on site. Work shifts and resources had to be juggled to ensure staffing was sufficient and personnel were kept safe. Within the limits of the shelter’s staffing allocation, management created a Team A/Team B system that isolated one half of the staff from the other half of the staff. Staff came into work only during those days and hours their assigned team was scheduled. Extraordinary sanitation protocols were put into place.

Nevertheless, when COVID-19 illnesses did occur, management and staff rose to the occasion, working flexibly and cooperatively to prioritize the care of the animals. Both shelter leadership and staff are to be commended for managing shelter operations through a difficult time.

Unfortunately, the volunteer program was suspended during COVID-19 restrictions and engagement with rescues was significantly impacted. The volunteer program was slow to be restarted. Shelter management could and should have anticipated the end of COVID-19 restrictions and worked toward reinstating the shelter’s volunteer program much earlier than late 2022.

Facilitating Adoption



During COVID-19, most animal shelters, including OCAC, closed or restricted their shelters to public access, including stopping all public walk-in visits.

Prior to COVID-19, the adoption process at the shelter was relatively open. The public was at liberty to visit the shelter at their convenience without an appointment. The cat and dog kennels were mostly open to public viewing where a potential adopter could experience first-hand the size, look, and manner of a potential adoptee. Volunteers and staff were available to facilitate an intimate meeting where humans and animals could interact and bond. The experience was unconstrained, spontaneous, instinctive, and natural.

OCAC previously had an animal behaviorist who worked with stressed animals to facilitate their adoptability. OCAC eliminated the animal behaviorist position. Other animal shelters in Orange County have animal behaviorists working with their animals to facilitate adoptability.

During COVID-19, public adoptions were carried out by appointment only and computer facilitated. The public was required to schedule an appointment to visit the shelter. Up to three animals could be selected on the shelter's website from photographs and biographical information about the animals. A one-on-one meet-up with the animal(s) followed. People without computer access could use the shelter's computer kiosk to select an animal, but by appointment only. If a suitable animal was not found among the animals selected via computer, kennel staff might make recommendations to the potential adopter.

Currently, the adoption process is less restrictive than during COVID-19 but remains more restrictive than pre-COVID-19. The current appointment system is restrictive and

does not provide prospective adopters viewing access to all available adoptable animals. The shelter has opened to limited walk-ins on a stand-by basis when there are openings in the appointment schedule and when staff are available to assist. All potential adopters, appointments, and walk-ins are still required to use the shelter's website to pre-select potential adoptees prior to a one-on-one meeting. The kennels are still off-limits to all visitors.

OCAC leadership expressed concern about bites to visitors as the primary reason for restricting kennel access. The shelter experienced a marked drop in bites coincidental with the closure of the facility to the public when COVID-19 restrictions were implemented:

- 2019 – 23 bites
- 2020 – 7 bites
- 2021 – 3 bites
- 2022 – 2 bites (as of December 23)

However, not all dogs are bite risks and there is space throughout the kennel facilities to provide for public viewing. Public safety is important, however, dogs representing bite risks can be segregated, and supervised viewing is a viable option.

Shelter leadership said that public viewing within the kennels stresses the animals and that restricting access keeps the animals calm. However, to address that concern, dogs prone to excitability and stress can be secluded, and supervised viewing is an option.

Spay and Neuter Overview

As mentioned earlier, the population of Orange County in 1950 was about 216,000. Today the contract cities and unincorporated county areas served by OCAC has a population of approximately 1,800,000. With the population increase comes an increase in the number of dogs, cats, and other pets.

Euthanasia of animals at the shelter is a challenging problem confronting OCAC and pet owners. In most cases, members of the public either bring lost animals to the shelter to be reunited with their owners or bring their own animals to be adopted to new homes. Few people bring animals to the shelter to be euthanized. One reason OCAC has so many animals and a high incidence of euthanasia is that many pet owners do not spay/neuter their pets and thereby allow them to reproduce beyond the owner's ability to care for the offspring.

Uncontrolled reproduction is a factor in the high population of dogs and especially cats. According to a 2011 report by the North Shore Animal League of America, each day over 70,000 puppies and kittens are born in the United States, and because of overpopulation, more than 3.7 million animals are still being euthanized each year across the country. The absence of TNR at the shelter has seriously increased the rate of euthanasia of cats, especially kittens, who are not old enough or healthy enough to adopt.



Many communities incentivize sterilization of pet dogs by significantly lowering the cost of dog licenses for sterilized dogs in their city. Generally, community shelters and rescue organizations will only allow spayed/neutered animals for adoption or require the new owner have the animal spayed/neutered as part of the adoption process.

Some complaints received by the Grand Jury assert that the public has requested low/no cost spay/neuter assistance from OCAC without success. OCAC does not offer low or no cost spay/neuter clinics or events but does list on its website feral cat low cost spay/neuter resources. However, the Grand Jury found that some of the listed phone numbers are incorrect and for those that are correct, some of the listed prices are incorrect. Providing a low/no cost spay/neuter clinic would provide a great service to the community, decrease overpopulation of animals, and decrease the potential euthanasia of cats and dogs.

Trap, Neuter and Return

OCAC began a pilot Trap, Neuter, and Return (TNR) program for cats in 2013 and over the following years saw cat intake and euthanasia decrease dramatically. TNR has been shown to be the most humane, efficient way of stabilizing feral and community cat populations. TNR is an animal control program practiced by many animal shelters throughout the United States and the State of California. Prior to April 2020, the Orange County Animal Shelter had an active Trap, Neuter, and Return program.



OCAC's TNR program was a cooperative endeavor that depended and relied on the efforts of participating non-profit rescue organizations and individual members of the community. Both OCAC and community participants worked together to make the TNR program successful. Non-profits and interested members of the animal welfare community performed the field work necessary to trap feral and community cats and transport the cats to the shelter. OCAC received the animals, performed the spay and neuter procedure, vaccinated the animals, and treated them for injuries or disease. When the animals were healthy, fit, and ready for return to their outdoor home, the same non-profit organization or community members retrieved the cats from the shelter and returned them to the same location from which they were trapped.

OCAC only provided TNR related services within its shelter facility and did not participate in locating, trapping, or returning the animals to the location from where they were trapped. However, OCAC played an integral role in the TNR process. When OCAC's participation in the TNR program ended, TNR within the county effectively ceased. OCAC's TNR program was popular among many local animal welfare groups and individuals and is a necessary element to the continuance of a viable TNR program throughout the county.

The Grand Jury recognizes there is disagreement among animal control and welfare advocates whether TNR is effective in reducing feral and community cat populations, whether TNR serves the best interest of the individual animal, and whether TNR is an environmentally sound practice. In Orange County at least, there apparently is also disagreement whether TNR programs violate a provision of the California Penal Code dealing with malicious mischief.

California Penal Code Section 597s states:

- (a) *Every person who willfully abandons any animal is guilty of a misdemeanor.*
 (b) *This section shall not apply to the release or rehabilitation and release of native California wildlife pursuant to statute or regulations of the California Department of Fish and Game.*

As best as the Grand Jury can determine, the validity of California Penal Code Section 597s or its interpretation or application has never been adjudicated in a reported California court decision. According to a report published by the American Bar Association, it is questionable whether a bona fide TNR program, in which animals are returned to the same location where they were trapped, constitutes willful abandonment.

In or about late 2019/early 2020, OCAC received a cease-and-desist complaint demanding that it end its participation in the TNR program. OCAC referred the complaint to OC County Counsel. County Counsel reviewed and responded to the referral in an opinion. The Grand Jury went to great lengths to obtain a copy of County Counsel's opinion, to no avail. The Grand Jury requested a copy of the opinion from OCAC, the County Counsel, the Orange County Board of Supervisors, and Orange County Public Resources. As of the publication of this report, the Grand Jury was not able to acquire a copy of County Counsel's opinion. The Grand Jury was informed that OCCR and OCAC management were advised they could be held personally liable for any legal action arising out of continuance of the TNR program. OCAC's TNR program was terminated in or about April 2020.

Euthanasia Report

OCAC keeps detailed records of each animal it euthanizes. The Grand Jury reviewed a comprehensive list of all euthanasia outcomes at the shelter spanning the period August 19, 2018 through December 4, 2022. The shelter euthanized 11,143 animals during that period. Of the euthanized animals, 5,123 were identified as either domestic cats or dogs. (Feral cats are classified as domestic animals.) The remaining 6,020 euthanized animals included other domestic and/or non-domesticated animals.

OCAC's records identify every euthanized animal's date of euthanasia, estimated age, sex, species, breed, and the reason for euthanasia. Estimated animal ages span one day to 50 years. Species span domestic cats and dogs to domestic and/or non-domesticated animals such as snakes, birds, opossums, bats, rabbits, raccoons, skunks, lizards, rats, squirrels, coyotes, deer, and more. Reasons for euthanasia are varied and include irredeemable suffering, Head Test (rabies), disease, behavior, age, species (public safety), and owner request.

Asilomar Reports

In 2004, leaders representing national organizations and industry stakeholders gathered to find common ground in the animal welfare field. Together, they wrote the Asilomar Accords, which establishes common definitions and a standardized way of reporting shelter statistics. Asilomar reports are statistical reports that animal shelters compile documenting their animal intakes and outcomes. The reports are aggregated into a national Shelter Animals Count National Database.

OCAC compiles records and participates according to the Asilomar Accords data collection methods. The shelter publishes its Asilomar reports on its website. OCAC's data includes statistics on monthly (pre-2021) and quarterly (post-2021) cat and dog intake and outcomes such as adoptions, transfers, returns to owner, and euthanasia.

Analysis of OCAC Data

The Grand Jury reviewed euthanasia and Asilomar outcomes to evaluate whether termination of the TNR program may have had any impact on euthanasia rates at the shelter. Possibly confounding the issue is the fact that COVID-19 restrictions were put into place about the same time the TNR program was terminated.

Figure 2 shows quarterly OCAC Asilomar adult cat TNR outcomes and adult cat euthanasia outcomes from the 3rd quarter of 2018 through the end of 2022. TNR rates are represented as a percent of total Asilomar outcomes. Euthanasia rates are represented as a percent of total Asilomar outcomes net of TNR outcomes. Juvenile cats are not included in the review because the shelter's juvenile cat population varies widely with the season and, moreover, juveniles are not candidates for TNR.

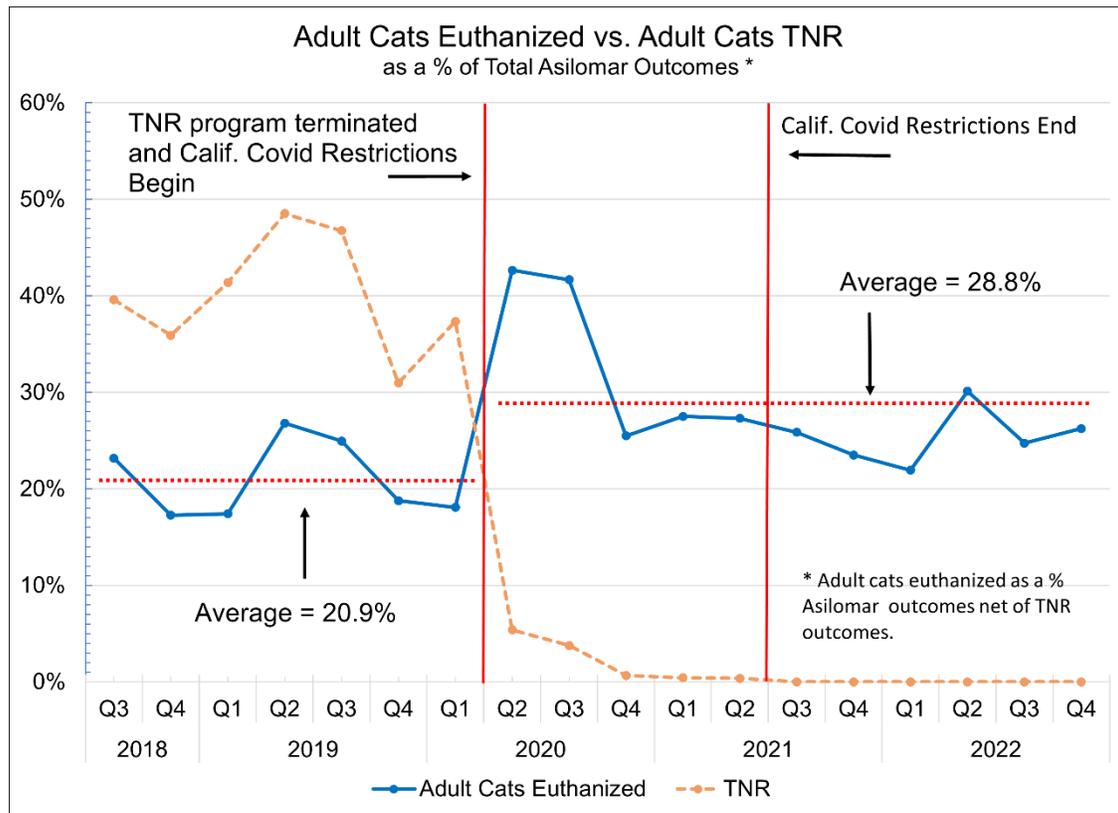
Figure 2 - Adult Cat Euthanasia Rates

Figure 2 illustrates that adult cat euthanasia rates increased at OCAC following the termination of the TNR program and the beginning of COVID-19 restrictions.

The average adult cat euthanasia rate in the period from the 3rd quarter of 2018 through the 1st quarter of 2020 (pre-TNR termination and COVID-19 restrictions) was 20.9%. The average adult cat euthanasia rate in the period from the 2nd quarter of 2020 through the end of 2022 (post-TNR and COVID-19) was 28.8%. The increase in the rate of adult cat euthanasia following TNR/COVID-19 is 38% over the previous period. The increase is statistically significant. (See Appendix 1)

Comparing adult cat euthanasia rates pre-TNR and post-TNR ... the termination of the TNR program correlate to an increase in adult cat euthanasia rate at the shelter.

To evaluate whether circumstances related to COVID-19 accounted for the increase in euthanasia rates, the rates from the post-COVID-19/post-TNR termination were compared to the rates pre-COVID-19/pre-TNR termination. Again, the average adult cat

euthanasia rate before COVID-19 and during the TNR program was 20.9%. The average adult cat euthanasia rate after COVID-19 restrictions were lifted but still during the termination of the TNR program (Q3 2021 – Q4 2022) was 25.4%. The increase in the rate of adult cat euthanasia following termination of the TNR program but after COVID-19 restrictions were lifted is 21% over the pre-TNR termination/pre-COVID-19 restrictions rate. Again, the increase is statistically significant.

Comparing adult cat euthanasia rates pre-TNR and post-TNR and pre- and post-COVID-19 restrictions, it appears both COVID-19 restrictions and the termination of the TNR program correlate to an increase in adult cat euthanasia rate at the shelter.

Dog Euthanasia:

OCAC euthanizes animals for a variety of reasons, including but not limited to injuries beyond redemptive medical care, age, and behavior. When OCAC euthanizes a dog for medical reasons, the Chief Veterinarian or a staff veterinarian must approve the procedure. In the case of behavior-related euthanasia, approval is determined by a five-member Behavior Evaluation Committee.

OCAC euthanizes dogs that are determined to have irredeemable behavioral issues, including displays of aggression toward people or other animals, bites, and severe kennel stress. The five members of the Behavior Evaluation Committee include staff members representing Field Operations, Animal Services Operations, the Community Outreach team, the Chief Veterinarian, and a representative from senior management. While there are five staff members represented on the Behavior Evaluation Committee, only three participants are voting members. The Chief Veterinarian and the member from senior management serve only as advisory members. A majority of the three voting members of the committee must approve a behavioral euthanasia – that is, at least two of the three voting members must approve.

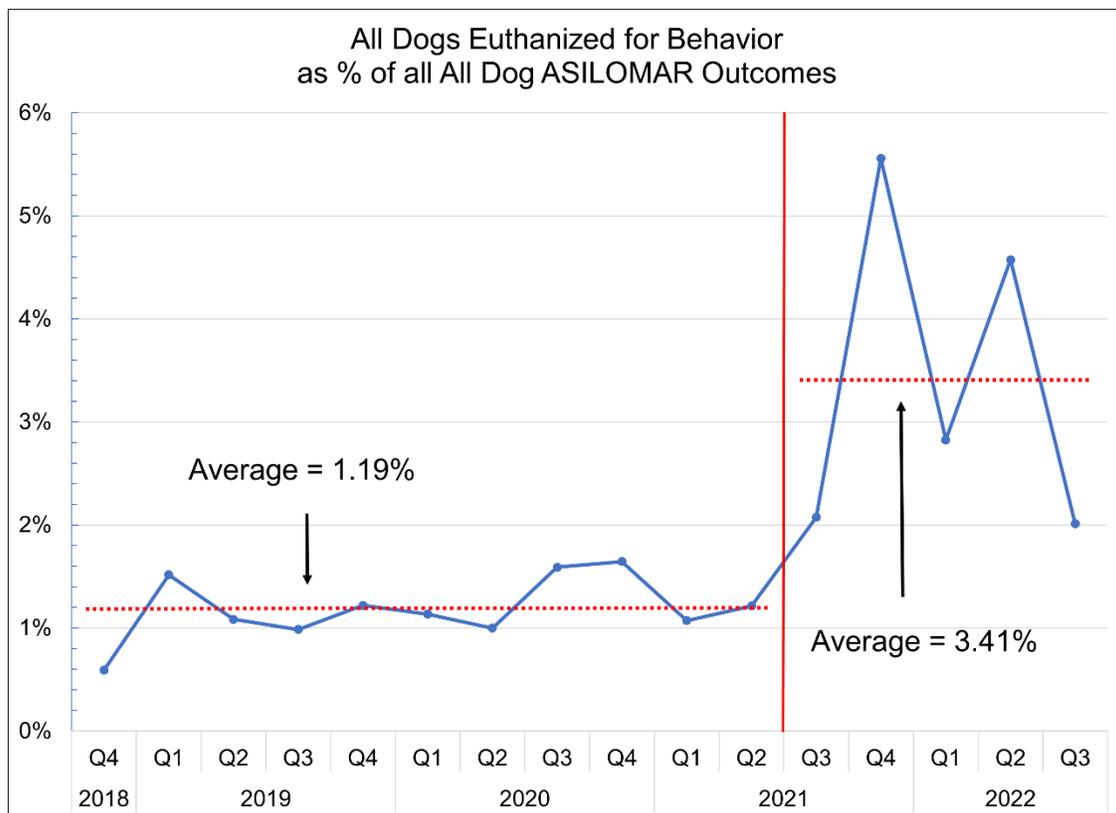
OCAC's Behavior Evaluation Committee evaluates dogs for euthanasia without written guidelines, policies, or procedures, resulting in inconsistent outcomes over time. Behavior-evaluated euthanasia outcomes are dependent on the experience and personal considerations of the individual committee members and management rather than written objective standards. The voting members of the Behavior Evaluation Committee may evaluate behavior based on their own observations and/or on the written reports of other staff members. The voting members are not required to directly observe a dog's behavior, and in some cases have not made direct observation, but they do have access to video documentation of a dog's behavior. Voting members come to their own conclusions based on their own understanding of dog behavior and rehabilitative potential.

OCAC does not have a professional licensed, trained, or certified animal behaviorist on staff to oversee the dog enrichment programs, resulting in dogs with declining behavior being placed at greater risk of being euthanized. Voting members of the Behavior Evaluation Committee are not required to certify or participate in animal behavior education programs. The Behavior Evaluation Committee meets once per week and participation of the voting member from any one of the three voting departments may be

delegated to a lesser experienced staff member when the regular voting member is unavailable.

The Grand Jury reviewed dog behavior-related euthanasia data and Asilomar outcomes from the fourth quarter of 2018 to the third quarter of 2022 to evaluate the nature of dog behavioral euthanasia at the shelter over time. The chart below shows quarterly dog behavior euthanasia at OCAC for the third quarter of 2018 through the third quarter of 2022. Euthanasia rates are represented as a percent of total dog Asilomar outcomes by quarter. Juvenile dogs are included in the review because the shelter's juvenile dog population is subject to behavioral euthanasia. The Grand Jury found that for the dogs euthanized for behavior during the period under review, 7.4% of the dogs were no more than 6 months old and 14.2% were less than 1 year old. The Grand Jury was unable to determine why dogs less than one year in age would warrant behavioral euthanasia.

Figure 3 - Dog Euthanasia Rates (Behavioral)



Dog behavioral euthanasia rates increase at OC Animal Care between the second and third quarters in 2021

Figure 3 illustrates that dog behavior-related euthanasia rates increased at OCAC between the second and third quarters of 2021. The average dog behavioral euthanasia rate prior to the end of the second quarter of 2021 was 1.19% of all dog Asilomar outcomes. Beginning in the third quarter of 2021 and through the third quarter of 2022, the average dog behavioral euthanasia rate increased to 3.41% of all dog Asilomar outcomes, an increase of 187%. The increase is statistically significant. (See Appendix 2)

Impediments to the Investigation

The Grand Jury's function is to investigate the operation of the various officers, departments, and agencies of the local government.

Article 1, Section 23 of the California Constitution states:

“One or more grand juries shall be drawn and summoned at least once a year in each county.”

Provisions of the California Penal Code define the scope and limitations of a grand jury's authority:

Penal Code Section 916:

... Rules of procedure shall include guidelines for that grand jury to ensure that all findings included in its final reports are supported by documented evidence, including ... official records, or interviews attended by no fewer than two grand jurors and that all problems identified in a final report are accompanied by suggested means for their resolution, including financial, when applicable.

Penal Code Section 921:

The grand jury is entitled to ... the examination, without charge, of all public records within the county.

Penal Code Section 925:

The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county ... The investigations may be conducted on some selective basis each year ...

Penal Code Section 925 (a):

The grand jury may, at all times, request the advice of the court, or the judge thereof, the district attorney, the county counsel, or the Attorney General ...

As a department of Orange County government, the County Counsel's office provides legal counsel and services to the Orange County Board of Supervisors and all other Orange County departments and agencies, including the Grand Jury.

At the start of a Grand Jury's one-year term, County Counsel assigns an individual attorney within its office to serve as the Grand Jury's primary attorney. Because the individual serving as the Grand Jury's counsel is also assigned to other departments or agencies within Orange County government, there is the potential for the Grand Jury's designated primary counsel to have a conflict of interest when the Grand Jury investigates a department or agency otherwise served by the primary attorney. To ensure continuity of legal service to the Grand Jury, the County Counsel's office also assigns a back-up attorney that provides service to the Grand Jury when the primary counsel is conflicted. The back-up attorney is selected so that at least the primary or

back-up would not have a disabling conflict – that is, one or the other would be available to serve the Grand Jury in any investigation not directly related to the County Counsel’s office itself. Back-up counsel advises the Grand Jury on those matters only when the primary attorney is conflicted.

Early during its one-year term and early in its investigation, the Grand Jury learned that its primary counsel had a conflict of interest with its investigation of OCAC. The County Counsel’s office explained, and the Grand Jury understood, that the services of the County Counsel’s office would continue through the back-up attorney assigned for such circumstances. Initially, during the early stages of its OCAC investigation, the Grand Jury received the legal advice and assistance of the back-up attorney in the County Counsel’s office.

Later during its investigation of OCAC, the Grand Jury inquired into the shelter’s prior TNR program and the program’s termination in early 2020. The Grand Jury learned the program was terminated after a cease-and-desist demand to stop the program was received from a lone individual residing outside of Orange County. The Grand Jury was informed that the County Counsel’s office, in response to a request by OCAC to review the cease-and-desist demand, issued an opinion to the Orange County Board of Supervisors and OCAC about the shelter’s TNR program that evidently led to a direction to terminate the program.

In the course of the Grand Jury’s investigation, including interviews with OCAC and OCCR staff and leadership, the County Counsel’s office and its opinion were repeatedly cited as being the source of the decision to stop the TNR program.

***Grand Jury: Who was the decision maker?
Answer: “The County Counsel.”***

The Grand Jury understands County Counsel’s role is to provide advice and counsel to the Board of Supervisors, County departments, and various County agencies, but that it has no decision-making authority over any division of County governance, except regarding its own internal functions. While the Grand Jury was skeptical that the County Counsel’s office actually made, or had the authority to make, the decision to terminate the TNR program, the Grand Jury nevertheless understood that the County Counsel’s opinion was pivotal to the decision. Therefore, the Grand Jury requested a copy of the opinion to learn if there was a clear impediment to or prohibition on a possible renewal of the TNR program.

The Grand Jury requested a copy of the opinion from interviewees who were privy to the document or its contents. In addition, the Grand Jury asked the County Counsel’s office for a copy of the opinion. In every instance, those requested told the Grand Jury the opinion is a privileged communication between the County Counsel’s office and the Board of Supervisors and that only the Board of Supervisors has authority to release the document. Finally, the Grand Jury asked the Board of Supervisors, through its Chair, for

a copy of the opinion or alternatively for an identification of the legal authority reviewed in studying the issue, and stated the confidentiality of the document would be maintained, whereupon the Board of Supervisors declined to consider or include the request in its meeting agenda. Unfortunately, and not through a lack of trying, the Grand Jury has been unable to review or assess the basis of the opinion.

During the Grand Jury's interviews, when various levels of leadership within OCAC asserted that County Counsel made the decision to terminate the TNR program, the Grand Jury always expressed its skepticism and inquired as to how County Counsel, an advisor to the County and OCAC, and only an advisor, could be making policy decisions for OCAC? The Grand Jury inquired and pressed its interviewees, asking if it was, in fact, a decision made at some level within OCAC's leadership, or by OCCR, or by the Board of Supervisors. When pressed, in every case, each interviewee modified their explanation and affirmed the decision had been theirs or that they had taken part in the decision, each taking personal responsibility for the decision.

The Grand Jury was determined to obtain documentation of the decision as it continued to press for a copy of the County Counsel's opinion, The Grand Jury then requested all internal OCAC communications documenting the decision and/or order to stop the TNR program. The Grand Jury requested departmental communications instructing staff to stand down from the TNR program, whether from the OCCR to OCAC, OCAC to animal shelter leadership, or animal shelter leadership to shelter staff.

Departmental communications about the TNR program are policy and procedure communications. The Grand Jury assumed that departmental communications would point to how and by whom the decision was made. The Grand Jury understands such communications are public records, not privileged communications. Nevertheless, the Grand Jury's request for documentation was denied by OCAC with the reason that such communications were privileged.

Coincidental to the Grand Jury's efforts to obtain a copy of the County Counsel's opinion, at the end of 2022, the County Counsel's office detached itself altogether from all matters related to the Grand Jury's investigation of OCAC. The County Counsel's office informed the Superior Court and the Grand Jury that its entire office was "conflicted" with regard to the investigation into OCAC and would recuse itself from assisting the Grand Jury in its investigation into all matters related to OCAC. No back-up attorney was provided and all communications ceased.

Of note, the Grand Jury's investigation was not an investigation of the County Counsel's office. Rather, the Grand Jury was investigating an Orange County agency, a client of the County Counsel, just as every Grand Jury investigation into County agencies represents an investigation into clients of the County Counsel. When the County Counsel's office recused itself from the Grand Jury's OCAC investigation, it did not explain or cite any specific aspect of the OCAC investigation that makes it exceptional from any other of the ongoing Grand Jury investigations into County departments or agencies.

Without the services of the County Counsel's office, the Grand Jury suffered a setback in its investigation of OCAC. The pace of the investigation slowed as time and resources

were directed toward arranging for alternative outside counsel at the recommendation and with the support of the Superior Court. After losing approximately six weeks, the Grand Jury was able to engage alternative outside counsel in early February of 2023.

As of the publication of this report, the Grand Jury was not able to confirm the logic, reasoning, or basis of the County Counsel's opinion, or even whether in fact the County Counsel advised against the continuance of the TNR program. Moreover, the Grand Jury cannot confirm whether, or who, or at what level of authority, within the County government the decision to end TNR emanated. As a consequence, the Grand Jury cannot verify that any such decision was ever actually made, or communicated at any level of authority, by anyone within Orange County's governing hierarchy and, more importantly, why any such decision was made. The only fact the Grand Jury can confirm with any confidence is that the TNR program was terminated in or about early 2020.

CONCLUSION

OCAC has been a source of public concern since the 1990s, with five previous Orange County Grand Jury reports and an Orange County Performance Audit detailing troubling conditions at the OCAC shelter. This Grand Jury report shines a light on deficiencies at the shelter still needing resolution. The Grand Jury believes that if the recommendations included in this report are implemented:

- Internal and external communications at OCAC will improve.
- The reallocation of staffing positions within the organization, increasing the number of Animal Care Attendant positions and employing an animal behaviorist or trainer, will improve general animal welfare at the shelter.
- Improvements in the timely filling of staff vacancies will enhance shelter operations and overall staff morale.
- The adoption process will be more public-friendly, leading to more adoptions.
- The behavioral euthanasia decision process will be standardized, articulated, and documented, leading to consistent behavioral euthanasia outcomes.
- The shelter's Policies and Procedures will be correct and up to date.
- OCAC and Orange County rescue organizations and animal advocates can work toward mending their relations for the welfare of the animals.
- The shelter's TNR program will be re-evaluated, reconsidered and reinstated.
- The shelter's volunteers will be more integrated into the shelter's personnel team and communications.

The Grand Jury conducted many interviews with shelter personnel. The Grand Jury is very impressed with their sense of dedication and earnest concern for the welfare of shelter animals.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) Responses from each agency affected by the Findings presented in this section. The Responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled, “Gimme Shelter and a Pound of Advice, The State of Animal Welfare Overseen by the County of Orange,” the 2022-2023 Grand Jury has arrived at seventeen Findings, as follows:

Management:

- F1** Management has limited flexibility utilizing personnel within Orange County Animal Care across departments due to structured work rules, volunteer work restrictions, and employees working in departmental silos.
- F2** Low staff morale exists within Orange County Animal Care.
- F3** Orange County Animal Care staffing is negatively impacted by vacant positions remaining unfilled for greater than six months due to burdensome hiring processes. This delay in recruitment and completion of hiring has resulted in qualified candidates declining job offers.
- F4** Based upon industry standards and best practices, Orange County Animal Care kennel attendants are understaffed to meet the needs of animals under care.
- F5** Orange County Animal Care’s operating policies and procedures manual is out of date.
- F6** The Orange County Animal Care Volunteer program was stopped during COVID-19 and restarting the program has been slow, resulting in decreased animal socialization and enrichment.

Animal Welfare

- F7** Orange County Animal Care’s Behavior Evaluation Committee evaluates dogs for euthanasia without written guidelines, policies, or procedures, resulting in inconsistent outcomes over time. Behavior evaluated euthanasia outcomes are dependent on the experience and personal considerations of the individual committee members and management rather than written objective standards.
- F8** The rate of behavioral euthanasia of dogs has increased significantly over the last 2 years.

- F9** Orange County Animal Care does not employ a professional or trained and certified animal behaviorist to oversee the shelter's dog enrichment program, resulting in dogs with declining behavior being placed at greater risk of being euthanized.
- F10** While many county and city animal shelters throughout the state have active Trap, Neuter, and Return programs, Orange County Animal Care stopped its Trap, Neuter, and Return program, reportedly on the basis of the County Counsel's legal opinion that the program violates a California statute related to willful animal abandonment.
- F11** The termination of the Trap, Neuter, and Return program is correlated with an increase in adult cat euthanasia rate at the shelter.
- F12** There have been public concerns and requests expressed over the years for public programs to include a spay/neuter program by Orange County Animal Care.

Communication / Outreach

- F13** The current adoption appointment system restricts public access to the dog kennels, thereby limiting potential adopters' access to all available animals.
- F14** Orange County Animal Care's engagement with some animal rescue partners is negatively impacted due to differences of opinion in appropriate animal care policy.
- F15** Internal and community engagement does not adequately communicate the shelter's mission and operating strategy.
- F16** The information currently on the Orange County Animal Care website for low-cost spay/neuter is not up to date with regard to referrals and prices for spay/neuter procedures.

Impediments to the Investigation

- F17** The OC County Counsel's office misstated to the Grand Jury the scope of its commitment to serving and assisting the Grand Jury in its investigations into County governance respecting managing conflicts between the Board of Supervisors, OC departments and agency clients, and the Grand Jury.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) responses from each agency affected by the Recommendations presented in this section. The Responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled “Gimme Shelter and a Pound of Advice, The State of Animal Welfare Overseen by the County of Orange,” the 2022-2023 Grand Jury makes the following seventeen recommendations:

Management:

- R1** By October 1, 2023, OC Human Resource Services should review and update recruitment strategies to significantly increase the timeliness of recruitment of vacant positions and to anticipate vacancies due to retirement, resignations, transfers. (F3)
- R2** By December 31, 2023, Orange County Animal Care, OC Community Resources, and OC Human Resource Services should review hiring practices to facilitate process improvements to expedite filling OCAC vacancies. (F3)
- R3** By October 1, 2023, OC Community Resources and Orange County Animal Care should review their current staffing allocations of Animal Care Attendants to reflect NACA guidelines and to provide appropriate staffing allocations for animal care, feeding and enrichment. (F3, F4)
- R4** By October 1, 2023, OC Community Resources and Orange County Animal Care should review their current staffing allocations of all positions within the OCAC and reallocate resources to increase Animal Care Attendants to reflect NACA guidelines to provide appropriate staffing for animal care, feeding, and enrichment. (F3, F4)
- R5** By December 31, 2023, Orange County Animal Care management should review and update policies, procedures, guidelines, and practices to assure they are accurate and reflect current operating practices. (F5)
- R6** By June 30, 2024, the Board of Supervisors should evaluate the strategic option of creating a Joint Powers Authority for the County and fourteen contract Cities to take ownership and shared responsibility for the financial and operating policies and practices of OCAC. (F1 thru F16)

Welfare

- R7** By October 1, 2023, Orange County Animal Care management should establish written guidelines, policies, and procedures as standards for evaluating animal behavior for use by the Behavior Evaluation Committee. (F5, F7)

- R8** By December 31, 2023, in the interests of transparency, Orange County Animal Care management should add a representative from a rescue organization to serve as a non-voting, at-large member on the Behavior Evaluation Committee. (F7, F14)
- R9** By December 31, 2023, Orange County Animal Care, OC Community Resources, and OC Human Resource Services should hire an animal behaviorist or certified dog trainers to work with aggressive animals to reduce the high rate of dogs being euthanized and enhance their adoptability. (F8, F9)
- R10** By December 31, 2023, the Orange County Board of Supervisors and Orange County Animal Care management should request that County Counsel reconsider its opinion about the shelter's former Trap, Neuter, and Return program, or seek an independent second opinion to County Counsel's opinion, to ascertain whether the program can be re-established, or a modified version of the program can be implemented. (F10, F11)
- R11** By July 1, 2024, Orange County Animal Care should implement a low-cost public spay/neuter program. (F12)

Communication / Outreach

- R12** By October 1, 2023, Orange County Animal Care management should hold all-hands staff meetings at least every quarter. (F1, F2)
- R13** By October 1, 2023, Orange County Animal Care, OC Community Resources, and OC Human Resource Services should conduct annual surveys of staff to monitor morale and identify opportunities for operational improvement. (F1, F2)
- R14** By December 31, 2023, Orange County Animal Care management should open the shelter to the public for walk throughs to maximize opportunities for the public to adopt animals under the care of the shelter. (F13)
- R15** By October 1, 2023, Orange County Animal Care management should look for new ways to be more inclusive and engaged with volunteers and the rescue organizations that are necessary for the shelter's success. (F14, F15)
- R16** By October 1, 2023, Orange County Animal Care should schedule quarterly meetings with community stakeholders to facilitate transparency and engagement. (F14, F15)
- R17** By October 1, 2023, Orange County Animal Care management should update the information currently on its website for low-cost spay/neuter of feral cats with regard to referrals and prices for spay/neuter procedures. (F16)

Impediments to the Investigation

- R18** Beginning with the 2023/2024 Grand Jury training, and all training thereafter, County Counsel should provide detailed instruction about the circumstances under which the County Counsel's office might recuse itself from assisting with Grand Jury investigations and the alternatives available to the Grand Jury under such circumstances. (F17)

REQUIRED RESPONSES

California Penal Code Section 933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g., District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05 specifies the manner in which such comment(s) are to be made as follows:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

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

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

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

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those

budgetary /or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required and requested from:

Findings – 90-day Response Required

Orange County Board of Supervisors:	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17
City of Anaheim:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Brea:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Cypress:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Fountain Valley:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Fullerton:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Huntington Beach:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Lake Forest:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Orange:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Placentia:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of San Juan Capistrano:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Santa Ana:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Tustin:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Villa Park:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Yorba Linda:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16

Recommendations – 90-day Response Required

Orange County Board of Supervisors:	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17, R18
City of Anaheim:	R6
City of Brea:	R6
City of Cypress:	R6
City of Fountain Valley:	R6
City of Fullerton:	R6
City of Huntington Beach:	R6
City of Lake Forest:	R6
City of Orange:	R6
City of Placentia:	R6
City of San Juan Capistrano:	R6
City of Santa Ana:	R6
City of Tustin:	R6
City of Villa Park:	R6
City of Yorba Linda:	R6

REQUESTED RESPONSES

Findings – 90-Day Response Requested

Orange County Animal Care:	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
OC Human Resources Services:	F1, F2, F3, F4, F9
Orange County County Counsel:	F10, F11, F17

Recommendations – 90-Day Response Requested

Orange County Animal Care:	R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17
OC Human Resources Services:	R1, R2, R9, R13
Orange County County Counsel:	R10, R18

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APPENDIX 1

Table 1 - Adult Cat Euthanasia and TNR Rates by Quarter

		Adult Cats Euthanized as a % of Adult Cat Asilomar Outcomes net of TNR Outcomes	Adult Cat TNR Outcomes as % of adult Cat Asilomar Outcomes
2018	Q3	23.17%	40%
	Q4	17.27%	36%
2019	Q1	17.42%	41%
	Q2	26.81%	49%
	Q3	24.95%	47%
	Q4	18.77%	31%
2020	Q1	18.08%	37%
	Q2	42.65%	5%
	Q3	41.67%	4%
	Q4	25.50%	1%
2021	Q1	27.50%	0%
	Q2	27.31%	0%
	Q3	25.86%	0%
	Q4	23.21%	0%
2022	Q1	21.93%	0%
	Q2	30.12%	0%
	Q3	24.73%	0%
	Q4	26.26%	0%

Table 2 - Adult Cat Euthanasia Sample T-Test

Adult Cats Euthanized as a % of Non-TNR Asilomar Outcomes Q3 2018 thru Q1 2020 vs. Q2 2020 thru Q4 2022 (TNR period vs. No TNR period)		
t-Test: Two-Sample Assuming Unequal Variances		
	Q3 2018 to Q1 2020	Q2 2020 to End of Year 2022
Mean	20.9%	28.8%
Variance	0.001571145	0.004841058
Observations	7	11
Hypothesized Mean Difference	0	
df	16	
t Stat	-3.0532928	
P(T<=t) one-tail	0.003793173	
t Critical one-tail	1.745883676	

APPENDIX 2

Table 3 - Dog Behavioral Euthanasia Rates by Quarter

All Dogs Euthanized for Behavior as % of all Adult Dog ASILOMAR Outcomes				
		Dogs Euthanized for Behavior	All Dog Asilomar Outcomes	% Dogs Euthanized
2018	Q4	8	1356	0.59%
2019	Q1	21	1385	1.52%
	Q2	15	1384	1.08%
	Q3	15	1522	0.99%
	Q4	16	1312	1.22%
2020	Q1	13	1146	1.13%
	Q2	7	701	1.00%
	Q3	13	817	1.59%
	Q4	13	791	1.64%
2021	Q1	8	746	1.07%
	Q2	10	824	1.21%
	Q3	18	868	2.07%
	Q4	49	882	5.56%
2022	Q1	27	956	2.82%
	Q2	44	962	4.57%
	Q3	23	1143	2.01%

Table 4 - Dog Behavioral Euthanasia Rates 2 Sample T-Test

All Dogs Euthanized for Behavior as a % of All Dog
ASILOMAR Outcomes Q4 2018 to Q2 2021 vs Q3 2021 to Q3 2022

t-Test: Two-Sample Assuming Unequal Variances

	Q4 2018 to Q2 2021	Q3 2021 to Q3 2022
Mean	1.19%	3.41%
Variance	9.40995E-06	0.000251006
Observations	11	5
Hypothesized Mean Difference	0	
df	4	
t Stat	-3.109244662	
P(T<=t) one-tail	0.017949066	
t Critical one-tail	2.131846786	

APPENDIX 3

Orange County Grand Jury Animal Shelter Contract City Survey

1. How long has your city been serviced by the Orange County Animal Shelter?
 - a. What factors motivated the city to contract with the Orange County Animal Shelter?
2. What Services have you contracted for the Orange County Animal Shelter?
(i.e., Shelter; Animal Control, Licensing, other)
3. What Animal control and care services does the city continue to reserve for itself or contract out to other agencies or vendors not with the Orange County Animal Shelter?
(i.e., Control, Licensing, other)
4. How often is the city contract with the Orange County Animal Shelter reviewed and renewed?
5. Describe any regularly scheduled processes the city has in place to review the quality of service provided by the Orange County Animal Shelter.
 - a. Describe the measure or metrics the city uses when evaluating the Animal Shelter. Please provide a copy of the last review of the Animal Shelter conducted by the city.
 - b. Describe any review of the Orange County Animal Shelter and the services it provides as part of Shelter contract review and renewal?
 - c. Who conducts Animal Shelter reviews for the city.
 - d. Are Animal Shelter reviews presented to the city council for their consideration?
6. Does your City have an appointed member of city staff to serve as liaison between the city and OC Animal Shelter management?
 - a. How frequently does your city meet with the OC Animal Shelter management?
7. As it relates to the sheltering and adoption services provided by the Orange County Animal Shelter(if any) describe your level of satisfaction or any concerns with the service and support.
8. As it relates to Animal Control services being provided (if any) describe your level of satisfaction or any concerns with the service and support.
9. As it relates to Licensing fees and processing (if any) describe your level of satisfaction or any concerns with the service and support.
10. How reasonable are the County fees for providing this service?
11. Have members of you community voiced any concern with Orange County Animal Shelter policies or practices.
 - a. Please provide the Grand Jury with the any of the city's complaint logs or records pertaining to the Orange County Animal Shelter.
12. Are there any improvements in the service OC Animal Shelter provides or in the City's relationship with the Shelter you would like to see?

APPENDIX 4

Orange County Grand Jury Independent City Shelter Survey

1. How is the shelter organized and management governance accomplished at your Center?
2. How many cats, dogs and other animals can you shelter?
3. What services do you provide your local community?
4. How many total staff and volunteers are working or engaged with the shelter?
5. How many volunteers do you require on a daily or weekly basis?
 - a. Do you have adequate volunteers?
6. Do you promote spay/neuter services to the members of your community?
 - a. If yes, is there a cost to the individual?
7. From your perspective what are the challenges faced by your Center?
8. Does your center practice TNR (Trap Neuter Return)?
 - a. If no, was it ever in place and then discontinued - why?
 - b. If yes, how effective is the program?
9. Does your center accept healthy cats and put them up for adoption?
 - a. If yes, please describe the process.
10. What are the parameters that guide euthanasia at your shelter?
11. Do you have an animal behaviorist on staff? If no, why not?
12. Do you have any interaction with the Orange County Animal Shelter?
 - a. If yes, please describe.
 - b. If no, why?
13. How is adoption handled in your center? (Adoption by appointment system, open visits, other)?
14. Do your adoption totals include totals transferred to rescues or does it apply only to private parties?
15. Please provide statistics (attachment) for your center (intake, adopted, transferred to shelter, euthanized, etc. by animal type for the current and past 3 years).
16. How does your center respond to complaints from the community and animal activists?
17. If tracked, please provide statistics on complaints you received.
18. Please provide intake statistics (by Cats and Dogs) for the current and 3 past years:
 - a. Strays
 - b. Relinquished by owner
 - c. Owner intended Euthanasia
 - d. Other Intakes
19. Please provide live outcomes statistics (by Cats and Dogs) for the current and 3 past years:
20. Adoptions
 - a. Return to Owner
 - b. Transferred to another agency
 - c. Returned to Field
21. Please provide other outcomes statistics (by Cats and Dogs) for the current and 3 past years:
 - a. Died in Care
 - b. Shelter Euthanasia

APPENDIX 5

OCAC 4th Quarter 2022 Asilomar Report



Shelter Animals Count

National Shelter Statistics Project Data Matrix

October - December 2022

SPECIES BY AGE		DOG		CAT		ALL				
		ADULT	JUVENILE <i>0-5 Months</i>	ADULT	JUVENILE <i>0-5 Months</i>	TOTAL				
INTAKE	A	BEGINNING SHELTER COUNT: 10/01/2022		213	4	46	167	430		
	B	Stray/At Large		777	109	286	835	2,007		
	C	Relinquished by Owner		135	4	22	48	209		
	D	Owner Intended Euthanasia****		0	0	0	0	0		
	E	Transferred in from Agency		0	0	0	0	0		
	F	Other Intakes (Includes Confiscates resulting from bites or cruelty investigations and Disaster related impounds)		125	10	31	8	174		
	G	TOTAL LIVE INTAKE (B+C+D+E+F)		1,037	123	339	891	1,230	2,390	
	H	ADJUSTED TOTAL INTAKE (G-D)		1,037	123	339	891	1,230	2,390	
LIVE OUTCOMES	I	Adoption		476	72	159	895	1,602		
	J	Returned to Owner		357	7	27	3	394		
	K	Transferred to another Agency		149	30	78	185	442		
	L	Returned to Field (TNR Program)		1	0	0	1	2		
	M	SUBTOTAL: LIVE OUTCOMES (I+J+K+L)		983	109	1,092	264	1,084	1,348	2,440
OTHER OUTCOMES	N	Died in Care		2	4	10	35	51		
	O	Lost in Care		0	0	0	1	1		
	P	Shelter Euthanasia		56	6	94	140	296		
	Q	Owner Intended Euthanasia****		0	0	0	0	0		
	R	SUBTOTAL: OTHER OUTCOMES (N+O+P+Q)		58	10	68	104	176	280	348
	S	TOTAL ASILOMAR OUTCOMES (M+R)		1,039	115	1,154	358	1,224	1,582	2,736
T	ENDING SHELTER COUNT: 12/31/2022		217	10	34	26	287			
ASILOMAR LIVE RELEASE RATE/PERCENTAGE <i>(I+J+K+L)/S*</i>		94.61%	94.78%	94.63%	73.74%	88.56%	85.21%	89.18%		
SAVE RATE/PERCENTAGE <i>M/(M+R)**</i>		94.43%	91.60%	94.14%	71.74%	86.03%	82.80%	87.52%		
		Adult Dogs	Juvenile Dogs	All Dogs	Adult Cats	Juvenile Cats	All Cats			

**Live release rate was calculated by dividing the Live Outcomes by the Total Asilomar Outcomes. Note that owner surrender for euthanasia (owner intended euthanasia) and died/lost in care were removed from totals per the Asilomar accords formula.*
***Save rate includes animals surrendered for euthanasia as well as animals which were lost or died in care.*
*****Proof of animal suffering impacting life quality or aggressive behaviors presenting a risk to public safety are required by owners requesting this service.*



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ABBREVIATIONS:

ABA: American Bar Association

ASPCA: The American Society for the Prevention of Cruelty to Animals

ASV: Association of Shelter Veterinarians

CDPH: California Department of Public Health

HASS: Human Animal Support Services

HSUS: Human Society of the United States

OCAC: Orange County Animal Care

OCCR: OC Community Resources

OCGJ: Orange County Grand Jury

OCHRS: OC Human Resource Services

NACA: National Animal Control Association

NGA: Non-government Organization

TNR: Trap, Neuter, Return

GLOSSARY:

Adoption Barriers

Policies or procedures that make adoption, fostering, or volunteering a challenge.

Asilomar

Asilomar refers to an animal welfare industry conference held at Asilomar in Pacific Grove, California. Statistical guidelines developed from this meeting became known as the Asilomar Accords. Participating shelters compile their own data into 'Asilomar' reports, publish their data, and forward their reports to Humane Rescue Alliance which compiles nationwide animal welfare statistics.

Behavior Dogs

Dogs identified as having challenging behaviors.

Capacity for Care

Capacity for Care is an organization's ability to appropriately care for the animals it serves. This is based on a range of parameters including, but not limited to, the number of appropriate housing units; staffing for programs or services; staff training; average length of stay; and the total number of reclaims, adoptions, transfers, returns, or other outcomes.

Community Cat

An unowned cat can be social with people or not. A "Community Cat" is an umbrella definition that includes any outdoor, free roaming cat. These cats may be "Feral" (un-socialized) or friendly or may have been born into the wild. Usually, a Community Cat is a friendly cat.

Feral Cats

Feral cats are not socialized to, and are extremely fearful of, contact with people. Typically, they do not respond well in captivity. A feral cat is typically born in the wild or outdoors with little to no human interaction. If you attempt to get too close or try to pet them, feral cats view your hand as a claw that will harm them and will hiss and/or run away. Feral cats are born from other ferals or from stray cats.

Kill / No Kill

Kill / No Kill refers to a shelter's policy respecting euthanasia. A no kill shelter will not conduct euthanasia, with exceptions for humane reasons. Practices of no kill shelters vary along a spectrum that reject the use of euthanasia as a primary means of population control and health management. A kill shelter will conduct euthanasia for a variety of reasons that include animal control, medical and population control, and

behavior. Many municipal shelters are “kill” shelters as their mandates often include animal control.

Kitten Season

A busy time in the animal shelter world when feral and community cats have kittens. The season occurs during warm weather months. Also referred to as cat breeding season. Typically kitten season is March-October but varies from place to place and in some areas is year-round.

Legal Retention

The number of days a shelter is required by law to hold an animal for recovery by owner prior to placing the animal for adoption, for sale, or euthanizing.

Live Outcome Types

Adoption: an animal is adopted

Return-to-Owner: an animal is returned to the custody of their human/s.

Transferred-Out: an animal is transferred to the custody of another organization.

Trap Neuter Return: an animal is returned to their habitat or community after being treated for medical conditions, including spay/neuter.

Return to Field: putting an animal back where it was found, often as part of a TNR program.

Live Release Rate (Asilomar Report)

Live Release Rate is the proportion of animals leaving the shelter alive to the total number of animals leaving alive plus the number of shelter directed euthanized animals. Live outcomes are usually achieved through adoption, reclaim by owner, transfer to another agency or other life-saving actions

Other Outcome Types

Died in Care: any animal who died while in the custody of the shelter, not by euthanasia.

Euthanized/Killed: any animal whose life was ended purposefully while in custody of the organization.

Rescue Groups

Rescue Groups are often operated by a network of foster home-based volunteers that may or may not be associated with a standing facility. These organizations often accept difficult-to-adopt animals from other shelters and may transfer them or facilitate adoptions outside of the shelter setting.

Return to the Field

An animal who has been returned to its home or habitat. Also referred to as relocate, return to community, or return to wild.

Save Rate (Asilomar Report)

Save Rate is the proportion of animals leaving the shelter alive to the total number of animal outcomes.

Shelter Types

Municipal: an organization that provides the animal care services of a city, county, or cities or counties.

Municipal Contract: A private organization that provides contracted services for the animal care of a city, county, or cities or counties.

Rescue without a Municipal Contract: a private organization that has no affiliation to the city or county animal services.

Foster based Rescue without Shelter: an organization who houses all animals in its custody in foster homes.

Sanctuary: An organization that offers animals a place to live out the remainder of their life. Sometimes sanctuaries offer the option of adoption placement.

Animal welfare sanctuaries often offer this space for animals that have exhausted all other local resources, as an alternative to death.

Stray Hold

The number of days a shelter must hold a stray animal before determining the outcome, as determined by local ordinances. These vary from place to place.

TNR (Trap-Neuter-Return)

TNR (Trap-Neuter-Return) refers to an approach for managing community cats that is an alternative to shelter impoundment. In appropriately managed TNR programs, cats are humanely trapped and surgically sterilized, vaccinated, ear tipped, and returned to the location from where they were trapped.

TNR cats are often not taken into the custody of a spaying/neutering organization because they generally have established community colonies to which they are quickly returned. Community cat colonies are often under the care of a local human member of a community.

Treatable

Treatable means dogs and cats with medical or behavioral issues that can be rehabilitated and managed.

Unhealthy and Untreatable

Unhealthy and untreatable means dogs and cats who, at or subsequent to the time they are taken into possession:

1. have a behavioral or temperamental characteristic that poses a health or safety risk or otherwise makes the animal unsuitable for placement as a pet, and are not likely to become healthy or treatable; or
2. are suffering from a disease, injury, or congenital or hereditary condition that adversely affects the animal's health or is likely to adversely affect the animal's health in the future, and are not likely to become healthy or treatable; or
3. are under the age of eight weeks and are not likely to become healthy or treatable, even if provided the care typically provided to pets by reasonable and caring pet guardians in the community.

DISCLAIMER

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

A WET WINTER IN THE WEST HASN'T
CHANGED CALIFORNIA'S WATER
CHALLENGES



Historic Rain, Yet Drought Remains



County of Orange

Grand Jury 2022-2023

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SUMMARY

The “atmospheric river” of winter 2022-23 in California, causing floods in the lowlands and record snowpack in the mountains, has many people assuming that the “drought is over.” *This assumption is far from the truth.* Drought conditions are here to stay. While Orange County dams and reservoirs are currently at full capacity and the Sierra snowpack is at its deepest level in many years, there has been limited impact on the Western Rockies, the Colorado River, Lake Powell, and Lake Mead from which Southern California draws a significant amount of its potable water supply.

For the purposes of this report, the Orange County Grand Jury differentiated between source and supply. The source of water is the ocean and the resultant precipitation. The supply of water is how precipitation is captured and delivered to consumers of water, including recycling and reuse of this water.

Climatologists, water experts, and water managers agree we must adapt to climate change because longer droughts and extreme weather patterns are inevitable, adding urgency towards finding new methods for obtaining additional water sources.

In Orange County, the lack of available water over the past few years has frequently been identified as a “Water Crisis”, yet the phrase has failed to capture the scope of how dire the situation is. Generally, people don’t think about having enough water because it has been reliably available their entire lives. Throughout the county, there are numerous innovative water projects under consideration or development, but they may not be timely enough to avoid people running short of water and having to conserve much more, ultimately leading to mandated rationing.

Approximately half of all water used in Southern California is imported from the Colorado River and from the California Aqueduct. This imported water is severely constrained and unreliable. With infrequent and unreliable amounts of precipitation supplying both the Northern California Water Project and the Colorado River, the situation is becoming more critical. Several South Orange County cities rely almost solely on these imports. Locally, significant efforts are being made to re-use wastewater. These efforts are limited by the amount of water available from everyday use and do not create a new water source.

North and Central Orange County are served by a well-managed supply of water in underground storage, but it cannot meet the needs of the entire County. South County is entirely dependent on imported water.

The State of California mandated local governments to provide more affordable housing and is also promoting higher density development. This does not recognize the limitations of the current water supply and its social and economic impacts. The State has failed to provide a supply of water to support these mandates.

Public awareness must be expanded to encourage better management of our water by expediting the process for planning and construction of new water sources such as desalination and prioritizing funding.

The Orange County Grand Jury recommends the creation of a “Climate Resiliency District” to lessen the County’s dependence on State and regional water projects. Just as Orange County supported Measure M and created the Orange County Transportation Authority to solve the county’s transportation crisis, the same bold leadership is needed to solve the county’s water crisis.

This report presents information about the current crisis in water planning, existing projects to increase the supply of non-potable water for irrigation, and storage issues. The report makes recommendations for a reliable source of potable water through desalination of ocean water.

BACKGROUND

Water is our most precious resource, but due to shifts in climatic weather patterns, the reliability of traditional water supplies is under intense pressure in Orange County. Many water business insiders are stating privately that these systemic events are now at a “crisis” stage, despite the recent precipitation.

To date, traditional water suppliers in Orange County have not addressed the implications of this systemic shift. They have maximized local resources by recycling, capturing flood water runoff, and finding new areas for storage. However, they have yet to fully develop a transformational drought-resistant water resource outside the status quo.

Numerous past Orange County Grand Jury reports¹ have dealt with the internal governance and organizational structure or the need for conservation efforts to maximize water utilization. This report elaborates on the dependency on outside water supplies such as the California Water Project and the Colorado River Basin that provide over 50% of our county’s local water supply. South Orange County lacks a bountiful aquifer that provides North and Central Orange County with 70% of its water supply.²

South Orange County depends on imported water for 90% of its needs. These imported water supplies are becoming less reliable, with annual reductions occurring in both the California Water Project and the Colorado River Basin creating major disruptions. Conservation measures have been put in place throughout Orange County to maximize existing supplies to help mitigate these concerns. This is simply inadequate to resolve the long-term supply issue. One of the ways to resolve this issue is desalination, a proven alternative that has not yet been fully implemented in Orange County.



REASON FOR STUDY

The Western United States is experiencing a water crisis. The climate is changing, and our supply of water has diminished while our population has increased. This situation did not occur overnight and the efforts to mitigate the crisis have been slow and ineffective.

Existing water agencies in Orange County are not adequately structured or managed to implement the transformational strategies necessary to create a new source of potable water, specifically through desalination. It is possible that a merger of two or more agencies could pivot this new source, but they are already performing the functions for which they were created and it might be difficult to assimilate new functions. The Orange County Grand Jury recommends the creation of a new agency, a Climate Resiliency District, to develop and manage this drought-resistant resource.

Local water suppliers, including cities and special districts, are to be commended for attempting to meet the crisis within constraints. The Orange County Water District very successfully manages the ground water basin serving North and Central Orange

County. These efforts include actively pursuing water transfer and water banking agreements outside of Orange County. Local water suppliers need to expand their portfolio to meet demands. Additional capture of precipitation, supplying groundwater through infiltration, additional storage systems, development of ocean desalination, and recycling and reuse of water all need to be considered and improved and implemented.

The general public, the ultimate users of the water, need to continue their efforts to conserve water by installing low-flow toilets and showerheads, appliances that use less water, using recycled water for landscape irrigation, and eventually accepting the use of recycled water purified for drinking purposes. They also need to support and expedite the development of desalination plants to create a new source of water for the future. It will be necessary for the water suppliers to develop effective public awareness programs to help the public understand the need and desirability of this new paradigm.

METHOD OF STUDY

The Orange County Grand Jury (OCGJ) took the following steps in investigating this issue:

- Identified and interviewed key personnel:
 - Persons or entities responsible for providing potable water to their Orange County constituents
 - Persons knowledgeable in projects to improve capture, reclamation, recycling, delivery, and infrastructure improvements
 - Persons involved in the planning and execution of providing new habitable dwellings
 - Persons who are reputable in the field of climatology – past, present, and future
- Reviewed information from the various water districts and interested parties including:
 - Orange County Water District (OCW)
 - Orange County Coast Keepers
 - California Department of Water Resources
 - Miscellaneous Water Districts
 - Municipal Water District of Orange County (MWDOC)
 - Metropolitan Water District (MET)
- Reviewed numerous documents pertaining to this report (see bibliography for complete list)
- Members of the OCGJ toured the following facilities:
 - Municipal Water District of Orange County Headquarters
 - Orange County Water District Ground Water Recovery Facility
 - Metropolitan Water District
 - Headquarters
 - F.E. Weymouth Water Treatment Plant and Quality Control Laboratory
 - Pure Water Southern California Demonstration Plant in Carson

INVESTIGATION AND ANALYSIS

Climate

The current state of our climate is a prolonged drought. To survive, local sources of water need to be more resilient.

Throughout Earth's evolution, there have been and continue to be impacts on its climate. The continents have been drifting since there was a super continent, Pangea, 175 million years ago. The resulting different geographic locations have differing climate conditions which are still evolving. These "climate changes" have been extensively studied and documented by paleo-climatologists, and their data has been used to forecast what climate conditions will most probably be in the future.

“The current state of our climate is a prolonged drought. To survive, local sources of water need to be more resilient. “

Today's scientists and climatologists agree that Earth is changing due to evolutionary cycles and that climate warming is being acutely exacerbated and accelerated by the effects of human activities. Worldwide, glaciers are receding, sea levels are rising, and permafrost melting. Many global regions that were historically self-sufficient for potable water are now in periods of extended drought where precipitation is a declining resource. Orange County is directly affected by the resulting effects of climate change, evidenced by water reduction mandates and the various proposed means and methods to capture, recycle, and store more water.

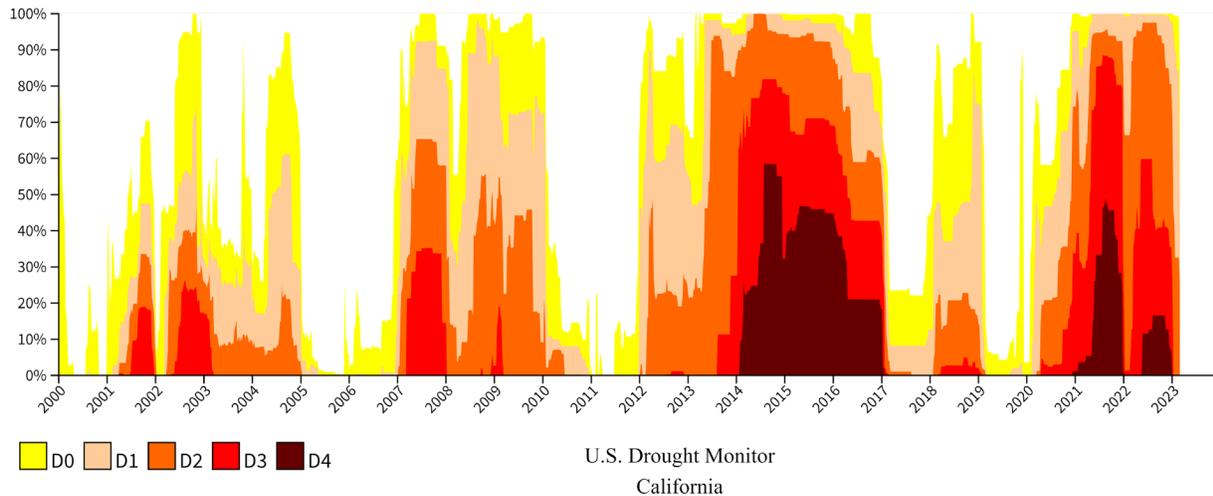
This report acknowledges climate change and its effects on the people of Orange County. It examines whether the current proposed means and methods for securing more water are sufficient to sustain the projected growth in the county and support the green and vibrant lifestyle to which its inhabitants have become accustomed.

As evidenced over the past five decades, the durations and resulting expectations from the seasons in this geographic region of the U.S. (Western) have dramatically changed. Winters have seen declining periods of sustained precipitation, and summers are hotter, longer, and drier. This has directly affected the rivers, lakes, streams, dammed reservoirs above ground and aquifers below ground that rely on melted snow and rain for continued and reliable replenishment. Paleo-climatologists have validated the past climate drought trends, and today's climatologists are predicting the same, punctuated by infrequent periods of precipitation, like the precipitation events of this past winter (2022-23). This all points to the current supplies of water not being dependable.

Key facts and predictions identified during interviews and the numerous climate articles reviewed are:

- The current Western United States drought is the longest in 1,200 years
- The drought is likely to continue for the next 100 years.
- The current Southern California climate is characterized as “drought” but this is likely to be interrupted by infrequent wet years.
- Human activities have affected the climate. The Southern California climate is expected to enter a cooler phase based upon long-term historic trends, rather than the current warming.
- Even if carbon emissions are suddenly decreased, the climate could take up to 100 years to adjust.

The following graph illustrates the current tendency of the climate. It shows five categories: Abnormally Dry (D0), showing areas that may be going into or are coming out of drought, and four levels of drought (D1–D4). The darker the color, the deeper the drought. It clearly shows increased and more frequent levels of drought for California.



Drought as the norm has reduced precipitation as a source of water and Orange County needs to respond to it by providing a more drought resilient supply of water.

Water Demands

- In the past fifty years, California’s population has nearly doubled. Water is needed, and expected, to sustain the current population in all aspects: quality of life, commerce, industry, agriculture, etc., and promote growth and development. However, current, and foreseeable circumstances regarding water availability have severely impacted modern Californians’ expected way of life. To preserve the status quo, water reduction mandates are used to facilitate further development.

- Some water agencies are paying farmers to not grow crops. They are transferring the farmer's water rights to the water agency to feed the thirst of metropolitan areas. Many projects to capture, transport, and store water have been proposed but not yet constructed due to various political and environmental obstructions. The projects that have been approved to capture, store, recycle, and transport more water will only succeed if there is enough water to do so. Precipitation is a declining source of water. Interviews with water experts, e.g., wholesalers, retailers, and suppliers have said that "we cannot conserve our way out of the drought" but they have yet to make Orange County self-sufficient.

Overview of Water Suppliers and Agencies

The water supply for Orange County is primarily managed by three entities – Orange County Water District (OCWD), Municipal Water District of Orange County (MWDOC), and Metropolitan Water District (MET).

Consumers receive their water from 29 independent water districts and cities. The suppliers primarily receive water from either the groundwater basin managed by OCWD, directly from MET, or through MWDOC. The water agencies also have additional minor supplies of water, including treated surface waters and supplies obtained from agreements with other entities. Some of the water agencies provide treated wastewater for landscaping and industrial uses (recycling).

Metropolitan Water District (MET) – (Water Wholesaler)

The Metropolitan Water District (MET) serves the water needs of Southern California by securing and transporting water. This includes overseeing the importation of water from the Colorado River Basin since 1941 and the State Water Project since 1971. MET is a wholesaler which sells and allocates this water to other water agencies, municipalities,³ and counties from Ventura to San Diego. Orange County receives its purchased allocation through the Municipal Water District of Orange County. Recognizing the long-term effects of drought and reduced flows from the Colorado river and California Aqueduct, the MET has initiated major water conservation and recycling programs to make water management a priority. They have attempted to create storage capability and negotiate contracts with the agricultural entities within the Colorado basin to limit their water usage and acquire their allocations.

The long-term threat of climate change and historic droughts have challenged MET and they have failed to identify new supplies of water beyond their historic charter. The State Water Project is delivering only 10% of the historical allocation and the Colorado River supply allocation was reduced 25% in 2022.

Metropolitan Water District is in the water movement business and is not historically tasked with securing new sources of water. As the leading water agency in Southern California, MET has not taken on this responsibility. Their supply of water is dependent on precipitation. When the water allocation was reduced from the State Water Project, MET had to switch many of its customers to the Colorado River. However, numerous articles have documented that the lakes on the Colorado River (Mead and Powell) are

at the lowest levels since they were built, and their future viability is at question due to a decade's long drought in the west.



The State Water Project⁴ includes 700 miles of delivery canals (California Aqueduct) that serves 27 million people and irrigates 750,000 acres of farmland, which supplies fifty percent of the United States' produce. The project originated in 1960 and although it is well maintained, it has not been upgraded in years. The water for the State Water Project comes primarily from the Sacramento-San Joaquin Delta. When forming its water strategies, Orange County needs to recognize that the State Water Project's reliability is in doubt due to its 53-year history of not being adequately maintained.

The Colorado River has been in the news due to the drought reducing its flow over the past twenty years. The agreements regarding the allocation of Colorado River water are set to expire in 2026 and are currently being renegotiated. Water levels at Lake Mead and Lake Powell have dropped significantly, and experts say it would take at least 10 years of above average precipitation to restore them. Orange County should simply not rely upon the Colorado River as a dependable supply, now or in the future.

Following numerous interviews and a thorough review of project documentation, the Grand Jury reached several conclusions regarding MET programs to replace dwindling water supplies. Most notable is that the Carson wastewater reclamation project is years away from being completed and 20 years behind similar projects in Orange County. Overall, MET cannot be expected to significantly replace the reductions in water allocations from the Colorado River and the State Water Project within the next decade.

“MET water will not be reliable for at least a decade and Orange County needs to consider developing other resources to make up for this lack of reliability.”

Municipal Water District of Orange County (Water Wholesaler)

The Municipal Water District of Orange County (MWDOC) is primarily a wholesale water provider and, to a lesser extent, a water resource development and planning agency for nearly 3.2 million Orange County residents, and businesses. MWDOC buys imported water from the California State Water Project in Northern California and the Colorado River through the Metropolitan Water District of Southern California. MWDOC has four representative seats on the Metropolitan Water District (MET) Board. Through its member agencies, MWDOC covers all of Orange County except the Cities of Anaheim, Fullerton, and Santa Ana.

Orange County must import water due to limited local water supplies. Central and North County import approximately 30% of their water to supplement its existing supply. However, South County is highly reliant on the Municipal Water District, as South County water districts must import 90% of their water supply from outside of Orange County.

The Municipal Water District of Orange County is extremely important as a wholesaler or broker to the retail water districts in Orange County and as a representative of Orange County’s interest on the Metropolitan Water District Board.

MWDOC has completed a comprehensive study of Orange County’s water reliability needs that could serve to achieve a climate resilient water supply. The study covers MET system reliability and Orange County projects including desalination projects, water shed projects, and water banking projects. The study also identifies the crisis Orange County is facing – by 2030, eight out of every ten years can be expected to be in drought. However, the study is devoid of information about financing and implementation, and its conclusions rely too much on MET efforts that are decades behind where they should be.

Based upon this study and MWDOC’s countywide area of responsibility, MWDOC could conceivably lead Orange County’s efforts to plan, finance, and implement water source and supply projects.

MWDOC serves no other purpose than to distribute water and has not attempted to expand its supply of water beyond its engagement with the MET. Previous Orange County Grand Juries have recommended that the MWOC and OCWD merge for a more efficient and streamlined approach towards water management.

Orange County Water District (Water Wholesaler)

The Orange County Water District (OCWD) provides water to 2.5 million residents in North and Central Orange County. The District effectively manages the Orange County groundwater basin that provides approximately 77% of water used in the region. It supplies the 19 cities and retail water agencies in Central and North Orange County with potable water. As the sole adjudicator of Orange County's ground water basin, the agency plays a vital role in assuring the aquifer is effectively managed.

The Orange County Water District has been a true innovator in water management and operates the world's largest water purification replenishment system for indirect potable water use. Over 130 million gallons per day are recycled into the Orange County aquifer, thus replenishing this vital resource. It has exhausted the wastewater supply available for recycling through its comprehensive efforts.

The management of Orange County's underground reservoir has been exceptional. OCWD has also implemented a regional groundwater banking program to assure long-term reliability and increasing stormwater capture behind Prado Dam where water eventually gets released and recharged into the Orange County aquifer, thus becoming part of the local water supply.

Despite its absolute success at recycling, the Orange County Water District must still import 23% of its water brokered by the Municipal Water District of Orange County through the Metropolitan Water District. The local Orange County ground water basin is simply not large enough to meet demand.

Water Retailers

The **Irvine Ranch Water District** serves a large Orange County populace of 600,000, primarily in the Cities of Irvine, Lake Forest, parts of the Cities of Orange, Costa Mesa, Tustin, and Newport Beach. IRWD provides water as well as reliable sewage collection and treatment. The combination of being a water retailer combined with managing sewage treatment has allowed IRWD to implement groundbreaking recycling water programs for non-potable use and innovative urban runoff programs. The district relies partially on the Orange County basin for its water supply, but also is dependent on 20% of imported water from the Municipal Water District of Orange County.

As an innovator, the IRWD secured rights to the Kern water basin for water storage. This storage reduces its reliance on Metropolitan Water District and provides access to a potential supply of water in an emergency. Through conservation and water efficiency programs, IRWD has reduced overall water consumption year over year allowing development to continue to move forward unabated within the jurisdiction it serves. However, growth in community development exposes IRWD to shortages as its allocation of imported water is determined by Municipal Water District of Orange County.

The **Moulton Niguel Water District** serves 170,000 residents in South Orange County, and is highly dependent on imported water from the Municipal Water District of Orange County (in excess of 90% of its potable water). Therefore, the District has made a major effort to drive efficiency and conservation efforts, which have been successful in

reducing water utilization and continue to allow local development. Negotiations are underway with local sanitation districts to attempt to initiate recycling programs for the betterment of the community. The collaboration with South Orange County Wastewater Authority (SOCWA) has been less than cooperative thereby impeding recycling efforts. Should the Municipal Water District of Orange County fail to deliver the required water, Moulton Niguel Water District is highly vulnerable to supply disruption.

The **Rancho Santa Margarita Water District (RSMWD)** imports 100% of its potable water from the Municipal Water District of Orange County and services over 200,000 residents in south Orange County, primarily the eastern portion of Orange County from Mission Viejo to San Clemente. As a result, the District has committed to developing local reliable drinking water supplies. RSMWD constantly monitors opportunities to enhance its water portfolio. The current major effort is the San Juan Watershed project that will capture local stormwater runoff as well as directing recycled water to recharge the local underground aquifer.

Conservation water efficiency efforts have also played a major role to minimize water usage. Within RSMWD's service area, there are major communities being planned. The planned communities under development, Los Flores and the Ranch, will add 15,000 homes or approximately 60,000 additional residents to the District's customer base. With this development the water demand will increase and therefore will increase the need to import water. Should Municipal Water District of Orange County fail to deliver required water, RSMWD is highly vulnerable to supply disruption.

The **South Coast Water District (SCWD)**, like other south Orange County water districts, is highly dependent on imported water from the MWDOC. SCWD serves 35,000 residents and 2 million visitors a year. SCWD relies on 90% of its potable water being supplied by the MWDOC. SCWD is to be applauded in its attempt to expand its efforts to decrease its dependence on imported water. Recently, SCWD was granted approval to proceed with an ocean desalination plant of 5 million gallons of water a day. The plant is to be built within the next five years. SCWD is working to maximize recycling efforts to minimize reliance on imported water. Major conservation and water efficiency programs have been implemented locally. Until the desalination plant comes online, and should MWDOC fail to deliver required water, SCWD is highly vulnerable to supply disruption.

Until the desalination plant comes online, and should MWDOC fail to deliver required water, SCWD is highly vulnerable to supply disruption.

Other Orange County Water Suppliers. Water wholesalers in Orange County work with local water retailers to provide water to their residents. The Orange County local retailers include 29 cities and local water districts.

Most of the cities and water agencies have implemented programs to minimize water utilization to become more efficient. They are to be applauded for their efforts.

South Orange County retailers Moulton Niguel Water District, Rancho Santa Margarita Water District, and South Coast Water District are highly dependent on the importation of water, in excess of 90% of total local demand.

Irvine Ranch Water District is included because of the unique characteristics that were identified during the course of this investigation. Specifically, the Grand Jury noted its creativity in securing potential sources of water coupled with the continued development of the Irvine Ranch and water required to serve new residents.

South Orange County retailers are highly dependent on the importation of water for more than 90% of local demand. The Grand Jury's investigatory efforts have included a focus on this dependency.

State of California Managed Supplies

The State of California is responsible for operating the State Water Project, planning and implementation of statewide projects for water supply, State bond financing for projects, and management of federal and State funding programs. These have been insufficient to address the threats to Orange County water supply.

Water management in California is very complex. There are numerous constituents placing a huge demand on water resources: agriculture, urban centers, industry, business, developers, tourism, and residents. This pressure coupled with an antiquated water structure with hundreds of water wholesalers and retailers makes a challenging dynamic.

Environmental pressure exacerbates the challenge. The State's lack of long-term solutions to California's water needs is not new. No new reservoirs have been built since the 1970's when the population was 20 million people. 50 years later, California's population has almost doubled to 39 million. For years, the State has studied proposals to secure additional supplies of water by moving water from the Sacramento delta to Southern California through the California Water Project, with no discernable results. The project is needed to protect the existing water supply and secure additional water but has been bogged down by debate about approach and environmental review.

No new reservoirs have been built since 1970 when the population was approximately 20 million, yet California's population has almost doubled to 39 million.

In 2014, a bond initiative was passed to provide \$7.3 billion in funding for 10 new reservoirs and other water related projects, yet the reservoirs have not been completed. The recent rains that swept California this winter resulted in billions of gallons of water

flowing out to sea.⁵ The California Natural Resources Agency maintains a web page that shows the progress of the bond issue.⁶ The web page shows most of the funds have been committed but lacks information regarding what has been accomplished.

In terms of planning, in August 2022, the California Environmental Protection Agency issued a major report entitled “California Water Supply Strategy – Adapting to a Hotter, Drier Future, California Agencies.”⁷ But the strategy does not detail schedules or actions or assign resources or funding. In the report, the Newsom administration points out that in order to deliver the pace and scale of projects necessary to meet California’s water crisis, the State’s regulatory structures must be modernized so that “State agencies can assess, permit, fund and implement projects at the pace this climate emergency warrants.” The report does not describe how Newsom’s directive is to be understood or executed. Other relevant State reports touching upon State water resources include those on climate change, water supply assessment, and an analysis of recent droughts. While all these reports help identify problems, they provide few and limited actionable recommendations.

The California State Water Control Board is the State’s key water agency, yet its focus on water supply is not clear. Other State agencies that have water oversight include: the Department of California Water Resources, the California Water Commission, and the National Resources Agency, and State Conservancies, such as the Sacramento-San Joaquin Delta Conservancy that are involved in water grants and planning. The State environmental and river basin authorities also complicate planning and actions. There seems to be no coordinated focus on water supply.

The Sacramento-San Joaquin levees are very important to the State Water Project. They protect the integrity of the system. For decades, the levees have been identified as needing bolstering, yet this has not been done. If the levees fail or are breached there will be an influx of brackish water from the San Joaquin Delta that will contaminate the fresh water in the Project, making it unusable. The recent rains have focused the need for action, yet nothing is likely to be done anytime soon. As an example, the need to capture and store rainwater in aquifers has been recognized for decades, yet the recent rainfalls show little has been done.

Recently, the State initiated the Delta Conveyance Project (DCP). This is a joint powers authority formed to help ensure water supply reliability for the State Water Project and to adapt to forecasts of future changes in precipitation and seasonal flow patterns due to climate change. An important part of the DCP is a proposed tunnel under the Delta. The concept for the project originated in the 1970s and subsequent versions included the Trans-Delta System, Peripheral Canal, Bay Delta Conservation Plan, and the California Water Fix (a dual tunnel). The Delta Conveyance Project faces strong opposition from environmentalists. The prospect of the project being completed in a timely manner, if at all, is doubtful.

Governor Newsom himself noted the difficulty of getting water projects going in his statement at an August 2022 news conference: “The time to get these damn projects is ridiculous,” Newsom said. “It’s absurd. It’s reasonably comedic. In so many ways, the world we invented from an environmental perspective is now getting in the way of moving these projects forward.”⁸ Projects take decades to accomplish, if they are

completed at all. The State cannot be relied upon for consistent water delivery in wet or dry years.

Water management in California can best be summed up as always studied but never resolved. The impacts of this paralysis mean that Orange County cannot currently rely on the State to identify or secure a new source or supplies of water.

Federal Intervention

California may have to reduce its reliance on Colorado river water under a proposal by the U.S. Department of the Interior, unveiled on April 11, 2023, that upends the longstanding system of water rights. The Department proposed two methods for reducing water usage by as much as 25% in 2024. The seven states utilizing the Colorado river have been negotiating with each other since August 2022 to make voluntary cuts. To date no agreement has been reached.

The U.S. Bureau of Reclamation, part of the U.S. Department of the Interior, warned that it would impose large cuts if the states relying on the river did not come up with a plan by January 31, 2023. The states failed to do so. Although California has experienced an unusually wet winter, this has not changed the Colorado River's longstanding challenges amid a much drier climate.

The rationing of water from the Colorado River basin appears inevitable at the time of this report, disrupting the long-tenured stability of Southern California's imported water supply. It reinforces the idea that the time to act for securing a new source of water for Orange County is now.

Water Justice

As the demand for water increases, not only to sustain the status quo but also for development, equal access to water must also be addressed. What regions will be entitled to preserve their way of life and what regions will have to compromise?

The cost of obtaining and distributing water is equally important to water justice. The projects required to ensure a reliable water supply are costly and, if delegated to the ratepayers, may have a significant impact on lower income households. Traditionally, major water projects have been financed through state and federal governments or through special tax assessments. This is an easier burden on lower income groups than strictly through rate structures. Orange County should develop a funding strategy for water projects that is acceptable to rate-payers and does not overly burden lower income groups.

Orange County should develop a funding strategy for water projects that is acceptable to rate-payers and does not overly burden lower income groups.

Actions to Secure and Strengthen Supply

Numerous initiatives and projects have been planned to improve and strengthen the existing supply systems:

- 1) water banking,
- 2) purchasing water rights,
- 3) recycling water,
- 4) reuse of water for potable purposes,
- 5) aquifer management,
- 6) utilization of other supplies, and
- 7) water efficiency.

However, these projects are years behind schedule and taking an extraordinarily long time to complete. These initiatives are important to point out as efforts, but it must be noted that by themselves, they are not solutions to Orange County's water reliability. The Grand Jury's evaluation of these efforts is included in Appendix A "Local Agency Action to Secure Water Supply."

The efforts to diversify the water portfolio and make the existing supply more resilient are commendable, but a new source is also needed.

Effective Management of Initiatives

Orange County needs an entity to champion and lead the efforts to develop a water source that will enhance the reliability of existing water supplies. Orange County water suppliers have completed and are engaged in several projects to improve the resilience of our water supply, but efforts for the whole County have been limited. A countywide effort to develop a drought-resistant source of water is necessary due to climate change.

Effective countywide management of water resources would alleviate the jurisdictional issues that have hampered the development of recycled water in South County including shared use of the aquifer for all of Orange County. A Climate Resiliency District could serve this purpose.

A Climate Resiliency District is authorized by the Climate Resilience District Act, codified in California Government Code Sections 62300-62312. Section 62301 describes the legislative intent of the Act:

It is the intent of the Legislature in enacting this division to provide the ability for local governments to create districts for the purpose of addressing climate change effects and impacts through activities and actions that include mitigation and adaptation, as necessary and appropriate, to achieve all of the following:

(a) Providing a sustained and certain level and source of funding at the local level.

(b) Allowing activities and actions on an appropriate geographic basis.

(c) Facilitating the receipt and use of federal, state, local, and private funds.

The purpose of the Climate Resiliency District would be to promote a project that addresses drought, including multiuse land repurposing, groundwater replenishment, groundwater storage, or conjunctive use.⁹ It is envisioned that a Climate Resiliency District would be capable of planning and financing water source projects such as desalination that are beyond the means of existing Orange County water agencies.

There were concerns about a Climate Resiliency District expressed by some water district leaders interviewed by the Grand Jury. They stated that a Climate Resiliency District might be another level of bureaucracy that could impede the pursuit and development of their own projects. However, these concerns would carry more weight if planned projects were actually being implemented.

Alternative structural entities could be a joint powers authority (JPA) created for this purpose, either spearheaded by Orange County Water District (OCWD) or Municipal Water District of Orange County (MWDOC), or a collaborative effort between both.

The Joint Exercise of Powers Act, codified in California Government Code Section 6500 et seq., authorizes two or more public agencies, by agreement, to exercise any power common to the agencies to provide more effective or efficient government services or to solve a service delivery problem. A JPA could plan, finance, and implement water source and water supply projects. Similarly, Orange County Transportation Authority (OCTA) was created in 1991 to fund, plan, and implement transit and capital projects. OCTA has been successful in solving some of Orange County's transportation needs. A JPA focused on Orange County's water needs could similarly succeed.

Forming a JPA to comprehensively address all of Orange County's water needs would ultimately require the cooperation of 29 entities including special water districts and cities that supply water. The political effort required for this cooperation would be significant and would require a new approach towards such collaboration.

Either separately or cooperatively, OCWD or MWDOC could take the lead for the planning, financing, and implementing of water source and supply projects to the benefit for all of Orange County. Unifying the water districts is also a possibility, as previously reported by the 2021-2022 Grand Jury.¹⁰

Through its member agencies, MWDOC covers all of Orange County except the Cities of Anaheim, Fullerton, and Santa Ana. MWDOC has completed a comprehensive study of Orange County's water reliability needs that could serve as means to achieve a climate resilient water supply.¹¹ The study covers MET system reliability and Orange County projects including desalination projects, watershed projects, and water banking projects. The study clearly identifies that Orange County is facing a water crisis, and forewarns that by the year 2030, eight out of every ten years can be expected to be dry. Based upon this study and MWDOC's countywide charter, MWDOC could accept responsibility to lead Orange County's efforts to plan, finance, and implement water source and supply projects. However, the study would need to be updated, as it is

totally devoid of financing and implementation data, and it relies too much on MET efforts that are decades behind where they should be.

Orange County needs a champion to lead the efforts to develop a water source and to enhance the reliability of existing water supplies. OCWD and MWDOC have planned but failed to implement a solution, and a joint powers authority requires a level of political cooperation that may not be possible with 29 separate water agencies. Therefore, the County of Orange should initiate the Climate Resiliency District to plan, finance, and implement water supply projects to meet future conditions and needs.

Orange County needs a champion to lead the efforts to develop a water source and to enhance the reliability of existing water supplies

Public Awareness of the Need for Action



Public awareness of the consequences of current and future climate change is important as a catalyst for adapting to the change. In the past several months, there have been numerous newspaper and magazine articles on water concerns in California and the Western United States. There have also been at least two television documentaries. Many local water agencies have included fact sheets and other

information on their web pages and in monthly statements warning of the water “crisis”. These messages have resulted in increased public awareness but more needs to be done. Public education to promote projects to address the crisis is a must.

As a result of increased public awareness, water agencies have noticed a decrease in per-capita water usage. The public is using water more efficiently. However, several Grand Jury interviewees noted that we cannot conserve our way out of the drought. Solving Orange County’s future water shortfall through conservation alone would require drastic changes in water usage and would likely meet strong public resistance. Additional efforts are needed to inform the public of potential lifestyle changes if additional water sources and supplies are not developed.



Some water agencies in Orange County have conducted public campaigns to make the public aware of the need to increase rates. The rate increases are for projects to increase the water supply and source resiliency of the agency. South Coast Water District’s outreach to its customers has been most notable and enabled the District to proceed with community support for the Doheny Desalination Project.

The public needs to be galvanized to move forward. The Grand Jury recommends that the County Board of Supervisors lead a countywide campaign to mobilize the public in support of new water sources that will make the supply systems more efficient and resilient.

Effect on Local Economy

If no new sustainable source of potable water is developed there will be an adverse impact on Orange County. While North Orange County has an underground aquifer with a substantial amount of water, South County is almost entirely dependent upon external supplies. Major strides have been made in recycling water for industrial and landscaping purposes, but there is still a shortage of potable water with the only current source of “new” water being the Doheny Desalination plant, which will take years to complete and probably not begin operations until 2028. Capital costs of building a desalination plant are generally beyond the capability of a single water district.

Water supplies collected through precipitation are the most economical but the most unreliable. There are insufficient storage facilities in Orange County for capturing precipitation and there are no aquifers in South County.

The State of California has mandated that municipalities create new housing opportunities, particularly low-income housing. Developers are required to install water saving features such as low-flow toilets and showers, water-saving washing machines and drought-resistant landscaping, all of which increase the cost of building. These features do not offset the effects of the drought, and experts predict an eventual shortage of water would result in a moratorium on development.

Businesses and industries such as retailers, manufacturers, and theme parks rely on clean and dependable water. If they cannot depend on the local suppliers their enterprises are at risk. Homeowners, as ratepayers, are likely to see increases in their water bills due to increased costs of purchased water by the wholesalers and retailers.

Severe drought, causing major reductions in river flow, has an adverse effect on hydroelectric plants resulting in shortages of power to the grid. Developing an alternative source of water (desalination) reduces the reliance on this supply for consumption, thus making more available for power generation.

... experts predict an eventual shortage of water would result in a moratorium on development.

Drinking Water Obtained from the Sea

South Orange County imports 90% of its drinking water, with most of it currently coming from the Colorado River. The allotment of water from the river is at serious risk and will likely be significantly reduced. In recent years, not enough precipitation has fallen to meet Orange County’s drinkable water needs, and there is no way to make it rain or snow.

Seawater can be made into fresh potable water in a process called desalination, one of the solutions being considered to resolve this looming crisis. However, the Grand Jury determined that desalination is not being implemented fast enough. Although ocean

desalination currently requires an initial capital investment and high operating costs and raises environmental challenges; critics acknowledge it would make a significant contribution to Orange County's water portfolio.¹²

Desalination is being used increasingly around the world to provide people with needed freshwater.¹³ According to the International Desalination Association, more than 300 million people around the globe receive their water from desalination plants.¹⁴

Multiple desalination plants are under consideration in California, with only a few in operation. The Carlsbad Desalination Plant, near San Diego, provides approximately ten percent of the freshwater used in the region, and Santa Barbara is currently upgrading an older plant. Recently, two new seawater plants have received approval to begin construction: one on the Monterey Peninsula, and the Doheny Plant in Dana Point. Orange County must consider the benefits of a high-capacity facility as a means towards self-sufficiency.

Current challenges to desalination include planning, construction costs, impact on marine life from saltwater intake, high energy demands, operating complexities, difficulty of cycling plants on and off, and disposal of concentrated salt brine.

Desalination challenges are mitigated by creating economies of scale with high volume production and careful planning, selecting suitable locations, and technological improvements. For example, the Carlsbad plant produces 50 million gallons per day or more than 56,000 acre feet (AF) per year. The plant started operation in 2015 and reports that it produces water for ½ cent per gallon, or \$1600 per AF, in large part due to its high volume.¹⁵ For comparison, the MWDOC published rate as of January 1, 2023, is \$1,209 per acre foot.¹⁶ If Orange County were to establish a similar facility, it would offset the need for imported water and allow imported water to be redirected to other Southern California communities relying on importation, such as Inland Empire.

The length of time to plan, obtain permits, and construct a desalination plant can take decades. A proposed plant at Huntington Beach was in planning and permitting for over twenty years and ultimately was not approved. South Coast Water District began the initial steps for the Doheny Plant at Dana Point in 2016 and it is expected to be in operation by 2028.

Unless the State of California initiates methods for expediting the planning and approval processes, it can take at least as long as these two projects for any new ocean desalination plants. The State has shown it can accelerate the approval process as evidenced by the approval of SoFi Stadium¹⁷ in record time by enacting legislation that expedited the permit and environmental requirements without compromise.

It is well known that desalination has an impact on the environment, and we are fortunate to live in a state where protecting the environment is important. Engineers and water experts are researching how to integrate more renewable energy into the next generation of plants. The environmental impacts and costs of desalination should be compared against the full environmental impacts and costs of importing water from 700 miles away, not just wholesale rate costs as is usually done.

Orange County cannot continue to rely on imported water, nor can it ignore the fact that there is an immediate need to take advantage of the ocean as a drought-resistant source of water. According to the Grand Jury's research and interviews, the environmental concerns, surrounding intake and outflow of saltwater, and high electricity demand are being met as evidenced by the Doheny approval, therefore allowing desalination plants to operate. Orange County should embrace desalination as a major part of an overall local plan, not just a last resort.

COMMENDATIONS

South Coast Water District is to be commended for its strategic foresight. The District has recently gained approval for the Doheny Ocean Desalination Project for which they initiated feasibility studies in 2008. The plant is now anticipated to be operational in 2028. The Doheny Ocean Desalination Project is a new, reliable, local, and drought-proof water supply. The Doheny Ocean Desalination Project is the first desalination project in the State of California to be fully compliant with the California Ocean Plan.¹⁸

Orange County Water District successfully manages the aquifer under Central and North Orange County for the benefit of multiple water suppliers. It has also built the Groundwater Recovery System (GWRS) to treat wastewater to potable levels for supplementing the aquifer. Recently, it expanded and commissioned the GWRS. The Orange County Grand Jury commends OCWD for its work.

The water suppliers for Orange County have undertaken numerous initiatives to increase the resiliency of their water supplies. The Orange County Grand Jury commends these suppliers for their efforts and encourages them to continue pursuing expanded opportunities.

The Orange County public has significantly reduced the per-capita water usage through conservation efforts. This is important to maximizing the water supply. The Orange County Grand Jury commends the public for these efforts.

The Orange County Grand Jury commends the leadership of MWDOC and OCWD for their continued negotiations regarding merger.

The Orange County Grand Jury commends the Southern California news media for their continued efforts in reporting on the critical nature of our water supply.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "**Historic Rain, Yet Drought Remains**," the 2022-2023 Orange County Grand Jury has arrived at the 12 principal findings, as follows:

- F1 Future water supplies are impacted by climate change and current supplies will not meet future demands.
- F2 Climatologists predict future extended periods of low moisture with occasional wet years.
- F3 Climate change is inevitable and is exacerbated by human behavior.
- F4 South Orange County relies primarily on the importation of water.
- F5 Local water suppliers recognize that enhanced stormwater capture and storage, wastewater recycling, and infrastructure improvements will not be sufficient to address the long-term forecast of drought and its effects on supply.
- F6 There is significant water infrastructure planning, but inadequate implementation.
- F7 The review and approval process for major water capital projects is cumbersome and overly restrictive.
- F8 Failing to find solutions to water shortages will have a significant impact on the Orange County economy.
- F9 Continued development in Orange County creates additional water supply needs.
- F10 Conservation and efficient use of water is essential.
- F11 Increased outreach and public education are necessary.
- F12 Desalination has proven to be technologically and environmentally feasible and is slowly being embraced as a drought-resistant source of water.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or as noted, requests) responses from each agency affected by recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled “**Historic Rain, Yet Drought Remains,**” makes the following four recommendations:

- R1 The County of Orange Board of Supervisors should take a leadership role by the end of calendar year 2023 to explore the establishment of a “Climate Resiliency District” or Joint Powers Authority to fund and expedite implementation of a drought-resistant source of water. F1, F2, F3, F4, F5, F6, F7, F8, F9, F12
- R2 Orange County water agencies should expedite the planning, development, and construction of desalination plants over the next five years to insure a sustainable

and reliable drought-resistant source of water. F1, F2, F3, F4, F5, F6, F7, F8, F9, F11, F12

- R3** The County of Orange and all Orange County cities should formulate an emergency development moratorium plan in anticipation of the Colorado River water supply being constrained. The emergency moratorium plan should be developed by the end of calendar year 2023. F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
- R4** Orange County water agencies should update their public communication strategies, by calendar year end 2023, to inform the public of lifestyle changes if additional water sources are not developed. F10, F11, F12

REQUIRED RESPONSES

Findings – 90 Day Response Required

County of Orange Board of Supervisors	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Municipal Water District of Orange County	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Orange County Water District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Irvine Ranch Water District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Moulton Niguel Water District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Santa Margarita Water District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
South Coast Water District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12

Recommendations – 90 Day Response Required

County of Orange Board of Supervisors	R1, R3
Municipal Water District of Orange County	R2, R4

Recommendations – 90 Day Response Required

Orange County Water District	R2, R4
Irvine Ranch Water District	R2, R4
Moulton Niguel Water District	R2, R4
Santa Margarita Water District	R2, R4
South Coast Water District	R2, R4

REQUESTED RESPONSES

Findings – 90 Day Response Requested

East Orange County Water District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
El Toro Water District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of Anaheim	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of Santa Ana	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of Fullerton	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Emerald Bay Service District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Golden State Water Company	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Laguna Beach County Water District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Mesa Water District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Serrano Water District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Trabuco Canyon Water District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Yorba Linda Water District	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of San Juan Capistrano	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of San Clemente	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12

Findings – 90 Day Response Requested

City of Tustin	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of Fountain Valley	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of Westminster	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of La Habra	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of Brea	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of Buena Park	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of La Palma	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of Seal Beach	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of Huntington Beach	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of Garden Grove	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
City of Newport Beach	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Santa Ana Water Shed Project Authority	F1, F2, F3, F5, F6, F7, F8, F9, F10, F11, F12
Metropolitan Water District of Southern California	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12

Recommendations – 90 Day Response Requested

East Orange County Water District	R2, R3, R4
El Toro Water District	R2, R3, R4
City of Anaheim	R2, R3, R4
City of Santa Ana	R2, R3, R4
City of Fullerton	R2, R3, R4
Emerald Bay Service District	R2, R3, R4

Recommendations – 90 Day Response Requested

Golden State Water Company	R2, R4
Laguna Beach County Water District	R2, R3, R4
Mesa Water District	R2, R3, R4
Serrano Water District	R2, R3, R4
Trabuco Canyon Water District	R2, R3, R4
Yorba Linda Water District	R2, R3, R4
City of San Juan Capistrano	R2, R3, R4
City of San Clemente	R2, R3, R4
City of Tustin	R2, R3, R4
City of Fountain Valley	R2, R3, R4
City of Westminster	R2, R3, R4
City of La Habra	R2, R3, R4
City of Brea	R2, R3, R4
City of Buena Park	R2, R3, R4
City of La Palma	R2, R3, R4
City of Seal Beach	R2, R3, R4
City of Huntington Beach	R2, R3, R4
City of Garden Grove	R2, R3, R4
City of Newport Beach	R2, R3, R4
Santa Ana Water Shed Project Authority	R2, R3
Metropolitan Water District of Southern California	R2, R3, R4

GLOSSARY

Acre-feet

The unit of volume typically used to describe the quantity of water stored in large reservoirs and aquifers and delivered through large conveyance systems for irrigation use and for treating for public use. An acre-foot is one surface acre that is one foot deep and is equal to 325,851 gallons.

Aquifer

An underground layer or body of permeable rock, sediment, or soil that can store and yields water. Orange County has a large aquifer underlying North and Central County.

California State Water Project (CSWP)

A multi-purpose water storage and delivery system that extends more than 705 miles and includes a collection of canals, pipelines, and reservoirs to deliver water to 27 million Californians, 750,000 acres of farmland, and businesses throughout the state.

Conjunctive Use

Using surface water in wet years and storing as groundwater for use in dry years. Surface water is injected directly into aquifers and wells to be used as needed as part of groundwater banking or is stocked in ponds or basins and then allowed to percolate naturally into aquifers.

Desalination

The process of removing salt from brackish water or seawater. For the purposes of this report, desalination is used primarily in terms of sea or ocean water.

Direct Potable Water Reuse

The process by which recycled wastewater is treated to a high degree suitable for potable use and placed directly into potable distribution systems. California has recently created regulations for direct potable water reuse.

Drought

A prolonged period of low or no rainfall that causes water scarcity and affects ecosystems, agriculture, and human health.

Gray Water

Wastewater from bathtubs, shower drains, sinks, washing machines and dishwashers; however, some plumbing codes exclude water from sink and dishwasher as being classified as gray water.

Ground Water Recovery System (GWRS)

Operated by Orange County Water District, the system takes highly treated wastewater that would have previously been discharged into the Pacific Ocean and purifies it to potable standards.

Potable Water Reuse Indirect

Treatment of water such as recycled wastewater, to a high degree suitable for potable purposes and uses an environmental buffer, such as a lake, river, or a groundwater aquifer, before the water is treated again and utilized as potable water. This process is used by Orange County Water District at GWRS to treat water and replenish the aquifer under North and Central Orange County.

Recycled Water

Water reuse (also commonly known as water recycling or water reclamation) reclaims water from a variety of sources then treats and reuses it for beneficial purposes such as agriculture and irrigation, potable water supplies, groundwater replenishment, industrial processes, and environmental restoration. For the purposes of this report, recycled water comes primarily from highly treated wastewater.

Reverse Osmosis

A process of producing pure water by forcing it through a semipermeable membrane that only allows water to pass. It is the primary method for large scale desalination and is also used as one of the final treatment steps for producing potable water from wastewater.

Sustainability

The long-term viability of a community or practice.

Urban Runoff

As commonly referred to in Orange County, surface runoff during dry weather of landscape irrigation, and car washing created by urbanization. It can also refer to the stormwater runoff over impervious surfaces (roads, parking lots and sidewalks). The concern with urban runoff is possible contamination of surface and groundwater.

Water Banking

The practice of forgoing water deliveries during certain periods, and “banking” either the right to use the water in the future or saving it for someone else to use in exchange for a fee or delivery in kind. Typically, in Southern California, it is stored in aquifers.

Water Source

As used in this report, a water source is defined as the ocean or precipitation.

Water Suppliers

As used in this report, water suppliers include water districts and cities that provide water to the public.

Water Supply

As used in this report, water supply includes water derived from a water source and that is stored, conveyed, and utilized by the public.

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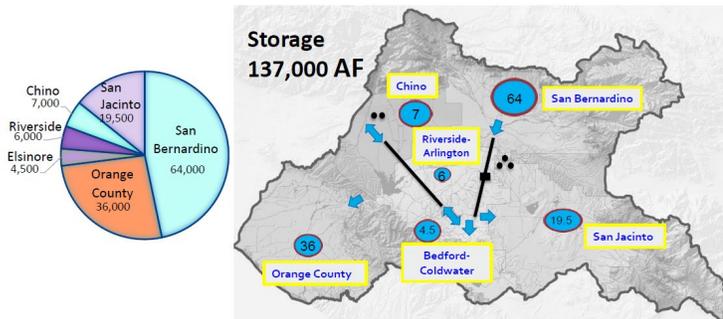
APPENDIX A: ACTIONS BY LOCAL AGENCIES TO SECURE SUPPLY

Water Banking:

Water banking may help with droughts but is only a part of the solution and it has yet to prove itself.

Water banking is being pursued Metropolitan Water District and various water suppliers. Simply put, water banking is a voluntary, market-based tool that could facilitate water transactions between willing sellers and buyers. Water right owners, who are willing to free up some of their water in a particularly dry year or years, would temporarily lease it to those who simply cannot afford to be without water. Water banking also takes water during periods when it is available and stores it. Banking water during wet years provides water districts with a cushion of protection during droughts. It also conserves any unused water, rather than letting it run out to the sea or be lost to evaporation. The storage is usually done in aquifers and generally not within the individual agencies area. The water banking agreements can be complex and depend upon broad cooperation among various agencies for delivery and storage.

SARCCUP Water Bank Storage

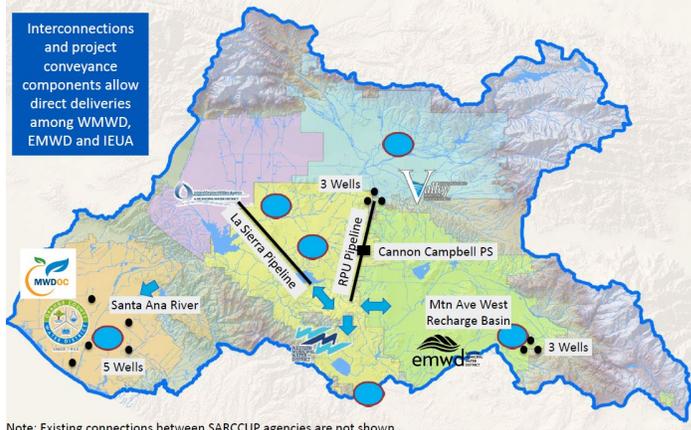


Conjunctive use is a catchphrase for coordinated use of surface water and groundwater. The state considers water banking a “conjunctive use” and encourages such uses.¹⁹

On a statewide level, California has 517 groundwater basins.

Stanford’s Water in the West institute estimates that the capacity of underground water storage in California is at least 20 times greater than that of the state’s reservoirs and lakes. However, the means to store surplus water and return it in dry years is lacking. The Sustainable Groundwater Management Act of 2014 has created the opportunity to expand recharge basins and banking particularly in agricultural areas but to date, action is lagging.

SARCCUP Facilities



The largest water banking project underway that affects Orange County is the Santa Ana River Conservation and Conjunctive Use Program (SARCCUP). It is a regional program that involves several agencies in Orange County, Riverside County, and San Bernardino County. While a logical program to undertake, there are technical and distribution issues that must be worked out and these items may

take several years.

A more controversial banking program is the Cadiz project. The Cadiz Water Project is a water supply project to manage the groundwater basin underlying a portion of the Cadiz and Fenner Valleys in California’s Mojave Desert. At least one water agency in Orange County has considered this program as a potential source of water to meet their needs. The program has been promoted since 1997 and has yet to move forward. There are several environmental concerns with the program and concerns about transferring water between basins, particularly one under a desert. The Cadiz project currently is not viable supply of water.



There are criticisms of water banking and its effect on local communities. A Georgetown Environmental Law Review article in March 2022 stated, “While advocates of water banking believe its market-based approach will efficiently allow a reduction of use of water, especially during droughts, opponents may cite some examples of how letting the market take over may be detrimental to local communities.” Such concerns are valid and need to be considered prior to relying on water banking as the only solution to ensure water supply during times of drought.

Purchase of water rights

Temporary transfers of water from one water user to another have been used increasingly as a way of meeting statewide water demands, particularly in drought years. This has been done through the purchase of water rights. There are numerous articles concerning the possible negative effects of this practice, including the effects on less wealthy communities and agricultural. Due to these concerns, this practice should be limited. Farms in western Arizona are growing alfalfa – one of the most water-intensive crops – in an area where there's a shortage of water. Some farms are foreign-

owned and are shipping the crop to Saudi Arabia, where it's illegal to grow because it takes too much water.²⁰

Water sources cannot be bought or sold but the water taken from a lake, river, stream, or creek, or from underground supplies for a beneficial use, requires you have a water right.²¹ The right to use that water can be conveyed on a temporary basis. Temporary transfers of water from one water user to another have been used increasingly as a way of meeting water demands, particularly in drought years.

During interviews, the Grand Jury found the purchase of water rights to be widespread. Agencies stated the cost of acquiring water rights is significantly less than developing new sources. The practice includes asking agricultural users to allow their land to lay fallow.

There are numerous articles about making the agriculture industry more efficient. These effects, if they occur, will take time and be costly. Taking water from a major industry to satisfy urban demands is inherently wrong and will not solve the problem of extended drought.

Recycling Water

Recycled water offers Orange County a way to reduce water requirements but is limited by the amount of wastewater that can be recycled which in turn is dependent upon available water supply. It is an important piece of Orange County water resiliency but not a solution itself.

Recycled water is wastewater that has been treated to a level acceptable for landscaping and certain other industrial uses. The regulations regarding the use and stand for treatment of recycled water are referred to as Title 22.²² Orange County has been a leader in recycling of water through Orange County Water District and Irvine Ranch Water District.²³ Irvine Ranch Water District reports that 25% of the water it supplies is recycled. Recycled water replaces the need for using potable water.

Currently, various water districts are expanding their recycling systems by constructing additional reservoirs and distribution systems. The cities and water districts in Orange County have also been active in sponsoring legislation that supports recycling of water.

South Orange County Wastewater Authority (SOCWA) treats and distributes for reuse roughly six billion gallons of water every year.²⁴ However, not all SOCWA treatment plants are recycling as much as feasible, most notably the JB Latham Treatment Plant does not recycle any treated wastewater. During the interviews, different agencies noted there are jurisdictional friction that is being worked on to increase recycling and potentially water reuse in South Orange County. The Grand Jury strongly encourages cooperation or mergers that would increase recycling in South Orange County.

In summary, water recycling is an important part of Orange County's water supply and needs to be utilized to the maximum extent. However, it will not resolve water resiliency issues by itself and it relies on existing sources of water.

Reuse of Water for Potable Purposes

Reusing wastewater for potable purposes is an important part of North Orange County's water portfolio. Orange County Water District produces 130 million gallons of indirect reuse water per day. However, the amount reused water is dependent upon the diminishing supplies within Orange County.

Water reuse is used to enhance water security, sustainability, and resilience. The process of using treated wastewater for drinking water is called potable water reuse. Potable water reuse provides another option for expanding a region's water supply portfolio.

There are two types of potable water reuse:

- Indirect potable reuse: Uses an environmental buffer, such as a lake, river, or a groundwater aquifer, before the water is treated at a drinking water treatment plant.
- Direct potable reuse: Involves the treatment and distribution of water without an environmental buffer.²⁵

Orange County Water District has been providing indirect potable reuse. In the mid-1990s, OCWD began the planning and construction that created the Groundwater Replenishment System to produce indirect potable water. The process built upon an earlier process to produce water to prevent groundwater intrusion. The process took over ten years to implement and the system is working well. However, it should be noted as being limited because it relies upon a declining supply and it is a lengthy process.

Interviewees have noted that OCWD is considering direct potable reuse. The State of California is currently enacting regulations to enable direct potable reuse. One of the advantages of direct potable reuse is the elimination of the loss due to evaporation at the percolation ponds and the efficiency of direct use.

In summary, water reuse is a vital part of the portfolio of water for Orange County to insure water resiliency. Water reuse should also be expanded to the practical extent possible. The time to complete such projects is lengthy and needs to be started immediately. However, reuse is only part of the water needed by Orange County and the source problem needs to be addressed.

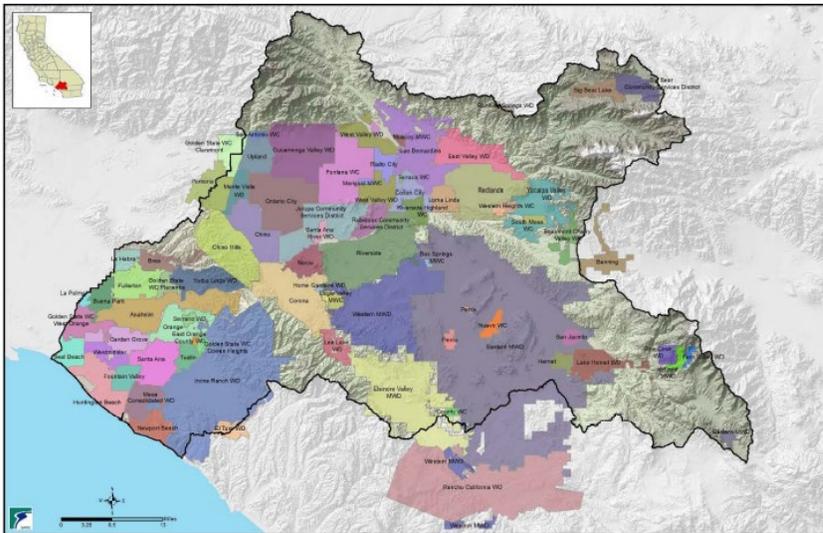
Aquifer Management

Managing the aquifer underneath North Orange County created a highly resilient source of water, but it is challenged by the climate change. The main and supplemental supplies of water are diminishing with less precipitation. The use of the aquifer for wet weather storage has not met its potential due to challenges in trapping rainwater and runoff. The aquifer has not been made a regular source of water for all of Orange County which could ease South Orange County's supply problems.

The aquifer supplies approximately 72% of the water for North and Central Orange County. The aquifer is primarily supplied by runoff in the Santa Ana River and supplemented with water from the OCWD’s Groundwater replenishment project and water purchased through MWDOC and MET.

OCWD has done well managing the aquifer for North and Central Orange County with existing flows. It has also taken steps to increase the supply of water by working with the Corps of Engineers to better manage the flow of water in the Prado Reservoir, expanding the groundwater replenishment system, and participating in the Santa Ana River Conservation and Conjunctive Use Program.²⁶ All of these steps reinforce the ability of the basin to supply water but do not in themselves assure an increased supply water.

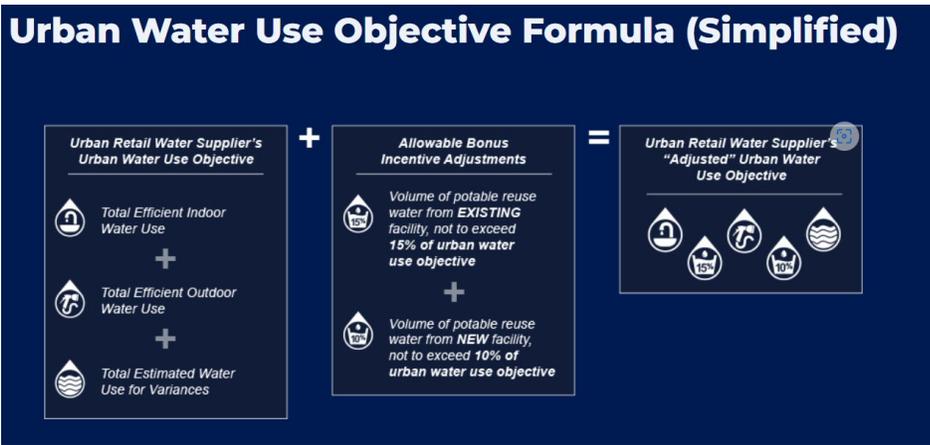
South Orange County can only receive water during times of emergencies but does not have regular access to the water. Interviewees noted there was a lack of ability to move water to South Orange County. Because South Orange County is almost 100% dependent upon water imported from MET, this is highly problematic during drought.



The Santa Ana River water basin covers San Bernardino and Riverside Counties as well as Orange County. The Santa Ana Watershed Project Authority (SAWPA) works to maintain the water quality in the Santa Ana River and is actively working on drought responses. According to its web site, “SAWPA’s work in the Santa Ana River

Figure 4.3-1. Water Retail Service Areas in the Santa Ana River Watershed advances projects and programs that build water resiliency and promote collaborative, innovative responses to water planning, all of which help address drought conditions.”²⁷ SAWPA also prepared a water shed management plan.²⁸

Urban Water Use Objective Formula (Simplified)



Weather modification and promoting water efficiency are the primary drought responses of SAWP. Through weather modification (cloud seeding) it hopes to achieve 5% more precipitation in specific types of storms.

The water efficiency approach is to help implement water use efficiency programs and conservation-based rate structures.²⁹ We were provided with no specifics regarding what percentage can be saved, but through interviews the Grand Jury learned that the savings are between 15% to 30%.

None of the initiatives by SAWPA are likely to have an impact on water supplies during prolonged California drought. Interviewees consistently stated that we cannot conserve our way out of a drought.

Adding to the concern about the Santa Ana River ground water supply basin is the Inland Empire’s future demands on the water. Development is rapidly taking place and surface water sources and water agencies are recycling water to greater degrees rather than discharging treated wastewater to the Santa Ana River.³⁰ The Inland Empire communities are largely dependent upon Metropolitan Water District supplies which are subject to drought.

Orange County Water District only has rights to withdrawing an adjudicated amount of 34,000-acre feet of water from the Santa Ana River. This is approximately half of the 70,000-acre feet typically used to manage the aquifer levels. OCWD typically purchases 30% of the water added to the aquifer from MWDOC. The water MWDOC supplies comes from Metropolitan Water District (MET). During late 2022, MET reduced the water from Northern California Sources to 5% of previous amounts. The water MET receives from the Colorado River is endangered as discussed elsewhere.

In summary, the Central and North Orange County aquifer has limits on its ability to supply water to Orange County. These include dependencies on water from Metropolitan Water District, which has had problems supplying water, and a potentially dwindling supply of water from the Santa Ana River. The aquifer is not a supply of water for South Orange County. The aquifer limitations reinforce the need for Orange County to provide for a more drought-resistant supply of water.

Utilization of other supplies

Besides the North/Central Orange County aquifer and those obtained from Metropolitan Water District, there are other insignificant supplies of water. These include surface water captured in Irvine Lake and the San Juan Creek Groundwater Basin in South Orange County. Neither of these are significant supplies of water.

Water Efficiency to Increase Supply

Orange County Water Districts have found they can reduce the immediate need for increasing water supplies by more efficient use of water. This certainly stretches the water supplies, but it is limited in its ability. Future water needs will require more than just efficient water use.

During the recent drought from 2011 to late 2022, Orange County Water Suppliers reduced the per-capita water use significantly by more efficient water use and conservation. This has allowed development to continue to occur even as the water supply was reduced.

Irvine Ranch Water District (IRWD) customers reduced their water use from 89 gallons per capita in 2007 to 67 gallons per capita in 2021.³¹ The area served by IRWD is a newer area where much of the landscaping is irrigated by recycled water and is drought tolerant. The IRWD also has extensive use of water saving plumbing in homes. Older areas of Orange County have also reduced per-capita water use. North and Central Orange County reduced water use from 330 acre-feet in water year 1999-2000 to 230 acre-feet in water year 2022-2023³² while the population grew slightly.³³

Water efficiency savings have been achieved by adopting water saving devices, changes in landscape practices, greater recycling of water, tiered water rates (higher users, higher rates) and the public's participation. Water suppliers have worked with users to identify the need for greater efficiency by promoting these changes. The State of California also mandated a 20 percent reduction in urban per-capita water use by 2020 in the Water Conservation Act of 2009.

The change to efficient use of water will need to become the future standard as water supplies diminish and as housing development increases. However, it is not reasonable to expect greater efficiency to make up for the reduction in supply caused by climate change. Several of the interviewees and many of the reference documents the Grand Jury reviewed stated Orange County cannot conserve its way out of a drought.

Besides the significant reduction in per-capita water use, greater savings may be made by more drastic changes in lifestyle. None of the information supplied by water suppliers and reviewed by the Grand Jury addressed these changes. As an example of lifestyle changes, areas such as Phoenix and Las Vegas have either adopted or are in the process of adopting drastic restrictions on landscape water use as a long-term climate mitigation. Among these restrictions is a moratorium on development by restricting new water connections.³⁴

Continue efficient water use is needed for the future. Orange County has made significant changes in per-capita water use by being efficient, but any additional savings will only come through changes to lifestyle. This needs to be made clear to residents if additional efficiency is to be achieved, but even additional efficiency will not mitigate the effects of climate on Orange County’s current water supply. Ocean desalination is recommended as the ultimate answer to an untapped source of water and can secure Orange County’s future.

APPENDIX B: graphics of interest

Metropolitan Water District of Southern California, Municipal Water District Orange County and Orange County Water District Information Sheets

COI WATER RECLAMATION



Wastewater has become an important source of water for California. Wastewater is processed at a water reclamation facility to remove solids and impurities, increasing the quality of water. The water, now clean, can be used for a variety of applications. Reclaimed water is used for irrigation, toilet flushing, industrial purposes, and groundwater replenishment.



DIEMER WATER TREATMENT PLANT



The Robert B. Diemer Treatment Plant (Diemer) is located in Yorba Linda. The plant’s hilltop location is well suited for gravity-flow distribution of water to homes and businesses throughout Los Angeles and Orange counties. Most water brought to Diemer for treatment comes from the Colorado River via the 242-mile long Colorado River Aqueduct. To a lesser degree, the plant also receives water from Northern California through the State Water Project.

Diemer delivers up to **520 MILLION GALLONS** of clean drinking water a day to Orange and Los Angeles counties.

6 DIAMOND VALLEY LAKE (DVL) MONTHS OF EMERGENCY SUPPLY

Located in Riverside County, near Hemet, DVL is Southern California’s largest drinking water reservoir. DVL nearly doubles Southern California’s surface storage and provides six months of emergency water supplies for the region, protecting it against water shortages caused by drought and earthquakes.

DVL measures 4.5 miles long and over 2 miles wide, with a maximum depth of 285 feet. The lake holds up to 264 billion gallons of water and is home to one of 16 hydroelectric plants along the MWD distribution system.

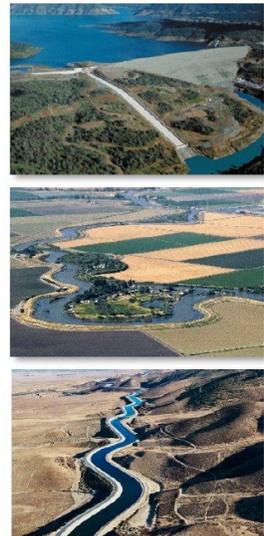


STATE WATER PROJECT (SWP)

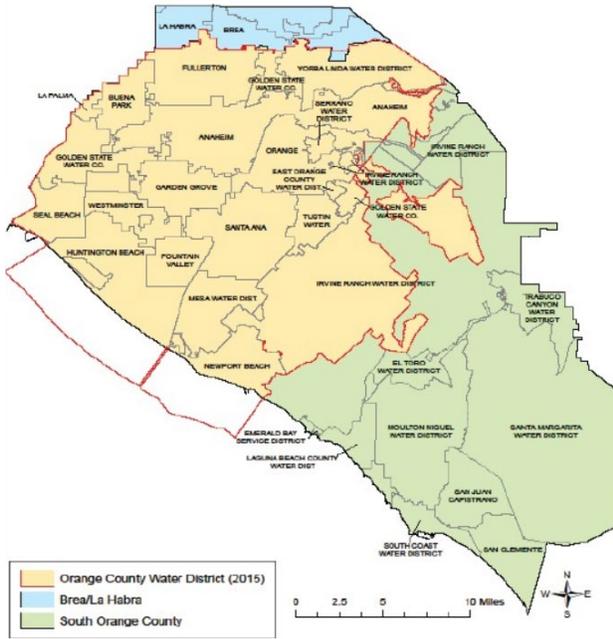
700+ MILES LONG

The State Water Project (SWP) is a water storage and delivery system that facilitates the transfer of water from the lakes and rivers of Northern California to residential communities, agricultural districts, and businesses in the San Francisco Bay area, Central Valley, and Southern California.

The SWP is the largest state built water delivery and power generation system in the nation, consisting of more than 30 lakes and reservoirs, over 20 water pumping plants, 5 hydroelectric power plants, several dams, and over 700 hundred miles of canals and pipelines.



Three Study Regions in Orange County
Based on Mix of Local and Imported Water Sources



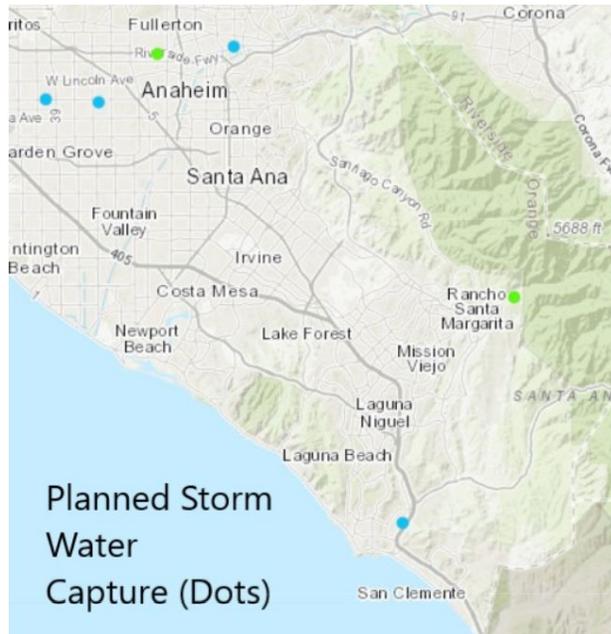
ORANGE COUNTY GROUNDWATER

2.5 MILLION RESIDENTS

The northern portion of the county lies above a large underground aquifer known as the Orange County Basin. This water source provides much of the water needed for the Orange County cities north of Newport Beach and Irvine.

Water is drawn from the Orange County Basin faster than can be replenished naturally, necessitating engineered recharge. Orange County Water District, a MWDOC member agency, purchases imported water to recharge the groundwater basin.

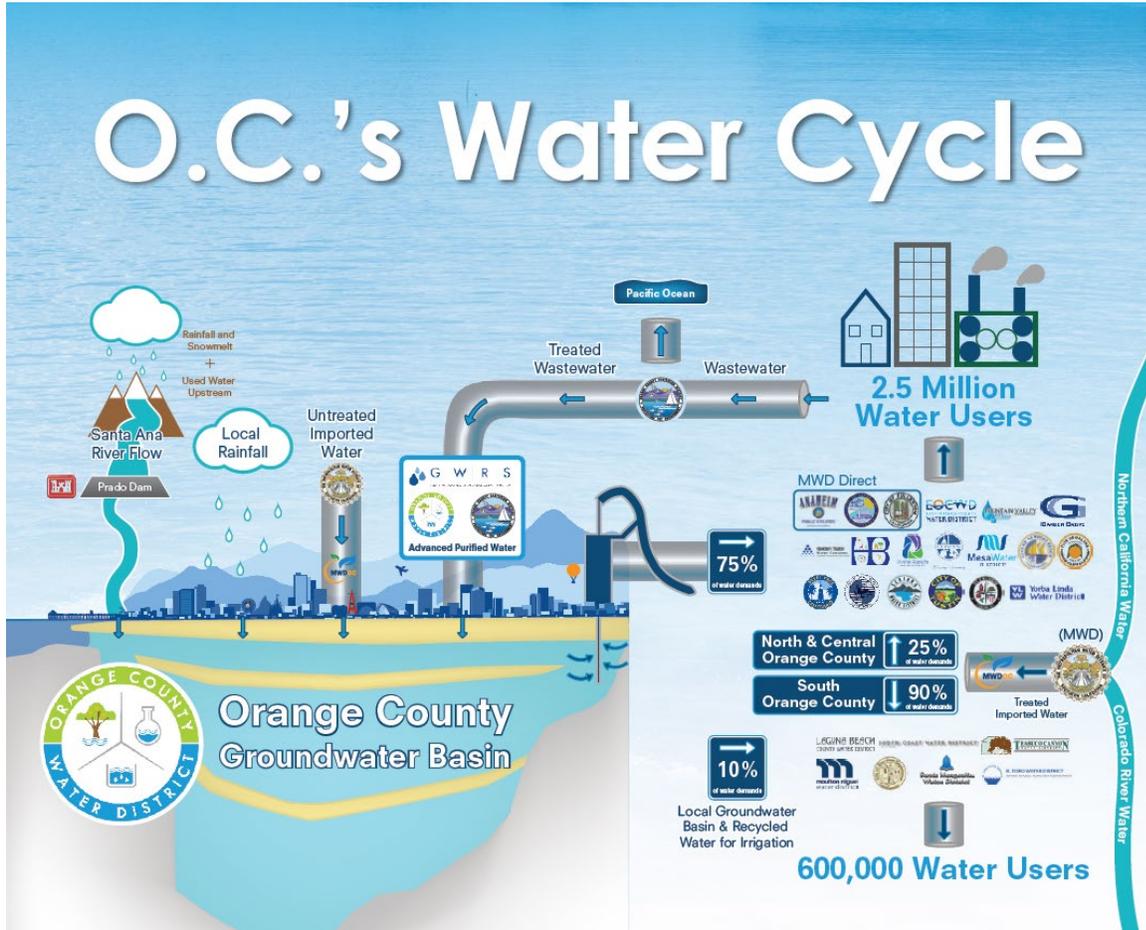
To the south lies the San Juan Basin, which is small and salty compared to the Orange County Basin. This water must be desalinated prior to its use as drinking water.



Planned Storm Water Capture (Dots)



OC Water Retailers and Transmission Mains



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Welcome to the Neighborhood

Are cities responsibly managing the integration of group homes?



County of Orange

Grand Jury 2022-2023

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SUMMARY

Group homes are an important component in the healthcare and/or recovery of many people. These homes provide, among other things, Substance Recovery, Hospice Care, Residential Care for the Elderly, and Sober Living. When group homes are operated for the well-being of their residents and with respect for their neighbors, they can be an asset to their host community. However, they can occasionally become disruptive and the motivation for nuisance calls to local code enforcement. In extreme cases, the “curbing” of residents can contribute to the homeless population.

Negative interactions with disruptive group homes often lead to neighborhood opposition and anger towards city officials. How cities respond to the anger of their constituents impacts their ability to successfully integrate group homes. Residents are more likely to respond positively when cities offer townhall style meetings with police, fire, code enforcement, legal, and subject matter expert involvement, especially where the subject is discussed objectively, and public input is encouraged and respected.

Issues and concerns neighborhood residents have with group homes stem primarily from an over-concentration of homes in residential areas. Multiple cities in Orange County have attempted to manage integration of group homes into neighborhoods by enacting ordinances that include setting a minimum distance between group homes to avoid the problems associated with over-concentration. Most cities with such ordinances have not enforced them due to the fear of incurring litigation costs.

The Grand Jury reviewed the challenges of successfully integrating group homes into neighborhoods, including pressures exerted on Orange County cities by residents, group home operators, and the State of California.

The State of California has recently joined the group home debate, has altered the conversation, and raised the stakes. The State wields a large club with its power of approval of the required Housing Element. The California Housing and Community Development Department (HCD) is withholding approval for cities that have ordinances attempting to place limits or impose oversight on group homes. Cities are then vulnerable to a loss of control over zoning and permitting, as well as loss of State and regional funding.

Some cities have decided to push back on the pressures put on them from HCD and the fight has been carried out on an individual city basis. The Orange County Grand Jury recommends that the County of Orange and cities join forces to create ordinances, pool resources for defense of lawsuits, and work together to generate awareness among legislators to improve regulations and management standards to ensure health and safety for group home residents.

BACKGROUND

Orange County has 42 miles of beautiful coastline, three harbors, and 25 urban and wilderness parks - including 230 miles of riding and hiking trails. Orange County also has the dubious honor of having more than its share of our State's total number of group recovery and sober living residences. Frequently referred to as "The Rehab Riviera", several cities in Orange County have been dealing with pockets of over-concentration of these types of group homes. This has posed challenges for the residents in whose neighborhoods they are located, as well as the occupants of the recovery and sober living homes.



The Orange County coast is a magnet for sober living homes

Many of the homes in question are privately owned, unlicensed, unsupervised, and a challenge to monitor and regulate. When a neighborhood has multiple group homes, it becomes a more institutional environment; this alters the character of the neighborhood and defeats the purpose of the "integration" of people who are recovering.

To address these shortcomings, multiple cities, and the County, on behalf of unincorporated areas, have enacted ordinances that manage the permitting and tracking of group homes.

Several significant pieces of legislation have played a part in the expansion of group homes. These include California's Lanterman Mental Retardation Act (1988), the Federal Fair Housing Amendments Act of 1988, the California Community Care Facilities Act, and California's Substance Abuse and Crime Prevention Act of 2000 (Proposition 36). The resulting deinstitutionalization has had a positive effect on the lives of many people but has created a challenge for cities as they work towards the responsible integration of the group living arrangements necessary to accommodate the impacted population.¹

Since deinstitutionalization, the State of California has resisted appeals from local cities to pass permitting laws, distancing requirements, or any type of regulation at all. There is a misconception that these regulatory ordinances are intended to discriminate against people who are disabled due to alcohol and drug addiction, and the State of California has cited this misconception as the guiding principle for its dogged challenge of most attempts by cities to manage the responsible integration of group homes into residential neighborhoods. Rather, such city ordinances are intended to protect those people who suffer from alcohol and drug addiction, as well as the neighborhoods where group homes are located.

Licensed residential rehab programs are subject to the same local laws as single-family homes, and no more. State law imposes fewer restrictions on licensed rehab programs than other licensed group homes. The Community Care Facilities Act, from which alcohol and drug rehab facilities are exempt, imposes restrictions that protect the character of residential neighborhoods. Under this act, cities receive written notice of a proposed facility, and any city or county may request denial of the license based on overconcentration of residential care facilities. While alcohol and drug programs that provide 24-hour residential non-medical services to adults recovering from drug or alcohol abuse must obtain a State license, they cannot be regulated any differently from a single-family home if they serve six or fewer people.

California Health & Safety Code Sections 1520.5 and 1267.9 state it is a policy of the State to prevent overconcentration of residential facilities that impair the integrity of residential neighborhoods. Section 1520.5 states that the department shall deny an application for a new residential facility license if the department determines the facilities location is proximate to an existing residential facility therefore resulting in overconcentration. The statute recognized the need for a balanced policy to prevent overconcentration of residential care facilities which indicates an awareness and understanding of the impact of overconcentration on the integrity of residential neighborhoods. The statute defines overconcentration as less than 300 feet for some types of group homes and up to 1000 feet for others. At the time the statute was enacted it was specific only to certain types of group homes. However, the recent emphasis on providing more housing in California has eroded the intent of this act.

Federal and State fair housing laws protect people with disabilities from housing discrimination. Recovering alcoholics and drug addicts are disabled for purposes of anti-discrimination laws. When people in recovery live together in a “sober living” home, cities cannot discriminate based on such disabilities, therefore an ordinance cannot treat sober living homes differently than other similar uses in single-family residential zones.

Sober living homes are not required to be licensed and are not limited to six or fewer residents. Because no treatment is provided in these substance-free, mutually supportive living environments, no license is required. The limitation of most other group

homes to six residents is part of the State statute; however, confusion arises because the statute does not apply to sober living homes.

There is only so much a city can do to respond to the complaints of its residents when dealing with an overconcentration of group homes in a neighborhood. It is important for city residents to be educated on the barriers faced by cities, and to work with their city to overcome these barriers.

Current laws do not adequately address the need to manage the integration of group homes into neighborhoods. Courts should not be where the solutions are found.

REASON FOR STUDY

Many cities within Orange County have neighborhoods with a dense concentration of group recovery and sober living residences. In most circumstances, cities do not know where these group homes are located unless the homes generate a backlash from neighbors due to various types of disturbances. The Grand Jury examined how Orange County cities are managing the distancing of all types of group homes, and the impact group homes have on neighborhoods and group home residents when the homes are in close proximity to one another.

Group homes, most often Recovery and Sober Living homes, and the nuisances that are commonly associated with them, are not new to Orange County. Neighborhood complaints, concerns from individuals living in or related to residents of group homes, the litigious nature of the relationship between cities and group home operators, and abuse of the healthcare system have been in play in Orange County for well over a decade.

The Grand Jury began this study by looking at how cities are managing the influx and locations of group homes and identifying best practices where they are found. The working premise was that each city is responsible for the integration of group homes, which would serve to protect the residents of group homes while maintaining the existing neighborhood atmosphere.

Has there been success addressing the issues associated with group homes and what does that look like? Are cities going it alone or are there county-wide efforts? Has there been progress made in this area? The Grand Jury approached the topic of group home integration seeking answers to these questions with the expectation that there were some systems in place resulting in the successful integration of group homes. The investigation took a winding road which revealed that, despite countless attempts at change, many of the problems that surfaced over a decade ago are still present. The Grand Jury found that successfully implemented solutions have become even more impactful in light of the State of California's heavy-handed entry into the debate.

METHOD OF STUDY

The Grand Jury has evaluated official documents, examined news articles, visited multiple recovery/sober living websites, and assessed secondary sources.



The Grand Jury reviewed numerous documents, including the 2022 State of California’s Group Home Technical Advisory² and the 1990 State of California Health and Safety Code.³

To better understand the impact of density, jurors attended townhall and city council meetings virtually, through recordings, and visited neighborhoods in several cities where there is a heavy concentration of group homes.

The Grand Jury interviewed numerous subject matter experts, city managers, County and city officials, legislators, city attorneys, group home operators, and legal and real estate professionals. It also examined local, state, and national media reports and opinion pieces regarding group recovery and sober living residences. The Findings and Recommendations herein are based on this work.

INVESTIGATION AND ANALYSIS

Orange County has some of the heaviest concentrations of group homes and sober living residences in the nation.⁴ The densities are more than the local population can bear and residents believe the influx of the group home residents seriously impacts their neighborhoods. Similarly, group home and sober living industry experts cite negative impacts on the group home residents themselves.

Operators can open a group home where they desire, without having a license or State-endorsed certification, and they can open as many group homes as they desire regardless of local need. Because regulation is slack, cities are challenged to track and regulate the density without any guidance or support from the State. Adding to these concerns is a recent State of California memorandum titled “Group Home Technical Advisory” that characterizes any attempts to regulate the homes as discriminatory.⁵ It seems that method of thinking has no positive effect on how the homes are run or on how the vulnerable residents in these homes are treated, and quite possibly has the opposite effect.

OC Group Home Density

Reportedly, Orange County has more than its share of group homes in California, and the country for that matter, specific to housing individuals in need of Recovery/Sober Living Homes.⁶ There are no existing requirements for sober living homes with six or fewer residents to identify or register themselves as such.

It is estimated that up to 36% of houses required to be licensed (those providing services) by the State of California as group homes for six or fewer residents are located in Orange County. In addition, there are hundreds of group homes not requiring licensing that exist in Orange County neighborhoods. This lack of identification makes it extremely difficult to estimate the total number of sober living homes in our communities.⁷

As documented in numerous city council and townhall meetings, residents and activists have raised concerns about over-saturation and common nuisances to local community governing bodies (see Common Nuisances section). In many cases, these are neighborhoods in which multiple group homes are in close proximity (for example three in one cul-de-sac) or individual homes are run with little to no on-site supervision. Neighborhoods are losing their original character and familial aspect, with some becoming increasingly institutional and others experiencing more of a “frat house” feel.

“Residents of these homes are moving in and out at an alarming, transitory rate”

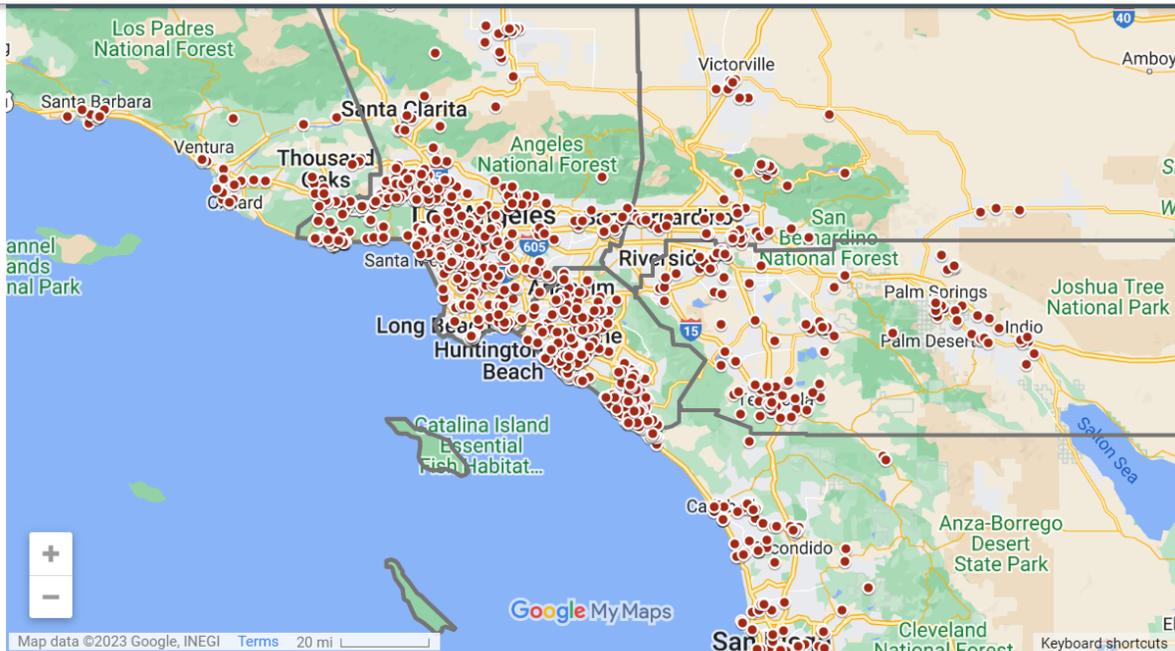
Residents of these homes are moving in and out at an alarming, transitory rate. Neighbors describe some of these group homes as taking no responsibility for the actions of their inhabitants. Rules and responsibilities are either not imposed or not enforced by the group home operators. The complaints are predominantly related to non-regulated group homes.

Over the last several years, multiple cities in Orange County have sought to find a solution to alleviate these concerns. Several have performed due diligence to ensure that any action taken will provide for neighborhoods to remain neighborhoods, and that both the disabled and the recovering addicts needing to live in these types of group homes are in fact living in a normalized residential environment that provides the best opportunity to be successful in their recovery.

This is not simply a “Not In My Backyard” (NIMBY) issue or reaction as evidenced by the large number of homes that receive few or no complaints. The need for well-run Recovery/Sober Living Homes is not in dispute. Concerns arise when these homes are poorly run and/or when multiple homes are in close proximity, contributing to the problem of over-concentration. These two circumstances cause changes in the local neighborhood, and it is questionable whether they are aiding the very residents that they are meant to be assisting and whether residents of these homes are integrating into a normalized environment.

To that end, various cities have introduced ordinances toward resolving the problem. Some of these include distancing requirements between group homes ranging from 300 to 1000 feet. Some ordinances require group homes to register or self-identify as such.

California Health & Safety Code Section 1267.9 provides specific requirements for distancing of most types of group homes settings.⁸ These requirements are similar to the local city ordinances in that they provide certain spacing restrictions of between 300 and 1000 feet. Sober Living Homes, however, are excluded from any distancing requirement by the State.



Points show the primary addresses of all non-medical alcoholism and drug abuse recovery or treatment facilities licensed and/or certified by the California Department of Health Care Services as of May 4, 2017. (Map by Ian Wheeler, Orange County Register/SCNG)

The State imposes licensing requirements on most types of group homes and provides for oversight by one or more State or County agency. Sober Living Homes with six or fewer residents are not required to be licensed by the State and have no regulatory

oversight. These two factors alone allow anyone to set up, open, and advertise this type of group home anywhere in California. Orange County seems to be the favored location, yet has no say in the siting or quantity of group homes in our residential neighborhoods.

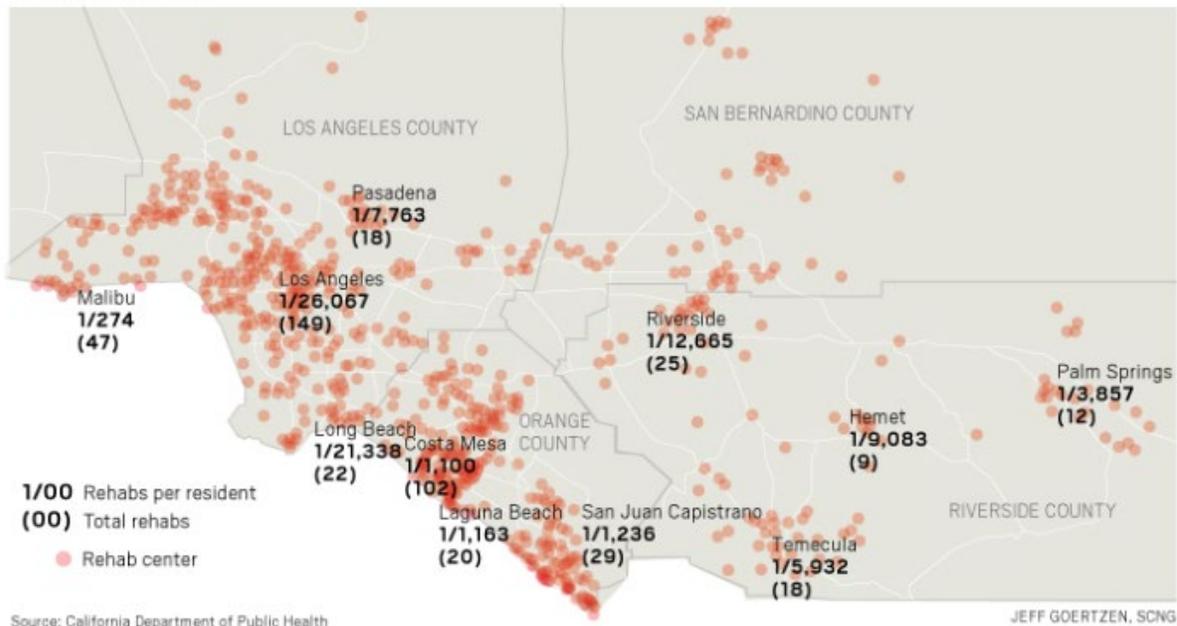
Tracking Challenges

Just where are these sober living homes? All over. How do we know? We actually don't. There are few local ordinances requiring the registration, licensing, or declaration of any type of unlicensed sober living or recovery residence that has been established in a neighborhood. There are no widely adopted methods to track or monitor any aspect of such dwellings – their location, number of people residing in them, on-site management, or their ownership.

The Grand Jury's research found that most sober living homes are not required by law to have any kind of State license. Some cities have enacted ordinances that require a permit or registration. When a sober living establishment is registered and a complaint is received, the complaint may be recorded and could be tracked, at least for the location of that specific home.

WHERE THE REHABS ARE

California has 1,864 rehab facilities, and more than half (1,117) are in Los Angeles, San Bernardino, Orange and Riverside counties. The map below shows the concentrations of these centers and the ratio of rehabs per resident in some of our cities.



Except for the few cities with ordinances regulating sober living homes and the few homes that applied for registration or received ministerial permits, accurate tracking and monitoring remains challenging. Tracking is attainable if cities' code and law enforcement establish and actively utilize a searchable database that includes

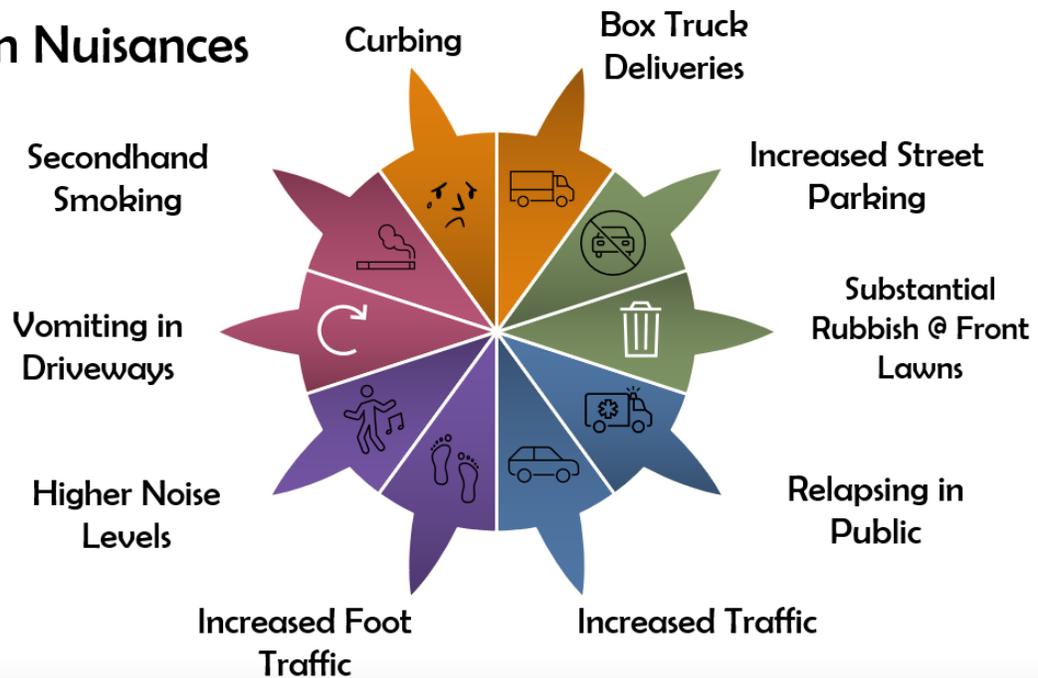
information about police and fire calls, nuisance complaints or code infractions, and identification of type of establishment. The use of this information can help identify the location and density of group homes.

Common Nuisances

Residents living in cities with neighborhoods having a significant number of recovery and sober living homes complain that the proliferation of these group homes in recent years has become unmanageable, and that overconcentration is impacting the quality of life for everyone.

For years, many citizens living in neighborhoods with an unrestrained growth of sober living homes have been voicing their concerns and frustrations over the lack of protection their communities are given. While many of these group homes adopt rules and regulations and attempt to be good neighbors, a citizen’s primary method for reporting concerns about a disruptive home is initiating a nuisance complaint to their local law enforcement.

Common Nuisances



The outcry is that unregulated sober living residences make for bad neighbors. Sober living homes are not always bad neighbors, but when they are concentrated in a small geographic area or neighborhood, the common nuisances can become more visible and disruptive. Ultimately, this raises concerns about the potential or actual diminished character of the neighborhood.

Lead Cities

Although the City of Costa Mesa has been front and center in the legal fights related to group homes, it was Newport Beach that first stepped into the arena in 2008. Three companies sued the City over an ordinance that was approved by the City Council in 2008 that regulated group homes for recovering addicts.⁹ Pacific Shores Properties, Newport Coast Recovery, and Yellowstone Women’s First Step House sued Newport Beach for a total of \$5.24 million. Still in place today, this ordinance was the first of its kind in Orange County and it established quiet hours, parking and smoking areas, and van routes. It also required the City’s approval for new unlicensed homes for recovering addicts in certain neighborhoods. In 2015, the City reached the end of its seven-year legal battle over sober-living homes with a settlement agreement.^{10 11}

According to the Orange County Register, which cites its own archives, Newport Beach spent at least four million dollars in legal costs on the cases. In 2008, there were 81 facilities and 614 total beds identified in Newport Beach. In 2021, there were a known 30 facilities with 210 total beds. Where did all those facilities and beds go?¹² Perhaps to the City of Costa Mesa. In 2015, the City of Costa Mesa enacted their own ordinance (amended in 2017) after seeing a sharp increase in the number of sober living homes followed by a steep increase in the number of community complaints. On the heels of the ordinance came the legal challenges, and Costa Mesa prevailed in all challenges until January 2023 when two sober living homes, embroiled in litigation against the city, were handed a legal victory in federal court. The earlier dismissal was reversed and remanded by the Ninth Circuit Court of Appeals which ruled that asking operators of sober living facilities for proof of disability violates federal law barring discrimination against those with disabilities and bars discrimination in housing.

“The well-funded operators are supported by industry organizations and associations in their lawsuits...”

As the legal battle waged on, other local governments explored, advanced, or enacted regulation of sober living homes, including the County of Orange (2015), and Cities of Laguna Hills (2015), San Clemente (2016), Laguna Niguel (2016), San Juan Capistrano (2016), Anaheim (2020), and Huntington Beach (2020). Most of these entities, perhaps all, have chosen not to enforce their ordinances out of concern of potential litigation, and are waiting for Costa Mesa’s litigation to conclude.

Cities Are Standing Alone

Multiple cities in the County have executed ordinances to regulate unlicensed group homes. With the exception of the newly formed South Orange County Sober Living and

Recovery Task Force, cities have not collaborated on solutions to shared and common problems. This has been done on an individual basis, with little collaboration among cities. Prior to drafting an ordinance, some cities study the details and effectiveness of other cities' actions, particularly the City of Costa Mesa's ordinance, and use that as a template to draft their own.¹³

Once enacted, few of the ordinances are being enforced. This lack of enforcement is due to a small number of very specific impediments and concerns. These include:

- Fear of litigation costs due to lawsuits filed by group home operators against cities that have enforced ordinances. (The City of Costa Mesa has reportedly incurred over ten million dollars in legal fees in relation to group home litigation.)
- Fear of the State of California withholding approval of the Housing Element for cities that have ordinances related to the management of group homes, resulting in the potential loss of state funds and local zoning control.
- Lack of enforcement resources. Most cities do not have the staff resources to enforce these ordinances.

While individual cities take a wait-and-see approach to follow the progress of other cities that are standing up to the State, little progress is being made. The cities and County of Orange would benefit by working in partnership with one another to garner resources and create a coalition to promote change. While the newly constituted South Orange County Sober Living and Recovery Task Force is a good start, and the first tangible recognition of the need to work together, the Grand Jury recommends a countywide cooperative taskforce.

Orange County's cities and unincorporated areas are demographically diverse. The active sharing of ideas, experiences, and information will be valuable to the overall process of developing a worthwhile model ordinance and plan for moving forward in the efforts to protect both the individual characteristics of Orange County neighborhoods, and *all* individuals living in those neighborhoods.

Fear of Litigation Costs

Cities are concerned about the high cost of litigation and the time required to defend ordinances regulating group homes. Private entities have challenged ordinances and in some cases won, and in other cases continued to pursue lawsuits in spite of opposition. In one case, the California Department of Housing and Community Development (HCD) requested that the California Department of Justice file a "friend of the court" application to intervene on behalf the litigant in its case against the City.¹⁴



Two examples of cities being involved in lengthy and costly lawsuits include Newport Beach and Costa Mesa. In 2007, Newport Beach had numerous sober living homes and was facing increasing pressure by residents to regulate them. In January 2008, Newport Beach passed an ordinance regulating sober living homes. The ordinance was carefully crafted to comply with State and federal law.¹⁵

By November 2008, several legal actions occurred. These included:

1. A lawsuit from a residents' group (the "Concerned Citizens of Newport Beach" or CCNB) arguing that the City did not go far enough in enacting Ordinance 2008-05. CCNB also sued multiple operators and asked for \$250 million in damages from the City;
2. Two group home operators (Pacific Shores Recovery and Sober Living by the Sea) filed complaints with the US Department of Housing and Urban Development (HUD) alleging that the City's ordinance and its practices have discriminated against disabled persons entitled to fair housing;
3. Multiple lawsuits were filed by Sober Living By the Sea (SLBTS) alleging that the City's group residential uses ordinance was facially discriminatory against persons in recovery. The City reached an agreement with SLBTS;
4. The City filed lawsuits against Morningside Recovery and Pacific Shores Recovery, alleging that some of their operations opened illegally during a short-term temporary moratorium against the establishment of new group residential uses. Pacific Shores Recovery has in turn alleged that the City's group

residential uses ordinance was facially discriminatory against persons in recovery;

5. A cross-complaint by the City against Sober Living By The Sea and other operators that consolidated certain lawsuits in U.S. District Court.



Chairs are packed during a discussion on sober-living homes in San Clemente in 2016. (Photo by Matt Masin, Orange County Register, SCNG)

Subsequently, in 2009, three companies sued the City of Newport Beach over the ordinance, claiming it violated anti-discrimination and fair housing laws because individuals recovering from an addiction are a protected group. A federal judge ruled in favor of the City in 2011. The companies appealed the case and it went to the 9th Circuit Court of Appeals, where the Court's majority sided with the group homes, saying there was enough evidence to argue discrimination. The Court pointed to comments made during the 2008 hearing, which implied that the City Council was targeting recovery group homes.

The City of Newport Beach asked the U.S. Supreme Court to review the case in 2014, but the Court declined. The City settled with the group homes for \$5.25 million in 2015. The City's estimated legal costs exceeded four million dollars,¹⁶ for a total cost close to ten million dollars.

The City of Costa Mesa waged a fierce and costly legal battle to regulate sober living homes for over five years. As noted in the section regarding the State's actions and attitude, Costa Mesa fashioned an ordinance within the limits of State and federal laws

in 2014.¹⁷ The City ultimately spent over seven million dollars in litigation, and prevailed in State and federal courts; however, in January 2023, a federal appellate court reversed and remanded the district court's 2020 ruling.

Costa Mesa Ordinance 15-11 sets limited standards for three items that address important societal issues, none of which are discriminatory in nature:

1. Spacing (650 feet apart)
2. Background screening of the house manager
3. Process for evicting residents

Spacing between group homes maintains the purpose of the facility and residential character of the neighborhood. Screening protects the residents of the facility. Through interviewees, the Grand Jury learned of group home managers with criminal backgrounds and who are themselves currently substance abusers. Standards for evictions are needed. Through interviews and newspaper articles, the Grand Jury learned of the practice of "curbing," putting residents out on the curb when their source of payment runs out or when they are in violation of house rules. This practice is believed to contribute to homelessness in Orange County.

Costa Mesa's ordinance serves an important purpose, but the ordinance is still in litigation after several years and at an estimated cost of more than ten million dollars.¹⁸ Other Cities in California and Orange County are similarly facing lawsuits and costs associated with group home and sober living ordinances. Cities could pool resources to mitigate litigation cost concerns. A coalition of cities to spread costs is highly recommended.

The Grand Jury learned that the lawsuits brought against cities are supported and enabled by an extremely profitable industry. According to John LaRosa at MarketResearch.com on February 5, 2020,¹⁹ the group home market is 42 billion dollars per year. Mr. LaRosa also noted that the industry needed to be cleaned up as many of the operators engaged in overbilling, patient brokering, and deceptive marketing.

The well-funded operators are supported by industry organizations and associations in their lawsuits. Industry organizations include large groups such as the California Consortium of Addiction Programs and Professionals, Behavioral Health Associates, and National Sober Living Associates. The websites of any of these organizations and several others can be viewed to see the type of support often provided. The organizations not only provide support for lawsuits, but also assist in lobbying State and federal legislators.

Many group home operators do not want any type of regulation, as evidenced by the Costa Mesa and Newport lawsuits, though the Grand Jury found some operators who welcome additional regulation to protect the industry from bad operators. In summary, the industry represents a formidable foe in lawsuits due to funding and industry associations.

State Actions

Zoning ordinances are the primary control local governments have over city land use. The State of California has challenged the validity of group home ordinances, thereby inhibiting local governments in addressing group homes through zoning ordinances. If challenged, defense of the ordinances is costly and the alternative is to repeal them, a process that can be politically charged.

When Costa Mesa originally prevailed in the lawsuits filed against their 2014 sober living ordinance, the Cities of Encinitas, Huntington Beach, Anaheim and the County of Orange adopted similar ordinances for sober living facilities. In May 2021, the California Department of Housing and Community Development (HCD) sent a letter to the City of Encinitas stating its ordinance was in violation of statutory prohibitions on discrimination in land use. HCD said the city must take immediate steps to repeal the ordinance. HCD's letter to the City of Encinitas noted *"The City appears to take significant comfort from certain court opinions, several unpublished, appearing to reject specific, largely different and distinguishable challenges to a different group home ordinance in Costa Mesa, which were brought by private parties rather than the State of California. Those decisions are neither on point nor binding here."* This statement is misleading to the general public because it downplays judicial rulings favoring Costa Mesa's ordinance.

In May of 2021, HCD sent a "Letter of Technical Assistance" to the City of Anaheim in which they discuss Anaheim's land use regulations. One of the items discussed was a phone call they had with city staff to discuss concerns with the proposed Zoning Code Amendment for group homes. HCD's concern was that the ordinance *"potentially conflict(s) with statutory prohibitions on discrimination in land use"*.

Also in May of 2021, HCD sent a *"Notice of Violation: City of Anaheim Notice of Violations of Housing Element Law and Anti-Discrimination in Land Use"* regarding the denial of a conditional use permit for transitional housing. The California Department of Justice (DOJ) subsequently joined a civil lawsuit regarding the same action. HCD believes the City has failed to implement goals, policies, and program actions included in the housing element and failed to act consistent with Government Code requirements in applying standards to the approval of the Project.

On December 21, 2022, HCD issued a document titled *Group Home Technical Advisory*.²⁰ The executive summary includes the following:

"In recent years, some local governments have amended their zoning ordinances to add new regulations for group homes, particularly for recovery residences-group homes that provide housing for persons recovering from alcoholism or drug addiction. These amendments have raised concerns that local governments are not complying with their affirmative obligations under state planning and

zoning laws to promote more inclusive communities and affirmatively further fair housing (AFFH). These amendments have also generated disputes and confusion over whether local governments are violating fair housing laws by discriminating against persons with disabilities or other protected characteristics.”

The document assumes the ordinances are not legally compliant and creates difficulties faced by cities trying to reasonably regulate group homes. The document is labeled a “technical advisory” but reads as a policy statement. There were apparently no public hearings regarding the document.

“The document is labeled a “technical advisory” but reads as a policy statement...”

These actions by HCD and DOJ, as well as litigation, are challenges municipalities face in adopting ordinances regarding group homes when the courts have found these ordinances compliant with State and federal laws. This was made evident through interviews with representatives of cities. Interviewees also expressed concern that HCD interpreted the laws as being overly restrictive on zoning ordinances and failing to protect the inhabitants of group homes.

Housing Element

In the State of California, all cities are required to develop a General Plan. The General Plan serves as a blueprint for the future, prescribing policy goals and objectives to shape and guide the physical development of the city. The General Plan is a comprehensive policy document that informs future land use decisions, and it is comprised of multiple elements.²¹

The Housing Element is one important part of a city or county’s General Plan. Every eight years, every city, town, and county must update their Housing Element and have it certified by the California Department of Housing and Community Development (HCD). The most recent cycle of the new Housing Element has been heavily impacted by the State’s laser focus on housing availability and affordability.

On September 28, 2021, Governor Gavin Newsom signed a suite of bills to boost housing production across California which accompanies the Governor’s \$22 billion housing affordability and homelessness package and ongoing work by the State to spur more housing production, tackle barriers to construction, and hold local governments accountable. Taken together, the actions reflect the State’s focus on creating more

affordable housing, faster and cheaper. “The acute affordability crisis we are experiencing in California was decades in the making, and now we’re taking the necessary steps to fix it,” said Governor Newsom.²²

Although this is a response to a real need in California, the real-world consequences to the “build-build-build” solution are many. One of those can be seen in the State’s myopic push for housing as it has mistakenly equated group homes with additional housing options. But housing is not increased by allowing the unbridled proliferation of recovery and sober living homes. The industry advertises heavily outside of California and brings many of their residents from out-of-state. It is not uncommon for some of these residents to be “kicked to the curb” (referred to as curbing) for various reasons, and because they are not local to Orange County, they have nowhere to go and ultimately face homelessness.

HCD wields its power to review and approve State housing elements as a threat to deter city and county efforts to regulate group homes. Approval of the Housing Element has a big impact on a city’s ability to enforce its general plan and to control what gets built and where it is built. Without the HCD’s approval of the housing element, a door is opened to developers to bypass local zoning ordinances by utilizing a seldom used loophole known as Builders Remedy. Under that law, a developer may sidestep city approvals to construct a housing development if 20% of the project’s homes are affordable housing.²³

State funding programs for transportation, infrastructure, and housing often require or consider a local jurisdiction’s compliance with Housing Element Law. These competitive funds can be used for fixing roads, adding bike lanes, improving transit, or providing much needed affordable housing to communities. In some cases, funding from state/federal housing programs can *only* be accessed if the jurisdiction has a compliant housing element.^{24 25}

Educating the Public

By the time the public has organized to bring their concerns to city leadership through a letter writing campaign, a joint written complaint, or a petition, their level of frustration has likely been building for quite a while. How city leadership deals with the concerns and frustrations of their constituency is likely to determine whether it will be a collaborative or an adversarial process to find a resolution. Educating the public on the reasons that cities have seemingly been unwilling to address the integration of group homes into Orange County neighborhoods is key to the success of collaborative problem solving.

Cities have been squeezed from above by a combination of intense pressure from group home operators citing federal protections for the disabled, and the State of California’s efforts to eliminate group home ordinances by withholding approval on cities’ mandated Housing Element submission. They are also squeezed from below by

the people in neighborhoods which have been impacted by the over-concentration of group homes, and/or the level of nuisances generated by the group homes.

“Some cities have used the multi-discipline, educational, townhall type response to the public outcry while others have not. The outcome can be quite different.”

A lack of understanding of the challenges faced by cities leads to the perception that they are unwilling to step up and regulate the various group home types that are springing up in neighborhoods. Public education will reveal that there is not an unwillingness of cities, or the public, to find resolutions, but rather there are many hurdles promulgated by State and federal agencies that often prevent opportunities for reaching a solution. Cities should work together, and with State legislators and other stakeholders, to look for ways to affect change at the State level as well as provide more focused public education that addresses these issues.

In an effort to inform their citizens, some cities have used the multi-discipline, educational, townhall type response to the public outcry while others have not. The outcome can be quite different.

To illustrate, we need look no further than a tale of three cities: Anaheim, Newport Beach, and Laguna Hills. Anaheim’s group home issue heated up in October 2021 when Grandma’s House of Hope requested a Conditional Use Permit (CUP) to use a large house as a transitional living home for 19 intractably mentally ill women.²⁶

It was not Grandma’s House of Hope’s first group home in Anaheim; it was the latest in many previously successful CUP requests. Local residents coalesced against this CUP request in a vocal and organized manner. Whether it was the number of residents impacted, the descriptor of the group home residents as intractably mentally ill, or just one group home too many in this neighborhood, this organized effort to prevent the approval of the large group home attracted hundreds of local citizens and activists from both sides of the issue. It seemed that the majority of these people attended the planning commission meeting to voice their opinions during the public comment portion of the agenda and to let the City’s Planning Commission see the strength of their numbers.

The Planning Commission was seemingly prepared to accept the staff recommendation for approval. Public comment took over five hours, most of which was overwhelmingly against the approval of the group home. The applicant and the Planning Commission both expressed surprise at the public backlash. Ultimately, the approval recommendation was scrapped, and the Planning Commission voted to deny the CUP.

Grandma's House filed an appeal and the application for the CUP was heard by the City Council. The public attended that meeting in larger numbers than at the Planning Commission meeting and they were every bit as angry and frustrated as they were at the earlier meeting. In spite of robust response on the issue at the meeting of the Planning Commission just two months earlier, the Anaheim City Council was unprepared for the charged nature of the adversarial clash. Most speakers were passionate but respectful, while some were rude and offensive. It was essentially an angrier repeat of the first meeting and led to the same conclusion, a denial of the CUP.²⁷

The affected public walked away with no better understanding of the reasons why these group homes are hard to regulate due to the pressures put on cities by the State of California. The applicant ultimately filed suit against the city alleging violations of the Housing Element Law, Housing Accountability Act, and statutes governing anti-discrimination in local land use laws.



Nearly 200 people packed the Mission Viejo City Council chamber on March 29 for a Town Hall meeting regarding sober living homes. (Tomoya Shimura, Orange County Register, April 1, 2016)

The City of Anaheim has not responded to the public concerns in an organized manner. It has not provided an opportunity for the public to come together in a townhall-like meeting where the City could address the issues and the challenges they face, have subject matter experts on hand for short presentations, and allow for comments and questions.²⁸

In direct contrast to Anaheim’s response, we can look at the steps taken by the Cities of Newport Beach and Laguna Hills. Newport Beach was faced with a petition from its residents in 2007 after a rapid increase in the number of drug rehabilitation homes. The residents reported 103 treatment houses, nearly all on the Balboa Peninsula. There was a town hall hosted by (then) Assemblywoman Mimi Walters, R-Laguna Niguel, and (then) State Senator Tom Harman, R-Huntington Beach, and an estimated 200 people attended. It was an opportunity for dialogue as well as to learn about the constraints placed on cities by the State of California. Newport Beach responded to resident concerns again in late 2021 by organizing a community meeting with speakers from several city departments, a State Assemblywoman, the District Attorney, and a County Supervisor.^{29 30}



Hundreds attend the Sober Living Homes Town Hall meeting at the at the Laguna Hills Community Center on Thursday (Christopher Yee, San Gabriel Valley Tribune, May 13, 2016)

We can also look at the steps taken by the City of Laguna Hills. In 2016, the City responded to public outcry regarding group home issues by hosting a Town Hall on the subject. The Town Hall was hosted by (then) State Senator Pat Bates and several other State and local legislators. Also in attendance were attorneys with extensive knowledge of the issue as well as other subject matter experts. More than 600 people attended, and it was an opportunity for the residents in attendance to gain a better understanding of the challenges the City faces in regulating unlicensed group homes, as well as for the City to hear the concerns and frustrations of attendees. Proving that, when cities work to

inform their constituents, and allow for a robust but respectful dialogue, they create an opportunity for collaborative problem solving.³¹

How Has This Issue Evolved?

The timing of this investigation aligned with the required submission of the Housing Element portion of each city's General Plan. The State's disapproval of a city's Housing Element carries heavy consequences, and the State of California has used the withholding of this needed approval to coerce cities to abandon their group home ordinances.

The Grand Jury was previously unaware of the power behind group home lobbyists and the number of proposed legislative bills that never made it to a vote. The State's policy-making role limits a city's ability to responsibly manage the integration of group homes and, as a consequence, the trajectory and focus of the study changed and widened with this knowledge. The Grand Jury looked at broader factors influencing the group home industry, its influence, its effect on communities and often its seeming lack of real concern about its clients. The group home industry is immense, requires improved relations with cities, and needs more effective local governmental oversight.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled “Welcome to the Neighborhood - Are cities responsibly managing the integration of group homes?” the 2022-2023 Orange County Grand Jury has arrived at eleven principal findings, as follows:

- F1** Group homes too close to one another contribute to the problems associated with overconcentration.
- F2** Common nuisances are more likely and disruptive when sober living homes are concentrated in a small geographic area of a neighborhood.
- F3** Some cities have successfully addressed and informed community members about the challenges faced in regulating group homes.
- F4** Community satisfaction was minimal when cities took the traditional public comment approach towards addressing community complaints.
- F5** Cities are not utilizing police, fire, and code enforcement complaints as a means of locating and tracking Group Homes.
- F6** Cities are inhibited from enacting and enforcing ordinances due to fears over the potential cost of litigation.
- F7** Several cities have created an ordinance that requires a ministerial permit or registration to operate a group home, however many of these cities do not enforce their ordinances.
- F8** City and County officials are deterred from regulating group homes by California Housing and Community Development’s housing element approval process.
- F9** Cities have historically strategized and acted independently in addressing group home challenges and solutions.
- F10** Well-operated group homes can integrate smoothly into neighborhoods.
- F11** There is a lack of regulatory oversight for the health and safety of residents of unlicensed group homes.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled, “Welcome to the Neighborhood - Are cities responsibly managing the integration of group homes?” the 2022-2023 Orange County Grand Jury makes the following five recommendations:

- R1** Orange County cities and the County of Orange should address citizen concerns regarding group homes by providing an opportunity for an open dialog where an interdisciplinary panel of subject matter experts can share with attendees the challenges cities are facing in the management of group homes. To be implemented by July 1, 2024. (F3, F4)
- R2** By December 31, 2024, Orange County cities and the County of Orange should collaborate in their efforts to create ordinances for the regulation of group homes, including the development of model ordinances. (F6, F7, F9)
- R3** Orange County cities and the County of Orange should pool resources for defense of lawsuits challenging group home ordinances. To be implemented by July 1, 2024. (F6, F8, F9)
- R4** The County of Orange and Orange County cities should create a Task Force that includes representatives from OC cities, unincorporated areas, and other entities as appropriate and charge it with the responsibility of developing a plan to generate awareness among State legislators and regulators of the need for improved regulations and management standards to ensure health and safety for Group Home residents. To be implemented by July 1, 2024. (F2, F10, F11)
- R5** Orange County cities and the County of Orange should modify code enforcement report data collection forms to include a searchable field that enables the identification of a residence operating as a group home. To be implemented by July 1, 2024. (F5, F7, F11)

RESPONSES

California Penal Code Section 933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings

and recommendations pertaining to a department or agency headed by an elected County official (e.g., District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05 specifies the manner in which such comment(s) are to be made as follows:

- (a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

The Orange County Grand Jury requires and requests the following responses:

90 Day Response Required

County of Orange Board of Supervisors F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 County of Orange Board of Supervisors R1, R2, R3, R4, R5

City Councils of:

Aliso Viejo F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Aliso Viejo R1, R2, R3, R4, R5
 Anaheim F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Anaheim R1, R2, R3, R4, R5
 Brea F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Brea R1, R2, R3, R4, R5
 Buena Park F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Buena Park R1, R2, R3, R4, R5
 Costa Mesa F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Costa Mesa R1, R2, R3, R4, R5
 Cypress F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Cypress R1, R2, R3, R4, R5
 Dana Point F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Dana Point R1, R2, R3, R4, R5
 Fountain Valley F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Fountain Valley R1, R2, R3, R4, R5
 Fullerton F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Fullerton R1, R2, R3, R4, R5
 Garden Grove F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Garden Grove R1, R2, R3, R4, R5
 Huntington Beach F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Huntington Beach R1, R2, R3, R4, R5
 Irvine F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Irvine R1, R2, R3, R4, R5
 La Habra F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 La Habra R1, R2, R3, R4, R5
 La Palma F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 La Palma R1, R2, R3, R4, R5
 Laguna Beach F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Laguna Beach R1, R2, R3, R4, R5
 Laguna Hills F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Laguna Hills R1, R2, R3, R4, R5
 Laguna Niguel F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
 Laguna Niguel R1, R2, R3, R4, R5
 Laguna Woods F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11

Laguna Woods	R1, R2, R3, R4, R5
Lake Forest	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Lake Forest	R1, R2, R3, R4, R5
Los Alamitos	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11,
Los Alamitos	R1, R2, R3, R4, R5
Mission Viejo	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Mission Viejo	R1, R2, R3, R4, R5
Newport Beach	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Newport Beach	R1, R2, R3, R4, R5
Orange	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Orange	R1, R2, R3, R4, R5
Placentia	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Placentia	R1, R2, R3, R4, R5
Rancho Santa Margarita	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Rancho Santa Margarita	R1, R2, R3, R4, R5
San Clemente	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
San Clemente	R1, R2, R3, R4, R5
San Juan Capistrano	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
San Juan Capistrano	R1, R2, R3, R4, R5
Santa Ana	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Santa Ana	R1, R2, R3, R4, R5
Seal Beach	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Seal Beach	R1, R2, R3, R4, R5
Stanton	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Stanton	R1, R2, R3, R4, R5
Tustin	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Tustin	R1, R2, R3, R4, R5
Villa Park	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Villa Park	R1, R2, R3, R4, R5
Westminster	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Westminster	R1, R2, R3, R4, R5
Yorba Linda	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
Yorba Linda	R1, R2, R3, R4, R5

GLOSSARY

ADU

An accessory dwelling unit, usually just called an ADU, is a secondary housing unit on a single-family residential lot. These may be converted garages, backyard cottages, or granny flats, for example.

Brokering

A referral system where money or other inducements are exchanged by owners of disreputable homes to get new clients. The recipients may be residents, clinics, or even members of self-help groups such as AA12-step programs.

Code Enforcement

Activity by local government agencies to identify and correct problems and abuses by citizens and businesses.

Congregate Care Living

A residential home that offers inpatient services to its residents. Generally, the care that this institution provides is more intense than what a skilled nursing care facility offers but less intense than what a general acute care hospital provides.

Curbing

The act of evicting residents, often done late at night, so-called because they and their belongings are sent to the curb. Eviction may occur when such residents' insurance runs out or for violating house rules. They frequently have nowhere to go and often have no resources, essentially rendering them homeless.

Deinstitutionalization

The closing (or reduction of services) of residential facilities, often referred to as mental hospitals, and the reliance on smaller, more personal "homes" as a means of rehabilitation.

Detox

Program or facility for assisting a person undergoing treatment from an intoxicating or addictive substance.

EBT

Acronym for Electronic Benefit Transfer, previously known as Food Stamps, these are debit cards issued to eligible participants for the purpose of buying food and other necessities.

Emotional Wellness Homes

A facility where a person develops the ability to handle their emotions and varied experiences they encounter in life. Emotional wellness is an awareness, understanding, and acceptance of our feelings and the ability to manage and change challenges effectively.

Good Neighbor Policy

A set of principles and activities designed to provide a consistent means of communication between facilities that provide resident services and their respective neighbors. The Good Neighbor Policy is applicable for Residential Programs when residents and the services have a potential impact including but not limited to community safety, cleanliness, and security in the surrounding neighborhood(s).

Group Home (GH)*

A residential unit utilized as a supportive living environment for people meeting the legal definition of disabled. Provides *housing only* for a classified group of people. No medical care, services, or treatment can take place in a Group Home. Only State-licensed facilities can provide care, services, or treatment under State law (see Residential Care Facilities)

Hospice

A type of health care that focuses on the palliation of a terminally ill patient's pain and symptoms and attending to their emotional and spiritual needs at the end of life. Hospice care prioritizes comfort and quality of life by reducing pain and suffering.

Housing Element

Since 1969, California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. California's local governments meet this requirement by adopting housing plans as part of their "general plan" (also required by the state). General plans serve as a local government's "blueprint" for how the city and/or county will grow and develop and include eight elements: land use, transportation, conservation, noise, open space, safety, environmental justice, and housing.

Integral Facilities

Integral facilities means any combination of two or more facilities located on the same or different parcels, collectively serving seven or more persons, not including the licensee or members of the licensee's family or persons employed as facility staff, that are under the control or management of the same owner, operator, management company or licensee or any affiliate of any of them, and which together comprise one operation. Integral facilities shall include, but not be limited to, the provision of housing in one facility and recovery programming, treatment, meals, or any other service or services at another facility, or facilities, or by assigning staff, or a consultant or consultants, to provide services to or in more than one facility.

Licensing

A permit from an authority to own or use something or to do a particular thing or carry on a trade. In reference to this report's subject matter, licensing from a State or county agency or department.

Like-for-Like

Identifying the spacing of group homes by type, e.g., sober living within a given distance of sober living, assisted living within a given distance of assisted living, etc. *Sober living near assisted living does not meet the like-for-like criteria.*

Model Ordinance

A common set of policies and procedures developed by a government agency to oversee the licensing and operation of group homes.

NIMBY

Acronym for "Not in My Backyard". A term used, among other things, to identify citizens who object to having group homes in their neighborhood.

Referral Facility

Either a Residential Care Facility, Group Home, or Sober Living Home where one or more person's residency is per a court order or similar directive. Referral facilities must follow the permit procedure according to the base use classification, and are not permitted in the RL (Residential Low Density) zone.

Rehab Riviera

The nickname given to some sober living facilities in Southern California, referring to the climate. Often used as a selling point in advertising to emphasize the outdoor appeal of homes in the region.

Rehabilitation

The action of restoring someone to health or normal life. Care that can help one get back, maintain or improve abilities.

Residential Care Facilities (RCF)*

A State Licensed residential facility where care, services, or treatment are provided to persons living in a community residential setting. Provide housing and care/treatment for the elderly, developmentally disabled, chronically ill, and chemical addiction treatment facilities, among others. RCFs that specifically provide drug and or alcohol abuse treatment are licensed by the Department of Health Care Services (DHCS) and are known as alcoholism or drug abuse recovery or treatment facilities.

Homes are required to be licensed by the DHCS when at least one of the following services is provided: detoxification, group counseling sessions, individual counseling sessions, educational sessions, or alcoholism or drug abuse recovery or treatment planning.

Residential Treatment Centers

Sometimes known as rehab which is a live-in health care facility providing services for substance use disorders, mental illness, or other behavioral problems.

Saturation

Having several group homes within a neighborhood.

Single Housekeeping Units

Individuals occupying a dwelling unit that have established ties and familiarity with each other; share a lease agreement, have consent of the owner to reside on the property, or own the property; jointly use common areas and interact with each other; and share the household expenses such as rent or ownership costs, utilities, and other household and maintenance costs activities.

Six or Under

Homes with six or fewer residents. Under State law these may not be required to be licensed or registered.

Sober Living Home (SLH)*

Sober Living Homes are also group homes, but specifically for people recovering from a chemical addiction that meets the legal definition of disabled. Provides “*housing only*” that is primarily meant for people who have just come out of rehab and need a

place to live that is structured and supportive for those in recovery. For the purposes of the Ordinance, a Sober Living Home is not state licensed. No medical care, services, or treatment can occur in a Living Home. Only State licensed facilities can provide care, services, or treatment under State law (see Residential Care Facilities).

Tracking

A method to obtain data, monitor movements and a system to identify and map the location of group homes.

Treatment Center

A facility where a client or clients go under one roof for services to improve their physical or mental health. A residential treatment center (RTC), sometimes called rehab, is a live-in health care facility providing therapy for substances abuse use disorders, mental illness, or other behavioral problems. Residential treatment may be considered the “last-ditch” approach to treating abnormal psychology or psychopathology.

**For the purposes of this report, the City of Huntington Beach’s definitions of group living homes is being used as published on the city’s website.*

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NOTICE

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SCHOOL SHOOTINGS:

HOW PREPARED ARE ORANGE COUNTY PUBLIC SCHOOLS?



COUNTY OF ORANGE

Grand Jury 2022-2023

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SUMMARY

The Center for Homeland Defense and Security, in coordination with the Federal Emergency Management Agency, maintains a K-12 school shooting data base. Some of their statistical findings are:

- There have been 2,069 school shooting incidents between 1970 and June 2022
- As a result of those shootings, 684 students and staff have died
- In the same time period, 1,937 students and staff were injured
- California, Texas, and Florida are the states with the most school shooting incidents.

The 2022-23 Grand Jury, during its investigation, interviewed members of law enforcement agencies on the subject of safety and security in our public schools. Almost everyone interviewed advised the Grand Jury that it is not a matter of IF an Orange County campus will be a victim of an active shooter incident, but WHEN one of our campuses will be a victim.

“You can’t wait to care until it happens to you”

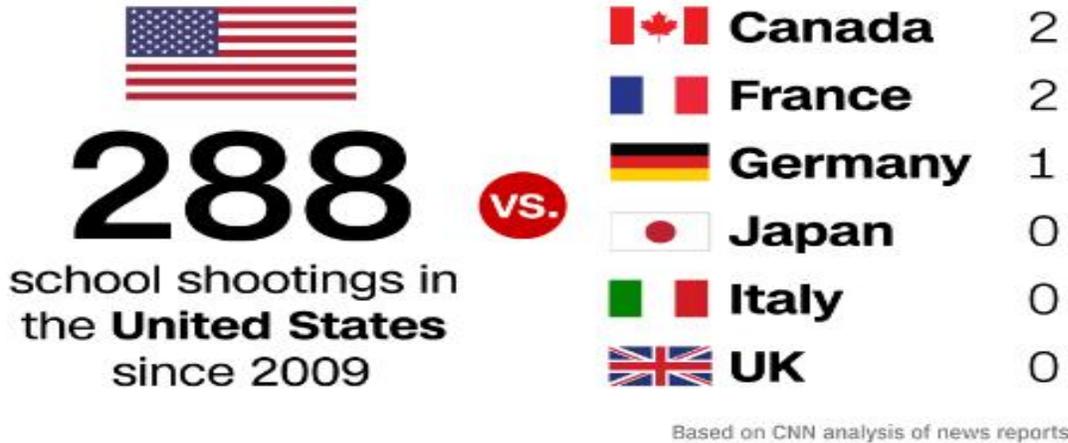
*Mia Tretta-Los Angeles Times, 11/24/22
(Survivor of the 2019 Saugus High shooting)*

Orange County schools must be prepared and vigilant to do all that can be done to prevent another Nashville, Uvalde, Saugus, Parkland, Newtown, or Littleton school shooting from taking place here.

Based on its investigation, the Grand Jury believes that Orange County public school districts are doing a good job in attempting to maintain safe and secure campuses for their students. However, there is always room for improvement.

This investigative report makes recommendations for improvement in the following areas:

- Building and equipment infrastructure
- Training and training materials available for all personnel responsible for student safety and welfare
- Implementation of tabletop exercises throughout all Orange County school districts
- The need for more School Resource Officers (SROs)
- Increased coordination of responsibility between school staff and law enforcement
- Increase awareness and address mental health issues
- Increase fiscal commitments to implement identified school safety measures.



BACKGROUND

2017-18 ORANGE COUNTY GRAND JURY “SAFER SCHOOLS – WHAT CAN WE DO?” REPORT AND REPORT RESPONSE FOLLOW-UP

The 2017-18 Orange County Grand Jury issued a report titled **Safer Schools – What Can We Do?** Because school shootings continue to dominate the news and cause concern among students, faculty, staff, and parents, the 2022-23 Orange County Grand Jury decided to follow up on the 2017-18 Report responses as a part of its own investigation of school safety. The 2017-18 Report provides an important segue into the 2022-23 investigation of school safety.

Below is the *Summary*, *The Reason for the Study*, and a summary of the recommendations from the 2017-18 Grand Jury Report:

SUMMARY

“Breaking News --- Another school shooting has just occurred!

These words strike terror in the hearts of all parents as they pray that it has not occurred in their community. The frequency of violent events on school campuses across the nation is alarming. What are Orange County public school districts doing to minimize the threat of violence on campuses? Although Orange County public school districts are focused on minimizing the possibility of campus violence, there exists a considerable disparity between schools’ readiness in some districts compared to others. Whether it is fencing, visitor protocols, communication devices, or the use of identification badges, the main differentiating factor is each district’s access to funding sources for security measures. Schools in districts that have not passed school bond measures or have been unable to obtain grants have increasingly had to turn to local communities, including parents, for material support. Schools struggle to find both time and money to address competing priorities of improving academic achievement while preparing for the very real threat of school violence.

REASON FOR THE STUDY

School safety is a responsibility we all share. It is difficult, if not impossible, to prevent all violent events on campus, but schools are expected to provide a reasonably safe environment for both students and employees. School administrators have a critical responsibility to prepare for such events in order to protect the students and staff within the Orange County school system.

No one has all the answers, but through conversations and working together, solutions continue to evolve and improve. The primary purposes of this [2017-18] study are:

- To assess how well Orange County public schools are controlling access to campuses during school hours.*
- To provide school districts, boards, principals, and parents with information to improve preparation for violent school events.*
- To stimulate county-wide discussion identifying underutilized resources and to share problem-solving strategies.*
- To develop recommendations which can help school districts ensure schools implement their safe school programs.”*

RECOMMENDATIONS

The 2017-18 Grand Jury recommended that school districts should:

- explore all possible funding sources
- re-evaluate the lack of secure fencing on all school campuses
- maintain a complete daily log of every visitor and volunteer entering and exiting the campus
- require photo identification of all campus visitors and volunteers before a visitor's badge is issued
- require all faculty and staff to wear visible photo ID badges while on campus
- issue ID cards in a format to be worn as student ID badges while on campus
- issue two-way radios or equivalent communication devices enabling instant two-way communication with the office
- record, track, and report to the district office all campus incidents of unauthorized access
- perform a school security assessment to evaluate their current school safety plan.

2022-23 ORANGE COUNTY GRAND JURY FOLLOW UP

The 2022-2023 Grand Jury decided to follow up on School District Responses to the 2017-18 Grand Jury's recommendations as part of its own investigation into school safety. In their 2017-18 responses, 26 of the 28 public school Superintendents committed their District to further analysis and/or future action in response to Grand Jury Recommendations. The collective number of commitments made by the 26 districts was 88. In a September 2022 letter from the Orange County Grand Jury, the 26 Superintendents were reminded of their commitments and asked if their respective

districts had followed through on those commitments. The responses from the districts were gratifying. Multiple commitments had been fulfilled in response to each of the nine Recommendations included in the 2017-18 Grand Jury Report. Twenty districts that had committed to further analysis, and/or future action, reported having fulfilled all 69 of their commitments. Four districts reported having fulfilled 8 of their 13 commitments, with each district having fulfilled at least 50% of its commitments. Two districts, which had made three commitments each, responded stating that none of their commitments had been fulfilled.

Except for the two districts that failed to fulfill any of their six commitments, the 2022-2023 Grand Jury believes that students, faculty, staff, parents, District Boards of Education, and communities can be pleased with what their districts have accomplished in their efforts to improve School Safety in response to the Grand Jury 2017-18 Report.

While it is indisputable that much has been achieved during the past five years to make Orange County public schools safer, there is still much to be done. This new report includes recommendations that, if implemented, will make the schools even safer. While it is true that no school will ever be totally safe from intruders, it is the responsibility of school boards, school administrators, and law enforcement to make them as safe as possible.

REASON FOR STUDY

According to the Centers for Disease Control and Prevention (CDC) and the Kaiser Family Foundation (KFF) firearms are now the leading cause of death among children ages one through eighteen.

The Center for Homeland Defense and Security (CHDS) in conjunction with the Federal Emergency Management Agency (FEMA), maintains a K-12 school shooting data base as part of their Homeland Security program. Some of the important statistical findings are as follows:

- There were 2,069 school shooting incidents between 1970 and June 2022
- For the above time frame, 684 students and staff died in shootings at schools
- 1,937 were injured
- California, Texas, and Florida were the states with the most incidents.

The Washington Post stated more than 338,000 students across the nation have experienced gun violence in their schools since 1999.

The 2022-2023 Grand Jury, based on its investigation, believes that Orange County public school districts are doing a good job in attempting to maintain a safe and secure campus for their students and school personnel/staff.

During almost every interview of the members of law enforcement, the Grand Jury learned that it is not a matter of *IF* an Orange County campus will be a victim of an active shooter but *WHEN* it will be a victim.

Therefore, the reason for this study by the 2022-2023 Grand Jury is to use all the information it learned through its method of study and provide recommendations to all the Orange County public schools on how they can make their schools safer for all their students, teachers, and staff while maintaining a quality campus learning environment.

Recommendations for improvement will be made in the following areas:

- Building and equipment infrastructure
- Training and training materials available for all personnel responsible for student safety and welfare
- Implementation of tabletop exercises throughout all Orange County school districts
- The need for more School Resource Officers (SROs)
- Increased coordination of responsibility between school staff and law enforcement
- Increased awareness of and address mental health issues
- Increased fiscal commitments to implement identified school safety measures.

METHOD OF STUDY

The Grand Jury accumulated the information for this report from the following sources:

- 2022-2023 Grand Jury School Safety Questionnaire for all public schools (41 questions) (See Appendix E)
- 2022-2023 follow-up on commitments made by Orange County school districts in response to the 2017-2018 Grand Jury report titled “Safer Schools-What Can We Do?” and the Recommendations contained in that published investigation
- Local/national news stories over several years and past Grand Jury reports in Orange County and other California counties
- Training videos of school violence prevention and casualty care
- School safety materials and procedures
- Public school district websites
- Comprehensive School Safety Plans of Orange County public schools
- Active shooter drills at several schools
- Tabletop exercises at several schools
- A Knowledge Saves Lives training session at a local public school
- The Orange County Intelligence Assessment Center (OCIAC)
- Safety measures in place at several schools.

The Grand Jury interviewed:

- Principals from a number of Orange County elementary, middle, and high schools

- Representatives of Orange County school districts and other personnel responsible for school safety and risk management
- Orange County Sheriff's Department (OCSD) personnel including those responsible for public school safety
- Selected local city law enforcement personnel responsible for public school safety

INVESTIGATION & ANALYSIS

School Shootings Background

On May 24, 2022, television networks across the United States broadcast the horrific news that once again a mass shooting was taking place on an American school campus. The country watched in horror as a young man spent over seventy minutes brutally gunning down defenseless elementary school students after gaining entry to their school, Robb Elementary in Uvalde, Texas. When law enforcement eventually breached the door into a classroom, they shot and killed the assailant, but only after he had taken the lives of nineteen children and three adults. In addition, eighteen others were hospitalized with gun-shot wounds.

The sad reality is that this type of terrible incident is all too common in our nation. Teachers, school staff, and students have become very familiar with terms like “lockdown drills”, “shelter-in-place”, “Run, Hide, Fight”, “Distance, Evade, Engage”, and more. The many mass shootings have forced scores of individuals who entered the teaching profession to engage in soul-searching about their personal safety as well as that of their students. Many educators are faced with deciding whether to remain in the profession. How did we get to this sad situation?

“More than 338,000 students have experienced gun violence at school since Columbine through 366 school shootings since 1999.”
(Washington Post 4/17/23)

History shows us that Uvalde was not the first mass shooting in a school, and law enforcement officials tell us that it will not be the last. According to the 2022 *“Report on Indicators of School Crime and Safety 2021”* published by the Institutes of Educational Sciences in coordination with the U.S. Department of Education, U.S. Department of Justice, and others, “nonfatal victimization including theft, bullying and criminal victimization went down sixty percent between 2019-2020”. In contrast the report showed that “there were a total of 93 school shootings with casualties at public (and private) elementary and secondary schools in 2020-21—the highest number since 2000-01.”

According to the School-Associated Violent Death Surveillance System (SAVD-SS), “school shootings are defined as incidents in which a gun is brandished or fired on

school property or a bullet hits school property for any reason, regardless of the number of victims, time of day, day of the week or reason.” The SAVD-SS study showed that the year 2020-21 was the first time since this information was gathered that less than half of schools that had shootings were high schools. This is essential information that all school districts and their schools should consider when developing safety plans.

In 2018, California Governor Jerry Brown signed into law Assembly Bill 1747, “School Safety Plans”, which added Section 32281(a) to the California Education Code (EC), requiring every K-12 public school to develop and maintain a Comprehensive School Safety Plan (CSSP). The California Department of Education (CDE) stated that these plans are to “address campus risks, prepare for emergencies, and create a safe, secure learning environment for students and school personnel.” If a school district has fewer than 2,501 average daily attendance, then the district may create one CSSP for all the schools in that district. The law does require that stakeholders be engaged in the creation of the CSSP along with school personnel. Each school must update and adopt its CSSP annually by March 1st. That plan must then be submitted to the school district for approval. Each district is required to annually notify the CDE by October 15 of any school(s) that have not complied with the requirements of the law.

While it is truly fortunate that Orange County schools have not experienced this type of violence, numerous law enforcement and school officials say it is not a matter of “if” but “when”. Our schools must be prepared and vigilant to do all that can be done to prevent another Covenant School (Nashville), Robb Elementary (Uvalde), Saugus High (Saugus), Stoneman-Douglas High (Parkland), Sandy Hook (Newtown), or Columbine (Littleton) from taking place here.

(See Appendix ‘A’ for a listing of school shootings in the United States since 1999; see Appendix ‘B’ for CDE’s Comprehensive School Safety Plan requirements.)

“School is the last place where kids should have to worry about gun violence. Our children deserve better.” (Everytown Report, 8/22)

School Resource Officers (SROs)

“It was after school hours in May 2022 when South Carolina school resource officer (SRO) Kyle Doiron of the Richland County Sheriff’s Department got a message from a student at the high school where he works. The student forwarded an Instagram photo in which another student posed with a firearm.” The next day, the SRO called the boy in the photo out into the hallway. Inside the student’s backpack, *“...he found a 9 mm Taurus handgun, with a loaded magazine and a cartridge in the chamber... At that point, Doiron arrested the student and placed him in handcuffs... Since the officer is on the high school campus every day, he has developed a relationship with students such*

that they are comfortable talking to him.” After this incident, Officer Doiron said, *“If our school didn’t have an SRO program, there could have been another shooting and we could have lost another child to gun violence.”* (NASRO website, March 23, 2023) While this incident took place on the other side of the country, it illustrates the importance and value of having SROs on school campuses.

What exactly is an SRO? The U.S. Department of Justice defines a School Resource Officer as a *“sworn law enforcement officer responsible for safety and crime prevention in schools.”* Employed by a local police or sheriff’s department, they work closely with school administrators for the purpose of creating a safer environment for students, faculty, and staff. SROs are asked to be educators, informal counselors, and law enforcers, often called *“The Triad of SRO Responsibility”*. As they are sworn officers, they have the authority to make arrests, respond to calls for service, and document incidents. In the other two roles they work with students as mentors and role models. It is estimated by the National Association of School Resource Officers (NASRO), that there are between 14,000 and 20,000 SROs currently working for law enforcement agencies across the nation.

“School Resource Officers play an important role in school violence prevention”

(U.S. Secret Service report, *Averting Targeted School Violence*, 2021)

SROs are funded by the law enforcement agency itself or by cities/school districts where they are assigned. They should be trained in school-based law enforcement as well as crisis response. Education Week reported in a November 16, 2021, article that: *“In practice, it’s not clear how many school police actually have had this training or similar types as States set different requirements for what training SROs need to have before working in schools, and some SROs report feeling unprepared for the job... In a 2018 Education Week Research Survey of SROs, about 1 in 5 respondents said they didn’t have sufficient training to work in a school environment, only 39 percent said they had training on child trauma, and about half said they hadn’t been trained to work with special education students.”* Training is available through local agencies as well as the NASRO. An officer appointed to an SRO position should be given the appropriate training to be effective. All Orange County Sheriff’s Department SROs interviewed by the Grand Jury indicated that they had received the required training.

Figures from the Education Week Research Survey show that in 2017-18, about 45% of schools had an SRO in place at least once a week and 13% reported having police on campus who were not SROs. There has been a large increase in the number of law enforcement agencies that employ SROs because of the increase in school shootings after Columbine in 1999. This mass shooting incident was the impetus for the U.S. Department of Justice to offer Community Oriented Policing Services (COPS) grants to school districts to increase the number of SROs. Available grants can help off-set the costs of securing the services of SROs. In 2021, out of a \$386 million budget, \$156.5

million was authorized for the COPS Hiring Program (CHP) along with another \$11 million for Preparing for Active Shooter Situations (PASS) and \$53 million for the School Violence Prevention Program (SVPP). The CHP program provides 75% of the approved entry-level salaries and fringe benefits of each hired officer, up to \$125,000 per officer position for 36 months of salary support. In addition, groups such as the National Association of School Resource Officers (NASRO) offer attractive grants for the express purpose of hiring SROs.

“...in nearly one-third of the cases, an SRO played a role in disrupting an attack plot.”

(U.S. Secret Service report 2021)

However, funding remains a huge obstacle for cities, school districts, and law enforcement agencies. For example, following the 2018 mass shooting at Stoneman-Douglas High School in Florida, the governor at the time ordered an armed security officer be placed on the campus of all 4,200 public schools in the state at a huge cost.

The Grand Jury found that Orange County is fortunate that the Sheriff's Department (OCSD) and most city police departments (PDs) interviewed have a number of Deputies or officers who serve as SROs. Many who were interviewed shared that they take the position very seriously especially because their own children are in Orange County public schools. However, funding is a major factor in the number each agency is able to put into service. While the men and women who serve as SROs are highly dedicated, many current SROs in the county are assigned far too many schools to effectively fulfill their responsibilities. Most SROs in the county are assigned to high school campuses and must also cover a number of middle/elementary schools that feed into the high school.

The agency with the most SROs is the OCSD with 17 serving over 125 schools, located primarily in south Orange County. The Anaheim PD currently has two SROs to cover approximately 62 public schools with an Anaheim address. Fullerton PD has four SROs in four Fullerton Union High School District schools, yet approximately 20 elementary/middle schools in the Fullerton (Elementary) School District do not have an SRO, relying on patrol officers to be their contact with the police department. The City of Orange PD has one SRO for approximately 28 schools, while a small city and district such as Los Alamitos has one SRO for four schools. Santa Ana is the only school district that has its own police department. They field 28 sworn officers plus 42 site safety officers for 61 schools.

These figures, while not covering all police departments and cities, illustrate that law enforcement agencies around the county have put varying resources into their SRO programs. However, current SRO resources are far from an optimum number of personnel for the 635 public schools in Orange County. Most law enforcement members interviewed by the Grand Jury clearly indicated that not every school needs an SRO on

campus, with most of the need being found on high school and middle school campuses. However, the question remains as to why there are not more law enforcement personnel assigned to this important role.

Two prominent factors are impacting the number of SROs. First is the reality that most law-enforcement agencies are short-staffed and have increasing difficulty hiring qualified individuals which results in many officers being assigned to patrol duties to cover a city's needs. Second is the ever-present issue of funding. SRO positions, as mentioned earlier, are usually jointly funded by a law enforcement agency, a city, and/or a school district. The range for law enforcement salaries in Orange County is from \$50,000 to \$124,000 plus benefits.

Orange County school districts, city police departments, the sheriff's department, and city governments are strongly encouraged to work together to provide SROs on as many school campuses as financially feasible. Effectively utilized, SROs become informal counselors, role models, and mentors to students, many of whom might otherwise see police in a negative light. If students see an SRO on their campus on a regular basis, most will become comfortable with the idea of speaking with that officer which in turn forms a valuable relationship. "Building strong relationships helps keep schools safe; when young people build trusting relationships with SROs, they learn lessons that can remain with them into adulthood and throughout their lives." (Marin County Civil Grand Jury Report, 2019)

Implementing a School Tip Line

Students will often have the earliest and most knowledge of potential threats in a school community. Unfortunately, it is often the case that students are afraid to report threats when they become aware.

Depending on their features, tip lines may offer low-cost solutions for the purpose of acting upon reported information of potential violent acts taken from social media, including but not limited to phones, web portals, and other electronic messaging.

Tip lines may help prevent school violence by:

- Breaking the code of silence by giving a voice to students
- Increasing the likelihood that threats will be reported by providing a confidential means of reporting
- Encouraging students to "see something, say something"

Necessary requirements for a successful school tip line:

- Students must have easy access to the tip line
- Students must be able to trust that the tips they report will result in appropriate action
- Students must be able to trust that their identities will be kept confidential

The Grand Jury recommends that all public schools in Orange County, if they have not already done so, implement a tip reporting mechanism for all students and staff to confidentially report potential acts of violence on their school campus.

Safety of Before and After School Programs on School Sites

How safe are Orange County students in on-campus before and after school programs? Imagine one day, elementary students are sitting at school lunch tables, with classes over for the day, doing homework, art, or other activities; now a shooter walks onto the campus. Maybe the students are in a prefabricated bungalow at the back of the campus, away from any lingering staff's attention, sheltered by thin walls that are easily pierced by bullets. Will our schools be prepared when that eventually happens?

When developing safety and security plans for K-12 schools in Orange County, school districts should take extra steps to ensure that their plans include measures to prepare on-campus before and after school programs' staff for active shooter incidents. This can be a challenge as many of these programs throughout Orange County are outsourced to vendors such as the YMCA Child Care Program, Boys and Girls Club, or Kids Factory. Before and after school programs offer valuable school care for many families throughout Orange County. It is critical that the staff of these vendors be provided active shooter training, either along with school staff or independently.

Many vendors that offer before and after school programs have their own safety protocols, but they might not be as extensive as those within Orange County school districts. Each school district should review not only their own safety plans, but those of their vendors who provide before and after school programs to ensure that best practices are followed. If direct participation in school districts' active shooter training by outside vendors is not feasible, Orange County school districts have an obligation to ensure that those programs have established best practices in preparation for active shooters. Any gap in active shooter training for employees of vendors providing before and after school care should be addressed. A willingness to negotiate may be required between school districts and vendors to achieve a synergy among their safety policies and protocols.

A U.S. Secret Service Analysis of Targeted School Violence has concluded that in any given year, violence on school campuses occurs before or after school hours 26% of the time. This is a significant degree of risk to our children's safety and should be addressed in all Orange County school districts' safety plans.

Collaboration between SROs and school administrators is an important component for the integration of before and after school programs within school safety plans. All Orange County school districts that have SROs should involve them in the process of updating school safety plans to ensure that before and after school programs are integrated into active shooter protocols and procedures.

Monitoring Campuses

Security cameras may help school administrators monitor people who enter the campus and determine if there are people who should not be on school property. Security camera technology has improved in recent years, and all Orange County school districts should obtain and incorporate camera systems throughout their campuses. Some Orange County school districts lack cameras in all elementary schools leaving them unable to monitor school violence, crime, or intruder activity as well as gathering evidence of those events.

Advanced technologies such as Artificial Intelligence (AI) powered school surveillance cameras, motion detection, people counting, thermal imaging cameras, and others are becoming more commonly used on school campuses throughout the United States as incidents of violence increase. Through AI technology, school staff can use facial recognition to monitor people entering and exiting the campus in real-time, thus increasing enhanced situational awareness.

Although some parents and students may feel security cameras can be intrusive, they can significantly increase safety. AI technology can assist school administrators in tracking the number of students entering school at the beginning of the school day and how many students exited the campus during an evacuation.



AI technology can help school districts with limited budgets make their current security devices perform more effectively. Facial recognition and perimeter detection are key improvements that AI brings to camera monitoring systems. Such advancements alert the security staff by raising real-time alarms upon detecting any unauthorized face or suspicious activity.

Orange County school campuses should have security cameras at strategic locations including entrances, hallways, stairwells, libraries, and parking lots. This level of coverage could give school administrators the ability to detect unfolding active shooter incidents and other emergencies.

Although security cameras cannot stop an active shooter, the simple presence of security cameras throughout school campuses can aid school security teams and local law enforcement in their responses to emergencies and provide evidentiary footage in their investigations.

There are many choices of security monitoring systems in a wide price range such as:

- Dome Security Cameras: Their wide-angle lens allows for maximum coverage.
- Bullet Security Cameras: They provide high definition, crisp photos even in dim light. They attach to walls or ceilings and can be positioned in any direction.
- PTZ Security Cameras: They are similar to dome cameras but have the ability to pan, tilt, and zoom.

Advanced Technology

The safety of students and staff should be a top priority for schools. Gaps in security can leave schools vulnerable. Current advanced technology can computerize manual processes that may leave schools open to potential security risks. Schools need to make sure that their security systems are contemporary and able to protect students and staff from any potential threats.

Some advanced school security trends are as follows:

- A Visitor Management System (VMS): Schools can use this system to help ensure the safety and security of their campuses. This system eliminates manual logs while simplifying check-ins as well as providing background screening for visitors. Most systems will flag registered sex offenders and child custody orders.
- Perimeter Security Systems: From cameras to license plate readers and access control systems, these tools provide real-time monitoring that protects against potential threats. Automated license plate recognition (ALPR) cameras are an asset in emergency situations, providing useful information for response and investigative purposes.

By staying up to date on the latest advances in school security technology, school administrators can make sure that their schools remain as safe as possible for all students and staff. The Grand Jury recommends to all school districts that as funding becomes available for school security, school districts consider implementing the advanced technology solutions identified above.

Protective Covering/Tinted Windows

While everyone in Orange County wants safer schools, some communities favor an open and friendly educational environment for their children and are concerned about having school campuses that resemble a prison-like environment.

However, one of the problems with the open design of many school campuses throughout Orange County is that there is too much visibility into classrooms from outside areas open to the public. Many classrooms lack curtains, mini-blinds, or other

basic window coverings to obscure an intruder's view. Securing classroom windows will help create a safer learning environment for students.

School districts should cover school windows with shatter-resistant and/or tinted film covering to add an additional layer of protection from an active shooter. Although these measures will not prevent an intruder from entering a school campus and begin shooting, it can slow their progress and reduce visibility into the classrooms.

In an active shooter scenario, shatter-resistant film can slow down an intruder and reduce the impact of ammunition fired into classrooms, giving teachers and students more time to escape or hide. It can also assist law enforcement in recovering spent ammunition. Shatter-resistant film can be purchased as a tinted or clear covering.

Clear shatter-resistant covering applied over windows can be painted with a festive design or historical figure in American history to help school administrators maintain an inviting campus. To engage students and the community, school staff could even have an art competition to see who comes up with the best theme or design for the windows.

While the possibility of an active shooter on a school campus has gripped the country with fear, Orange County residents do not need to have schools that resemble fortresses to take preventative measures against violent intruders.

Orange County school districts should exhaust all their capabilities to address campus vulnerabilities around physical security.



School Active Shooter Training

The Orange County Sheriff's Department, in collaboration with city police departments, conducts Active Shooter Training exercises for first responders, which include School

Resource Officers, Sheriff's Deputies, fire personnel, medical personnel, and the OCSD Special Weapons and Tactics Team (SWAT). These exercises are held at local schools when classes are not in session, and other sites and training areas that can be used to simulate a school setting.

Several members of the 2022-2023 Grand Jury observed an active shooter training for local law enforcement at an Orange County high school which was not in session. Signage was posted around the school to notify the public of the training and immediately surrounding residents and businesses were advised of the event to avoid unnecessary panic.

The training began with a basic classroom power point presentation outlining the strategy and mission. Best practices and the reason for the training were also explained.

Upon completion of the briefing, shots were fired, and a smoke canister was ignited. Officers entered on the ground floor with handguns and rifles drawn. They then proceeded to the second floor, searching for the threat while a dozen OCSD Explorers and approximately 40 student volunteers served as actors portraying the injured pleading for help. The volunteers, student-actors who were to be subjected to simulated gunfire, were equipped with full-coverage helmets. They adhered to "Run, Hide, Fight", a protocol of survival skills which is taught in Orange County schools as a response to an active shooter situation.

Orange County Sheriff's Deputies are trained to arrive and immediately enter to put down the threat before lives, or additional lives, are lost. Once a threat is observed or heard, law enforcement enters the classroom or campus area and immediately eliminates the threat. The training is to instill in law enforcement an ability to react to the situation presented quickly and then take additional actions as warranted.

"The body won't go where the mind hasn't been and this training does just that" (OCSD)

Officers on the scene were armed with rifles, handguns, and smoke grenades. They were also equipped with battering rams and forced entry devices. Their firearms were loaded with blanks and paint tips. The only live ammunition was with a unit of Sheriff's Deputies who did not participate in the exercise but who surrounded the perimeter of the school solely to ensure the safety of the participants from any outside attackers who might take advantage of the chaos to harm participants.

This training is part of the Safe Schools Initiative offered by the Orange County Department of Education (OCDE), and ties into the Orange County Sheriff's Department's Assess, Prepare and Train (APT) program.

At the training attended and observed by the Grand Jury members, two scenarios were performed. The first was an approximately twenty-minute outdoor scene where shots were heard, and first responders were called in. Chaos was rampant as there was a smoke distraction while people were running (or hobbling) in different directions. Injured stand-ins were on the ground screaming and begging for help. Officers are trained to go right to and eliminate the threat despite the urge to lend aid to the wounded.

In the second scenario, Deputies and SROs entered a chaotic active shooter scene, stepped over “dead and injured” victims, and chased a male shooter who now had taken a hostage who was used as a shield. The perpetrator entered a room inside the school and concealed himself. Officers searched and cleared every classroom until a locked door was discovered in a service room. Officers announced their presence and forced open the door, the hostage was separated from the shooter, and a surrender took place, so the shooter was taken into custody, eliminating the threat.

Procedures are built into the training to ensure that police do not mistake innocent bystanders for the shooter. Police will not stop to help injured people until the threat is eliminated. Once the school is “cleared” of any further threat, waiting emergency medical personnel enter to stop the bleeding of the wounded, who are then taken to medical triage.

END-EX (end of exercise) was called by the trainers, and the actions of the Sheriff’s Deputies and other participants were reviewed, critiqued, and questions addressed.

These drills are not unique to Orange County, and many have proven their value. In Nashville, Tennessee, similar drills were being conducted at area schools and included school staff. Dr. Katherine Koonce, Director at Covenant School, attended one as an observer and immediately requested an exercise for her school.

During the March 27, 2023, shooting at the Covenant School, Dr. Koonce, while losing her own life, along with other staff saved countless lives. Nashville Metro Police Chief John Drake described it this way: “Students were in their classrooms, locked up, the professional [school staff] outdoors to lead the Metro policeman. She had a key, [knew] what her headcount was, she knew [exactly] where the students would be, she was prepared,” Drake told ABC News. “I’m sure they had run those drills, and it’s because of Katherine and the foresight she had to make sure her staffers were prepared.”

Under the Marjory Stoneman Douglas Public Safety Act, public K-12 schools in Florida are required to hold frequent active shooter drills. The Grand Jury hopes a tragedy like those that occurred at Marjory Stoneman Douglas High School in Parkland, Florida, Covenant School in Nashville, Tennessee, and other schools across the nation does not have to happen in California. However, it is necessary to prepare for that possibility. Therefore, the Grand Jury recommends that all school districts host Active Shooter Training by July 1, 2024, and thereafter on an every-other-year basis.

School Active Shooter Tabletop Exercises

The Orange County Sheriff’s Department School Resource Officer Program, along with a designated Orange County school, sponsors active shooter tabletop exercises for

schools within Orange County. The tabletop exercise is an emergency management technique designed to increase preparedness for an active shooter in a safe environment.

These exercises are generally held on a school campus and directed by a Facilitator designated by the Sheriff. Currently, the tabletop exercises are attended by on-site school personnel, law enforcement, and observers. Other schools within the district are invited to participate, as well as local city police. In the exercises the Grand Jury attended, the schools were represented by the principal and other school staff including teachers, district staff, school security personnel, maintenance personnel, and mental health counselors. Law enforcement attendance consisted of the Facilitator, School Resource Officers, and officers from OCSD's Operations Division. The Orange County Grand Jurors attended as observers but were able to participate in discussions.

The participants are presented with a crisis scenario and asked to discuss their response. It is important that plans be customized to the individual schools because of the different layouts and points of access and egress of each school campus. School maps are included in the provided Situation Manual to accommodate this need.

All attendees were given a Situation Manual which provides participants with all necessary tools for their roles in the exercise. The manual calls out the overview for the exercise, the roles and responsibilities of the participants, and the structure which is broken down into three modules.

The Situation Manual also points out the "Scenario Ground Truth" which allows participants to know what conditions to assume prior to facing their scenario, such as the time of day, weather at the time of the occurrence, and the staffing level of first responders.

The tabletop exercise is discussion based, planned to last approximately 90 minutes, and presented in three modules:

Module One: Preparedness

This module is a discussion of the preparedness of the school(s) where the level of security, access, and communication is addressed. Fencing (coverage and height), cameras, door locks, points of egress, using items to block doors, and window covers are among items discussed for facilities. Two-way radio communication, a public address system for lock-down announcements, lanyard alarms, and cell phones are some of the items discussed as tools for communication. This discussion brings in ideas to improve a school's preparedness while the school also brings information for the Facilitator to use in future tabletop exercises.

Module Two: Incident Response

In Module Two, a realistic scenario is presented to the participants where a report comes in from 911, stating that possible gunshots have been heard at the school and patrol units have been dispatched to the scene.

Discussion starts with school personnel describing how the school goes into lockdown to protect staff and students while a command post is set up near the school. This is when school officials discuss and share information such as accounting for all students, tying phones to the District Office, and other communication efforts.

Module Three: Student / Family Re-Unification

This final module deals with the aftermath; the shooter has been neutralized and rooms and buildings have been cleared by law enforcement. At the exercise observed by members of the Grand Jury, preliminary information provided for the sake of discussion indicated that five students and staff were deceased and 15-20 injured that had been, or were in the process of being, transported to local hospitals.

The tabletop discussion then deals with orderly release and relocation to nearby off-site triage and reunification locations. There is also discussion about what information can and cannot be passed on to parents. Ideas for managing the media and what can be released and who can interface with media are also discussed. Mental health support and its role are discussed in this module as well.

The success of the tabletop exercise lies in the practice and review of required actions and the delegation of duties during this experience. Although predicting each person's reaction and judgement during such a crisis is recognized as impossible, this exercise enhances the probability of team efficiency in the event of a school shooting, thereby increasing preparedness and minimizing loss of life and injury.

Due to turnover and relocation of school personnel, the Grand Jury recommends that all Orange County school districts host Active Shooter Tabletop Exercises by December 31, 2023, and on an annual basis thereafter. (See Appendix C; OCSD tabletop format)

Arming Teachers and Staff

The California Teachers Association (CTA), while overwhelmingly supporting stronger laws to ensure school safety, believes the idea of arming teachers is a *“preposterous, cynical, and unworkable solution.”*

The Grand Jury found that practically no faculty, staff, or superintendent in Orange County supported arming any non-law enforcement school personnel. The resistance to this idea by educational personnel was overwhelming.

Among the reasons given by school personnel were the obvious ones of injury or death of innocent students or staff, and law enforcement mistaking anyone holding a weapon as the suspect. Another reason was that without ongoing training, people lose the physiological responses to stress that enable fine motor skills and marksmanship.

While representing a tiny minority of their peers, some in law enforcement would support arming school personnel, but only with stringent restrictions such as rigorous training, marksmanship, and proven sound judgement. The sole reason given by this small number of law enforcement personnel is that a threat could be eliminated prior to a first responder arriving, leading to saved lives in the beginning. Most law enforcement

personnel believe arming of any non-law enforcement school personnel to be an unacceptable idea under any circumstance.

Visitor Management System

The 2022-23 Grand Jury believes that a parent and visitor management system is a key element in ensuring campus safety.

The 2017-18 Grand Jury included two recommendations related to managing campus visitors in its report titled: *Safer Schools – What Can We Do?* Those recommendations were:

R.3. School districts should implement procedures to ensure that all campuses maintain a complete, daily log (electronic or manual) of every visitor and volunteer entering and exiting the campus, excluding program events such as awards ceremonies or stage or musical productions (2017-2018).

R.4. School districts should implement procedures to ensure that photo identification is required of all campus visitors and volunteers before a visitor's badge is issued (2017-2018).

As a part of its investigation in preparation for writing this report on school safety, the 2022-23 Grand Jury learned that 25 of the 28 Orange County School Districts have a parent and visitor management system.

Twenty-one of 25 districts use the same software system which:

- Gives schools the power to decide exactly who is allowed to enter their buildings.
- Enables schools to keep potential threats from accessing campus by instantly screening each visitor's government-issued ID card against the sex offender registries in all 50 states and an unlimited number of custom databases.
- Syncs with a school's information system to ensure that students are only released to approved guardians.
- If a visitor is flagged, allows staff to review the visitor's information side-by-side with the offender's information immediately while notifications are sent to administrative and security personnel.
- Allows a school's community to know that visitors are approved by enabling a school to require visitors to wear a badge that shows their role type, name, destination, date and time of entry, and photo.
- Enables approved school personnel to view Visitor records so that accurate district- and school-wide reports can be created.

Even though 25 of the 28 school districts already have an effective parent and visitor management system, the Grand Jury believes managing access to school campuses is so important that all schools should either develop or purchase a system that enables them to control and monitor access to campus.

Annual Safety Inspection

All California public schools must develop a comprehensive school safety plan, per California Education Code sections 32280-32289.5. The OCGJ believes annual campus safety inspections conducted with local law enforcement should be a part of this plan. During its investigation for this report, the OCGJ learned that some schools are already conducting such inspections.

The three primary sources of information for this section were:

- School district responses to the Findings and Recommendations in the Grand Jury 2017-2018 Report titled *Safer Schools – What Can We Do?*
- School district responses to a survey developed by the 2022-23 Grand Jury designed to determine if school districts had followed up on 2017-2018 commitments to implement specific improvements in school safety.
- The websites of the 28 school districts.

From these three sources, the Grand Jury learned that at least 21 of the 28 school districts work to help ensure the safety of school campuses through on-going collaborative relationships with either the Sheriff's Department or city police departments or, in some instances, with both the Sheriff's Department and one or more police departments. Nine districts reported having at least one Student Resource Officer (SRO) serving one or more schools.

Fifteen of the 21 districts that reported collaborative working relationships with at least one local law enforcement department also reported conducting annual safety assessments. Even though all 15 districts may conduct their annual safety inspections in collaboration with local law enforcement, only 5 of these 15 districts reported doing so.

The seven districts that did not report working to help ensure the safety of school campuses through on-going collaborative relationships with either the Sheriff's Department or city police departments may have ongoing collaborative working relationships with local law enforcement. However, the Grand Jury was unable to find documentation of such relationships in any of its three above-listed sources.

The Grand Jury believes all Orange County school districts that have not done so should develop and maintain ongoing collaborative working relationships with local law enforcement. The Grand Jury also believes that all Orange County School Districts should arrange for their local law enforcement partner(s) to conduct an annual safety assessment of each school in collaboration with the appropriate school and district administrative staff, facilitated via a Memorandum of Understanding (MOU) if necessary, by July 1, 2024.

Homeland Security K-12 School Safety Checklist

In their responses to the 2017-18 Safer Schools Report Findings and Recommendations, two Orange County school districts reported using the Homeland

Security K-12 School Safety Checklist. In its 2022-23 review of school district websites, the OCGJ identified one additional district that reported using the Homeland Security Checklist. Given the source of the survey and the fact that at least three Orange County school districts have chosen to use the survey, the OCGJ decided to review the survey. During its review, the OCGJ learned that the survey consists of 150 incisive questions that forces users to carefully analyze the strengths and weaknesses of their school safety plan.

Following its review of the K-12 School Safety Checklist, the OCGJ believes that all 28 Orange County School Districts should require each of their schools to annually administer either the Homeland Security checklist, or a similar checklist.

(See Appendix D for Seven Primary Topics of the DHS survey along with the appropriate web site for access to the entire survey.)

Campus Entry Procedures

The Grand Jury believes the campus entry at most Orange County schools is vulnerable to intruders.

Using information gathered from school district responses to both the 2017-18 Safer Schools Report and the 2022-2023 Grand Jury follow-up survey on the implementation of commitments made by school districts in response to the 2017-18 Report, the Grand Jury has learned that at least 13 of the 27 Orange County school districts that responded to the Report have perimeter fencing and a single point of entry. One of the 13 school districts reported also having cameras and a buzzer system to augment the single point of entry. Another school reported the use of an intercom and buzzer system to control access to the administrative offices. Some of the other 11 districts with perimeter fencing and single point of entry may have cameras and buzzer systems, but the Grand Jury was unable to make that determination.

Three school districts reported having perimeter fencing at all schools but not a single point of entry. Three other school districts, with a total of 45 schools, reported that 41 of the 45 schools have perimeter fencing.

Four districts reported a mix of fenced and unfenced schools. One district reported that it has cameras and access control door systems, but no fencing.

Three districts reported that they have no fencing, and one of those three commented that there “may be (community) opposition” to fencing.

Based on the information available to the 2022-2023 Grand Jury, only one school district has implemented campus entry procedures that incorporate all the features recommended by the 2017-18 Grand Jury.

Furthermore, even though at least 24 of the remaining 27 school districts have implemented some safety measures to protect the entryways into schools, most, if not all, could be accessed by an intruder.

Therefore, the Grand Jury recommends all schools should review campus entry procedures. The review should include consideration of the use of perimeter fencing, a single point of entry, and the use of a camera and buzzer system to control entry into the main administrative office.



As with most other security measures, there have been improvements in wire mesh fencing. The new fencing is more closely woven, making it more difficult to scale, and thus making campuses more secure. The Grand Jury believes this new fencing should be the preferred fencing for those school districts erecting new fences or replacing existing fences.

Available School Safety Training Resources

Stop the Bleed

The Encyclopedia Britannica defines “First Aid” as “...measures to be taken immediately after an accident not with an idea to cure but in order to prevent further harm being done.” Available people and material supplies are used at the site of an incident to provide initial care to the victim until more advanced care is secured. The objectives of First Aid:

- To preserve and maintain life
- To prevent the victim’s condition from worsening
- To aid in recovery

The Stop the Bleed course teaches class participants three techniques to prevent loss of blood from a bullet wound:

- How to use your hands to apply pressure to a wound
- How to pack a wound to control bleeding
- How to apply a tourniquet correctly



Casualty Care

Crisis Medicine is just one of the many contractors that provide emergency medical training for non-medical personnel. Members of the Grand Jury reviewed the *Essential Casualty Care* course and determined it to be realistic and well done. Tactical Emergency Casualty Care (TECC) is the basis for this type of training, and like the philosophy of Active Shooter Training is intended to prepare bystanders and survivors to react quickly to save lives by providing life support until the arrival of paramedics.

This type of training is realistic enough to prepare individuals to act without experiencing shock and freezing in a life and death situation. Topics covered in this training included viewing gunshot wounds, learning how to focus on the most life-threatening damage first, and the different treatments available like tourniquets, packing the wound, pressure application, and splinting.

Equipment and supply training is also given so that suitable trauma kits, hemorrhage control kits, tourniquet kits and other medical supplies can be pre-stocked and maintained at locations where an incident may occur.

Knowledge Saves Lives

Knowledge Saves Lives is one of many contractors that school districts can hire to help district and school personnel prepare for the likelihood of a potential school shooter. The primary benefit of such preparations is to improve reaction times, eliminating the initial human tendency to freeze, and to save lives when an incident does occur.

Members of the Grand Jury attended one of these training sessions and were quite impressed with the willingness and intensity of the school district representatives and staff from the schools who attended training.

Instructors were current or retired police officers knowledgeable in responding to an active shooter situation. The first element of training dealt with prevention and how to identify troubled potential perpetrators during the days or weeks prior to a shooting. Prevention includes always being aware of actions and words of individuals around us, and to **say something when you see something**. One of the surprising facts shared is that 91% of potential incidents fail because someone became aware of it and took appropriate action to report it. Situational awareness was presented as observing people and knowing the space around you. "Leakage" was identified as clues that someone may be disturbed and planning violent action.

The other part of training focuses on *Run, Hide, Fight* which is intended to prepare staff for the three main options available to potential victims of an active shooter incident. Exercises were conducted with all participants in these three scenarios. Put simply, *Run* is putting distance between potential victims and the threat.

Hide is primarily locking doors and obstructing views. *Fight* is locating and improvising a weapon, such as a fire extinguisher, and using it on the shooter. Participants were shown and then performed the steps to make such an effective attack.

This training and practice are incredibly important to motor memory, so reaction times are shortened. The more quickly action is taken, the fewer casualties may occur.

When law enforcement arrives:

- Stay calm and follow instructions
- Put down any items in your hands
- Keep hands raised and visible at all times
- Do not make any quick movements toward officers
- Do not point, scream, or yell
- Do not speak or ask questions when evacuating unless asked to do so by an officer.

The Grand Jury recommends that all Orange County school districts incorporate Knowledge Saves Lives, Stop the Bleed, Casualty Care and Run, Hide Fight or some combination of this training for all schools in their district on a yearly rotating basis.

"...the odds of your child's school being in a shooting in their lifetime is 1 in 62.51 or 1.6%"

(Web Site-Donovan and PsychLaw Journal)

Mental Health Issues

Background Studies

When examining causes behind the epidemic of active shooter situations in our schools, it is helpful to consult the Federal Bureau of Investigation (FBI) as well as the United States Secret Service (USSS) and their extensive research in identifying behaviors exhibited by these shooters. In 2018, the FBI's Behavioral Analysis Unit produced a report entitled "*Study of Pre-Attack Behaviors of Active Shooters*". The report opens with these reminders:

- There is not one "profile" of an active shooter
- There is no single warning sign, checklist, or algorithm for assessing behaviors that identifies a prospective active shooter
- While impossible to predict violent behavior, it is possible to prevent some attacks via effective threat assessment and management strategies.

This report is instructive for the purposes of this Grand Jury report because it identifies the most common stressors experienced by active shooters. These stressors include such things as financial strain, conflict with friends/peers, and conflict at school, but by far the one stressor that appears the most (62%) in the cases studied is mental health.

The report indicated that "25% of active shooters had a diagnosed mental illness prior to the offense." The report further stated that of those who noted the concerning behavior of an individual such as mental health issues, 92% were identified by a schoolmate and 75% by a teacher/school staff, if the shooter was a student.

In 2019, the United States Secret Service (USSS) and U.S. Department of Justice's National Threat Assessment Center (NTAC) issued a report, *Protecting America's Schools-A United States Secret Service Analysis of Targeted School Violence*. Among the key findings from the report were:

- There is no profile of a student attacker, nor is there a profile for the type of school that has been targeted
- Attackers usually had multiple motives, the most common involving a grievance with classmates
- All attackers experienced social stressors involving relationships with peers and others
- Most attackers were victims of bullying which was often observed by others
- All attackers exhibited concerning behaviors. Most elicited concern from others and most communicated their intent to attack.

The report further noted that the observable mental health symptoms displayed by attackers prior to their attacks were divided into three main categories:

- Psychological (e.g., symptoms of depression, anxiety, anger, or suicidal ideation)
- Behavioral (e.g., defiance/misconduct, aggression, or symptoms of ADD/ADHD)
- Neurological (e.g., developmental delays or cognitive deficits)

“The fact that half of the attackers studied had received one or more mental health services prior to their attack indicates that mental health evaluations and treatment should be considered a component of a multidisciplinary threat assessment but not a replacement... Mental health professionals should be included in a collaborative threat assessment process that also involves teachers, administrators, and law enforcement.”

In 2021, the USSS produced a report, *“Averting Targeted School Violence”* which amongst many salient points, addressed the issue of Mental Health as it pertains to active school shooters. They found that:

- “Many plotters (70%) exhibited behaviors indicating the presence of some type of mental health symptom in the time leading up to, or around, the discovery of their plots.”
- “Information on these factors was evident in their journal writings, statements and behaviors observed by others, and histories of prior mental health treatment.”
- “Though some of the subjects were born with psychiatric or neurological conditions, others had mental health issues as a result of severe life stressors.”

Finally, in the 2021 *Report on Indicators of School Crime and Safety* produced by the Institute of Educational Sciences (IES), the issue of Mental Health was identified as one of the indicators they studied. They found the following:

- In 2019-20 (prior to the pandemic), 55% of public schools reported providing diagnostic mental health assessment services which were used to evaluate mental health disorders displayed by students in their schools.
- Only 42% offered mental health treatment for those mental health disorders.
- These services were more likely to be found in middle and high schools than in elementary schools.
- A majority of schools (54%) indicated that inadequate funding limited the mental health services they could provide.

These studies serve as factual evidence that schools and school districts should be, if they are not already, considering mental health issues when preparing their safety plans. The COVID-19 pandemic served to heighten the awareness of mental health issues which students everywhere were exhibiting because of the use of distance learning and its subsequent isolating factors. In a relatively short period of time, students in Orange County and across the nation found themselves cut off from not only friends and familiar activities, but for many, a safe and supportive school environment. They were thrown even deeper into the world of social media, leading many to develop the mental health stressors and signals identified in the cited reports.

The pandemic has created a generation of students who now are trying to cope with a return to what for many is an “alien” environment. Consider students who were just starting school when schools were forced to close. For more than two years at a very crucial time in their lives, these students were unable to experience the socialization process necessary to provide them with many of the tools necessary for their educational success and mental well-being. What is the overall impact on their educational experience? When one considers the disruption caused on all grade levels,

is there any doubt that the issue of the mental health of our students has to be at the heart of addressing the issue of active shooters?

Status of Mental Health Programs in Orange County Public Schools

The Grand Jury interviewed many school district and school site administrators along with representatives from a number of law enforcement agencies. The Grand Jury found the issue of Wellness Centers has gained acceptance primarily on the high school level and in some middle schools. Many elementary schools are still struggling to establish effective mental health programs. The major problem facing all school districts is funding. With the passage of the American Rescue Plan (ARP) by Congress in response to the pandemic, many districts chose to use funds to expand their mental health capabilities. This has resulted in additional school psychologists, social workers, counselors and behavioral interventionists being assigned to school sites. However, many principals shared that a full-time school psychologist has little time for mental health issues as they have to administer numerous tests for students with special needs as well as for other programs. Some elementary schools have turned to parent support organizations to raise funds for outside agencies to assist with the mental health needs of their students.

While law enforcement agencies do not usually have input in the area of mental health in schools, they are willing to engage with school officials when dealing with mental health issues particularly if the school has an assigned SRO. In addition, the Orange County Sheriff's Department (OCSD) employs what they designate as School Mobile Assessment & Resource Teams (SMART) who can and do involve themselves in mental health issues upon the request of school administrators. A few of Orange County's city police departments have joined with the OCSD to have a representative on a SMART team, however this relationship should be expanded.

An incident from the 2019 USSS-NTAC report *Protecting America's Schools* is an illustration of mental problems in schools:

"A 16-year-old student shot his high school principal in the arm before his weapon malfunctioned. Prior to this incident, the attacker exhibited a wide range of symptoms typically associated with depression. He began to isolate himself after his parent's divorce and while he had played multiple sports and enjoyed video games, the attacker withdrew from these activities as his depression worsened. He began going to school without shaving, showering, or washing his hair, and multiple people noted his body odor. The student reported feeling helpless, hopeless, and worthless and he said he had low energy, trouble sleeping, reduced appetite, decreased interest in activities and impaired concentration. His grades began to decline. He often sat alone in his room in the dark. He began having suicidal thoughts and came close to killing himself prior to the incident. According to media reports, a state psychiatrist concluded that mental illness played a role in the attacker's actions in carrying out the incident."

Conclusion

The good news from the information provided to the Grand Jury by many school administrators and law enforcement representatives is that Orange County public

school districts do acknowledge, that now more than in the past, they need to address the mental health issues found in their student bodies and they are doing so. However, more needs to be done to identify students having mental health issues, whether they be psychological, behavioral, or neurological. Ensuring that mental health or wellness centers on campuses are staffed by competent professionals, particularly at the middle and high school level, should be a high priority. These centers can be instrumental in helping to create a supportive school climate.

In 2020, Children’s Hospital of Philadelphia’s Center for Violence Prevention (CVP) issued a “white-paper” on mass shootings in schools. It identified a supportive school climate as being highly significant in preventing school shootings. The CVP noted that in this kind of environment:

- Students feel safe to talk to each other and to staff
- There is a mutual trust and respect among students and school staff
- There is on-going dialogue and relationships with family and community members that interact with the school
- There is adequate support, training, and resources for school staff

The Grand Jury strongly recommends that all Orange County public school districts work to provide mental health services to all schools in each district as an effective tool in helping to prevent potential active shooter incidents.

“A cohesive and supportive school environment is key to preventing school shootings.”
(Children’s Hospital of Philadelphia-CVP)

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) Responses from each agency affected by the Findings presented in this section. The Responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled **School Shootings: How Prepared Are Orange County Public Schools?** the 2022-2023 Grand Jury has arrived at twelve Findings, as follows:

- F1** Law enforcement, first responders, and other stakeholders have demonstrated a strong interest in working cooperatively with Orange County public schools to mitigate the risk of an active shooter incident; establishment of MOUs between law enforcement and school districts would strengthen this cooperation.

- F2** All Orange County public schools studied by the Grand Jury stated that they conducted or have scheduled drills within the current school year on emergency procedures addressing intruders on campus, but not all have done so specifically regarding armed assailants.
- F3** While all districts prioritize the safety of students and staff, the attention and resources devoted to active shooter preparedness and response vary from district to district.
- F4** Safety and security plans for on-campus before and after-school programs are not adequately addressed by school districts.
- F5** While many Orange County public schools have installed fences, cameras, and other methods to address the issue of active shooters on a campus, there are still opportunities for improvement.
- F6** Not all schools utilize a system for monitoring campus visitors.
- F7** While there is an increased awareness of the benefits of mental health counseling, not all school districts have implemented these programs in all schools.
- F8** School Resource Officers (SROs) are a valuable asset for school safety, yet many cities/districts do not allocate sufficient funds to hire needed officers.
- F9** Not all classrooms have window shades, tinted glass, or film to obstruct the interior view from the outside.
- F10** The camera surveillance systems utilized on many campuses require repairs, replacement, or additions.
- F11** Many schools do not have perimeter fencing completely enclosing their campus.
- F12** A number of school districts have school site administrative offices that remain unlocked on a daily basis.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) responses from each agency affected by the Recommendations presented in this section. The Responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled **School Shootings: How Prepared Are Orange County Public Schools?** the 2022-2023 Grand Jury makes the following thirteen Recommendations:

- R1** Each Orange County school district should arrange for local law enforcement to do an annual safety inspection of each school. The written safety checklist should include an audit of the integrity of site boundaries and a review of safety plans and policies. This annual safety audit should commence with the 2023-24 school year by October 1, 2023, and annually thereafter. (F1, F10, F11)
- R2** All Orange County school districts should establish a threat identification and assessment system for all school sites to monitor social media, screen for messages of concern, and manage information received in coordination with local law enforcement using MOUs, if necessary, by July 1, 2024. (F1, F3)
- R3** Each Orange County school district, in conjunction with law enforcement, should develop and implement tabletop exercises to be conducted in district schools by December 31, 2023, and annually thereafter. (F2)
- R4** Each Orange County school district should work with local law enforcement to plan and conduct a district-wide active shooter drill by July 1, 2024, and at least every other year thereafter. (F2)
- R5** All Orange County school districts should develop a casualty care training program for each school in their district, to be in place by the end of the first semester of the 2023-24 school year and provided annually thereafter. (F3)
- R6** Safety and security plans for on-campus before and after-school programs need to be addressed more thoroughly by school districts, by July 1, 2024. (F4)
- R7** Each Orange County school district should obtain and incorporate perimeter camera systems in all district schools by July 1, 2024, or earlier if financially able to do so, and investigate the potential use of cameras that incorporate Artificial Intelligence to enhance threat detection and prevention. (F5, F10)
- R8** All Orange County school districts should review entry procedures on all campuses with an eye toward the use of perimeter fencing, the use of single point entry, and the use of a buzzer and camera system for entry into the main/administrative offices. (F5, F12)

- R9** Each Orange County school district should identify and implement a parent and visitor management system for each school site within the school district. This is to include identified access points, badges, or a similar identification procedure to be implemented by July 1, 2024. (F6, F11, F12)
- R10** Each Orange County school district should implement training for all staff to identify threat-related behaviors and provide a procedure for reporting the behavior by the beginning of the 2024-25 school year. (F7)
- R11** All Orange County school districts should develop a plan to implement or enhance mental health counseling for all schools by December 31, 2024. (F7)
- R12** Each Orange County School District should assess the need for SROs or additional SROs, reaching out to appropriate community partners to facilitate funding by July 1, 2024. (F8)
- R13** All Orange County school districts should investigate and consider bullet resistant or tinted film covering for school windows by December 31, 2023. (F9)

REQUIRED RESPONSES

California Penal Code Section 933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g., District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors. Furthermore, California Penal Code Section 933.05 specifies the manner in which such comment(s) are to be made as follows:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

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

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision-making authority. The

response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code Section 933.05 are required from the governing body of each school district below:

Findings – 90 Day Response Required

Anaheim Elementary	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Anaheim UHSD	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Brea-Olinda Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Buena Park Elementary	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Capistrano Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Centralia Elementary	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Cypress Elementary	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Fountain Valley	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Fullerton Elementary	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Fullerton Joint UHSD	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Garden Grove Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Huntington Beach City	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Huntington Beach UHSD	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Irvine Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Laguna Beach Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
La Habra City	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Los Alamitos Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Lowell Joint Elementary	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Magnolia School	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Newport-Mesa Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Ocean View Elementary	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Orange Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Placentia-Yorba Linda	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Saddleback Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Santa Ana Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Savanna School	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Tustin Unified	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12
Westminster Elementary	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12

City of Anaheim	F1, F8
City of Costa Mesa	F1, F8
City of Fountain Valley	F1, F8
City of Fullerton	F1, F8
City of Garden Grove	F1, F8
City of Huntington Beach	F1, F8
City of Irvine	F1, F8
City of Los Alamitos	F1, F8
City of Newport Beach	F1, F8
City of Orange	F1, F8
O.C. Sheriff's Department	F1, F8

Recommendations – 90 Day Response Required

Anaheim Elementary	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Anaheim UHSD	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Brea-Olinda Unified	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Buena Park Elementary	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Capistrano Unified	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Centralia Elementary	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Cypress Elementary	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Fountain Valley	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Fullerton Elementary	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Fullerton Joint UHSD	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Garden Grove Unified	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Huntington Beach City	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Huntington Beach UHSD	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Irvine Unified	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Laguna Beach Unified	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
La Habra City	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Los Alamitos Unified	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Lowell Joint Elementary	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Magnolia Elementary	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Newport-Mesa Unified	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Ocean View Elementary	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Orange Unified	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Placentia-Yorba Linda	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Saddleback Unified	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Santa Ana Unified	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Savanna Elementary	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Tustin Unified	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
Westminster Elementary	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13
City of Anaheim	R1, R3, R4, R12
City of Costa Mesa	R1, R3, R4, R12
City of Fountain Valley	R1, R3, R4, R12
City of Fullerton	R1, R3, R4, R12
City of Garden Grove	R1, R3, R4, R12
City of Huntington Beach	R1, R3, R4, R12
City of Irvine	R1, R3, R4, R12
City of Los Alamitos	R1, R3, R4, R12
City of Newport Beach	R1, R3, R4, R12
City of Orange	R1, R3, R4, R12
O.C. Sheriff's Department	R1, R3, R4, R12

GLOSSARY

Active Shooter

The U.S. Department of Homeland Security defines an active shooter as *“an individual actively engaged in killing or attempting to kill people in a confined and populated area... in most cases, active shooters use firearms and there is no pattern or method to this selection of victims.”*

AI Artificial Intelligence

The simulation of human intelligence in machines that can learn and problem solve.

Casualty Care Program

Teaches fundamentals of casualty care including how to treat casualty victims, what steps to take to prevent loss of life, and how to save lives while under active fire, among other topics.

CDC

U.S. Centers for Disease Control and Prevention-The national public health agency of the United States.

CDE

California Department of Education

CHDS

Center for Homeland Defense and Security-Develops programs and resources to advance the study of homeland security research, scholarship, and professional disciplines to enhance U.S. National Security and Safety.

CHP

COPS Hiring Program-A competitive grant program sponsored by the U.S. Department of Justice to provide funding directly to law enforcement agencies to hire additional career law enforcement officers to increase community policing capabilities and crime prevention.

COPS

Community Oriented Policing Services-Part of the U.S. Department of Justice that is responsible for advancing the practice of community policing through various means such as competitive grants.

CSSP

Comprehensive School Safety Plans-Sections 32280-32289 of the California Education Code requires that all public school districts develop policies and procedures in response to common safety issues, including violence.

CSTAG

The Comprehensive School Threat Assessment Guidelines, originally known as the Virginia Student Threat Assessment Guidelines, is an evidence-based model for schools to use in conducting threat assessments of students.

DEE

Distance, Evade, Engage or Deny, Evade, Engage-Language used to describe how individuals/groups should respond to an active shooter situation.

DOJ

U.S. Department of Justice

DSO

District Safety Office-Term used by school districts to describe non-law enforcement personnel who help provide safety and security on school campuses.

FEMA

Federal Emergency Management Agency-Part of the Department of Homeland Security (DHS) that coordinates responses to disasters beyond the level states and local agencies can handle.

IES

Institutes of Educational Sciences-Independent, non-partisan, statistical research and evaluation arm of the U.S. Department of Education.

KFF

Kaiser Family Foundation-Non-profit organization dealing with health policy in the United States.

Lock-Bloc

Device used in many schools to ensure that a classroom or office door can be locked quickly in case of emergency.

NASRO

National Association of School Resource Officers-Professional organization serving the needs of School Resource Officers across the United States.

NTAC

National Threat and Assessment Center-Provides guidance and support to the United States Secret Service.

OCDE

Orange County Department of Education

OCIAAC

Orange County Intelligence Assessment Center-Provides an integrated, multi-disciplined, informational and intelligence sharing network to collect, analyze and disseminate information on all criminal risks and safety threats to law enforcement, fire, health, private, and public sector stakeholders in a timely manner in order to protect residents, visitors, and critical infrastructure while ensuring the civil rights and civil liberties of all persons are recognized.

OCSD

Orange County Sheriff's Department

PASS

Preparing for Active Shooter Situations-Program from the U.S. Department of Justice designed to meet the goals of COPS by offering 'scenario-based' courses designed to counter active shooters.

RAPTOR System

A company founded in 2002 that has partnered with many school districts in the U.S., to provide integrated visitor management systems.

RHF

Run, Hide, Fight-Language used to describe how individuals/groups should respond to an active shooter situation.

SAVD-SS

School-Associated Violent Death Surveillance System-Sponsored by the CDC, providing the most recent details available on school associated violent deaths while helping to inform efforts to prevent school violence.

SMART

School Mobile Assessment and Resource Team-Part of the OCSD, this group works with school officials to address situations and incidents related to violence, threats, possession of or use of weapons, unstable behaviors, and suicidal tendencies by students.

SRO

School Resource Officer-Sworn law enforcement officers responsible for safety and crime prevention in schools who are employed by local police or sheriff departments and work closely with school administrators.

SRP

Standard Response Protocol-Provides consistent, clear shared language and actions among all student, staff and first responders which can be applied in any emergency.

SVPP

School Violence Prevention Program-Grants given to states and local agencies to improve safety and security on school campuses.

SWAT

Special Weapons and Tactics-A designated law enforcement team whose members are recruited, selected, trained, equipped, and assigned to resolve critical incidents involving a threat to public safety which would otherwise exceed the capabilities of local law enforcement departments.

Table-Top Exercises

An informal discussion-based session in which a team discusses their roles and responses during an emergency, walking through one or more scenarios.

TECC

Tactical Emergency Casualty Care-Based on military response to casualty care.

USDE

U.S. Department of Education

USSS

United States Secret Service

VMS

Visitor Management System-Used to control access to school campuses.

WETIP

Strives to be the most effective anonymous citizen's crime reporting resource, providing intelligence and information to local, state, and federal authorities.

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APPENDICES

Appendix A

Active Shooter Incidents in U.S. Schools Since 1999* (Material from Wikipedia)

Date	Location	School	Deaths	Injuries
3/27/2023	Nashville, TN	Covenant School	6	0
3/22/2023	Denver, CO	East High	0	2
2/13/2023	East Lansing, MI	Michigan State Univ.	5	9
12/8/2022	Tallahassee, FL	Florida A & M Univ.	1	4
11/13/2022	Charlottesville, VA	University of VA	3	2
10/24/2022	St. Louis, MO	Central V & P High	3	7
5/24/2022	Uvalde, TX	Robb Elementary	22	18
11/30/2022	Oxford, MI	Oxford High	4	7
11/14/2019	Santa Clara, CA	Saugus High	3	3
5/18/2018	Santa Fe, NM	Santa Fe High	10	14
2/14/2018	Parkland, FL	Stoneman-Douglas High	17	17
1/23/2018	Benton, KY	Marshall County High	2	16
12/7/2017	Aztec, NM	Aztec High	3	0
4/10/2017	San Bernardino, CA	North Park Elementary	3	1
9/28/2016	Townville, SC	Townville Elementary	2	3
12/12/2014	Portland, OR	Rosemary Anderson High	0	4
10/24/2014	Marysville, WN	Marysville Pilchuck High	5	1
12/14/2012	Newtown, CT	Sandy Hook Elementary	28	2
2/27/2012	Chardon, OH	Chardon High	3	3
10/2/2006	Bart Township, PA	West Nickel Mines Elem.	6	5
4/14/2003	New Orleans, LA	John Mc Donogh High	1	3
3/5/2001	Santee, CA	Santana High	2	13
5/20/1999	Conyers, GA	Heritage High	0	6
4/20/1999	Littleton, CO	Columbine High	15	24

*Does not include shootings such as by gangs, or revenge shootings around a school or on streets or parking lots near a school.

Appendix B

Comprehensive School Safety Plans

Best practice considerations and resources for reviewing and approving plans.

On September 27, 2018, Governor Brown signed into law Assembly Bill 1747-School Safety Plans. You will find AB 1747 in the California Legislative Information web page. Key provisions of California *Education Code (EC)* include requiring local educational agencies (LEAs) and the California Department of Education (CDE) to include and post requirements for new content and procedures in the Comprehensive School Safety Plans (CSSPs), which have been implemented.

The law requires the California Department of Education (CDE) to develop and post on its website best practices for reviewing and approving school safety plans. In 2020–21 the CDE implemented a statewide survey of local educational agencies (LEAs), school safety administrators, and stakeholders to gather information on current practices, challenges, and resources to assist in developing this content. The state and federal guidance and resources below are provided to assist LEAs in reviewing and approving Comprehensive School Safety Plans (CSSPs). Guidance includes recommendations from the California State Auditor (CSA) Report 2016-136 School Violence Prevention. The CSA Report 2016-136 School Violence Prevention can be found on the CSA's web page.

Background

The California Constitution guarantees California children the right to attend public schools that are safe, secure, and peaceful. The CDE, public school districts, county offices of education (COEs), and schools and their personnel are responsible for creating learning environments that are safe and secure. First responders, community partners, and families play an essential role, as well. Schools must be prepared to respond to emergencies including natural and man-made hazards and strive to prevent violence and behavior issues that undermine safety and security. CSSPs include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus and aspects of social, emotional, and physical safety for both youth and adults.

California Education Code Sections 32280–32289.5: Comprehensive School Safety Plans

California *Education Code (EC)* Section 32281(a) requires every kindergarten through grade twelve school, public and public charter, including community and court schools, to develop and maintain a CSSP designed to address campus risks, prepare for emergencies, and create a safe, secure learning environment for students and school

personnel. In a school district with fewer than 2,501 units of average daily attendance, there may be one CSSP for all schools within the district.

The law requires designated stakeholders to annually engage in a systematic planning process to develop strategies and policies to prevent and respond to potential incidents involving emergencies, natural and other disasters, hate crimes, violence, active assailants/intruders, bullying and cyberbullying, discrimination and harassment, child abuse and neglect, discipline, suspension and expulsion, and other safety aspects.

Schools, districts, and COEs all play a role in effective school safety planning and are responsible for familiarity with, and fulfillment of, applicable requirements of EC sections 32280-32289.5.

Timeline for the Comprehensive School Safety Plan

The law requires that each school update and adopt its CSSP by March 1 annually. It requires that the school district or COE approve CSSPs. *EC* does not specify a date by which the safety plan must be approved by the district; however, the school district or COE must annually notify the CDE by October 15 of any school(s) that have not complied with requirements.

Effective school safety planning must be a dynamic, ongoing process with plans being reviewed and evaluated regularly, and after critical incidents.

For full section from CDE website, go to:

[Comprehensive School Safety Plans - Violence Prevention \(CA Dept of Education\)](https://www.cde.ca.gov/ls/ss/vp/cssp.asp)
<https://www.cde.ca.gov/ls/ss/vp/cssp.asp>

Appendix C



Orange County Sheriff's Department School Resource Officer Program Active Shooter Tabletop Exercise

Situation Manual

Date: Tuesday, December 6, 2022

This Situation Manual (SitMan) provides exercise participants with all the necessary tools for their roles in the exercise. Some exercise material is intended for the exclusive use of exercise planners, facilitators, and evaluators, but players may view other materials that are necessary to their performance. All exercise participants may view the SitMan.

1
For Exercise Use Only

EXERCISE AGENDA

Time	Activity
1300 – 1310	Welcome and Participant Briefing
1310 – 1335	Module One: Preparedness
1335 – 1400	Module Two: Incident Response
1400 – 1425	Module Three: Re-Unification
1425 – 1430	De-Brief
1430	Exercise End
*All times are approximate	

EXERCISE OVERVIEW

Exercise Name	School Active Shooter Tabletop Exercise
Exercise Date	Tuesday, December 6, 2022; 1300-1430
Scope	This one and a half hour facilitated exercise will feature discussion on the preparedness, coordination, and response of Law Enforcement resources in the response to an Active Shooter Incident.
Mission Area(s)	Prevention, Protection, and Response
Core Capabilities	<ul style="list-style-type: none"> • Screening, Search, and Detection • Operational Coordination • Interdiction and Disruption
Objectives	<ol style="list-style-type: none"> 1. Discuss current plans, policies and procedures for the potential mitigation of an active shooter in a school environment. 2. Evaluate plans to evacuate all affected areas, including notification of any evacuation, traffic control, security, student accountability, and operational coordination. 3. Discuss anticipated response from law enforcement and required communication between response agencies, schools, and the public.
Threat or Hazard	Active Shooter
Scenario	The scenario focuses on an active shooter affecting areas in southeastern Orange County. The scenario consists of three modules: Incident notification and initial response, incident expansion, and investigation.
Sponsor	<ul style="list-style-type: none"> • Orange County Sheriff’s Department School Resource Officer Program

GENERAL INFORMATION

Participant Roles and Responsibilities

The term *participant* encompasses many groups of people. Groups of participants involved in the exercise, and their respective roles and responsibilities, are described below:

- **Players.** Players are personnel who have an active role in discussing or performing their regular roles and responsibilities during the exercise. Players discuss or initiate actions in response to the exercise scenario.
- **Observers.** Observers do not directly participate in the exercise. They may support the development of player responses to the situation during the discussion by providing subject matter expertise and asking relevant questions.
- **Facilitators.** Facilitators provide situation updates and moderate discussions. They keep the discussions focused on the objectives, prevent distractions, and keep the exercise on schedule. Facilitators may also provide additional information or resolve questions as required. Key Exercise Planning Team members also may assist with facilitation as subject matter experts (SMEs) during the exercise.

Exercise Structure

This exercise will be a discussion-based, facilitated exercise. Players will participate in the following modules:

- Module One: Preparedness
- Module Two: Incident Response
- Module Three: Re-Unification

Each module begins with a summary of key events. After the updates, participants will review the situation and engage in discussions of appropriate response issues.

Exercise Guidelines

- The scenario and exercise design is a collaboration between all stakeholders.
- This exercise will be held in an open, low-stress, no-fault environment. Participants should expect varying viewpoints, even disagreements.
- Respond to the scenario using your knowledge of current plans and capabilities and insights derived from your understanding of plans, policies, and procedures.
- Decisions are not precedent setting and may not reflect your organization's final position on a given issue. This exercise is an opportunity to discuss and present multiple options and possible solutions.
- Issue identification is not as valuable as suggestions and recommendations that could improve response and recovery efforts. Exercise participants will benefit most when they focus on problem solving efforts.

Exercise Assumptions and Artificialities

In any exercise, assumptions and artificialities will be necessary to complete play in the time allotted. Although everyone may not agree with exactly how the scenario is presented, they will benefit most when they leverage the scenario as the driver to stimulate their discussions and inputs. During this exercise, the following apply:

- The scenario for this exercise is artificial.
- The exercise is conducted in a no-fault learning environment wherein capabilities, plans, systems, and processes will be evaluated (not the participants).
- The exercise scenario is plausible.
- There are neither “hidden agendas” nor any “trick questions.”
- All players receive information at the same time.

Appendix D

Department of Homeland Security School Safety Assessment Checklist

The survey includes the following seven primary topic areas:

(1) Security – Emergency Management: *Security management refers to the people, plans, and procedures that a K-12 school has in place to deal with security issues, including but not limited to active-shooter issues. Factors that contribute to the effectiveness of security and emergency management efforts at schools include the designation of a security manager; existence of security and emergency operations plans; commitment to training and exercises on these plans; procedures for handling suspicious objects; and engaging in preparedness and security working groups with external partners. Schools may use different names for a security plan or incorporate elements of a security plan into broader emergency operations plans, which outline the school's approach to operations before, during, and after an emergency. Understanding which activities occur at an individual school level and which activities occur at the school district level are important considerations for K-12 school personnel to factor into their security and emergency management practices.*

(2) Security Force: *A security force is a group of school employees or contractors whose sole responsibilities are to provide security at a school. A security force does not include general school personnel who are trained in security awareness (i.e., observe and report) in addition to their regular duties. Security forces at schools may include school resource officers (SROs), who are sworn law enforcement officers responsible for safety and crime prevention in schools. A local police department, sheriff's agency, or school system typically employs SROs who work closely with school administrators in an effort to create a safer environment. The responsibilities of SROs are similar to regular police officers in that they have the ability to make arrests, respond to calls for service, and document incidents that occur within their jurisdiction. Some schools may have a dedicated SRO who is assigned full-time to an individual school. Other schools may have SROs who balance responsibilities at multiple schools within a district. Other models may involve full- or part-time private security personnel serving in security force roles, or school officials serving in multiple roles that include but are not limited to security. In this section, a school is considered to have security force only if it has people whose sole responsibilities are to provide security.*

(3) Entry Control: *Controlling how and when faculty, staff, students, and visitors can access school buildings and grounds is considered an effective mechanism for protecting against different threats, including active shooters. These controls can include minimizing the number of points of entry, requiring identification, or conducting searches. However, these entry controls may sometimes run counter to the overarching objective of creating an open learning environment at K-12*

schools. Entry controls are part of the broader layers of defense that schools have in place to enhance security. These layers of protective measures are deployed in concentric circles around a school, starting at the outer perimeter and moving inward to areas with the greatest need for protection. Entry controls can help deter individuals from initiating violent attacks, detect attacks earlier at a safe distance, and delay attackers from reaching vulnerable and/or highly populated locations.

4) Fencing and Gates: Fences are barriers enclosing or bordering a school that are used to prevent entrance, contain people to particular areas, or mark a boundary. Gates are openings in that perimeter that allow people or vehicles to pass through at controlled points of entry. Together, fences and gates are part of the broader layers of defense that schools have in place to protect against a spectrum of security issues, including but not limited to active shooters. These layers of protective measures are deployed in concentric circles around a school, starting at the outer perimeter and moving inward to areas with the greatest need for protection. Often fences are installed at a school for the purpose of protecting people and property from harm or damage from playground or sports items. These sections of fence may serve dual purposes of security and protection. However, when looking at fence lines, school officials should consider all sections of the fence, not just the tallest, newest, or what appears to be most secure. Areas where a person could easily penetrate the fence line and access the property are also important to evaluate. Fences and gates may deter or delay active-shooter intrusion. Fence construction may include different materials (e.g., chain link, wood, wrought iron, plastic), heights, anchoring, and other features (e.g., barbed wire along the top, privacy screening, outriggers). Similarly, gates can apply to vehicles and pedestrians and may include moveable bollards, roller or slide gates, swing gates, or turnstiles, among other construction options. It is understood that use of fences or gates is simply not practical in many locations. In that case, the building envelope, in particular windows and doors and the entry control process are the primary elements to deter or delay.

(5) Parking and Barriers: Parking and barriers are part of the broader layers of defense that schools have in place to enhance security. These security measures may be considered more relevant to explosive threats (i.e., where standoff distance is important) or vehicle ramming threats (i.e., where high-speed avenues of approach are a concern). However, parking controls and barriers can also help deter individuals from initiating armed attacks; detect these attacks earlier at a safe distance; and delay attackers from reaching vulnerable and/or highly populated locations on school grounds. Monitoring parking areas for suspicious or illegal vehicle placement can include viewing the parking area via security cameras, requiring onsite security personnel to conduct patrols, or maintaining incidental visual contact through windows. Vehicle screening processes may also uncover weapons that individuals plan to use in active-shooter attacks.

(6) Building Envelope: Building envelope is the exterior face of a school building, including walls, roof, windows, and doors. The building envelope provides a significant layer of defense but also includes notable vulnerabilities (i.e., doors, windows) that are important to consider for physical security. Construction materials for doors and windows in particular influence the effectiveness of these features in deterring, delaying, or denying active-shooter attacks. For doors, options include metal- or wood-framed glass; solid- or hollow-core wood; fire-rated steel or aluminum; hollow steel; metal clad; or blast-resistant. Windows may include tempered glass; wire-reinforced glass; laminated glass; bullet-proof glass; and blast-resistant safety films. Access to utilities and fire alarms are important physical security considerations in active-shooter situations because attackers can coopt these features to create diversions or complicate response efforts. Portable buildings that are used for classrooms often add unique challenges. Portable buildings or temporary structures used for classrooms often do not have the same construction features as the primary building. Thus, windows and doors will not have the same level of security. Often the portable buildings are located in unsecured areas that provide easy access to an attacker. If a school has portable buildings and eliminating their use is not practical, additional security measures are often necessary, including increased monitoring, assigned security personnel, retrofitting doors and locks, or ballistic protection on the windows. Securing these school building features as part of steady-state efforts may deter attackers from attempting to exploit them.

7) CCV – VSS: CCV and video surveillance systems (VSS) are electronic systems of cameras, control equipment, recorders, and related apparatus used for surveillance or alarm assessment. These systems can help deter individuals from initiating armed attacks and detect these attacks earlier at a safe distance. CCV/VSS technology options include a range of technologies (i.e., digital or analog, fiber or wireless transmission) and features (i.e., color or black-and-white video, adjustable side-to-side or up-and-down movement of cameras, wide-angle or zoom views). They also can include software that helps identify anomalies and ultimately the ability of users to identify suspicious behaviors. Schools may have dedicated security staff who monitor these systems in real time, or they may only view recorded information in response to specific incidents or inquiries. Following an incident, CCV/VSS data can provide valuable forensic information that first responders can use in response efforts and follow-on investigations. Surveillance cameras can be used to monitor common areas that are not within the normal view of teachers, administrators, or security personnel. Video surveillance can also streamline access control procedures, allowing administrative or security personnel to monitor and control locked entrances remotely when used with intercoms and remote control door locks, if practical.

Access to full school survey:

[School Security Assessment Tool \(SSAT\) | CISA](https://www.cisa.gov/school-security-assessment-tool) (<https://www.cisa.gov/school-security-assessment-tool>)

Appendix E

2022-2023 Orange County Grand Jury School Safety Questionnaire For Public Schools

Mailing Address: OC Grand Jury, 700 W Civic Center Dr, Santa Ana, CA 92701

e-mail Address: grandjurysupport@occourts.org

Admonition: This correspondence and your response to it are strictly confidential. This confidential document may only be discussed with those individuals responsible for or needed to answer the survey questions. This means that the contents of this survey and your answers are not to be released to the public or shared with anyone not directly involved in responding without the prior written authorization of the Orange County Superior Court or Orange County Grand Jury. The Grand Jury assures you that it will maintain the confidentiality of site-specific information provided in each response, will not publicly disclose anything that could lead to the identity of any respondents, and thanks you in advance for your cooperation.

School District: _____

Public School: _____

Grade Levels: _____ Enrollment: _____

Respondent's Name and Title: _____

Phone Number: _____ e-mail: _____

Response Date: _____

Note: If more room is required to provide the requested information, you may include an additional document numbered to indicate the question.

1. Does your school have a Comprehensive School Safety Plan (CSSP)?	<input type="checkbox"/> Yes <input type="checkbox"/> No (also select 'Other' and explain) <input type="checkbox"/> Other (please explain): _____
2. How often is the CSSP updated and approved?	<input type="checkbox"/> Annual <input type="checkbox"/> Other (please explain) _____
3. Does your school perform a Safety Assessment as part of the CSSP development process?	<input type="checkbox"/> Yes <input type="checkbox"/> Other (please explain) _____
4. Does your school have a written policy (or policies) and/or procedure(s) regarding visitor access to your school campus during school hours?	<input type="checkbox"/> Yes <input type="checkbox"/> District Policy Only <input type="checkbox"/> No

Please submit your CSSP, Safety Assessment, and all School Safety policies and procedures to the Grand Jury, preferably electronically to the e-mail address: grandjurysupport@occourts.org near the top of this page, including policies and procedures that address approved visitor lists, visitor rules and protocols, intruders or unauthorized persons and response protocols, active shooter protocols, lockdowns, evacuations, student release and other related topics.

<p>5. Who is responsible for campus access policy development, periodic reviews, approval, and/or training? (Check all that apply)</p>	<p><input type="checkbox"/> Principal <input type="checkbox"/> Additional School Administrators <input type="checkbox"/> District Superintendent <input type="checkbox"/> District Administrators and/or Staff <input type="checkbox"/> School Board <input type="checkbox"/> Crisis Team Leaders <input type="checkbox"/> School Site Council <input type="checkbox"/> Local Law Enforcement <input type="checkbox"/> Outside Consultants <input type="checkbox"/> Other (please list) _____ _____</p>
<p>6. A printed or electronic copy of the campus access policy is distributed to: (Check all that apply)</p>	<p><input type="checkbox"/> District Administrators <input type="checkbox"/> School Administrators <input type="checkbox"/> Teachers <input type="checkbox"/> Substitute Teachers <input type="checkbox"/> Support Staff <input type="checkbox"/> Maintenance Staff <input type="checkbox"/> Parents <input type="checkbox"/> Students <input type="checkbox"/> School Volunteers <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Other (please list) _____ _____</p>
<p>7. The campus access policy is available in the following languages: (Check all that apply)</p>	<p><input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Vietnamese <input type="checkbox"/> Korean <input type="checkbox"/> Other (please list) _____</p>
<p>8. What funding sources has your school utilized to finance school safety improvements?</p>	<p><input type="checkbox"/> Bond Issue(s) <input type="checkbox"/> Federal Funds/Grants <input type="checkbox"/> State Funds/Grants <input type="checkbox"/> Fundraisers <input type="checkbox"/> Philanthropic Entities/Donations <input type="checkbox"/> Other _____</p>

<p>9. What are the attributes of the fence installed around your school? (Check all that apply)</p>	<p><input type="checkbox"/> Ten feet and higher <input type="checkbox"/> Eight to ten feet <input type="checkbox"/> Six to eight feet <input type="checkbox"/> Less than six feet <input type="checkbox"/> Single point of entry <input type="checkbox"/> Multiple points of entry with locking gates <input type="checkbox"/> Multiple points of entry (no gates) <input type="checkbox"/> No fence</p>
<p>10. Who receives training regarding visitor/ intruder access to your campus? (Check all that apply)</p>	<p><input type="checkbox"/> District Administrators <input type="checkbox"/> School Administrators <input type="checkbox"/> Teachers <input type="checkbox"/> Substitute Teachers <input type="checkbox"/> Support Staff <input type="checkbox"/> Maintenance Staff <input type="checkbox"/> Parents <input type="checkbox"/> Students <input type="checkbox"/> School Volunteers <input type="checkbox"/> Other (please list) _____</p>
<p>11. How often is intruder response training provided? (Check all that apply)</p>	<p><input type="checkbox"/> Periodically <input type="checkbox"/> Annually <input type="checkbox"/> Start of Semester/Semi-annually <input type="checkbox"/> Start of Quarter/Quarterly <input type="checkbox"/> Monthly <input type="checkbox"/> New Hire/Staff Transfers (including Teachers) <input type="checkbox"/> Other (please explain) _____</p>
<p>12. Does your campus conduct active drills for intruders?</p>	<p><input type="checkbox"/> Yes – Only campus personnel <input type="checkbox"/> Yes – Campus personnel and students <input type="checkbox"/> Yes – Campus personnel and law enforcement <input type="checkbox"/> Yes – Campus personnel, students, and law enforcement <input type="checkbox"/> No</p>
<p>13. Is there a system in place to alert the entire campus about the presence of intruders?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No – Only partial (please explain): _____ <input type="checkbox"/> No (please explain) _____</p>
<p>14. Are intruder incident reports prepared and filed with law enforcement?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>15. Are intruder logs submitted periodically to the school district?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

16. Are intruder events shared with other schools in Orange County?	<input type="checkbox"/> Yes <input type="checkbox"/> No
17. Are intruder events shared with other schools in the state?	<input type="checkbox"/> Yes <input type="checkbox"/> No
18. Can classroom doors be locked from inside the classroom?	<input type="checkbox"/> Yes <input type="checkbox"/> No
19. Can office, gymnasium, auditorium, and cafeteria doors be locked from inside?	<input type="checkbox"/> Yes <input type="checkbox"/> Some (please list _____) <input type="checkbox"/> No
20. Can classrooms be locked from a central location, such as the main office?	<input type="checkbox"/> Yes <input type="checkbox"/> No
21. Is there video surveillance of the campus?	<input type="checkbox"/> Yes (check all that apply) <input type="checkbox"/> Exteriors <input type="checkbox"/> Offices <input type="checkbox"/> Hallways <input type="checkbox"/> Classrooms <input type="checkbox"/> Auditorium/Theatre <input type="checkbox"/> Gymnasium <input type="checkbox"/> Cafeteria <input type="checkbox"/> Other (please list) _____ <input type="checkbox"/> No
22. How does staff distinguish between students and non-students of similar age?	Please explain: _____ _____ _____
23. Whom does your school allow onto campus other than students and staff during the school day? (Check all that apply)	<input type="checkbox"/> Parent/Guardian/Family of Student <input type="checkbox"/> School Volunteers <input type="checkbox"/> Vendors <input type="checkbox"/> Contractors <input type="checkbox"/> Delivery Personnel <input type="checkbox"/> Family of Staff <input type="checkbox"/> Other (please list) _____
24. Does your campus utilize Raptor or another identity verification system for visitors?	<input type="checkbox"/> Yes, Raptor (Skip to 28) <input type="checkbox"/> Other (please list) _____ <input type="checkbox"/> No
25. Are visitors required to show picture identification and sign in at the main office?	<input type="checkbox"/> Yes <input type="checkbox"/> No

<p>26. What information is included on temporary visitor badges? (Check all that apply)</p>	<p><input type="checkbox"/> Name <input type="checkbox"/> Date <input type="checkbox"/> Destination on campus <input type="checkbox"/> Other (please list _____)</p>
<p>27. Are logs maintained of all visitors to your campus?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>28. Who is required to wear a visible temporary visitor's badge? (Check all that apply)</p>	<p><input type="checkbox"/> Parent/Guardian/Family of Student <input type="checkbox"/> School Volunteers <input type="checkbox"/> Vendors <input type="checkbox"/> Contractors <input type="checkbox"/> Delivery Personnel <input type="checkbox"/> Family of Staff <input type="checkbox"/> Other (please list _____)</p>
<p>29. Are visitors required to sign out and surrender temporary visitor badges when leaving the campus?</p>	<p><input type="checkbox"/> Yes, always <input type="checkbox"/> Yes, sometimes (please explain) _____ <input type="checkbox"/> No (please explain _____)</p>
<p>30. Who is required to wear a photo identification badge while on campus during the school day? (Check all that apply)</p>	<p><input type="checkbox"/> District Administrators <input type="checkbox"/> School Administrators <input type="checkbox"/> Teachers <input type="checkbox"/> Substitute Teachers <input type="checkbox"/> Support Staff <input type="checkbox"/> Maintenance <input type="checkbox"/> Parents <input type="checkbox"/> Students <input type="checkbox"/> School Volunteers <input type="checkbox"/> Other (please list _____)</p>
<p>31. Does your school allow any visitors onto campus without signing in during the school day?</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes (please explain) _____ _____</p>
<p>32. If a visitor accesses the campus without checking in, how is the visitor located, tracked, and identified?</p>	<p>Please explain: _____ _____ _____</p>
<p>33. Who is equipped with two-way communication devices? (Check all that apply)</p>	<p><input type="checkbox"/> School Administrators <input type="checkbox"/> School Staff <input type="checkbox"/> Teachers <input type="checkbox"/> Substitute Teachers <input type="checkbox"/> Maintenance Staff <input type="checkbox"/> Coaches <input type="checkbox"/> Other _____</p>

<p>34. Is there a policy in place to alert the office staff about school employees or family members of students with active restraining orders?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No (please explain) _____ _____</p>
<p>35. Is there a procedure in place that encourages the reporting of weaknesses or failures in any campus security systems?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>36. What are your biggest concerns regarding your ability to secure your school campus from outside intrusion?</p>	<p>Please explain: _____ _____ _____</p>
<p>37. Does your school have a Wellness Program on campus to identify students who may be in crisis and provide behavioral and mental health support to prevent the crisis from becoming violent?</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes (please describe): _____ _____ _____ _____</p>
<p>38. If your school was granted additional funding for security, how would the school use it?</p>	<p>Please explain: _____ _____ _____</p>
<p>39. Are there any other security measures in place at your school that were not revealed in prior questions and answers?</p>	<p><input type="checkbox"/> Yes (please explain): _____ _____ _____ <input type="checkbox"/> No</p>
<p>40. Is there anything else about your school's security that you wish the Grand Jury to know?</p>	<p><input type="checkbox"/> Yes (please explain): _____ _____ _____ <input type="checkbox"/> No</p>
<p>41. Please provide the names and contact information of anyone else to whom the Grand Jury may reach out to, other than those identified in Question 2, should it have additional or follow-up questions:</p>	<p>Please list: _____ _____ _____ _____ _____</p>



HUMAN SEX TRAFFICKING IN OC



COUNTY OF ORANGE

Grand Jury 2022-2023

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SUMMARY

Human trafficking is a criminal enterprise. Vulnerable people are treated as possessions, are controlled, exploited, and forced into prostitution or involuntary servitude. Human sex trafficking is the illegal practice of procuring or trading individuals for the purpose of prostitution or other sex work for profit. Orange County is a high-demand area for sex trafficking due to its large population, affluence, thriving tourism, and convention industries. These conditions make Orange County fertile grounds for human sex trafficking.

This 2022-2023 Orange County Grand Jury report will review the major steps local agencies have taken in forming the Orange County Human Trafficking Task Force (OCHTTF) to combat sex trafficking. In this report, the Grand Jury makes several recommendations to improve law enforcement, prosecution, awareness, and support services for victims and survivors. Two major areas require immediate attention: consistent funding, and enhanced systems and databases to properly track traffickers and victims.

This report also evaluates the attempts being made to increase public awareness and educational steps being taken throughout Orange County that are underway or need to be enhanced. Education and prevention play a significant role in combating human sex trafficking.

BACKGROUND

In a previous study, the 2011-2012 Orange County Grand Jury investigated human sex trafficking in a report titled "Sex Trafficking of Girls". The report was aimed at creating awareness of sex trafficking of girls under the age of 18 in Orange County. In Southern California, like many other regions in the United States, sex trafficking continues to be a significant, pervasive issue. According to local law enforcement reports, sex trafficking continues to be a widespread criminal enterprise in Orange County.

The current Grand Jury recognizes that sex trafficking fundamentally undermines the safety and health of the community. Furthermore, prostitution and sex trafficking present complex moral issues for our community.

REASON FOR THE STUDY

The Orange County Grand Jury's investigative objective was to attain an accurate understanding of the facts related to sex trafficking in Orange County and of Orange County's agencies' efforts to address the problem. This report reviews the progress that law enforcement and government agencies have made since the last Grand jury report in 2011-2012.

Much has been accomplished by approaching human sex trafficking with aggressive prosecution of traffickers and a “victim centered” and “trauma informed” focus toward victims by creation of OCHTTF. While much has been achieved, more can and must be done.

This report reviews the long-term support available for the victims and survivors of this crime and the assistance available to learn skill sets necessary to reenter society and lead a productive life. Additionally, this report sets out specific findings and recommendations to enhance the effective prosecution of sex traffickers within Orange County.

This report’s intent is to also serve as an informational tool for public awareness, bringing to light the complexity of sex trafficking and the harms that this criminal enterprise inflicts on its victims. Sex trafficking is a multidimensional and complicated issue, and ties together the profitability of supply and demand and the psychological and physical damage to vulnerable individuals.

METHOD OF STUDY

Information from this investigation was validated and verified through multiple sources and statements made during interviews. Only information that the Grand Jury could corroborate is included in the facts, findings, and recommendations of this report.

The Orange County Grand Jury’s findings are based on research using the following methods:

Interviewed:

- Members of the Orange County Human Trafficking Task Force.
- Social service agency personnel who work with the victims of human sex trafficking.
- Representatives of the Orange County District Attorney’s Office, Orange County Sheriff’s Department, and municipal law enforcement agencies.
- Subject matter experts.

Reviewed:

- Policies, procedures, and other documents from the County of Orange, cities, and agencies working in the human sex trafficking field.
- Federal and State laws and statutes related to human sex trafficking.

Attended an Orange County Human Trafficking Task Force monthly meeting.

Researched scholarly reports, government white papers, statistical reports, and news articles.

INVESTIGATION AND ANALYSIS



What is Human Sex Trafficking?

The meaning of the term human sex trafficking can vary, but in essence it includes elements of coercion, exploitation, and transportation for the purpose of forced labor and/or sexual exploitation. Other terms used when describing sex trafficking are "sexual slavery," "forced labor," or simply "slavery."

Today, human sex trafficking also exists in a labyrinth of social media within the virtual world.

Human sex trafficking activity is no longer limited to street corner solicitations or houses of ill-repute. Today, human sex trafficking also exists in a labyrinth of social media within the virtual world. The internet has made human sex trafficking solicitation more accessible to a wider clientele from a variety of demographic, social, and economic backgrounds. Services are amplified with the internet's easy access to a multitude of platforms and avenues that support sex trafficking. Further, sex traffickers work a circuit, moving easily from one jurisdiction to another throughout the county and the state, making tracking, apprehension, and conviction more difficult for local law enforcement agencies.

Human sex trafficking is a complex crime:

- It is a secretive underground activity, yet the crime happens in plain sight.
- Its victims are voiceless and helpless.

- The crime is facilitated by the dark web, social media platforms, private chatrooms, and increased access to pornography.
- Cryptocurrency is being used more frequently, making criminal financial transactions virtually undetectable.
- There is little consequence to the clients who drive demand.
- Clients are unaware or unconcerned that the prostitute may be coerced.

Human sex trafficking cannot be addressed without examining the demand side of the equation. Clients are a significant factor in the vicious triangle of human sex trafficking. The emphasis has been on the punishment and prosecution of those who bring the victims to the market, the traffickers. Much less attention has been paid to the clients. Clients face misdemeanor charges – comparatively a “slap on the hand” merely involving minimal fines.

Sex trafficking statistics in Orange County are collected by individual agencies based on their individual practices of data collection. Data is compiled from arrests, prosecutions, victims, how and where victims receive support and services, and the continuity of the services for survivors.

OCHTTF states that because there is no “universal data collection tool” the collected statistics vary between agencies. The statistics that are available can be summarized as follows:

- During the two-year period of 2019-2020, two non-profit agencies, Waymakers and The Salvation Army, assisted 357 victims of which 174 (49%) were new victims.
 - 10% were labor trafficking victims, 88% were sex trafficking victims, and 2% were both labor and sex trafficking victims.
 - 28% were minors and 72% were adults.
 - 15% were foreign nationals and 85% were American citizens.
- Since 2012, OCDA has prosecuted 773 felony cases of human trafficking, pimping, and pandering.
 - During the period of 2012 to 2020, 94% of the cases reviewed by the Orange County District Attorney’s office have gone to jury trial with 95% resulting in a guilty verdict.
- Between 2019 and early 2023, the Orange County Sheriff’s Department Human Trafficking and Vice unit arrested approximately 77 traffickers and 251 clients.

Orange County Human Trafficking Task Force

The Orange County Human Trafficking Task Force (OCHTTF) was established in 2004 as a small group of leaders from different organizations who came together to deal with human trafficking through a victim-centered approach. In 2012, Proposition 35 was passed:

- Codifying the view that prostitution is often associated with human sex trafficking,
- increasing penalties on human sex traffickers,

- requiring that law enforcement be trained to identify and stop human sex trafficking, and
- prohibiting evidence that the victim engaged in sexual conduct from being used against them in court.

Subsequently, coerced prostitutes came to be viewed as victims, and support became a critical element in the comprehensive approach towards combating human trafficking.

Originally, the task force consisted of Waymakers, the Westminster Police Department, and researchers from the Social Services Department at the University of California, Irvine (UCI). Over time, OCHTTF evolved and expanded to include the Orange County District Attorney’s Office, Orange County Probation Department, Orange County Social Services Agency, the Orange County Sheriff’s Department, and additional local Orange County police departments. In 2010, Anaheim Police Department (APD) formally transitioned to become the lead law enforcement agency in the Task Force, and co-chair of the task force with Waymakers.



Figure 1: OCHTTF mission page (<https://www.ochumantrafficking.com/mission>)

Currently, the Task Force is an Orange County multidisciplinary affiliation of law enforcement agencies, the District Attorney’s office, the OC Social Services Agency, the OC Probation Department, and local non-profit organizations. The collaboration serves to enhance current efforts including: victim services, law enforcement, prosecution, social services, probation, and all disciplines that work with victims. This collaboration is a unified network of care for the victims of human trafficking, particularly human sex trafficking.

OCHTTF is now the primary communication vehicle to combat human trafficking in Orange County. It could benefit greatly from consistent funding to support the collaboration. The Task Force has been funded with a federal grant; however, federal grant money is competitive and not reliable. Because of funding challenges, some local police departments and the Orange County Sheriff’s Department are no longer regular members of OCHTTF. Nevertheless, there is still open communication between active and former members.

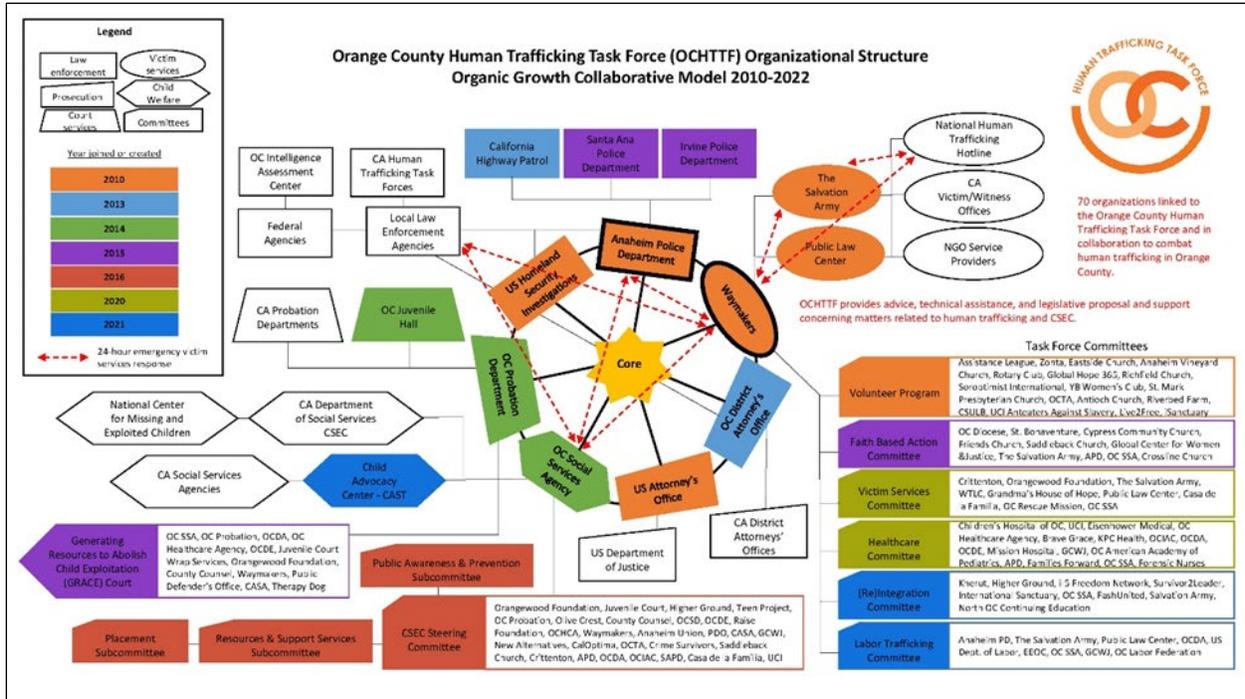


Figure 2: OCHTTF Organizational Structure

The organizational chart of the Task Force reflects its roundtable, non-hierarchical structure. The organization lacks formal structure. The Task Force has no bylaws or governance mechanism, and participation is not mandatory. The “core” of the chart reflects victims and their cases as the focal point of the collaboration. Participation in the Task Force is either by invitation or voluntary. Task Force participation by the various agencies is impacted by factors such as budget, personnel, and local priorities.

Countywide Data Collection and Data Sharing

Currently, county agencies and non-profits collect their own data on traffickers and victims, but data is not shared and there is no central repository of data. The absence of a centralized human trafficking database and data sharing apparatus creates a challenge to effective collaboration.

The 2011-2012 Grand Jury report included recommendations for creating a shared human trafficking database among local agencies. The Grand Jury’s recommendations were not implemented, and to date no such database exists in Orange County. This Grand Jury report reinforces the need for a shared database specific to collecting and correlating information about the victims, traffickers, and clients to assist law enforcement and victim support organizations in coordinating their efforts.

During interviews, law enforcement personnel stated they collect crime data at the local, county, state, and federal law enforcement level. The information is shared through a centralized system accessible to all law enforcement. The database collects routine attributes about all criminal activities: the who, what (type of crime), when, and where of the crime. However, the database collects and reports data on human sex trafficking in

a fragmented manner that does not allow the information to be readily used to evaluate and address the nexus of human sex trafficking activities between victims, traffickers, and clients.

A specialized law enforcement human trafficking database is needed that can track the different, but correlated information on human trafficking. A database is an essential component to the fight against human trafficking. For example, such systems are in place to combat gang suppression and car theft activity in Southern California. A similar system should be in place to combat human sex trafficking.

County social services and non-profit organizations have no comprehensive means by which to share and track data and information about the victims they assist and help transition out of victimization. Without integrated data collection the agencies and organizations are limited in their ability to measure the effectiveness of their programs.

Many programs funded by local, State, and federal grants require organizations to report on current statistics, and in the case of ongoing grants, the performance of their current programs. Each grant has its own criteria for measuring success. Currently, organizations cobble together their statistics and reports from whatever limited data they have at their disposal to win the next grant. Organizations gather the statistics they require for their own immediate funding needs without a view toward understanding and broadly measuring their own success. Orange County would benefit from investing in a database not only to communicate the analytics of outcomes but also to provide performance metrics. Accountability for the money being spent on victim support is imperative.

Education and Prevention

Education plays a sizable role in the awareness and prevention of human sex trafficking in Orange County. Proposition 35, which mandated human trafficking training for law enforcement, led to a shift within law enforcement as agencies embraced the new standard of sex workers as possible sex trafficking victims. While Proposition 35 mandated education of all law enforcement, some OC law enforcement agencies have neglected or chosen not to participate in training. Until this occurs, much of the paradigm shift necessary to prevent victimization and provide support for victims will not occur.

California's Commission on Peace Officer Standards and Training (POST) created a human trafficking module available on its website. The module examines the traditional perception of human trafficking and compares that view with the reality of human trafficking under various scenarios, presenting factual insights and observations to peace officers in training.

In 2017, with the input of the Public Awareness and Prevention work group, the Orange County Social Services Agency took part in the "Be The One" campaign. This was in partnership with the Orange County District Attorney's office and other key community partners to raise awareness on human sex trafficking, its signs, and the risks of child sex trafficking. To date, the "Be The One" campaign is on display on social media

platforms, at John Wayne Airport, and on posters in over 100 public locations across the county. The Grand Jury encourages more campaigns of this nature to educate the community to prevent future exploitation of the victims of sex trafficking.

In Orange County, community groups and non-profits, faith-based organizations, the Orange County Department of Education, and others have developed awareness programs to educate their communities, schoolteachers, and health care providers to help identify current and potential victims. A new “Healthy Relationship” training program was developed by OCHTTF to prevent early victimization of middle school children. The program is taught in 3 modules by young college age students who are able to connect to that age group. It is critical to start early prevention; however, the program has not been widely adopted by the schools. OCHTTF is playing a vital role in coordinating this effort and maximizing the education and prevention efforts.

CONCLUSION

This report is meant to enhance public awareness, bringing to light the difficulty and complexity of human sex trafficking and the harms that this criminal enterprise inflicts on its victims in Orange County. Sex trafficking is a multidimensional crime of supply and demand that inflicts psychological and physical damage to vulnerable individuals.

Through the efforts of the OCHTTF and its various partners in law enforcement, the Orange County District Attorney’s Office, various nonprofits, and County agencies engaged in victim support, these recommendations, if implemented, will serve to enhance efforts to combat this serious crime.

COMMENDATIONS

The following organizations are commended for their support of combatting Human Sex Trafficking in Orange County:

- Waymakers
- Anaheim, Irvine, and Santa Ana Police Departments
- Orange County District Attorney’s Office
- Orange County Sheriff’s Department

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled “Human Sex Trafficking in Orange County”, the 2022-2023 Orange County Grand Jury has arrived at twelve principal findings, as follows:

- F1** Funding to combat human sex trafficking is both inconsistent and insufficient, resulting in less participation in the OCHTTF by law enforcement agencies.
- F2** Limited budgets, training, and hiring challenges constrain local law enforcement agencies’ ability to devote significant resources toward combating human sex trafficking.
- F3** The victim support network is defined and well developed for underaged (minor) victims. However, long-term support for adults is voluntary and there is no actionable follow-up for adult victims of human sex trafficking.
- F4** Education and prevention efforts have increased awareness of human trafficking but remain insufficient to create heightened awareness within the Orange County community.
- F5** Agencies inadequately record, track, and coordinate their data collection to effectively measure their progress toward addressing human trafficking.
- F6** There is no centralized, coordinated, and specialized database in Orange County that could be utilized across all affiliated agencies to track repeat victimization.
- F7** Orange County’s wealth and tourist attractions make it a magnet for human sex trafficking.
- F8** Sex trafficking is an underground crime. Trafficked individuals are transient and mobile, making it difficult to discover and identify victims.
- F9** Law enforcement attitudes and methods have changed to a “victim centered trauma informed” approach, but more training is needed to identify, intervene on behalf of, and support victims.
- F10** Law enforcement agencies do not focus enough on the demand side of human sex trafficking, and punishment of the clients is minimal.
- F11** Victims and survivors need complex ongoing social service support.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled, “Human Sex Trafficking in Orange County” the 2022-2023 Orange County Grand Jury makes the following six recommendations:

- R1** By June 30, 2024, the City of Anaheim and the County of Orange should secure a stable source of annual funding to incentivize all city law enforcement agencies in Orange County to participate with dedicated law enforcement personnel on the OCHTTF. (F1, F2)
- R2** By June 30, 2024, the County Social Services Agency and Waymakers should develop a more robust victim assistance database to track victims to measure effectiveness toward reducing recidivism and re-victimization. (F3, F5, F6, F8, F11)
- R3** By June 30, 2024, the Orange County Social Services Agency should identify and implement additional long-term victim support programs with financial support for adults in order to enhance opportunities to remove sex trafficking adult victims from the street. (F2, F3, F5, F7, F8, F11)
- R4** By June 30, 2024, the City of Anaheim and the County of Orange should develop a database dedicated to Human Trafficking that specifically tracks Sex Trafficking networks and victims. (F1, F2, F5, F6, F10)
- R5** By June 30, 2024, the District Attorney should publicize successful prosecution of human trafficking cases. (F4, F7)
- R6** By June 30, 2024, the County of Orange should fully fund Education and Prevention Programs to address Human Sex Trafficking. (F1, F2, F4, F6, F7, F8, F9, F11)

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the Findings and Recommendations of this Grand Jury report:

Section 933

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices.

One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

Section 933.05.

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

(Amended by Stats. 1997, Ch. 443, Sec. 5. Effective January 1, 1998.)

RESPONSES REQUIRED

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code Sections 933.05 are required from:

Findings – 90 Day Response Required

OC Board of Supervisors:	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11
City of Anaheim:	F1, F2, F4, F5, F6, F7, F8, F9, F10, F11
City of Santa Ana:	F1, F2, F4, F5, F6, F7, F8, F9, F10, F11
City of Irvine:	F1, F2, F4, F5, F6, F7, F8, F9, F10, F11

Findings – 60 Day Response Required

OC Sheriff Department:	F1, F2, F4, F5, F6, F7, F8, F9, F10, F11
OC District Attorney:	F1, F2, F4, F5, F6, F7, F8, F9, F10, F11

Recommendations – 90 Day Response Required

OC Board of Supervisors:	R1, R2, R3, R4, R6
City of Anaheim:	R1, R4, R6
City of Santa Ana:	R4, R6
City of Irvine:	R4, R6

Recommendations – 60 Day Response Required

OC Sheriff Department:	R4, R6
OC District Attorney:	R4, R5, R6

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code Sections 933.05 are requested from:

Findings – 60 Day Response Requested

Anaheim Police Department:	F1, F2, F4, F5, F6, F7, F8, F9, F10, F11
Santa Ana Police Department:	F1, F2, F4, F5, F6, F7, F8, F9, F10, F11
Irvine Police Department:	F1, F2, F4, F5, F6, F7, F8, F9, F10, F11

OC Probation Department: F1, F2, F4, F5, F6, F7, F8, F9, F10, F11
OC Social Services Agency: F1, F2, F3, F4, F5, F6, F7, F8, F9, F11
Waymakers: F1, F2, F3, F4, F5, F6, F7, F8, F9, F11

Recommendations – 60 Day Response Requested

Anaheim Police Department: R1, R4, R6
Santa Ana Police Department: R4, R6
Irvine Police Department: R4, R6
OC Probation Department: R4, R6
OC Social Services Agency: R2, R3, R6
Waymakers: R1, R2, R6

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APPENDIX

"Where to Find Help"

(<https://humantraffickinghotline.org/en/get-help>)

If you believe you have identified someone still in the trafficking situation, alert law enforcement immediately at the numbers provided below. It may be unsafe to attempt to rescue a trafficking victim. You have no way of knowing how the trafficker may react and retaliate against the victim and you. If, however, you identify a victim who has escaped the trafficking situation, there are a number of organizations to whom the victim could be referred for help with shelter, medical care, legal assistance, and other critical services. In this case, call the National Human Trafficking Hotline described below.

1-888-373-7888 National Human Trafficking Hotline

Call the National Human Trafficking Hotline, a national 24-hour, toll-free, multilingual anti-trafficking hotline. Call 1-888-373-7888 to report a tip; connect with anti-trafficking services in your area; or request training and technical assistance, general information, or specific anti-trafficking resources. The Hotline is equipped to handle calls from all

regions of the United States from a wide range of callers including, but not limited to: potential trafficking victims, community members, law enforcement, medical professionals, legal professionals, service providers, researchers, students, and policymakers.

The following statement is directly quoted from the National Human Trafficking Hotline is directly to assist with finding information that includes victim assistance and crisis center at the level of the city and the zip code in California and Orange County.

Find Local Services (<https://humantraffickinghotline.org/en/get-help>)

This online Referral Directory is made up of anti-trafficking organizations and programs that offer emergency, transitional, or long-term services to victims and survivors of human trafficking as well as those that provide resources and opportunities in the anti-trafficking field.

If you would like direct personal assistance, are having trouble accessing services, or cannot find what you are looking for, please contact the National Human Trafficking Hotline directly to speak with a hotline advocate 24/7:

1-888-373-7888 • Text "BEFREE" or "HELP" to 233733 • Chat

or email help@humantraffickinghotline.org

California Department of Justice

Department of Justice Victims' Services Unit

Call: (877) 433-9069

Email: victimservices@doj.ca.gov

National Human Trafficking Hotline

Call: (888) 373-7888

Text: 233-733 (Be Free)



RUSSIAN ROULETTE: FENTANYL IN ORANGE COUNTY



COUNTY OF ORANGE

Grand Jury 2022-2023

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SUMMARY

The presence of fentanyl on America's streets is a deadly threat. It has quickly evolved into a crisis that Orange County must face head on. This report takes a sober look at the impact of fentanyl on Orange County residents and examines the County's efforts to address it. The Grand Jury offers recommendations the County can use to improve their methods of fighting against the distribution and use of this lethal drug in our communities.

Fentanyl deaths occur out of the blue. Many victims assumed they were taking a known quantity of a legitimate, pharmaceutically manufactured drug, only to be blindsided by a cheap, illegitimate counterfeit. The sudden death of a loved one to fentanyl often marks the beginning of a personal struggle of grief and self-doubt, a dark journey of discovery for family and friends.

This Orange County Grand Jury report sheds light on the growing fentanyl crisis and its effect throughout the county. The Grand Jury's research revealed a stark truth: fentanyl has no bias, it impacts young and old, rich and poor, and people at all socioeconomic levels and in every ZIP Code in Orange County. This report provides a list of 15 ZIP Codes within Orange County with the highest rates of fentanyl related overdose deaths and 15 ZIP Codes with the highest rates of fentanyl-related overdose emergency room treatments. The lists will surprise you.

For every fentanyl overdose death and non-fatal overdose that required emergency room treatment, there were many more unreported non-fatal overdoses, each one with its own emotional and economic toll. This report provides an overview of the current status and conditions of the fentanyl crisis within the county along with discussion about the impact to the victims, families, and the communities. With this report, the Grand Jury intends to inform Orange County residents about the serious threat fentanyl poses to the overall health and stability of our community, and the threat it poses to the future of our children.

The Grand Jury researched the fentanyl crisis across the United States to understand the broad impact of fentanyl, gathered facts and the personal stories of people affected by fentanyl, and reviewed best practices for mitigating the damage it causes. However, this report addresses the specific problem of fentanyl in Orange County. The report touches upon the effects fentanyl has locally: fentanyl's death toll and the lingering heartache and damage it causes to Orange County families and our community.

The Grand Jury's goals are to provide County leadership and the public with an analysis of how fentanyl has affected the lives of our residents and examine the effectiveness of the steps County officials are taking to diminish the crisis. The Grand Jury offers specific findings and recommendations to help guide Orange County department heads and community leaders on a more effective path.

BACKGROUND

Fentanyl is a highly potent opioid, like morphine, but approximately 100 times more powerful.

Fentanyl has its use as a legitimate, approved analgesic and is widely used and prescribed medically. As with other opioids, it is especially effective at reducing pain after surgery and for treating pain associated with cancer and other acute illnesses. Fentanyl prescribed and used medically is produced under strict production controls for purity and at measured and precise concentrations. When used medically, fentanyl serves a useful purpose that benefits those under medical care; but like all opioids, fentanyl is addictive, and its use requires monitoring by licensed medical personnel to avoid misuse and abuse.

As is common with many legitimate drugs, fentanyl is also produced and used illicitly. Fentanyl is a synthetic opioid which is relatively easy to produce outside a legitimate pharmaceutical laboratory and outside the law. Illegally produced fentanyl is not manufactured in authorized or accredited production facilities and is not subject to regulatory oversight or controls to ensure purity and concentration. Illegally produced fentanyl represents a risk to our community. Often, illegally produced fentanyl finds its way into Orange County disguised as other, less risky drugs.

This report addresses the illegal production, distribution, and use of illicit fentanyl.

“A fatal dose of fentanyl is small enough to fit on the tip of a pencil” Public safety alert - DEA

Fentanyl affects the human body by binding to the body's opioid receptors, which are found in areas of the brain that control pain and emotions. Its effects include extreme happiness, drowsiness, nausea, confusion, constipation, sedation, tolerance, addiction, respiratory depression and arrest, unconsciousness, coma, and death.

Illicit fentanyl is produced and distributed in many forms. In its manufactured form fentanyl is a powder. Fentanyl is more commonly marketed as pills, often disguised to look like prescription opioids such as Xanax or Oxycontin, or sold as drops on paper, inhalants, sprays, or eyedrops. Illicit fentanyl is inexpensive to produce. Illicit drug labs and dealers may mix the cheaper fentanyl with other drugs like heroin, cocaine, and methamphetamine to increase potency and profits. Many users are unaware the drugs they think they are purchasing and taking are actually fentanyl or a drug laced with fentanyl. When fentanyl is sold deceptively as another drug like Oxycontin or mixed with another drug, an overdose is referred to as “fentanyl poisoning.”

Illicit fentanyl can be fatal. A single three-milligram dose is enough to kill an average-sized adult male. Today, nationally, nearly 70% of drug related deaths are due to fentanyl. Fentanyl is responsible for approximately 70,000 overdose deaths per year in the United States.

Illicit fentanyl is predominately trafficked by Mexican cartels. The bulk of illicit fentanyl consumed in America is produced in clandestine laboratories in Mexico using chemicals mainly sourced from China; but labs are increasingly being established in Canada and the United States. Mexican cartels smuggle the cheap drug across the southern border in powder or pill form. Illicit fentanyl is prolific throughout Orange County; it is in County jails, in homeless encampments, in nightclubs and bars, in the workplace, on the street, and in homes. Acquiring illicit fentanyl is as easy as ordering a pizza.

REASON FOR THE STUDY

The Orange County Grand Jury opened an investigation into fentanyl's impact on Orange County because of the alarming rise in the number of reported fentanyl deaths in the United States, California, and Orange County in recent years.

According to the CDC, 107,735 Americans died between August 2021 and August 2022 from drug poisonings, with 66 percent of those deaths involving synthetic opioids like fentanyl. In Orange County, fentanyl related deaths have increased from 37 deaths in 2016 to 717 deaths in 2021, with fentanyl being the leading cause of death in coroner-related cases for kids 17 years and under in 2021.

“Fentanyl is involved in more deaths of Americans under 50 than any cause of death, including heart disease, cancer, homicide, suicide and other accidents.” DEA

The Grand Jury reviewed Orange County agencies' approach to fentanyl, focusing on law enforcement, health care, prevention, treatment, education, and promotion of public awareness of the dangers of fentanyl. The Grand Jury evaluated Orange County agencies' efforts toward combating the fentanyl crisis, their existing and/or emerging programs, best practices, the nature and degree of cooperation between agencies, and the presence of opportunities for cooperative efforts between agencies. This report includes recommendations to the County, its agencies, and educational institutions.

METHOD OF STUDY

The Grand Jury focused on gathering information that would lead to an understanding of the scope and severity of fentanyl's impact on our community, Orange County's efforts to address fentanyl's devastations, and how the county's efforts might be improved. A variety of methods were used to gather information including attending community and county meetings, interviewing county leadership and subject matter experts, and touring county facilities. The Grand Jury researched public and private resources including news reports, statistical data, public policy, educational materials, white papers, and scholarly papers.

The information relied upon has been corroborated and verified through multiple sources:

Interviews

Each interview concentrated on the interviewees' area(s) of expertise and experience. In some instances, we spoke to multiple individuals from the same organization as each had a unique role and therefore made a distinct contribution. Interviews included select individuals from the following:

- Multiple Orange County law enforcement agencies
- Orange County District Attorney's Office
- Orange County Public Defender's Office
- Orange County Probation Department
- Local educators at both the school and district levels
- Orange County Department of Education
- Orange County Board of Education
- Orange County Board of Supervisors
- Orange County Health Care Agency
- Victims' families
- Non-Governmental Organizations
- Orange County Collaborative Court

The Grand Jury attempted multiple times, without success, to interview a local representative of the U.S. Drug Enforcement Administration (DEA). In all cases the Grand Jury's requests were denied.

Meetings Attended

The Grand Jury attended various meetings conducted or organized by County officials, including:

- Fighting Fentanyl Together Forum: Education, Prevention, and Intervention for OC
- Orange County Criminal Justice Coordinating Council meetings
- Orange County Coroner's Quarterly Case Reviews

Site Visits

The Grand Jury conducted tours and site visits to:

- Multiple law enforcement agencies
- Juvenile Hall/Youth Leadership Academy
- Theo Lacy Jail
- Santa Ana Central Jail Complex
- Orange County Coroner's Office
- Orange County Crime Lab
- Dana Point Harbor Patrol and Newport Harbor Patrol
- Orange County Collaborative Court – Mental Health (proceedings observed)
- Orange County Collaborative Court – Drug (proceedings observed)

Key Documents

The Grand Jury examined a wide range of documents and resources, including but not limited to materials related to education, prevention, rehabilitation, and enforcement. These resources include:

- Current and proposed legislation (local, State, and federal) related to fentanyl
- Dead on Arrival documentary film
- Orange County Coroner's data/statistics
- Orange County Health Care Agency data/statistics
- Local and national news reports and articles
- Drug Abuse Warning Network's (DAWN's) report titled "Findings From Drug-Related Emergency Department Visits," 2021 (contracted by the federal Substance Abuse and Mental Health Services Administration (SAMHSA))
- California Department of Public Health data
- Educational materials produced by Orange County agencies
- Numerous white papers and scholarly papers

INVESTIGATION AND ANALYSIS

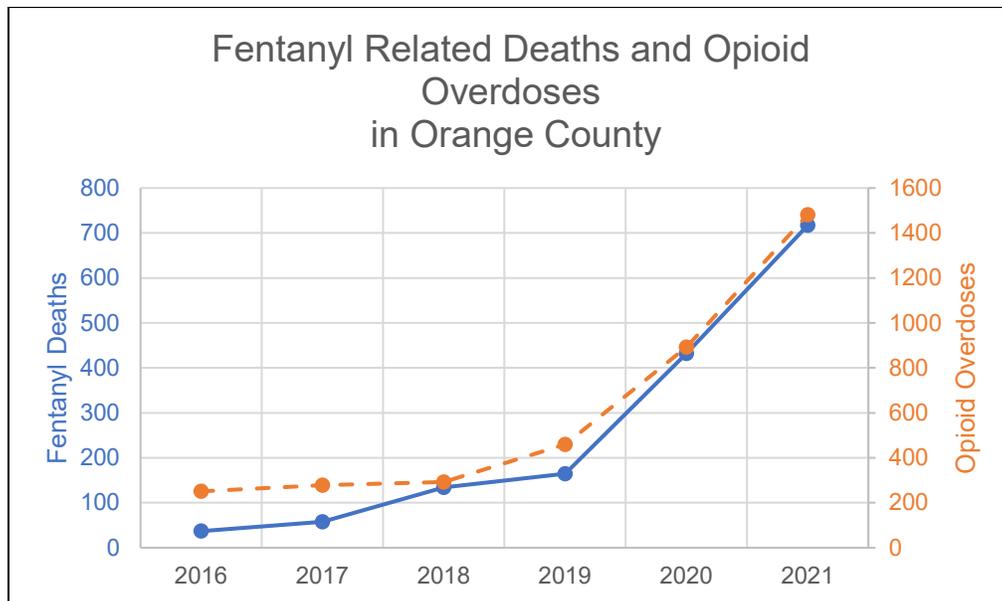
Current Status - Conditions in the County

Fentanyl is a synthetic opioid first synthesized in 1959. Fentanyl has been used medically as a general anesthetic since 1968. It is used as a pain reliever and for sedation. Today there are more than 12 different analogs of fentanyl, none approved for medical use. In 2018, the U.S. Drug Enforcement Administration (DEA) declared all fentanyl analogs unsuitable for medical use and designated them as “Schedule I” drugs.

Illicit fentanyl first made its official appearance in Orange County about 2015-2016 when it was found in a sample tested at the Orange County Crime Lab. The Crime Lab’s finding was the first officially recognized appearance of fentanyl west of the Mississippi.

Since 2016, fentanyl related drug deaths in Orange County have increased exponentially:

	Fentanyl Deaths	Non-Fatal Opioid Overdoses (includes Fentanyl)
2016	37	251
2017	58	278
2018	134	293
2019	165	460
2020	432	893
2021	717	1481



The graph above illustrates the steep increase in OC Coroner reported fentanyl deaths, and non-fatal overdoses calculated using non-fatal rates per 100,000 residents reported by emergency treatment centers to the California Department of Public Health (CDPH).

As the number of fentanyl deaths has increased every year, the opioid non-fatal overdoses resulting in emergency room treatments have also increased. Since 2016, the number of emergency room non-fatal overdoses for all opioids increased from 250 emergency room treatments to 1,480 emergency room treatments in 2021.

Illicit fentanyl is a risk to those purchasing either pharmaceutical or counterfeit pills on the street. When consuming a street drug, there is no way of knowing if it contains fentanyl, or more importantly, a lethal dose. Our friends, neighbors, families and loved ones are all at risk and should be made aware of the dangers. The tables below list the 2021 top 15 ZIP Codes of residents having non-fatal fentanyl overdose emergency room treatments, and the top 15 ZIP Codes with fentanyl related fatal overdoses. Both rankings are based on rates per 100,000 residents reported by CDPH. Fentanyl impacts every Orange County neighborhood. Orange County needs to take action to ensure the safety of our communities.

2021 Top 15 ZIP Codes ER Non-Fatal Fentanyl Related Overdoses		
Zip Code	Rate per 100,000 Population	City Names Recognized in this ZIP Code
92637	498.907	Laguna Woods, Laguna Hills
92648	117.056	Huntington Beach
92663	93.744	Newport Beach
92661	90.138	Newport Beach
92804	89.042	Anaheim
92868	85.031	Orange
92675	78.786	San Juan Capistrano, Mission Viejo
92646	76.959	Huntington Beach
92660	70.993	Newport Beach
92802	62.057	Anaheim
92801	59.392	Anaheim
92624	57.596	Capistrano Beach, Dana Point
92677	56.476	Laguna Niguel, Laguna Beach
92653	54.020	Laguna Hills, Aliso Viejo, Laguna Beach, Laguna Woods
92887	53.915	Yorba Linda

2021 Top 15 ZIP Codes Fentanyl Related Fatal Overdoses		
Zip Code	Rate per 100,000 Population	City Names Recognized in this ZIP Code
92624	102.201	Capistrano Beach, Dana Point
92637	78.579	Laguna Woods, Laguna Hills
92861	59.315	Villa Park, Orange
92661	50.146	Newport Beach
92625	47.562	Newport Beach, Corona Del Mar
92832	45.797	Fullerton
92672	44.728	San Clemente
92647	41.429	Huntington Beach
92648	41.237	Huntington Beach
92663	40.238	Newport Beach
92660	39.238	Newport Beach
92707	35.871	Santa Ana, Costa Mesa
92626	35.631	Costa Mesa
92701	35.474	Santa Ana
92675	34.451	San Juan Capistrano, Mission Viejo

From 2021 to 2022 (through October), Orange County Sheriff's Department seizure of fentanyl increased dramatically.

	Sheriff's Department Fentanyl Seizures		
	2021	2022 (Through October)	% Increase
Pounds of Fentanyl	132.9	428	222%
Pills	16,278	377,327	2218%

As deaths and overdoses have increased since 2016, a question frequently asked is “why is the cartel killing their customers?” The cartels do not have professional chemists or safeguards to ensure pharmaceutical-like quality controls when manufacturing fentanyl. The inconsistencies in the amount of fentanyl in a counterfeit pill can be fatal or induce non-fatal overdoses. Too many of Orange County’s residents are being poisoned, unaware that the pills they are taking are not from a certified pharmaceutical lab. Counterfeit pills resembling drugs such as Xanax, Percocet, Adderall, and Oxycontin look identical to the pharmaceutical drugs but have no pharmaceutical ingredients. Recreational users, those experimenting, and addicts are being deceived.

Fentanyl is highly addictive and provides a steady stream of customers to drug dealers whose profits are prioritized over safety and lives.

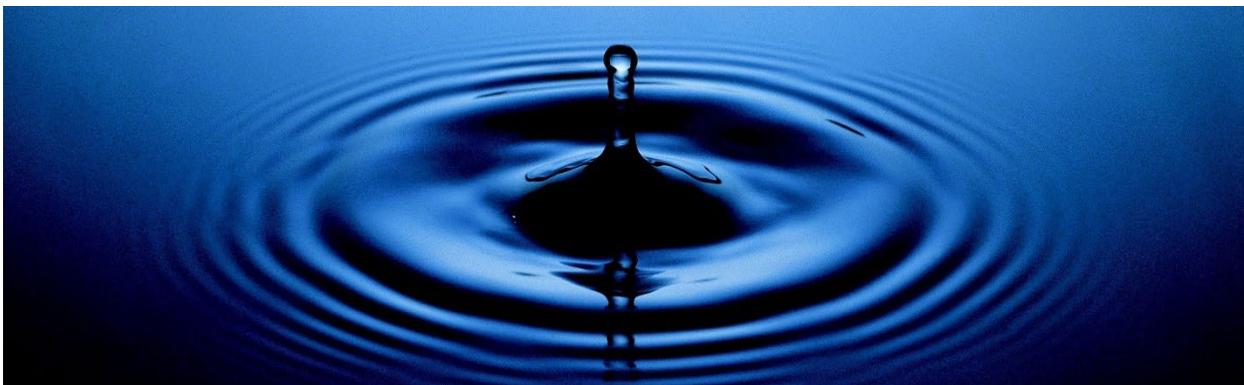
“Xylazine is making the deadliest drug threat our country has ever faced, fentanyl, even deadlier,” DEA Public Alert

In November 2022, the DEA issued a Public Safety Alert warning the public of a sharp increase in the trafficking of a new drug cocktail of illicit fentanyl and xylazine. Xylazine is a powerful sedative and pain reliever approved for veterinary use. When ingested or injected this dangerous combination of drugs puts the user at a higher risk of suffering an overdose as naloxone (Narcan), an opioid antidote, does not reverse the effects of the xylazine, which is not an opioid.

The Orange County Sheriff’s Department (OCSD) has increased its efforts to crack down on the distribution of illicit fentanyl, including forging partnerships with local and federal law enforcement agencies, increasing surveillance of major highways, and increasing enforcement efforts within the county. From March 2021 through November 2022, the OCSD investigated 146 drug-related deaths with the intent of identifying the supplier for prosecution.

In April 2022, the OCSD, the DEA, and the U.S. Attorney’s Office filed criminal homicide cases against drug dealers who sold fentanyl that caused fatal drug-related deaths in Orange County. In coordination with the Sheriff, Orange County’s District Attorney has assigned a full-time Senior Deputy District Attorney to be cross-designated as a Special Assistant United States Attorney to federally prosecute Orange County fentanyl-related crimes.

Impact – Victims, Families, and Community



<https://www.pexels.com/photo/blue-water-1>

When tragedy strikes, the effect is like rippling waves moving out from a disturbance on the surface of water. The shock of a fentanyl death on family, friends, and community is profound, persistent, and expansive. The tragedy of fentanyl is all the more poignant when the fentanyl death is of a child. The death of a loved one or a friend to fentanyl comes suddenly, unexpectedly, and is fraught with uncertainty, questions, pain, and self-doubt for those who are left behind.

Fentanyl deaths occur out of the blue. Many victims assumed they were taking a known quantity of a legitimate, pharmaceutically manufactured drug, only to be blindsided by a cheap, illegitimate counterfeit. Fentanyl represents a new, unexpected, unknown, and lethal risk. Family and friends may be aware of the victim's substance abuse and working with their loved ones toward recovery, but unaware of the risk fentanyl introduces into every illicit pill consumed.

The sudden death of a loved one to fentanyl often marks the beginning of a personal struggle of grief and self-doubt, a dark journey of discovery for family and friends. Surviving loved ones are haunted with questions of what happened? Why did this happen? How could it happen? Who is responsible? Who knew about this? Why didn't I see this? Where do I turn? Where do I find answers? Who can help me? Why?

“I originally found out who it was [the dealer] at the funeral.” Parent of a Victim

Some find answers, comfort, and solace through family, friends, their faith, and their religious community. Some find answers through personal action, finding catharsis through learning about fentanyl and the drug culture, learning and inquiring into the specifics of their own loved one's tragedy, pushing on law enforcement and the criminal justice system for action and justice, reaching out to find other members of the community who have suffered a similar loss, and engaging with the community at large to raise awareness.

The tragedy of a fentanyl death is compounded by disparagements and insinuations family and friends often encounter about the victim when the circumstances of their loved one's death are publicly discussed.

“Your kid put the pill in his mouth. It's his fault to begin with.”

As insensitive as such recriminations are, they do serve to punctuate the obstacles faced by social services, educators, and law enforcement in their efforts to bring awareness of the dangers of fentanyl to the public. Such remarks couch a sense of

moral superiority and expose an implicit denialism in supposing the risk of fentanyl to the community is a parenting problem. The risk fentanyl represents is a social problem that cuts across all demographics and is indifferent to parenting style.

To family and friends, a fentanyl death looks like a poisoning, looks like a homicide. Many victims of fentanyl-related deaths had no understanding or idea the pill they were taking contained fentanyl. Many victims assumed they were taking legitimately produced pharmaceuticals but were instead slipped illicit fentanyl. As recently as a few years ago, the criminal justice system treated all fentanyl-related deaths as drug overdoses, a tragedy without a criminal perpetrator. Family and friends of victims watched as dealers culpable for their loved one's poisoning went unprosecuted.

To their credit, Orange County's District Attorney, Sheriff, and other law enforcement officials in Orange County recognized and listened to the loved ones of victims of fentanyl poisoning. Members of Orange County's criminal justice system face a number of State legal obstacles to prosecuting fentanyl dealers, but their efforts are aggressive and creative. Fentanyl-related deaths are aggressively prosecuted.

“It’s a very lonely existence until you find the others ... because you think you're alone at first and unfortunately there's way too many just like us.”

Fortunately, the community of family and friends of victims to fentanyl deaths often find each other. They find each other through social media, word of mouth, support groups, and community and official resources. They support one another. They coordinate. They work together. They educate others. They push for legislative and criminal justice change. They find their catharsis through action. They know their efforts are potentially saving others.

Legislation

From the legislative year 2017-2018, through the current year 2023-2024, over 70 bills related in varying degrees to fentanyl have been introduced in California's legislature. The bills run the gamut:

- Reclassifying fentanyl to a Class I narcotic,
- increasing penalties for sale and distribution,
- issuing advisements in courts for specific fentanyl related crimes,
- developing a statewide task force,
- requiring schools to provide parent education,
- establishing grants for local prevention programs,
- extending the statutory rights of victims,

... and more. The overwhelming majority of these bills died in committees.

Multiple bills have already been rejected in the current legislative year and as of the publication of this report some bills remain mired in legislative committees. Based on past and current actions of both the California Senate Public Safety Committee and the Assembly Public Safety Committee, it is unlikely legislation necessary to address the fentanyl crisis and its resulting devastation to our community will be passed.

The opposition within the California Senate Public Safety Committee and the Assembly Public Safety Committee to much of the proposed fentanyl related legislation alleges toughening laws will result in “mass incarceration,” and undo the objective of current laws, such as Propositions 47 and 57, intended to reduce drug related incarcerations. Current thinking in Sacramento fails to acknowledge that incarceration, or the threat of incarceration, may lead to less crime, and in the case of fentanyl – fewer deaths. Moreover, the proposed laws are not aimed at incarcerating drug users; but rather, are intended to enhance the prosecution of drug dealers and purveyors who knowingly expose their clients to the risk of a fentanyl death.

The Grand Jury found that many of the proposed bills dead or languishing in Sacramento do not increase penalties or potential jail time for first time offenders and those charged with misdemeanor offenses, such as possession for personal use. The proposed bills target the dealers and drug traffickers, holding them accountable for the harms and deaths they cause.

Senate Bill 44 (SB 44 - Alexandra’s Law)¹

Currently, California law makes it difficult to successfully prosecute homicide charges against a person accused of selling fentanyl to an individual who subsequently dies. Multiple bills, most recently SB 44, propose requiring the courts to issue an advisory, or admonition, to defendants charged with or convicted of specific fentanyl related crimes. Such advisories establish and make clear to a person charged with or convicted of selling fentanyl that if they continue to sell drugs containing fentanyl that result in a death, they can be prosecuted for murder. The advisement in SB 44 is much like the advisement under California Vehicle Code Section 23593 (the Watson Advisement²) that advises individuals convicted of Driving Under the Influence (DUI):

“... If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.”

Bills similar to SB 44, many with bipartisan support, have been rejected by the State Senate Public Safety Committee and/or the State Assembly Public Safety Committee at least seven times in the past.

The Grand Jury recognizes that changes in laws, without addressing other aspects of the fentanyl problem, will not end the crisis. A comprehensive effort is needed, including prevention, education, rehabilitation, and enforcement. However, changes in legislation would provide more effective tools for the enforcement side of the equation.

Despite the California legislature's reluctance to pass stricter enforcement legislation, the legislature has passed a number of laws aimed at addressing the harms of the opioid epidemic to drug users, including measures increasing access to addiction treatment and measures aimed at limiting the over prescription of opioids.

Law Enforcement

The role and impact of law enforcement in controlling the spread and use of drugs in Orange County is substantial. Many arrests and prosecutions start at the street level with small and mid-level distributors in the jurisdictions of local law enforcement authorities. Sophisticated methods of distribution and sale of illicit drugs make law enforcement more complex and difficult than in days past. Drug dealers market their product in new, creative, and elusive ways on social media and the dark web.

Social media allows dealers and clients to exchange encrypted or coded messages to evade law enforcement

Social media platforms impede law enforcement investigations of fentanyl crimes. Dealers use social media as a tool to market illicit drugs. The platforms allow dealers and clients to exchange encrypted or coded messages to evade law enforcement detection. Snapchat, a platform which has a high volume of drug related activity, retains its messaging data for only 24 hours, at which time it disappears, without a trace of any transaction. Law enforcement's efforts to obtain information from social media platforms is met with resistance.

The decades-old federal Communications Decency Act, Section 230³ provides some protection for social media companies from liability. Other countries have been able to hold the platforms accountable and made them change their business practices. This is being revisited currently in the United States yet has not been accomplished.

With respect to drug addicts and recreational users of drugs, laws and law enforcement have pivoted away from the old, stern, penal approach regarding use and possession of illicit drugs to a prevention and treatment approach. The change has transformed the criminal justice system's approach from punishment and detention to treatment and rehabilitation while in custody.

Orange County law enforcement agencies are involved in more than just arrests and prosecutions. Law enforcement initiates and participates in education programs throughout Orange County, in schools and in the community at large. Law enforcement works with the Courts and Orange County Health Care Agency to provide continuity of care when transitioning individuals from in-custody rehabilitation and treatment to post-custody living.

Law enforcement agencies such as the Orange County Sheriff's Department, local police, and the Orange County District Attorney have increased their efforts to identify and target individuals and Drug Trafficking Organizations (DTOs) involved in the distribution and the sale of fentanyl by conducting investigations, making arrests, seizing small and large quantities of fentanyl, and aggressively prosecuting fentanyl cases.

Orange County Sheriff's Department

The Sheriff's Department is actively addressing the illicit fentanyl problem along with other illegal drugs in Orange County by interrupting their distribution and sale. The Orange County Sheriff's Department and municipal police work closely with State and federal agencies to investigate and bring to justice individuals and DTOs involved in drug related cases, including fentanyl.

Sheriff's narcotics operations consist of:

- Parcel Interdiction Team at John Wayne Airport,
- North and South Street narcotics teams,
- Highway Interdiction Team (HIT),
- Regional Narcotics Program (RNP) task forces.

The street narcotic teams have a wide range of responsibilities: suppressing street level drug activities, investigating complex operations of drug traffickers, investigating illegal manufacturing and distribution of controlled substances, and responding to tips and citizens' complaints. The teams work with the California Highway Patrol, County Probation, and the court system. They also conduct probation and parole searches and testify as expert witnesses.

The Highway Interdiction Team (HIT) focuses on interrupting the transportation of drugs on Interstate 5, which is the main corridor DTOs use to transport narcotics into, and through, Orange County. Geographically, HIT covers Orange County down to its border with San Diego County.

Multiagency task forces in which Orange County Sheriff's Department participates consist of:

- Regional Narcotics Suppression Program (RNSP) is a specialized task force consisting of federal, state, county, and local agencies. The task force targets individuals engaged in high level drug trafficking and money laundering.
 - Orange County is a High Intensity Drug Trafficking Area (HIDTA), a component of the DEA's "National Drug Strategy". The HIDTA program identifies high volume drug trafficking areas within the United States for targeted surveillance and concentration of resources in the pursuit of drug cartels and interdiction.

- Orange County Clandestine Laboratory Emergency Action Network (OCCLEAN) is the Orange County chapter of the Regional Methamphetamine Task Force Initiative that investigates clandestine laboratories.
- Vehicle Interdiction Pipeline Enforcement Resources (VIPER) is a program targeted to intercept vehicles that are used to transport illegal drugs including fentanyl.

The Orange County Sheriff's Department also patrols Orange County's western border, consisting of the coastline and the county's harbors. The Sheriff receives funding from the Federal Emergency Management Agency (FEMA) from a grant program named "Operation Stonegarden." The funding goes to enhancing cooperation and coordination among state, local, tribal, territorial, and federal law enforcement agencies to jointly improve security along the United States land and water borders.

These various but focused programs and activities allow the Orange County Sheriff's Department to conduct multi-pronged operations to combat the illicit drug trade.

In addition to direct law enforcement, the Sheriff's Department vigorously promotes anti-drug education and prevention. The Sheriff, in conjunction with other counties, actively lobbies the State legislature to enact laws addressing issues particular to fentanyl law enforcement.

The Orange County Sheriff's Department works with the Orange County District Attorney and the U.S. Department of Justice (DOJ) in drug-related prosecutions. In particular, the Orange County Sheriff's Department works with the DOJ to prosecute fentanyl deaths as homicides when a fentanyl-related death can be linked to a particular dealer who sold the drug.

Orange County District Attorney

The Orange County District Attorney's Office (OCDA) considers fentanyl to be one of the most dangerous drugs currently in circulation in the county. The OCDA prioritizes fentanyl prosecutions.

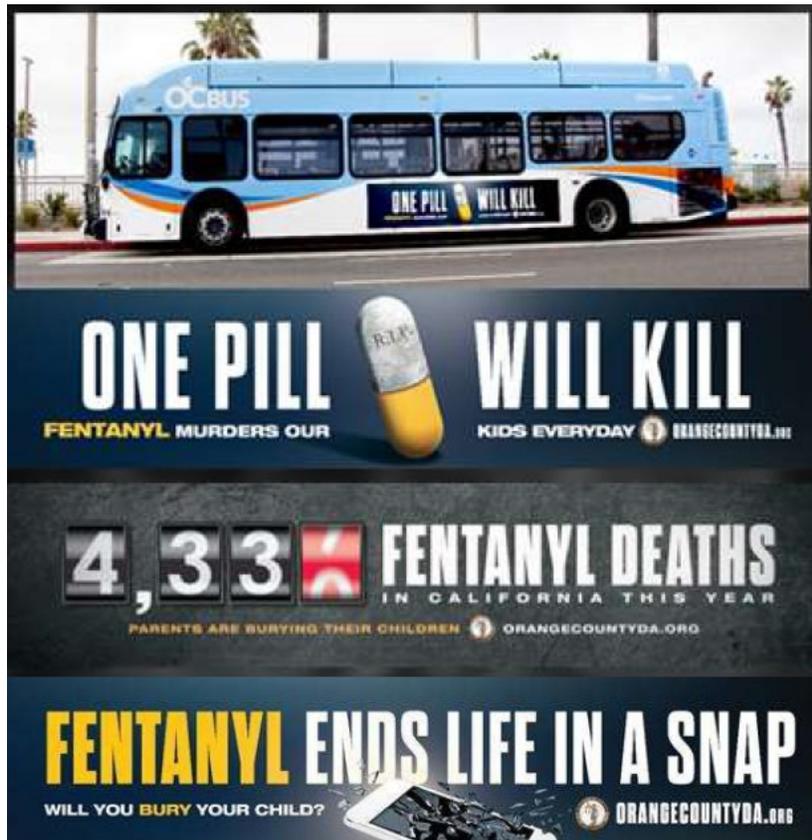
The OCDA's Narcotics Enforcement Team (NET) consists of investigators and prosecutors who work closely with the Orange County Sheriff's Department, local law enforcement agencies, and multiagency task forces to target large-scale illicit drug operations for criminal prosecution. Their investigations and prosecutions cover large-scale international and interstate movement and circulation of illegal controlled substances coming through commercial shipping companies. Their work usually involves long-term narcotics investigations of interstate trafficking over multiple jurisdictions in partnership with state and federal investigative agencies.

Currently fentanyl is a "Schedule II" narcotic on the California Controlled Substance Schedule. The OCDA actively lobbies the California legislature, including efforts to reclassify fentanyl as a "Schedule I" narcotic. The OCDA also lobbies for legislation requiring an advisory to be issued to those charged with or convicted of selling fentanyl.

This advisory would put the individual on notice that if the individual continues to sell drugs containing fentanyl that result in a death, the individual can be prosecuted for murder.

Because California law requires proof of “intent to kill” and “malice aforethought” to convict a dealer of murder when the drug they sell results in a death, it is difficult to obtain such a conviction in California courts. The OCDA works with the DOJ in such cases because federal statutes have different burdens of proof. An attorney from the OCDA’s office has been cross-designated as a federal prosecutor to prosecute fentanyl dealers when they sell drugs that result in an Orange County death.

The DA actively promotes public awareness and education of the risks of fentanyl.



OC District Attorney Office. Fentanyl Awareness Ad Campaign

In 2021, the OCDA launched a countywide campaign with the Orange County Transit Authority (OCTA). The campaign posted the slogans:

- “One Pill Will Kill”
- “Fentanyl Ends Life in a Snap”
- “Will You Bury Your Child?”
- “Fentanyl Murders Our Kids Every Day”

along with a fentanyl death meter counting the number of deaths in California that year.

These ads are still on display on the sides and backs of OCTA buses throughout Orange County.

OC Probation

The Orange County Probation Department and its probation officers are responsible for monitoring and supervising individuals who are placed on probation by Orange County courts. The Probation Department also oversees Orange County's juvenile hall.

The Probation Department plays a key role in the rehabilitation of drug users. The department supervises all probationers of Orange County's criminal justice system, whether the probationer's crime was drug-related or not.

The Orange County Probation Department's position in the criminal justice system makes it a pivotal player in rehabilitating drug users. Probation supervises probationers as they transition through conviction or custody and rehabilitative services. Probation is a core participant in the collaborative court system. A probation officer's job is to monitor a probationer's behavior through their probation period, but they also serve as life coaches to probationers, providing advice and guidance.

The Probation Department regularly tests probationers and the juveniles under its supervision for the presence of narcotics, including fentanyl. The courts determine whether a probationer will be subject to drug testing by the Probation Department. Not all probationers are on probation for narcotic violations, and they may have a legal argument that testing a probationer convicted of a non-drug offense is unwarranted. Nevertheless, the courts order 90 percent of adult probationers to submit to routine drug testing, and close to 100% of juveniles are ordered to submit to testing.

One hundred percent of youths entering juvenile hall admit to some form of prior drug usage. Incarcerated juveniles are subject to drug testing and all are tested. The Orange County Health Care Agency provides all of Probation's juvenile drug treatment and rehabilitation services, tailoring each youth's treatment to their need. The Probation Department has programs and workshops to educate and communicate the risks of drugs to their juvenile detainees.

Despite constant and rigorous efforts of the Probation Department to monitor and test probationers and juveniles under its supervision, the department has recorded fentanyl deaths of its clients. In 2020 there was one juvenile and one adult death, in 2021 seven juvenile and thirteen adult deaths, and in 2022 two juvenile and three adult deaths. None of the deaths occurred among probationers or juveniles while in custody. All deaths were at the homes of the clients, and not under the direct supervision of the Probation Department.

Orange County Public Defender

The Orange County Public Defender's office provides legal representation to those who cannot afford to hire a lawyer and have been charged with a crime, including drug-related offenses. The office is recognized nationally as a leader in the defense and safeguarding of the constitutional rights of their clients.

Generally, in any defense strategy in which the individual is charged with a drug crime, including fentanyl, the office may negotiate a plea deal, presents evidence in court, and advocates for the individual's rights in the judicial process. The Public Defender's defense strategy depends on the individual circumstances of the crime, the availability of evidence, and the preferences of the defendant.

Prevention and Treatment

The Dangers of Fentanyl/Opioid:

Drug users purchasing drugs on the street or via social media often believe they are purchasing pharmaceutical quality drugs: drugs manufactured by reputable, FDA-regulated pharmaceutical companies. In most cases, they are buying pills made to look like common medications, when in reality they are unknowingly purchasing phony pills containing cheap fentanyl disguised as the authentic drug.



lethal dose of fentanyl ([Fentanyl \(dea.gov\)](https://www.dea.gov))

There is a way a user can test for fentanyl in the pills they purchase. Inexpensive test strips that test for fentanyl can be found at your local health department, at a needle-exchange program in your community, and from reliable online sources. The test strips typically give results within 5 minutes. Unfortunately, while the test can be the difference between life or death, the test is destructive; meaning the pill is destroyed in the test and no longer available for consumption. The next pill may or may not contain fentanyl or may contain an amount of fentanyl greater than the pills tested.



Courtesy of DEA

Treatment for fentanyl overdose:

Treatment for fentanyl overdose is offered in emergency rooms and medical centers throughout the county. Naloxone is an antidotal medicine that quickly counteracts the effects of a fentanyl overdose when administered right away. It works by rapidly binding to opioid receptors in the brain, blocking the effects of these drugs. As effective as Naloxone is, fentanyl is much stronger than other opioids, such as morphine, and very often requires multiple doses of naloxone. Fentanyl overdose victims require transport to a medical center where continued treatments can be administered.

Naloxone has been distributed to law enforcement, first responders, schools, and other municipal agencies. Naloxone is also available over the counter for use by the public in emergencies prior to transport to a medical facility. Naloxone is available as an injectable (needle) solution and nasal sprays (NARCAN® and KLOXXADO®). People who are given naloxone should be monitored for another two hours after the last dose of naloxone is given to make sure breathing does not slow or stop.

Treatment for fentanyl addiction:

Medication, in combination with behavioral therapies, has been shown to be effective in treating people with addiction to fentanyl and other opioids. Medication-Assisted Treatment, or MAT, is substance treatment that includes both medication and psychotherapy. Doctors often use this treatment when helping people with opioid problems. MAT programs in Orange County are vital to opioid addiction recovery.

The Orange County Health Care Agency (OCHCA) is very involved in creating change as it relates to public awareness and services. The OCHCA has worked in partnership with many entities to create public awareness and drive policy and programs, including the OC Sheriff's Department, OC Department of Education, and the Los Angeles Angels of Anaheim organization. OCHCA's efforts include a comprehensive media campaign and frequent townhall meetings.

There are many treatment centers, both inpatient and outpatient, throughout the county that treat opioid addiction. Hospitals, along with independent recovery and treatment centers, are the main providers of treatment. OCHCA provides services for addiction to the homeless.

The Orange County Sheriff's Department (OCSD) and Orange County Health Care Agency (OCHCA) have worked to increase access to treatment and recovery services for individuals, in-custody and not, struggling with opioid addiction by providing medication assisted treatment (MAT) and counseling. The in-custody MAT program currently serves more than 900 inmates every day.

Collaborative Courts:

Collaborative Courts are specialized court tracks that the State of California implemented to address personal and community issues that can underlie criminal behavior, including the use of illicit drugs and fentanyl. Collaborative Courts take the adversarial court process and move it to a collaborative effort between Drug Courts, the Probation Department, Health Care Agency, District Attorney's Office, law enforcement, and defense attorneys.



Courtesy of OC Collaborative Courts

Drug Collaborative Courts act to integrate the criminal justice system with social services and health treatment providers. The process begins post-conviction of those individuals who are addicted to opioids and other drugs while engaging in illegal activities. There are two distinct tracks, a 12-month track for misdemeanors and an 18-month track for felonies. This process includes active judicial monitoring and a team approach to decision making. Homeless drug addicts represent a special problem in Orange County and present an additional challenge to be addressed by the team.

“Using fentanyl is like playing Russian Roulette with five bullets in the gun.”

OC Collaborative Courts

Drug Courts supervise, mentor, and hold accountable addicted offenders who are at high risk of reoffending. Drug Court is a voluntary program that provides participants with individualized treatment plans to achieve sobriety.



Courtesy of OC Collaborative Courts

Collaborative courts in California have been in operation since 1998. There are 84 adult Drug Courts and 24 Juvenile Drug Courts statewide. One study of nine Drug Courts conservatively estimates the program saves the State \$90 million annually in criminal justice costs.

Education

The Orange County Sheriff’s Department, the courts of Orange County, and representatives of the medical and mental health departments are reaching out to the community, providing education and warning of the dangers of fentanyl.

Several educational programs are currently being developed and offered to Orange County students and parents through a variety of county organizations. Feedback from participants about these programs has been favorable:

Above the Influence

A six-week substance abuse government-based campaign of the National Youth Anti-Drug Media Campaign conducted by the Office of National Drug Control Policy. It is being taught by deputies within the Orange County Sheriff's Department to fifth and sixth grade students. A section of the program covers the dangers of fentanyl use and its rising prevalence in Orange County.

Drug Abuse is Life Abuse

A support group of the Orange County Sheriff's Advisory Council. It works to bring leaders in business, government, education, religion, and law enforcement together with families to change the way society perceives drug use. These leaders educate students and parents in schools throughout Orange County. There are 24 participating schools to date. This program offers tailored programs for K-12th graders and coincides with the DEA's *Red Ribbon* campaign, which occurs annually in the last week of October.

Funding for this program is sourced from several groups. The three Sheriff's officers conducting the training are funded by the OC Sheriff's Department, and another deputy is paid through a grant given through the Sheriff's Advisory Council. This program also receives partial funding from asset forfeiture funds.

Fighting Fentanyl Together Forum

A one-time forum held at the Orange County Sheriff's Regional Training Academy on November 4, 2022 featured speakers and presenters from law enforcement, clinicians, educators, and community organizations sharing information on topics spanning from statistics and trends to the biology of addiction to prevention strategies. More than 500 people attended, and all attendees were offered a two-pack of Narcan (Naloxone), the opioid overdose reversal medication, and a demonstration on applying it to an overdose victim.

The Orange County Department of Education is working to educate and inform students and parents on the dangers and urgency of the crisis through student advisory programs and parental workshops. Additionally, there are non-governmental organizations in the state and throughout the country who put on informative presentations and programs that the Grand Jury feels are helpful in curbing the rising trend of fentanyl addiction and fatalities. The Grand Jury recommends that these educational programs be considered for possible inclusion in Orange County's educational system.

CONCLUSION

Orange County still faces significant challenges related to illicit fentanyl addiction, poisoning, and death. The availability of illicit fentanyl on the streets and through social media is described as overwhelming. Orange County will benefit by having a chartered fentanyl Task Force to develop, launch, monitor and fine-tune a county-wide plan to reduce the harm caused by illicit fentanyl and other opioids.

Orange County needs leaders from all impacted agencies along with key non-government organizations and community leaders to work in unison to prevent fentanyl distribution and use from becoming a widening crisis. A task force could provide full support to law enforcement agencies who must continue to target drug dealers and distributors for prosecution; and work with legislators to adopt drug prevention legislation.

The Grand Jury heard loud and clear that Orange County cannot law enforce its way out of this crisis. Expanding public awareness and practicing safeguards are the best preventive measures. Orange County needs influential voices within our communities and schools to highlight the dangers and risks of illicit fentanyl, opioid use, and addiction.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled, “Russian Roulette: Fentanyl in Orange County”, the 2022-2023 Grand Jury has arrived at ten Findings, as follows:

- F1** Illicit fentanyl is sold on the streets and through social media marketed as legitimate pharmaceuticals, or as other drugs laced with fentanyl, or sold as straight fentanyl, leading to exponentially increasing fentanyl addiction and deaths in Orange County.
- F2** Illicit fentanyl is a pervasive problem in Orange County.
- F3** Drug dealers use social media to sell fentanyl and other drugs. Social media business models impede law enforcement investigations.
- F4** California law limits prosecution of fentanyl deaths as homicides. Fentanyl death related cases are selectively referred for federal filing consideration. The Orange County District Attorney has cross-designated one of its own senior deputy district attorneys to prosecute such cases under federal narcotics laws.
- F5** California law does not provide for uniform admonishment of drug dealers of their potential criminal liability for drug-related deaths. Proposed legislation requiring judicial admonishments has been rejected multiple times by the California Legislature.
- F6** Under current California law, fentanyl related felonies are not subject to additional penalty for weight enhancements as are other dangerous drugs such as cocaine and heroin.
- F7** Orange County will benefit by establishing a chartered multi-agency Task Force to address the fentanyl crisis in Orange County.
- F8** As long as there is a demand, producers will find ways to supply drugs. Orange County cannot law enforce its way out of the fentanyl crisis. Education, prevention, and treatment are critical to reducing demand.
- F9** There is a need to increase public awareness and acknowledgement of the risks of illicit fentanyl.
- F10** Some educational institutions are not participating in available educational and preventive fentanyl/drug programs.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled, “Russian Roulette: Fentanyl in Orange County”, the 2022-2023 Grand Jury has arrived at five Recommendations, as follows:

- R1** By January 1, 2024, the Orange County Board of Supervisors should charter a multi-agency Task Force to address the fentanyl crisis. (F2, F7, F8, F9)
- R2** By July 1, 2024, the Orange County Board of Supervisors, the Orange County District Attorney, and the Orange County Sheriff should lobby the California State Legislature to add fentanyl to the list of drugs subject to penalty enhancements in felony drug convictions and to add statutory authority for judicial admonishments when drug dealers and traffickers are convicted of fentanyl-related crimes. (F4, F5, F6)
- R3** By July 1, 2024, Orange County Law Enforcement agencies should work with social media companies to ensure law enforcement has timely access to drug-related criminal activity information on their platforms. (F1, F2, F3)
- R4** By January 1, 2024, the Orange County Sheriff’s Department, Probation Department, and Orange County Health Care Agency should collaborate to evaluate the effectiveness of existing in-custody and post-custody sobriety treatment programs and determine where improvements can be incorporated. (F2, F7, F8)
- R5** By January 1, 2024, the Orange County Department of Education should develop a model fentanyl/opioid prevention educational program to be offered to all K-12 school districts in Orange County. (F2, F8, F9, F10)
- R6** By October 1, 2023, the Orange County Department of Education should promote the use of currently established and in-place fentanyl and drug-related educational programs offered by OC agencies such as Health Care Agency, OC Sheriff’s Department, and non-governmental organizations to all K-12 school districts in Orange County. (F2, F8, F9, F10)

RESPONSES

California Penal Code Section 933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g., District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05 specifies the manner in which such comment(s) are to be made as follows:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

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

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the

agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code Section 933.05 are required and requested from:

Findings – 90 Day Response Required

OC Board of Supervisors F1, F2, F3, F4 F5, F6, F7, F8, F9, F10

The School Boards of:

Anaheim Elementary F2, F7, F8, F9, F10

Anaheim UHSD F2, F7, F8, F9, F10

Brea-Olinda Unified F2, F7, F8, F9, F10

Buena Park Elementary F2, F7, F8, F9, F10

Capistrano Unified F2, F7, F8, F9, F10

Centralia Elementary F2, F7, F8, F9, F10

Cypress Elementary F2, F7, F8, F9, F10

Fountain Valley F2, F7, F8, F9, F10

Fullerton Elementary F2, F7, F8, F9, F10

Fullerton Joint UHSD F2, F7, F8, F9, F10

Garden Grove Unified F2, F7, F8, F9, F10

Huntington Beach City F2, F7, F8, F9, F10

Huntington Beach UHSD F2, F7, F8, F9, F10

Irvine Unified F2, F7, F8, F9, F10

Laguna Beach Unified F2, F7, F8, F9, F10

La Habra City F2, F7, F8, F9, F10

Los Alamitos Unified F2, F7, F8, F9, F10

Lowell Joint Elementary	F2, F7, F8, F9, F10
Magnolia Elementary	F2, F7, F8, F9, F10
Newport-Mesa Unified	F2, F7, F8, F9, F10
Ocean View Elementary	F2, F7, F8, F9, F10
Orange Unified	F2, F7, F8, F9, F10
Placentia-Yorba Linda	F2, F7, F8, F9, F10
Saddleback Unified	F2, F7, F8, F9, F10
Santa Ana Unified	F2, F7, F8, F9, F10
Savanna Elementary	F2, F7, F8, F9, F10
Tustin Unified	F2, F7, F8, F9, F10
Westminster School District	F2, F7, F8, F9, F10

Recommendations – 90 Day Response Required

OC Board of Supervisors	R1, R2, R3, R4, R5
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The School Boards of:

Anaheim Elementary	R1, R5, R6
Anaheim UHSD	R1, R5, R6
Brea-Olinda Unified	R1, R5, R6
Buena Park Elementary	R1, R5, R6
Capistrano Unified	R1, R5, R6
Centralia Elementary	R1, R5, R6
Cypress Elementary	R1, R5, R6
Fountain Valley	R1, R5, R6
Fullerton Elementary	R1, R5, R6
Fullerton Joint UHSD	R1, R5, R6

Garden Grove Unified	R1, R5, R6
Huntington Beach City	R1, R5, R6
Huntington Beach UHSD	R1, R5, R6
Irvine Unified	R1, R5, R6
Laguna Beach Unified	R1, R5, R6
La Habra City	R1, R5, R6
Los Alamitos Unified	R1, R5, R6
Lowell Joint Elementary	R1, R5, R6
Magnolia Elementary	R1, R5, R6
Newport-Mesa Unified	R1, R5, R6
Ocean View Elementary	R1, R5, R6
Orange Unified	R1, R5, R6
Placentia-Yorba Linda	R1, R5, R6
Saddleback Unified	R1, R5, R6
Santa Ana Unified	R1, R5, R6
Savanna Elementary	R1, R5, R6
Tustin Unified	R1, R5, R6
Westminster School District	R1, R5, R6

Findings – 60 Day Response Required

OC Sheriff-Coroner	F1, F2, F3, F4 F5, F6, F7, F8, F9, F10
OC District Attorney	F1, F2, F3, F4 F5, F6, F7, F8, F9, F10
OC Department of Education	F2, F7, F8, F9, F10

Recommendations – 60 Day Response Required

OC Sheriff-Coroner	R1, R2, R3, R4
OC District Attorney	R1, R2, R3
OC Department of Education	R1, R5, R6

Findings – 90 Day Response Requested

OC Health Care Agency	F1, F2, F7, F8, F9, F10
OC Probation Department	F1, F2, F3, F7, F8, F9
OC Public Defender	F1, F2, F4, F5, F7, F8, F9

Recommendations – 90 Day Response Requested

OC Health Care Agency	R1, R4
OC Probation Department	R1, R3, R4
OC Public Defender	R1

APPENDIX 1

EMOJI DRUG CODE | DECODED

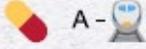
DRUG ENFORCEMENT ADMINISTRATION



EMOJI DRUG CODE | DECODED

COMMON EMOJI CODES

FAKE PRESCRIPTION DRUGS

<p>PERCOCET & OXYCODONE</p> 	<p>XANAX</p> 	<p>ADDERALL</p> 
--	---	---

DEALER SIGNALS

<p>DEALER ADVERTISING</p> 	<p>HIGH POTENCY</p> 	<p>UNIVERSAL FOR DRUGS</p> 	<p>LARGE BATCH</p> 
--	--	--	---

OTHER DRUGS

<p>METH</p> 	<p>HEROIN</p> 	<p>COCAINE</p> 	
<p>MDMA & MOLLIES</p> 	<p>MUSHROOMS</p> 	<p>COUGH SYRUP</p> 	<p>MARIJUANA</p> 

This reference guide is intended to give parents, caregivers, educators, and other influencers a better sense of how emojis are being used in conjunction with illegal drugs. Fake prescription pills, commonly laced with deadly fentanyl and methamphetamine, are often sold on social media and e-commerce platforms – making them available to anyone with a smartphone.

#ONEPILLKILL
dea.gov/onepill

Disclaimer: These emojis reflect common examples found in DEA investigations. This list is not all-inclusive, and the images above are a representative sample.



APPENDIX 2

Related Federal and California Laws

Select Federal Laws

- Controlled Substances Act of 1970 (CSA)
- The Synthetic Drug Abuse Prevention Act of 2012
- The Comprehensive Addiction and Recovery Act of 2016 (CARA)
- The Ensuring Patient Access and Effective Drug Enforcement Act of 2016
- Pending Legislation:
 - The Combating Illicit Xylazine Act of 2023 (House - introduced March 28, 2023; referred to Committees Energy and Commerce; Judiciary; referred to the Subcommittee on Health.)
 - The Fairness in Fentanyl Sentencing Act of 2023 (Senate - introduced March 3, 2023; referred to the Committee on the Judiciary.)
 - The PREVENT Fentanyl Act of 2023 (Senate – March 27, 2023 read twice and referred to the Committee on Homeland Security and Governmental Affairs.)

Select California Laws

- California Health and Safety Code Uniform Controlled Substances Act Sections 11000-11651.
 - Section 11350(a) possession of any controlled substance
 - Section 11351(a) possession of any controlled substance with intent to sell
 - Section 11352(a) transportation of controlled substance
 - Section 11379.6 manufacturing of controlled substance
 - Section 11550 crime if person is under the influence of a controlled substance
- California Penal Code Section 187 defines murder as unlawful killing ... with malice aforethought
- California Penal Code Section 273a (a) child endangerment

APPENDIX 3

Recognizing the signs of opioid overdose can save a life

Here are some things to look for:

- Small, constricted “pinpoint pupils”
- Falling asleep or losing consciousness
- Slow, weak, or no breathing
- Choking or gurgling sounds

- Limp body
- Cold and/or clammy skin
- Discolored skin (especially in lips and nails)

What should you do if you think someone is overdosing?

1. Call 911 immediately. *
2. Administer naloxone, if available.
3. Try to keep the person awake and breathing.
4. Lay the person on their side to prevent choking.
5. Stay with the person until emergency assistance arrives.

*Most states, including California, have laws that may protect a person who is overdosing or the person who called for help from legal trouble.

It may be hard to tell whether a person is high or experiencing an overdose. If you are not sure, treat it like an overdose—you could save a life.

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GLOSSARY

Analog

Drugs that are similar in chemical structure or pharmacologic effect to another drug, but are not identical.

Drug Trafficking Organizations

Drug Trafficking Organizations are complex organizations with highly defined command-and-control structures that produce, transport, and/or distribute large quantities of one or more illicit drugs.

Fentanyl

Pharmaceutical fentanyl is a synthetic opioid, approved for treating severe pain, typically advanced cancer pain. It is 50 to 100 times more potent than morphine. However, illegally made fentanyl is sold through illicit drug markets for its heroin-like effect, and it is often mixed with heroin or other drugs, such as cocaine, or pressed into counterfeit prescription pills.

Heroin

An illegal, highly addictive opioid drug processed from morphine and extracted from certain poppy plants.

Illicit drugs

The nonmedical use of a variety of drugs that are prohibited by law. These drugs can include: amphetamine-type stimulants, marijuana/cannabis, cocaine, heroin, other opioids, and synthetic drugs, such as illicitly manufactured fentanyl (IMF) and ecstasy (MDMA).

Medication-assisted treatment (MAT)

Treatment for opioid use disorder combining the use of medications (methadone, buprenorphine, or naltrexone) with counseling and behavioral therapies.

Methamphetamine

A highly addictive central nervous system stimulant that is also categorized as a psychostimulant. Methamphetamine use has been linked to mental disorders, problems with physical health, violent behavior, and overdose deaths. Methamphetamine is commonly referred to as meth, ice, speed, and crystal, among many other terms.

Naloxone

A drug that can reverse the effects of opioid overdose and can be life-saving if administered in time. The drug is sold under the brand name Narcan or Evzio.

Opioid

Natural, synthetic, or semi-synthetic chemicals that interact with opioid receptors on nerve cells in the body and brain and reduce the intensity of pain signals and feelings of pain. This class of drugs includes the illegal drug heroin, synthetic opioids such as fentanyl, and pain medications available legally by prescription, such as oxycodone, hydrocodone, codeine, morphine, and many others. Prescription opioids are generally safe when taken for a short time and as directed by a doctor, but because they produce euphoria in addition to pain relief, they can be misused and have addiction potential.

Opioid addiction

Opioid use disorder (OUD) occurs when attempts to cut down or control use are unsuccessful or when use results in social problems and a failure to fulfill obligations at work, school, and home. Opioid addiction often comes after the person has developed opioid tolerance and dependence, making it physically challenging to stop opioid use and increasing the risk of withdrawal.

Overdose

Injury to the body (poisoning) that happens when a drug is taken in excessive amounts. An overdose can be fatal or nonfatal.

Schedule I Drug

- The drug or other substance has a high potential for abuse.
- The drug or other substance has no currently accepted medical treatment use in the U.S.
- It has a lack of accepted safety for use under medical supervision.

Schedule I drugs carry the most severe penalties.

Schedule II Drug

- The drug has a high potential for abuse
- The drug has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions
- Abuse of the drug may lead to severe psychological or physical dependence

ABBREVIATIONS

DEA: Drug Enforcement Agency

DHE: Domestic Highway Enforcement

DUI: Driving Under Influence

DTO: Drug Trafficking Organization

FEMA: Federal Emergency Management Agency

HIDTA: High Intensity Drug Trafficking Area

HIT: Highway Interdiction Team

MAT: Medication-Assisted Treatment

NET: Narcotics Enforcement Team

OCDA: Orange County District Attorney

OCCLEAN: Orange County Clandestine Emergency Action Network

OCSD: Orange County Sheriff's Department

RNSP: Regional Narcotics Suppression Program

SAMHSA: Substance Abuse and Mental Health Services Administration

NOTICE

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

ENDNOTES

¹ Senate Bill 44 – Alexandra’s Law -- will require that a written advisory or admonishment be issued to a person convicted of a fentanyl-related drug offense notifying the person of the danger of manufacturing and distributing controlled substances and of potential future criminal liability if another person dies as a result of that person’s actions.

² California Vehicle Code Section 23593.

“(a) The court shall advise a person convicted of a violation of Section 23103, as specified in Section 23103.5, or a violation of Section 23152 or 23153, as follows:

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.”

(b) The advisory statement may be included in a plea form, if used, or the fact that the advice was given may be specified on the record.

(c) The court shall include on the abstract of the conviction or violation submitted to the department under Section 1803 or 1816, the fact that the person has been advised as required under subdivision (a).

(Amended by Stats. 2005, Ch. 279, Sec. 24. Effective January 1, 2006.)” Accessed May 1, 2023. [Law section \(ca.gov\)](#)

³ Section 230 is a section of Title 47 of the United States Code that was enacted as part of the Communications Decency Act of 1996, which is Title V of the Telecommunications Act of 1996, and generally provides immunity for online computer services with respect to third-party content generated by its users. At its core, Section 230(c)(1) provides immunity from liability for providers and users of an "interactive computer service" who publish information provided by third-party users:

No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.

Section 230(c)(2) further provides "Good Samaritan" protection from civil liability for operators of interactive computer services in the good faith removal or moderation of third-party material they deem "obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected." Accessed May 22, 2023. https://en.wikipedia.org/wiki/Section_230



ORANGE COUNTY GRAND JURY

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June 30, 2023

The Honorable Maria D. Hernandez, Presiding Judge
Superior Court of California County of Orange
700 Civic Center Drive West
Santa Ana, CA 92701

Dear Judge Hernandez:

It is my pleasure to present to you the 2022-2023 Grand Jury's summary of actions regarding California Penal Code section 919 (b) which requires the Grand Jury to "inquire into the condition and management of the public prisons within the county"; the following outlines the Grand Jury approach and effort in fulfilling this mandate:

The detention Facilities visited and inspected included:

- Theo Lacy Facility
- Orange County Central Jail Complex (with Intake Release Center)
- Juvenile Hall
- James A. Musick Facility
- Santa Ana Jail
- Westminster Jail

The basic criteria researched during these visits were:

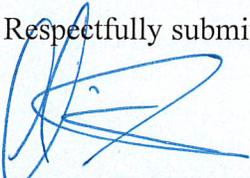
- Incidents involving harm to or death of inmates
- Incidents of ineffective jail or prisoner management by staff – sworn and unsworn
- Effectiveness of department preparations and planning to deal with effects of new laws on County jails, e.g., AB 109
- Drug Use
- Custodial health issues
- Financial issues
- Efficiency of operations
- Recidivism

The 2022-2023 Grand Jury also examined records obtained from all Orange County Police Departments with “temporary holding” detention centers where arrestees are detained (less than 24 hours) for processing and to await transit to the Orange County Intake Center. Records analyzed included:

- Incidents and Complaints from/or on behalf of arrestees
- Demographics of arrestees
- Summary intake and release numbers by day

The 2022-2023 Grand Jury has found no concerns with the conditions and management of the Orange County detention centers. The 2022-2023 Grand Jury has fulfilled its mandate per penal code 919 (b) and will file this letter and all documents obtained from the various agencies with the 2022-2023 Grand Jury Official Records.

Respectfully submitted,



John V. Siragusa, Foreperson
2022-2023 Orange County Grand Jury

JVS:jm

CONTINUITY REPORT AHEAD

**CONTINUITY REPORT 2021-
2022 GRAND JURY REPORT**



COUNTY OF ORANGE

Grand Jury 2022-2023

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INTRODUCTION

This continuity report examines the responses to findings and recommendation by public agencies to the 2021-2022 Grand Jury of Orange County reports. The reports, together with responses from the public agencies, can be found on the Orange County website.

The California Penal Code requires a response from the public agency within 90 days of the time the original report was published, or 60 days if the response is from elected officials.¹ The respondent must either agree or disagree, or partially agree or partially disagree, with each finding.

For each finding, the respondent must declare whether:

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

For each recommendation, the respondent must declare whether:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.²

Where time was available and in cases where the response stated that further work would be done, the 2022-23 Grand Jury requested a follow-up.

This continuity report summarizes the responses to the reports.

¹ California Penal Code §933,
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933.&lawCode=PEN.

² California Penal Code §933.05,
http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933.05.&lawCode=PEN.

How Independent is the Office of Independent Review?

Summary of Report

The Office of Independent Review should be a valuable resource that serves as independent counsel to the Orange County Board of Supervisors. However, during the OCGJ investigation it discovered the Board of Supervisors has exercised their powers through budgetary control to effectively reduce the ability for the Office of Independent Review to complete its stated mission as designed by the Orange County Code Ordinance Article 18.

Findings

- F1** The Orange County Sheriff's Department reacted to the Office of Independent Review's Investigation of OCSD Use of Force Policies and Practices report by publicly and privately lobbying the OC Board of Supervisors to discount the findings of said report.
- F2** A prominent member of the BOS reacted to the OCSD's dispute with the findings of the Investigation of OCSD Use of Force Policies and Practices by unilaterally directing the office of the Orange County CEO to initiate a hiring freeze despite a previously budgeted OIR staff expansion.
- F3** The hiring freeze, following so closely to the publication of the OIR report and the OCSD's objections, precipitated the viewpoint that the independence of the OIR was marginalized.
- F4** Until the BOS appoints an Executive Director with sufficient staffing, OIR is limited in its ability to investigate complaints and challenges to ongoing investigations and those in the planning stages.

Recommendations

- R1** The BOS should appoint a qualified Executive Director so that the OIR can respond to complaints it receives and continue with its investigations, both ongoing and in the planning stages. (F4)
- R2** By October 1, 2022, the BOS should approve the number of staff for the OIR that the Executive Director "recommends are necessary" in accordance with OCCO Section 1-2- 226. (F3, F4)

- R3** By October 1, 2022, to maintain the integrity and independence of the OIR, the BOS should adopt a policy that requires all members of the BOS to publicly vote on any alteration to the OIR budget. (F1, F2)

Response

The Orange County Board of Supervisors was required to respond to all findings and recommendations and their response were received timely. As of the date of responses, Recommendation 1 had not been implemented but was being undertaken.

The Office of Independent Review was requested to respond, but no response was received.

Where Have All the CRVs Gone?

Summary of Report

Californians pay over 1.4 billion dollars annually in California Refund Value fees to the state, yet only a portion of those funds are redeemed by the consumer. The OCGJ explored the lack of redemption sites and made recommendations regarding the innovative programs being piloted and opportunities to return more CRV dollars to Orange County consumers.

Findings

- F1** Due to the reduced availability of convenient CRV redemption sites and the lack of accurate online information, it is difficult for resident consumers to redeem CRV fees.
- F2** Because redemption site locations have diminished in number, waste haulers are the beneficiaries to the CRV fees paid originally by resident consumers.
- F3** CalRecycle is attempting to improve CRV redemption and reduce CRV recyclables from landfills and are offering financial incentives to do so. Orange County and its cities are not fully taking advantage of the grant or pilot program opportunities available through CalRecycle.
- F4** Orange County and most OC Cities do not make CRV redemption and recycling a priority when negotiating their waste hauler contracts which results in missed financial opportunities and convenience for their residents.

Recommendations

- R1** By January of 2023, each of the cities in Orange County should research and apply for available grants or pilot programs from CalRecycle for their community that focus on returning more CRV funds to their residents. (F3)
- R2** By January of 2023, the Orange County Board of Supervisors should require OC Waste & Recycling to research and apply for available grants or pilot programs from CalRecycle for the unincorporated areas of OC that focus on returning more CRV funds to their residents. (F3) *Where Have All the CRVs Gone? 2021-2022 Orange County Grand Jury Page 15*
- R3** When renegotiating their current waste hauler contract, all cities and the County of Orange should assess the value of the CRV funds received by the waste hauler in their jurisdiction and creatively leverage this revenue for the benefit of their residents. (F2, F4)
- R4** By January of 2023, all cities and the County of Orange should develop extensive community outreach programs aimed at educating the public about how to access CRV redemption in their jurisdiction. (F1, F3)

Response

The County of Orange Supervisors were required to respond to findings 1, 2, and 3 and all four recommendations. Sixteen cities were required to respond to findings 2, 3, and 4 and all four recommendations. The County of Orange and 14 Cities responded timely with responses that met the code requirements. The City of San Clement responded late, after a reminder was sent, with an acceptable response. The City of Westminster was sent multiple reminders and failed to respond.

The City of Seal Beach's response failed to include a timeline for implementation of Recommendation 1, however, it was deemed acceptable since the City was exploring the feasibility of the recommendation.

Orange County Waste and Recycling was requested to respond to Findings 2, 3, and 4 but they did not respond.

The Big A Lack of Transparency

Summary

Although legal proceedings ultimately disbanded the transaction, the OCGJ investigated the Anaheim City Council's handling of the sale of 153 acres of city property that included

Anaheim Stadium, The Grove and their surrounds. The OCGJ found that in negotiating the sale, the City Council had made unjustifiably rushed and uninformed decisions, had disregarded the intent of the Surplus Land Act and the Brown Act, and had thwarted public discussion and involvement.

Findings

- F1** The City of Anaheim demonstrated persistent lack of transparency and rushed decision making in its handling of the Stadium Property transactions, exacerbating distrust by the public, State and local government officials, and even some members of its own City Council.
- F2** The City's failure to timely disseminate and/or develop critical documents and information related to the Stadium Property transactions resulted in uninformed decision making by the City Council.
- F3** In conjunction with its alleged violations of the Surplus Land Act, the City limited creative affordable housing strategies with the Stadium Property transactions.
- F4** On multiple occasions, the City Council majority blocked the Council minority from adding items to its agenda relating to the disposition of the Stadium Property, stifling public discussion about the pros and cons of such a significant land transaction

Recommendations

- R1** Any future agreement regarding the City's disposition of the Stadium Property should allocate low and very low-income affordable housing units for the local workforce including individuals who work in the entertainment, leisure, hospitality, and health services industries. (F3)
- R2** By December 31, 2022, the City Council should develop and implement guidelines to ensure a minimum 30-day period of public analysis and Council discussion of any public property sale and/or lease transactions. (F1, F2, F4)
- R3** By October 4, 2022, the Anaheim City Council should revise Policy 1.6 so that any member of the City Council may place an item on its regular meeting agenda. (F4)

Response

The Anaheim City Council was required to respond to all four findings and three recommendations. The Council responded timely and within Penal Code requirements.

Orange County Power Authority: Come Clean

Summary

The Orange County Power Authority came into existence in 2021 to offer its member cities an opportunity to purchase cleaner electrical power. The OCGJ found that the OCPA is not being transparent in its dealings with its member cities and the public, and that the OCPA is not well equipped to oversee the many contractors upon which it relies

Findings

- F1** OCPA has not properly implemented bylaws and other procedures to promote and ensure transparency.
- F2** OCPA unreasonably delayed the formation of the CAC, has failed to properly utilize CAC member expertise, and has stifled the CAC from functioning as an advisory committee as intended.
- F3** OCPA hiring practices and procedures for both employees and contractors have failed to follow best practices, potentially damaging the credibility of the agency and raising questions of cronyism.
- F4** OCPA has failed to hire a Director of Power Purchases or other experienced senior staff as appropriate for a CCE, resulting in a lack of oversight of contractors and fewer checks and balances in its operation.
- F5** OCPA lacks experienced in-house staff to develop and implement a long-term strategic plan as well as short-term plans to mitigate economic risks.
- F6** OCPA Board meeting agendas and staff reports are distributed at the last minute and Board meeting minutes are not always accurate, complete, or posted in a timely manner.

Recommendations

- R1** Implement OCPA and Community Advisory Committee by-laws consistent with those of other CCEs within California. (F1) Timeline: October 1, 2022.
- R2** Include the Community Advisory Committee as a standing item on the OCPA Board minutes and recognize the Community Advisory Committee as an advisory committee, and not simply a mouthpiece. (F2) Timeline: October 1, 2022.
- R3** Hire a Director of Power Purchases or other qualified staff positions to properly oversee Pacific Energy Advisors and CalPine contractors utilizing best practices. (F3, F4, F5) Timeline: December 1, 2022.

- R4** Utilize a member agency clerk or assign a qualified OCPA staff member to handle the agendas and minutes for the OCPA Board and OCPA Community Advisory Committee to ensure that they are prepared properly and posted in a timely manner. (F6) Timeline: October 1, 2022

Response

The Orange County Power Authority was required to respond to all six findings and all four recommendations. The Orange County Power Authority responded timely to all findings and recommendations and responded within Penal Code requirements.

The City Councils of Buena Park, Fullerton, Huntington Beach, and Irvine and the Orange County Board of Supervisors were requested to respond to Recommendation 4. All entities responded except for the City of Irvine. The Grand Jury requested an explanation of the City of Huntington Beach's response and the City responded.

How is Orange County Addressing Homelessness?

Summary of Report

The OCGJ conducted a study of collaborative efforts to address homelessness led by the Orange County Continuum of Care Board and the Office of Care Coordination. The OCGJ found that despite these efforts and the progress that has been made, more needs to be done to shelter South County homeless individuals, meet the needs of youths that exit foster care, support and house the mentally ill, and provide low-cost housing for individuals exiting homeless shelters

Findings

- F1** South Orange County SPA cities lack low-threshold emergency shelters resulting in more homeless encampments and individuals living on the streets.
- F2** Too many of the homeless who are severely and persistently mentally ill and those with addiction issues end up incarcerated instead of more appropriate placements.
- F3** The County of Orange and cities within Orange County have been inconsistent in collaboration for support of shelters and services, which has resulted in missed opportunities to end homelessness.
- F4** There are an insufficient number of rental units available to those exiting Emergency Shelters, resulting in the majority returning to homelessness when leaving the shelters.

- F5** The Office of Care Coordination, in collaboration with the Continuum of Care Board, provides an effective community-based system of setting priorities to address homelessness, learning best practices, awarding and monitoring contracts, and overseeing a comprehensive system of care. However, the challenge of housing all our homeless requires much more.
- F6** Transitional Aged Youth who age out of the Foster Care system are a vulnerable population that often become homeless and need assistance in finding housing. There are insufficient resources to adequately serve these young people.

Recommendations

- R1** By July 1, 2023, the CoC and County of Orange should leverage funding to persuade South Orange County cities to open a regional, low-threshold emergency shelter for the homeless, in addition to the Laguna Beach Friendship Shelter. (F1)
- R2** By July 1, 2023, South OC SPA cities should collaborate in siting and funding a low threshold emergency shelter for the homeless, in addition to the Friendship Shelter in Laguna Beach. (F2)
- R3** The CoC should fund programs in fiscal year 2022-23 for people with severe and persistent mental illness and addiction issues to receive supervised care and treatment. (F2)
- R4** By July 1, 2024, the County of Orange and cities should collaborate to open facilities that can house people with severe and persistent mental illness and addiction issues in a secure setting. (F2)
- R5** By July 1, 2023, the County of Orange, cities and CoC should collaborate to encourage the development of housing affordable to individuals exiting the emergency shelters in Orange County. (F3, F4, F5)
- R6** By December 1, 2022, the County of Orange, cities and CoC should collaborate to increase the number of housing opportunities for Transitional Aged Youth. (F6)

Response

The Orange County Board of Supervisors was requested to respond to all six Findings and all six Recommendations. The Supervisors response was received timely as required.

The 20 north and central Orange County cities were required to respond to findings F3 and F4 and to Recommendations R4, R5, and R6. All cities responded timely and within requirements except for Westminster. Westminster responded after two notices and a grant of extension. Westminster's response was accepted.

Eight south Orange County cities were initially required to respond to Findings F1, F3, and F4 and Recommendations R1, R2, R3, R4, and R6. One city (San Clemente) was added late. All south Orange County cities responded timely and per requirements.

The Orange County Office of Care Coordination and the Orange County Continuum of Care were requested to respond to all Findings (F1-F6) and all Recommendations (R1-R6). The Orange County Continuum of Care responded to all findings and Recommendations timely.

Water in Orange County Needs “One Voice”

Summary of Report

The OCGJ did a deep dive into the current structure of wholesale water supply and operations in Orange County and found the water world to be extremely complex and fragmented. Although any consolidation or formation of a new water agency would pose significant challenges, the OCGJ concluded that it is time for the County to operate with “one water voice.”

Findings

- F1** A singular water authority for Orange County’s wholesale water supply likely would result in further opportunities at the local, State, and federal levels in legislation, policy making and receiving subsidies and grants.
- F2** The current fragmented water system structure and operations provides challenges as it relates to development of new interconnected infrastructure as well as maintenance of existing systems.
- F3** There is a great disparity between the North/Central and South Orange County water sources, management, and operations carried out by OCWD and MWDOC.
- F4** South Orange County has many smaller retail water districts that lack a formal centralized leadership. Notwithstanding this lack of structure, South Orange County retail water districts have displayed effective collaboration when dealing with one another.
- F5** Orange County Water District is a recognized worldwide leader in groundwater resource management and reclamation. Its leadership, innovation, and expertise can be further utilized to serve all of Orange County in developing additional innovative and beneficial programs.

- F6** Orange County currently does not have a countywide coordinated policy regarding water conservation, which results in difficulty when complying with any new State-mandated conservation regulations.

Recommendations

- R1** By January 2023, Orange County wholesale water agencies should formally begin analysis and collaboration towards forming a single wholesale water authority or comparable agency to operate and represent wholesale water operations and interests of all imported and ground water supplies. (F1, F2, F3, F4, F6)
- R2** Any future “One Voice” consolidated Orange County wholesale water authority should have Directors that examine and vote on issues considering the unique needs of all water districts. (F1, F2, F3, F4, F6)

Response

Orange County Water District Board of Supervisors was required to respond to Findings F1, F2, F3, F5, and F6 and Recommendations R1 and R2. The response was received timely and within requirements.

Municipal Water District of Orange County was required to respond to all Findings (F1-F6) and to all Recommendations (R1-R2). The response was received timely and within requirements.

Twelve water districts and one private water company were requested to respond to F1, F2, and F6 and Recommendations R1 and R2. Four of the southern water districts were additionally requested to respond to all of the findings. Three water districts and the private water company did not respond. The remainder responded.

Four cities were requested to respond and all responded.

County Land Transactions: Will the Public Notice?

Summary of Report

The OCGJ investigated how the County came very close to selling land that had been designated as part of the public trust and Newport Beach Back Bay Reserve. Its investigation led to recommendations to improve the transparency of the sale of conservation land, and to eliminate a private fence that enclosed the Back Bay parcel.

Findings

- F1** Public land trust dedications and other conservation easements affecting County land are not always properly recorded in County or State records, which impacts later County land sales decisions and notice requirements.
- F2** Owing to the influence of the office of the District 2 Supervisor at the time, the Board of Supervisors Staff Report and the OC Park Commission Staff Report prepared for the 2021 potential sale of Newport Beach Back Bay parcel APN 439-051-14 were conclusory, incomplete, and contained inaccurate statements.
- F3** Posting and notice requirements by the State and County fail to provide adequate information to interested citizens of the proposed sale of public land designated for park or open space use.
- F4** There is no public record of the State Coastal Commission being notified of the potential sale of a parcel of the Newport Beach Back Bay which was in the Commission's jurisdiction.
- F5** By allowing the owner-installed fence surrounding APN 439-051-14 to remain in place, the County has permitted the homeowner to inappropriately privatize this parcel at no cost to the homeowner and in a manner inconsistent with the well-established public trust designation.

Recommendations

- R1** CEO Real Estate should ensure that conservation easements, designations of public trust land, and similar restrictions are properly researched and recorded with the County Recorder prior to any sale. F1 Timeline: Immediate and ongoing.
- R2** The Orange County Board of Supervisors, CEO Real Estate, and OC Parks Commission should establish and follow procedures to ensure that staff reports are factually accurate, complete, and include any conservation easements or public trust designations. F2 Timeline: Immediate and ongoing.
- R3** Private individuals attempting to purchase public park land that will not be put up for public auction should pay for mailings of the relevant Board of Supervisor Resolution (including photographs accurately and clearly depicting the subject property) to all owners of property adjacent to the subject property and all property/homeowners within one-quarter mile radius (1,320 feet) of the subject property. F3 Timeline: Effective date no later than December 31, 2022.
- R4** In addition to the posting requirements found in Section 2-5-301 of the County's land abandonment ordinance, during the same proscribed time, CEO Real Estate should post copies of the relevant BOS Resolution around the perimeter of the subject property in a conspicuous manner and at reasonable distance intervals as determined by CEO Real Estate. CEO Real Estate should take the following additional measures: check the status of the posting at least once during the

posting period and maintain photographs documenting the postings. F2 Timeline: Immediate.

- R5** The CEO Real Estate website should list all proposed land transactions and provide a link to the related Board of Supervisors Resolution and transaction documents, if any. F3 Timeline: Effective Date no later than December 31, 2022.
- R6** CEO Real Estate should establish and follow a procedure to notify the Coastal Commission and any other applicable agency at least 45 days in advance of a Board of Supervisors vote to sell any public land that has been entrusted to that agency. F4 Timeline: Effective Date no later than December 31, 2022. R7 The Orange County Board of Supervisors should order the removal of the chain link fence surrounding APN 439-051-14 along with any other encroachments on that parcel to return the land to its natural (original) state. F5 Timeline: Removal to occur on or before December 31, 2022.

Response

The Orange County Board of Supervisors was required to respond to Findings F1-F5 and Recommendations R1-R7. The responses were received timely and within requirements.

The County of Orange CEO Real Estate Office and the OC Parks Commission were requested to respond. No responses were received.

Where's the Fire? Stop Sending Fire Trucks to Medical Call

Summary

Some 80 percent of all 911 calls to fire departments are for medical services. Yet, the response protocol for most Orange County fire departments is to deploy fully staffed fire engines or trucks for all calls. Based on the high percentage of 911 calls that pertain to medical needs rather than fire incidents, the OCGJ recommends that these fire departments adopt procedures that would dispatch more efficient rescue squad units, rather than fire engines, to medical emergencies

Findings

- F1** Despite fire departments throughout Orange County having evolved into emergency medical departments, most have not updated their emergency response protocols accordingly, but have simply absorbed emergency medical responses into their existing fire response models.

- F2** Despite use of a tiered dispatch system, OCFA's deployment of resources for medical responses are the same for nearly all calls, resulting in unnecessary wear and tear on expensive fire-fighting equipment and public infrastructure.
- F3** ALS staffed ambulances or smaller squad vehicles are often the most appropriate response to medical calls and do not compromise the quality of medical care.
- F4** There has been a breakdown of communication and trust between OCEMS and Orange County Fire Chiefs.
- F5** Over-deployment of firefighters for medical calls contributes to the current climate of forced hiring and firefighter fatigue.
- F6** Code 3 response is over utilized by OCFA, unnecessarily putting the responders and public at risk.
- F7** Since the outbreak of the COVID pandemic, there has been an emergency medical personnel shortage. The pandemic also has contributed to longer wait times at hospitals resulting in firefighter personnel being out of service for longer periods.
- F8** There are specific areas within Orange County, such as Laguna Woods and Seal Beach, that have an extremely high percentage of medical calls which, under the current model, results in the stations servicing those communities to require two engines.
- F9** OCEMS has the authority and responsibility to inspect all for-profit ambulances operating in Orange County; however, publicly owned ambulances are not automatically subject to OCEMS oversight.
- F10** Placentia's changes to the emergency medical response protocols after leaving OCFA have resulted in improved medical call response times.

Recommendations

- R7** As recommended in the 2012 and 2014 OCFA Standards of Coverage and Deployment Plans, as well as other studies, the Grand Jury recommends that, by 2024, all Orange County fire agencies utilize criteria-based dispatch protocols and send a single unit response to those incidents triaged as non-life-threatening (BLS). F1, F2, F5
- R8** By 2024, OCFA should station a paramedic squad vehicle, which is more nimble and less costly to operate, in place of a second engine in stations with high volumes of medical calls. F8
- R9** OCFA should immediately stop the practice of requesting Code 3 responses on all non-life threatening (BLS) calls. F6 R4 While OCEMS should recognize how certain policy changes may pose operational challenges to emergency responders in the

field, fire leadership should recognize and respect the independent oversight authority and expertise of OCEMS. F4

- R1** Departments with publicly owned ambulances should allow OCEMS to inspect their ambulances for compliance with State EMS guidelines and adopt OCEMS recommendations. F9

Response

Orange County Fire Authority Board of Directors was required to respond to Findings F1-F9 and Recommendations R1-R5. OCFA did not respond timely but were granted an extension. The late responses were within requirements.

Orange County Board of Supervisors was required to respond to Findings F3, F4, and F9 and Recommendation R5. The response was received timely and met requirements.

The city councils of eight Cities were required to respond to Findings F1, F3, F4, F5, F9 and Recommendations R1, R4 and R5. The City of Placentia was additionally required to respond to Finding F10. The Cities all responded, and the responses met requirements; however, the majority of the Cities responded late but requested and were granted extensions.

The fire departments from the eight cities were requested to respond to Findings F1, F3, F4, F5, and F9. The fire department from Placentia was additionally requested to respond to F10. The fire departments responded but the responses were received late.

The Director of Orange County Emergency Management System was requested to respond Findings F3, F4, and F9 and Recommendation R4. No response was received.

REPORT AND FINAL APPROVAL FORMS

REPORT CLOSE AND FINAL APPROVAL

THE BIG A LACK OF TRANSPARENCY

Prepared by: 2022 – 2023 Orange County Grand Jury

Issue Date: 6/27/22

The Continuity and Editorial Committee of the 2022 - 2023 Grand Jury has received, and each Committee member has had an opportunity to review, all the required responses to the findings and recommendations from all the agencies requested to do so as part of the subject report prepared by the 2022 - 2023 Grand Jury. Further, the Continuity and Editorial Committee has determined that the responses meet the requirements of California Penal Code Section 933.05.

Final Review and Discussion of Report

Date: 09/16/2022

Final approval by the 2022 - 2023 Grand Jury is recommended.



Tex Boggs, Chair
Continuity and Editorial Committee



Date:

This item was approved by the required majority of the members of the 2022 - 2023 Grand Jury on this date.



John Siragusa, Foreperson
2022 - 2023 Grand Jury



Date:

REPORT CLOSE AND FINAL APPROVAL

County Land Transactions: Will the Public Notice?

Prepared by: 2022 – 2023 Orange County Grand Jury

Issue Date: 6/09/22

The Continuity and Editorial Committee of the 2022 - 2023 Grand Jury has received, and each Committee member has had an opportunity to review, all the required responses to the Findings and Recommendations from all agencies required to do so as part of the subject report prepared by the 2022 - 2023 Grand Jury. Further, the Continuity and Editorial Committee has determined that the responses meet the requirements of California Penal Code Section 933.05.

Final Review and Discussion of Report

Date: 09/30/2022

Final approval by the 2022 - 2023 Grand Jury is recommended.

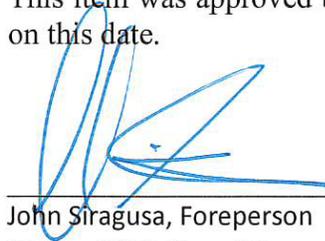


Tex Boggs, Chair
Continuity and Editorial Committee



Date:

This item was approved by the required majority of the members of the 2022 - 2023 Grand Jury on this date.



John Siragusa, Foreperson
2022 - 2023 Grand Jury



Date:

REPORT CLOSE AND FINAL APPROVAL

Orange County Power Authority: Come Clean

Prepared by: 2022 – 2023 Orange County Grand Jury

Issue Date: 6/24/22

The Continuity and Editorial Committee of the 2022 - 2023 Grand Jury has received, and each Committee member has had an opportunity to review, all the required responses to the findings and recommendations from all the agencies requested to do so as part of the subject report prepared by the 2022 - 2023 Grand Jury. Further, the Continuity and Editorial Committee has determined that the responses meet the requirements of California Penal Code Section 933.05.

Final Review and Discussion of Report

Date: 10/07/2022

Final approval by the 2022 - 2023 Grand Jury is recommended.



Tex Boggs, Chair
Continuity and Editorial Committee

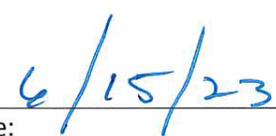


Date:

This item was approved by the required majority of the members of the 2022 - 2023 Grand Jury on this date.



John Siragusa, Foreperson
2022 - 2023 Grand Jury



Date:

REPORT CLOSE AND FINAL APPROVAL

How Independent is the Office of Independent Review?

Prepared by: 2022 – 2023 Orange County Grand Jury

Issue Date: 6/30/22

The Continuity and Editorial Committee of the 2022 - 2023 Grand Jury has received, and each Committee member has had an opportunity to review, all the required responses to the findings and recommendations from all the agencies requested to do so as part of the subject report prepared by the 2022 - 2023 Grand Jury. Further, the Continuity and Editorial Committee has determined that the responses meet the requirements of California Penal Code Section 933.05.

Final Review and Discussion of Report
Date: 10/14/2022

Final approval by the 2022 - 2023 Grand Jury is recommended.



Tex Boggs, Chair
Continuity and Editorial Committee

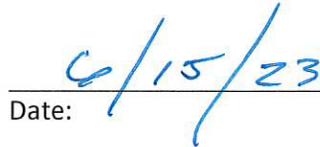


Date:

This item was approved by the required majority of the members of the 2022 - 2023 Grand Jury on this date.



John Siragusa, Foreperson
2022 - 2023 Grand Jury



Date:

REPORT CLOSE AND FINAL APPROVAL

Water in Orange County Needs "One Voice"

Prepared by: 2022 – 2023 Orange County Grand Jury

Issue Date: 6/22/22

The Continuity and Editorial Committee of the 2022 - 2023 Grand Jury has received, and each Committee member has had an opportunity to review, all the required responses to the Findings and Recommendations from all agencies required to do so as part of the subject report prepared by the 2022 - 2023 Grand Jury. Further, the Continuity and Editorial Committee has determined that the responses meet the requirements of California Penal Code Section 933.05.

Final Review and Discussion of Report

Date: 11/18/2022

Final approval by the 2022 - 2023 Grand Jury is recommended.



Tex Boggs, Chair
Continuity and Editorial Committee

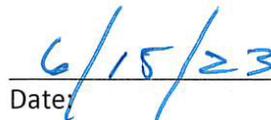


Date:

This item was approved by the required majority of the members of the 2022 - 2023 Grand Jury on this date.



John Siragusa, Foreperson
2022 - 2023 Grand Jury



Date:

FREPORT CLOSE AND FINAL APPROVAL

WHERE'S THE FIRE? Stop Sending Fire Trucks to Medical Calls

Prepared by: 2022 – 2023 Orange County Grand Jury

Issue Date: 5/20/22

The Continuity and Editorial Committee of the 2022 - 2023 Grand Jury has received, and each Committee member has had an opportunity to review, all the required responses to the Findings and Recommendations from all agencies required to do so as part of the subject report prepared by the 2022 - 2023 Grand Jury. Further, the Continuity and Editorial Committee has determined that the responses meet the requirements of California Penal Code Section 933.05.

Final Review and Discussion of Report

Date: 12/02/22

Final approval by the 2022 - 2023 Grand Jury is recommended.



Tex Boggs, Chair
Continuity and Editorial Committee



Date:

This item was approved by the required majority of the members of the 2022 - 2023 Grand Jury on this date.



John Siragusa, Foreperson
2022 - 2023 Grand Jury



Date:

REPORT CLOSE AND FINAL APPROVAL

How is Orange County Addressing Homelessness?

Prepared by: 2022 – 2023 Orange County Grand Jury

Issue Date: 6/23/22

The Continuity and Editorial Committee of the 2022 - 2023 Grand Jury has received, and each Committee member has had an opportunity to review, all the required responses to the Findings and Recommendations from all agencies required to do so as part of the subject report prepared by the 2022 - 2023 Grand Jury. Further, the Continuity and Editorial Committee has determined that the responses meet the requirements of California Penal Code Section 933.05.

Final Review and Discussion of Report
Date: 03/03/2023

Final approval by the 2022 - 2023 Grand Jury is recommended.

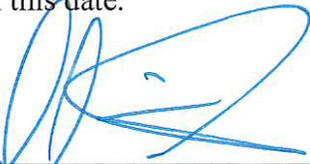


Tex Boggs, Chair
Continuity and Editorial Committee



Date:

This item was approved by the required majority of the members of the 2022 - 2023 Grand Jury on this date.



John Siragusa, Foreperson
2022 - 2023 Grand Jury



Date:

REPORT CLOSE AND FINAL APPROVAL

Where Have All the CRVs Gone?

Prepared by: 2022–2023 Orange County Grand Jury

Issue Date: 6/28/22

With one exception, the Continuity and Editorial Committee of the 2022 - 2023 Grand Jury has received, and each Committee member has had an opportunity to review, all the required responses to the Findings and Recommendations from all agencies required to do so as part of the subject report prepared by the 2022 - 2023 Grand Jury. Further, the Continuity and Editorial Committee has determined that the responses meet the requirements of California Penal Code Section 933.05. Final approval by the 2022 - 2023 Grand Jury is recommended.

The following city/agency/special district did not respond to the OCGJ report-then name the agency:

City of Westminster

Final Review and Discussion of Report

Date: 03/03/2022



Tex Boggs, Chair
Continuity and Editorial Committee

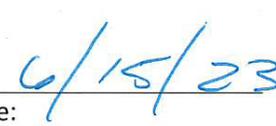


Date:

This item was approved by the required majority of the members of the 2022 - 2023 Grand Jury on this date.



John Siragusa, Foreperson
2022 - 2023 Grand Jury

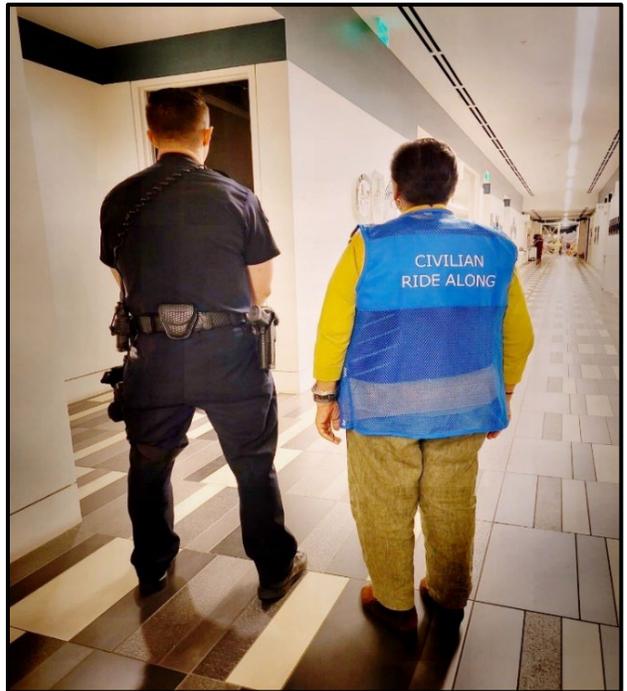


Date:













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