

**Unfinished Business:
Responses to 2015-2016 Orange County Grand Jury Reports**



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SUMMARY

The Orange County Grand Jury (OCGJ) functions as a civil watchdog, investigating county government departments and agencies, as well as joint powers authorities, special districts and city governments. Over the course of a one year term of service, the OCGJ completes multiple investigations addressing all manner of topics across the county. Reports are written and published with findings and recommendations, and include due dates for responses from the entities investigated. The California Penal Code defines precisely the manner and timeframe for responses. Because the term of each OCGJ is limited, tracking of these responses becomes the responsibility of subsequent juries.

The 2016-2017 OCGJ found that while the majority of responses to findings and recommendations are made in the required format and in a timely manner, a significant number are submitted late, use an improper format, or occasionally, are not submitted at all. To ensure that the work of the OCGJ remains relevant and transparent to the public, the 2016-2017 OCGJ will be implementing an ongoing mechanism to track and publicly report on all outstanding commitments by county government entities, including a means for the county Chief Executive Officer (CEO) to contribute to these efforts. It is hoped that the implementation of this tracking and reporting system will encourage greater agency compliance. While we make specific recommendations to the county CEO, we encourage all local Orange County government agencies to implement efforts to increase timely and substantive responses.

REASON FOR THE STUDY

Grand jury investigations have little value unless recommendations are taken seriously by responding entities and are addressed in a manner transparent to the public. Six past OCGJ reports have proclaimed the importance of tracking report responses, yet late, incomplete, and missing responses continue to drop out of public view. The 2016-2017 Grand Jury sought to determine the level of response of each agency recently investigated by the Grand Jury and what mechanisms may be available to increase agency response.

METHOD OF STUDY

The 2016-2017 OCGJ reviewed news articles regarding responses to prior OCGJ reports, read continuity reports published by other California grand juries, and studied relevant sections of the California Penal Code. The Grand Jury also reviewed Orange County Board of Supervisors' meeting agenda items and minutes regarding prior OCGJ report responses. We studied other models for tracking grand jury reports and then created a comprehensive system for reviewing, analyzing, and tracking responses to previous OCGJ reports. This system was then piloted to

track our continuity function. We documented any required grand jury report responses still outstanding from the 2015-2016 jury term as well as any prior Grand Jury report responses that were still open. An open response was defined as one that falls into either the “Will be Implemented” (WBI) or “Requires Further Analysis” (FA) category as defined by the California Penal Code, but in which a final resolution has never been reached or communicated. Building on the work of the 2015-2016 OCGJ, the 2016-2017 OCGJ sought to create a framework that could be used by succeeding juries to keep open OCGJ reports in public view and responding agencies accountable. We envision each subsequent OCGJ will continue to update the model to reflect not only the report tracking for the prior year, but also to monitor and address older open responses.

BACKGROUND AND FACTS

Continuity in the OCGJ Civil Function

The civil role of county grand juries in California is unique. Its role in the judicial branch is to examine and investigate county government functions and make recommendations to improve systems, procedures, and methods of operations promoting honest, efficient government in the best interests of the people (Administrative Office of the Courts, 2005).

While a grand jury has special powers to conduct investigations, including the power to subpoena witnesses, it has no authority to enforce the implementation of report recommendations. The grand jury can only ensure that the reports and affected agencies’ responses are published for public scrutiny, including those responses in which a department or agency indicates that it will take specific action in the future.

The lasting value of a grand jury investigation is diminished when findings and recommendations are not appropriately addressed by the affected agencies. Often an agency will respond either that it intends to implement a recommendation at a later date or that a recommendation requires further study, leaving the report “open.” Recommendations aimed at fixing complex problems or calling for expensive solutions can often run up against the realities of the budgeting and procurement processes or leadership changes. It is not surprising that implementation timeframes are often extended. But regardless of these difficulties or the granting of extensions, investigated agencies are still responsible to provide substantive responses in compliance with Government Code requirements.

Tracking and follow up of open responses is made all the more challenging as reports are typically published at or near the end of the OCGJ’s one year term of service. Diligent follow up by local agencies and succeeding grand juries is therefore needed in order to ensure that all open responses are appropriately closed with published responses, lest they fall off the public’s radar.

While responses to reports by the immediate prior grand jury are generally followed up by the succeeding panel, the problem arises when responses extend beyond the term of the succeeding grand jury and a new subsequent grand jury – now two years removed from the grand jury issuing the report – is impaneled. Many open responses originate from OCGJ reports published two or more years in the past. Due to the passage of time between response and completion of

the action to which the county entity has committed, responses of “will be implemented in future” and “requires further analysis” are most susceptible to falling by the wayside without follow-up and, therefore, dropping out of public view.

Tracking Mechanisms

Tracking responses to previous grand jury reports is an internal function of the sitting OCGJ. The 2016-2017 Grand Jury used the tracking structure provided by a previous grand jury and expanded the structure into a robust tracking system which will be passed on for the 2017-2018 OCGJ’s use, populated by all of the responses to the 2015-2016 reports including any outstanding open responses. In addition, the 2016-2017 Grand Jury will set up the tracking matrix for the following Grand Jury complete with the current year’s reports. A mechanism to track and report on all outstanding responses, diligently maintained, will go a long way toward preserving the positive impact of OCGJ reports.

2015-16 Response Statistics

There were twelve reports published by the 2015-2016 OCGJ containing a total of 901 required responses to Findings and 1053 required responses to Recommendations by 101 affected government agencies and other respondents (Appendix A). The 2016-2017 OCGJ tracked and published responses received from 97 of the 101 respondents. Of the 101 total respondents, 15% were late, necessitating a reminder letter. Responses from four respondents have still not been received as of the publication of this report, despite one and sometimes two reminder letters from the 2016-2017 OCGJ. Fully 20% of the 97 responses received were vague and/or incomplete, such that supplemental responses had to be requested in order to comply with the requirements of the California Penal Code. At the time of this report, 128 of these future actions resulting from 2015-2016 report responses are still pending and will need to be provided by the investigated agency.

The CEO’s Continuity Responsibilities

In their report, the 2015-2016 OCGJ recommended reinstatement of a response review procedure with the county CEO, wherein the CEO would report annually to the OCGJ on the status of open report responses from county agencies and departments. The CEO implemented this recommendation and submitted a written update in March 2017, addressing open responses from last year’s reports (Appendix B). County executives continue to provide contextual insights about and for the OCGJ continuity function.

CONCLUSION

The OCGJ annually completes its term of service in a flourish of published reports on completed civil investigations. These reports generate scores of findings and recommendations, in turn often necessitating hundreds of required responses. The Grand Jury’s investigation revealed that

a significant number of required agency responses remain incomplete and that more consistent follow up by investigated agencies of “open” responses is needed. It is anticipated that the implementation of new tracking and reporting mechanisms will encourage greater agency compliance. Reporting publicly on the completion of previously committed actions goes a long way toward enhancing the positive impact of the OCGJ in its role as a public watchdog.

FINDINGS

In accordance with California Penal Code Sections §933 and §933.05, the 2016-2017 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 entitled “*Unfinished Business: Responses to 2015-2016 Orange County Grand Jury Reports*” in Orange County, the 2016-2017 Orange County Grand Jury has arrived at three principal findings, as follows:

- F.1. Some County responses to Grand Jury Reports are submitted after the date due by law or not at all. Greater County follow-up is necessary to ensure responses are submitted.
- F.2. Many responses to Grand Jury reports are not submitted in the format required by law and/or are incomplete. Greater follow-up by the County is needed to ensure required responses to findings and recommendations are submitted on time and in the appropriate format.
- F.3. Many responses to Grand Jury reports declare that the recommendation “will be implemented in the future” or that the recommendation “requires further analysis” with future dates for implementation. Implementation of recommendations aimed at fixing complex problems or calling for expensive solutions can often run up against the realities of the budgeting or procurement processes. Improved mechanisms are required to ensure these responses come to fruition.

Penal Code §933 and §933.05 require governing bodies and elected officials to which a report is directed to respond to findings and recommendations. Responses are requested, from departments of local agencies and their non-elected department heads.

RECOMMENDATIONS

In accordance with California Penal Code Sections §933 and §933.05, the 2016-2017 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 entitled “*Unfinished Business: Responses to 2015-2016 Grand Jury Reports*” in Orange County, the 2016-2017 Orange County Grand Jury makes the following recommendation:

- R.1. The CEO should meet with each sitting OCGJ by March 31st of each year to provide a status report of open responses to previous grand jury reports. The status report should include a brief Executive Summary covering financial challenges and opportunities facing the county that could impact the timing of response implementation.

REQUIRED RESPONSES

The *California Penal Code* §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 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (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 therefore.
- (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 therefore.

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(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:

Responses Required:

Responses are required from the following governing bodies within 90 days of the date of publication of this report:

Orange County Board of Supervisors (Findings 1-3; Recommendation 1).

Responses Requested:

Responses are requested from the following non-elected agency or department heads:

Orange County Chief Executive Officer (Findings 1-3; Recommendation 1).

REFERENCES

2015-2016 Orange County Grand Jury. (2016). *To Be Continued...Follow-Up for Open Formal Grand Jury Report Responses*. Retrieved from Orange County Grand Jury:
http://www.ocgrandjury.org/pdfs/2015_2016_GJreport/2016-05-03_Responses_Website_Report.pdf

Administrative Office of the Courts. (2005). *Model Guide for California Grand Juries*.

APPENDICES

Appendix A: 2015-2016 Grand Jury Reports Responses

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APPENDIX A

2015-2016 GRAND JURY REPORT RESPONSES

	<u>Report Description</u>	RESPONSES											
		# of			# of Findings		# of Recommendations				Status of Response		
		Respondents	Findings	Recommendations	Disagree	Agree	No	Yes	Will be Implemented	Further Analysis Rqd	No Response	Received	Remaining
1	Gray Matters – A Look at the Orange County Office on Aging	2	20	24	6	14	12	10	2	0	0	2	0
2	To Be Continued...Follow-Up for Open Formal Grand Jury Report Responses	2	16	9	8	8	0	9	0	0	0	2	0
3	Light Rail: Is Orange County on the Right Track?	5	9	9	2	7	1	4	3	1	0	5	0
4	Fostering a Better Foster Care System	3	30	51	27	3	30	15	4	2	0	3	0
5	Sheriff's Temporary Detention/Holding Areas, Patrol Areas, and Special Services	4	35	25	12	12	10	10	4	0	1	3	0
6	Changing of the Guardian: Life After Reorganization of the Public Administrator and Public Guardian Offices	4	67	66	62	5	12	54	0	0	0	4	0
7	Drones: Know Before You Fly	36	239	206	74	158	55	69	54	22	2	34	0
8	Our Brothers' Keeper: A Look at the Care and Treatment of Mentally Ill Inmates in Orange County Jails	3	50	32	42	8	15	17	0	0	0	3	0
9	Orange County's \$4.5 Billion Unfunded Pension Liability and Retirement Plans	2	13	12	5	8	9	3	0	0	0	2	0
10	Dealing with Asbestos in Orange County Public Schools	27	324	539	291	9	389	128	0	2	1	26	0
11	Office of Independent Review: What's Next?	6	56	36	36	20	8	5	0	23	0	6	0
12	Procurement – Big Budget, Low Priority	7	42	44	39	3	20	13	7	4	0	7	0
TOTAL		101	901	1,053	604	255	561	337	74	54	4	97	0

Appendix B: Follow Up Responses to Recommendations 2015-2016 Grand Jury Reports



**Follow up Responses to Recommendations
2015-16 Grand Jury Reports
Updated February 27, 2017**

Attachment A

RECOMMENDATIONS AND RESPONSES:

GJ Report	Recommendation	Response	Follow up Response
"Gray Matters - A Look at the Orange County Office on Aging"	R.2. The Office on Aging should apply any increased funds received above the current baseline to restore service levels and to provide strategic leadership countywide.	The recommendation has not yet been implemented, but will be implemented in the future, to the extent increases in funding are approved for the Office on Aging.	The recommendation has not yet been implemented, but will be implemented in the future, to the extent increases in funding are approved for the Office on Aging.
"Gray Matters - A Look at the Orange County Office on Aging"	R.5. Initiate a recruitment to fill one vacant longstanding Senior Citizen Representative position in the Information and Assistance Call Center by January 1, 2017	The recommendation has not been implemented but will be implemented in the future. The County will initiate the recruitment for the vacant Senior Citizen Representative in FY 2016/17.	The recommendation is partially implemented. The County has initiated a recruitment for the vacant Senior Citizen Representative position on 12/5/16 and is currently back filling the position with an Extra Help employee.
"Gray Matters - A Look at the Orange County Office on Aging"	R.7. Update and upgrade the Office on Aging website to provide for mobile device access and an on-line chat function by December 31, 2017.	The recommendation has not yet been implemented, but will be implemented in the future. The department is working with CEO-IT to implement mobile device access and to determine the feasibility of online chat capabilities by June 2017.	The recommendation is partially implemented. A mobile Senior Resource application is expected to launch May 1, 2017. The department continues to work with CEO-IT to determine the feasibility of online chat capabilities.

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<p>"Gray Matters - A Look at the Orange County Office on Aging"</p>	<p>R.10. Institute an annual Board of Supervisors Volunteer of the Year Award for senior services rendered in the form of recognition and an award funded by the County by December 31, 2016.</p>	<p>The recommendation has not yet been implemented, but will be implemented in the future. The volunteer recognition may not be completed by December 31, 2016 as recommended but the Office on Aging will work with the Board of Supervisors to make the volunteer recognition program a priority in FY 2016/17.</p>	<p>The recommendation is partially implemented. The department is in the design phase of creating a volunteer recognition program. The Office on Aging will work with the Board of Supervisors to make the volunteer recognition program a priority in CY 2017.</p>
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GJ Report	Recommendation	Response	Follow up Response
"Gray Matters - A Look at the Orange County Office on Aging"	R.11. Add a requirement in the next Request for Proposal for the Senior Non-Emergency Transportation Program to require the subcontractor to handle the physical and mechanical inspection of vehicles at subcontractor's cost with documentation required by the Office on Aging that the inspection was conducted at the County's Public Works/Fleet Services Division.	The recommendation has not yet been implemented, but will be implemented in the future. The requirements will be included in the next RFP, which will be released in early 2017.	The recommendation is fully implemented. The requirements are included in the next RFP, which will be released on February 1, 2017.
"Gray Matters - A Look at the Orange County Office on Aging"	R.12. Add a requirement in the next Request for Proposal for the Senior Non-Emergency Transportation Program that the sub-contractor produce mileage verification data obtained through MapQuest or similar software and require contractors to submit mileage verifications with payment request.	The recommendation has not yet been implemented, but will be implemented in the future. The requirements will be included in the next RFP, which will be released in early 2017.	The recommendation is fully implemented. The requirements are included in the next RFP, which will be released on February 1, 2017.



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GJ Report	Recommendation	Response	Follow up Response
<p>"Fostering a Better Foster Care System"</p>	<p>R.3. Dedicate available AB403 funds to enable foster parents to participate in recruitment efforts, serve as mentors and attend professional events beginning in County Fiscal Year 2016-2017.</p>	<p>The recommendation requires further analysis.</p> <p>At this time, the State budget for FY 2016-17 has not been approved; thus, it has not yet been determined how all aspects of AB403 funds may be utilized. Once the State has provided determination of how AB403 funds may be utilized, SSA/CFS will work with the County Procurement Office and Auditor-Controller on processes to implement the use of the funds by December 31, 2016.</p> <p>It is important to note that there is already an established foster parent mentor program; that foster parents participate in various meetings, including the Quality Parenting Initiative (QPI); participate in various professional events, including the QPI Conference and the County Welfare Directors Association of California Conference; and that there are foster parents who co-train trainings for new foster parents.</p>	<p>SSA/CFS is working to establish a mechanism to be able to use AB403 funds to enable foster parents to participate in recruitment efforts, serve as mentors and attend professional events. Due to funding and contractual restrictions, direct payments to foster parents cannot be made. However, SSA/CFS recognizes the significant value added by foster parents in recruitment efforts and anticipates having a mechanism in place by June 30, 2017.</p>



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GJ Report	Recommendation	Response	Follow up Response
<p>"Fostering a Better Foster Care System"</p>	<p>R.6. Document the use of the County Efforts to Outcomes database to track and evaluate the success of foster parent recruitment and retention efforts.</p>	<p>The recommendation requires further analysis.</p> <p>Social Services Agency/Children and Family Services (SSA/CFS) utilizes the Efforts to Outcomes (ETO) database to track several data elements of recruitment, including: point of contact, placement preference, caregiver ethnicity and language capacity. The intent of the ETO database is to identify the initial point of contact with the resource family all the way through placement in order to gather data to measure recruitment and retention efforts.</p> <p>However, SSA/CFS recognizes that it does not currently fully utilize ETO to track information regarding licensing and adoptions retention and outcome data. SSA/CFS will be evaluating the capabilities of the ETO and anticipates that an analysis will be complete by December 31, 2016.</p>	<p>The recommendation will not be implemented because it is not feasible.</p> <p>SSA/CFS has determined that the Efforts to Outcomes database will not meet its needs in order to track and evaluate the success of foster parent recruitment and retention efforts. As such, SSA/CFS is working to implement a new database that will have enhanced functionality for these purposes, as well as additional capabilities to serve as a case management tool. It is anticipated that this new program will be implemented in the fourth quarter of Fiscal Year 2016-17.</p>



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GJ Report	Recommendation	Response	Follow up Response
<p>"Sheriff's Temporary Detention/Holding Areas, Patrol Areas and Special Services"</p>	<p>The Orange County Sheriff should make best efforts to coordinate with the Court Facilities Manager by January 2017 to develop a plan to replace existing industrial/office grade partitions at the courthouse entrances and screening stations with ballistic partitions.</p>	<p>The recommendation has not yet been implemented but will be implemented in the future.</p> <p>The Orange County Sheriff's Department and Court Facilities Manager have been and are currently working to identify ballistic barriers to adequately accommodate the individual floor plan design and provide additional protection for our staff at each of Justice Center's screening areas. The project will be completed as funding becomes available.</p>	<p>There is nothing to report at this time.</p>
<p>"Sheriff's Temporary Detention/Holding Areas, Patrol Areas and Special Services"</p>	<p>R.5. The Orange County Sheriff should make best efforts to coordinate with the Court Facilities Manager by January 2017 to plan for funding, procurement and installation of solid roll up doors at the inmate vehicle entrance to the Harbor Justice Center.</p>	<p>The recommendation has not yet been implemented but will be implemented in the future.</p> <p>The replacement of the roll up gates with roll-up privacy gates has been added to the security project list. Projects are completed as funding becomes available.</p>	<p>There is nothing to report at this time.</p>



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GJ Report	Recommendation	Response	Follow up Response
<p>"Changing of the Guardian: Life After Reorganization of the Public Administrator and Public Guardian Offices"</p>	<p>R.24. The Public Guardian Office should integrate a Public Guardian manager or supervisor into the Behavioral Health Services quality assurance structure, with a defined role of initiating quality assurance and risk management activities, including regularly conducted internal audits specific to the Public Guardian role by December 31, 2016.</p>	<p>The recommendation requires further analysis. Quality assurance (QA) for the Public Guardian's Office will require subject matter experts on Lanterman-Petris-Short and Probate regulations and processes. Moving such staff from his/her current assignments to be integrated into Behavioral Health Services unit, dedicated to QA activities will have significant impact on our current workload and resources. Public Guardian has formed a workgroup that will explore the implementation of this recommendation. A target date of December 31, 2016 has been set for this Public Guardian workgroup to complete their analysis and make a recommendation.</p>	<p>This recommendation as worded will not be implemented due to negative impacts on workload and resources in the Public Guardian office. To address the findings related to this recommendation (F24, 25), quality assurance activities, including quarterly audits, have been integrated into the operations within Behavioral Health Services Authority and Quality Improvement Services (AQIS) Division. Public Guardian staff will co-develop an audit tool with AQIS staff, who will conduct the quarterly audits, and provide the results to Public Guardian management.</p>
<p>"Drones: Know Before You Fly"</p>	<p>R.6. The Orange County Board of Supervisors should direct County Counsel to provide a report to the Orange County Sheriff-Coroner Department and the Board of Supervisors on existing laws that can be applied to the use of recreational drones in county-governed parks and unincorporated areas by December 30, 2016.</p>	<p>This recommendation will be implemented in the future. With regards to county-governed parks, research is required to determine if the County ordinance (Sec. 2-5-42.) prohibiting radio controlled or other remotely operated model toy or similar device in parks, beaches and recreational areas sufficiently addresses the regulation of recreational drones. If directed, staff will work with the CEO and County Counsel to prepare the report for the Board of Supervisors within the required six months and report on the progress in the March 2017 Grand Jury follow-up.</p>	<p>This recommendation will not be implemented because it is not warranted. The County of Orange participates in the Drone Working Group established by the Association of California Cities, Orange County (ACC-OC) which is working to draft a model drone ordinance for consideration by jurisdictions countywide. The draft ordinance is still being finalized at the time of this update. County staff will review actions taken by cities adjacent to County unincorporated areas to ensure consistency where possible and other existing laws prior to making recommendations to the Board of Supervisors.</p>



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GJ Report	Recommendation	Response	Follow up Response
<p>"Drones: Know Before You Fly"</p>	<p>R.7. The County should adopt a recreational drone ownership and operation ordinance similar to Los Angeles City Ordinance #183912 for the parks and unincorporated areas under its jurisdiction by March 31, 2017, to the extent not preempted or superseded by Federal law or Federal regulations.</p>	<p>This recommendation requires further analysis. If directed, CEO staff will bring together representatives from the Orange County Sheriff's Department, Orange County Fire Authority, the Orange County City Managers Association and any other necessary stakeholders to research and determine the viability of development of a model drone ordinance. Similarly, research is required to determine if the current County ordinance that bans the use of remotely operated model toys or similar devices at parks, beaches or recreational area should be updated to incorporate elements of the City of Los Angeles ordinance regulating the use of drones. Also, staff will need to research and determine the impact of the existing state and federal laws. If directed, CEO and County Counsel will prepare the report for the Board of Supervisors. OC Parks will update procedures if the County adopts additional regulations on recreational drones that apply to property under the control of OC Parks.</p>	<p>This recommendation will not be implemented because it is not warranted. The County of Orange participates in the Drone Working Group established by the Association of California Cities, Orange County (ACC-OC) which is working to draft a model drone ordinance for consideration by jurisdictions countywide. The draft ordinance is still being finalized at the time of this update. County staff will review actions taken by cities adjacent to County unincorporated areas to ensure consistency where possible, prior to making recommendations to the Board of Supervisors.</p>

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<p>"Drones: Know Before You Fly"</p>	<p>R.8. The County should inform its citizens about laws and ordinances that apply to recreational drone operators through print media, County-related web sites, social media sites and/or public forums by March 31, 2017.</p>	<p>This recommendation will be implemented in the future. If directed, staff will work to inform citizens to inform the public of rules and ordinances that apply to recreational drones.</p>	<p>This recommendation will not be implemented because it is not warranted. If the Board of Supervisors approves a drone ordinance, County staff will develop an outreach plan to notify residents of the new ordinance and its requirements for drone operators. However, at this time, those actions would be premature.</p>
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GJ Report	Recommendation	Response	Follow up Response
"Drones: Know Before You Fly"	R.9. The County and each City should formally gather data on recreational drone incidents within their jurisdictions and review these data annually and report the results publicly. The first analysis and publication should occur within 1 year of the publication of this report.	This recommendation will require further analysis. Additional research is needed to determine the right data to collect, analyze, and report. Also, staff will make recommendations as to whether it is available from a practical standpoint and what it would cost in County resources to monitor and collect the information.	This recommendation will not be implemented because it is not warranted. If the Board of Supervisors determines the need for a drone ordinance, the County will research and determine the most cost-effective and efficient way to provide that information in conjunction with its outreach efforts.
"Our Brothers' Keeper: A Look at the Care and Treatment of Mentally Ill Inmates in Orange County Jails"	R.4. The Sheriff's Department and the Health Care Agency/Correctional Health Services should implement a protocol to ensure an inmate in a safety cell has access to water for washing hands after using the toilet and before and after meals by September 30, 2016.	The recommendation requires further analysis. OCSD will be evaluating this recommendation from a jail safety/security perspective. Please refer to their responses.	This recommendation was implemented on 8/9/16.
"Our Brothers' Keeper: A Look at the Care and Treatment of Mentally Ill Inmates in Orange County Jails"	R.6. The Health Care Agency/Correctional Health Services should develop a protocol by December 31, 2016 to authorize nurse practitioners to release inmates from a safety cell.	The recommendation has not yet been implemented, but will be implemented in the future. Will be implemented by 12/31/16.	This recommendation was implemented on 8/9/16.



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GJ Report	Recommendation	Response	Follow up Response
"Office of Independent Review: What's Next"	R.2. The Board of Supervisors should direct the new OIR Executive Director to provide the Board, within three months of the Executive Director being hired, with a plan, budget, and measureable performance outcomes for launching and operating the new OIR. The measurable performance outcomes should be traceable to the responsibilities defined in the 2015 OIR ordinance.	The recommendation has not been implemented but will be implemented in the future. The County will exert effort to assist the new Executive Director in completing this task within three months; however, it may take longer depending on the resources needed to complete this task.	There is nothing to report at this time.
"Office of Independent Review: What's Next"	R.4. The Board of Supervisors should implement the 2015 ordinance in phases, one agency at a time, with incremental process improvements after each phase.	The recommendation requires further analysis. Implementation of the 2015 ordinance will be a priority consideration for both the Board of Supervisors and new OIR Executive Director once he/she joins the County. As stated above, the County will implement the Grand Jury's Recommendation Two, which the County feels are necessary infrastructural needs. Only once that is complete, will the Executive Director be able to assess how best to expand coverage to the additional four agencies. This will require some research and analysis.	There is nothing to report at this time.



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GJ Report	Recommendation	Response	Follow up Response
<p>"Office of Independent Review: What's Next"</p>	<p>R.5. As a pilot project, the Board of Supervisors should direct the new OIR Executive Director to staff, within one year of the hiring of the Executive Director, at least one well-defined, short-term, closed-end review or audit with a skilled independent contractor acting as a short-term consultant or "special counsel." The Board should direct the OIR Executive Director to provide a written report to the Board, three months after the review or audit is completed, comparing the cost and effectiveness of using a short-term special counsel with deep subject matter expertise, versus the cost and effectiveness of using and maintaining permanent staff.</p>	<p>The recommendation requires further analysis. The 2008 OIR ordinance laid out specific duties for the OIR; the 2015 ordinance does as well. Whether or not this pilot is feasible or warranted will require further analysis.</p>	<p>There is nothing to report at this time.</p>



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<p>"Office of Independent Review: What's Next"</p>	<p>R.6. The Board of Supervisors should direct the OIR Executive Director to work with each of the five agencies to negotiate specific, and possibly narrow, initial scopes for OIR involvement with each agency, all to be completed within three months of the Executive Director being hired.</p>	<p>The recommendation has not yet been implemented, but will be implemented in the future.</p> <p>In keeping with the spirit of the 2015 OIR ordinance, determining a plan to expand the OIR's coverage to the additional agencies is a priority. However, given that it is four additional agencies that comprise of 64% of the total County employee workforce, this recommendation may take longer than three months to complete. An appropriate time frame for completion will be a priority for the new Executive Director.</p> <p>In the meantime, the County is confident that its agencies/departments have necessary performance oversight tools in place to monitor the performance of their employees. At the Social Service Agency (SSA), there is the Quality Support Team (QST) that reports directly to the SSA Chief Deputy Director and works closely with County Counsel (CoCo), CEO Risk Management (CEO RM), and Defense Attorneys, and provides the following primary functions:</p> <ul style="list-style-type: none"> • Custodian of Records (COR) - to provide practice consistency in all document responses. The COR is the primary contact for CEO RM for document/record requests for all claims, summons, lawsuits, Public Records Act (PRAs), Juvenile Court 827 Petition Requests, etc. • Litigation Coordination - liaison between CEO RM, Defense Attorneys, and SSA staff on all matters related to litigation. • Public Inquiry Coordination - responsible for all 	<p>There is nothing to report at this time.</p>



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<p>"Office of Independent Review: What's Next"</p>	<p>R.7. For three years starting with the hiring of the new OIR Executive Director, the OCSD should provide the revised OIR with open access to the Sheriff's internal processes for defining, and insuring adherence to, its policies and procedures on the legal use of jailhouse informants, so that the OIR could help recommend reforms consistent with evolving best practices. This requires a continuation of the existing attorney-client relationship between the OIR and the OCSD.</p>	<p>The County defers to OCSD.</p> <p>OCSD's Response – The recommendation requires further analysis. It is premature to implement this recommendation without a clear understanding of how the new OIR model will work.</p> <p>As the new model develops, it is the expectation of the Sheriff that the Constitutional Policing Advisor will have responsibility for recommending policies and best practices with regard to jailhouse informants. The Constitutional Policing Advisor will also assist in the review of internal processes and will help insure proper procedures are being followed.</p>	<p>There is nothing to report at this time.</p>



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<p>"Office of Independent Review: What's Next"</p>	<p>R.8. The OCDA should add an OIR staff attorney as an “outside” or independent member of the OCDA’s Confidential Informant Review Committee, in keeping with IPPEC Recommendation 2, given the following prerequisites: The Board of Supervisors should direct the OIR Executive Director to hire, with OCDA approval, and within six months of the hiring of the Executive Director, an OIR staff attorney with legal expertise in the use of informants in trials. Within one month after hiring the OIR staff attorney, the OCDA should enter into an attorney-client relationship, with OCDA as client and the OIR staff attorney as attorney, and add the OIR staff attorney to the CIRC. With confidentiality protected by attorney-client privilege, the OCDA should provide the OIR staff attorney with confidential access to all of OCDA’s processes, policies, procedures, practices, protocols, records, documents, and staff related to OCDA’s use of jailhouse</p>	<p>The County defers to OCDA.</p> <p>OCDA’s Response – Partially implemented. The Cooperating Informant Review Committee (CIRC) was created to provide an effective and efficient process for reviewing informant related issues within the OCDA and to serve as a resource for prosecutors and law enforcement agencies so that proper legal standards are maintained and followed throughout the criminal justice process. The permanent members of the committee include the District Attorney, the Senior Assistant in charge of Vertical Prosecutions and Violent Crimes, the Assistant District Attorney of the Homicide Unit, the Assistant District Attorneys of the Gangs/Target Units, the Assistant District Attorney of the Narcotics Enforcement Team, the Deputy District Attorney in charge of the OCII and an appointee from outside the OCDA office.</p> <p>The OCDA has moved forward with finding a neutral retired magistrate to be part of the CIRC committee. In May 2016, a former Orange County Superior Court judge joined CIRC as a neutral party.</p>	<p>There is nothing to report at this time.</p>



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"Procurement - Big Budget, Low Priority"	R.2. The CEO, in cooperation with Human Resources, should define a process to base the next County Purchasing Agent appointment on a nationwide recruitment, job related testing, and thorough vetting by January 1, 2017.	The recommendation has not been implemented, but will be implemented in the future. CEO and Human Resource Services will define the recruiting plan including a nationwide advertising plan and competitive assessment process at the time of position vacancy.	The recommendation has been implemented. The position continues to be filled by the same incumbent, but the recommendation will be implemented after the position is vacated.
"Procurement - Big Budget, Low Priority"	R.6. The County Executive Officer should hire a procurement Training Consultant to assess the training needs of procurement staff and submit a plan for training of new and veteran procurement employees by January 15, 2017.	The recommendation has not yet been implemented, but will be implemented in the future. This activity will be initiated before January 15, 2017.	This recommendation has been implemented. A training consultant has been hired and the work is underway. The estimated completion date of the assessment is September 30, 2017. If needed, a plan for training will be developed after the results of the assessment are known.



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<p>"Procurement - Big Budget, Low Priority"</p>	<p>R.7. By October 1, 2016, the CEO should direct agencies to revise the practice of recommending the awarding of multi-year contracts, one year at a time, with possible four - 1 year extensions, by directing agency staff to submit contracts of three to five years; and direct contract managers to exercise the 30-day cancellation clause when warranted by poor vendor performance.</p>	<p>The recommendation requires further analysis. The Board Procurement Subcommittee is in the process of reviewing any changes to policies and procedures associated with multi-year contracts. Any recommended changes will be presented to the full Board for consideration. The timing is dependent upon completion of the subcommittee's review; however, it is anticipated that a revised CPM will be presented to the Board by March 31, 2017 consistent with R.13. below.</p>	<p>The recommendation will not be implemented because it is not warranted. The Board Procurement Subcommittee continues to work on update of the Contract Policy Manual. The tentative date for submittal to the full Board for consideration is March 14, 2017. Any modification to current practice or policy related to multi-year contracts, will be completed via the Subcommittee. However, County agencies already have the ability to submit multi-year contracts to the Board for consideration, so a change is not necessarily required.</p>
<p>"Procurement - Big Budget, Low Priority"</p>	<p>R.12. The CEO, in cooperation with Human Resources, should conduct a salary survey and make recommendations for compensation modifications to make Orange County competitive in the Purchasing/Procurement Job Classification Series by February 1, 2017.</p>	<p>The recommendation has not yet been implemented, but will be implemented in the future. Human Resource Services will conduct a classification maintenance and salary market study and make appropriate recommendations by February 1, 2017.</p>	<p>The recommendation has been implemented. Human Resource Services conducted a market salary analysis for the Buyer/Procurement Contract Specialist occupational series. The market study included salary information for comparable classifications in five surrounding Southern California counties and five large Southern California cities. Review and update of the classification specifications and organizational structure of this occupational series are in progress. Any necessary changes will be submitted for Board consideration and approval by May 2017.</p>