

HOMELESS IN SAN DIEGO

INTRODUCTION

The San Diego County Medical Examiner (Coroner) reports that in the past ten years, 774 homeless individuals have died on the streets of San Diego. Homelessness in San Diego County has reached the tipping point. Not only is the problem a blight on our community, it is a blight on our humanity. The 2009/2010 San Diego County Grand Jury understands that homelessness is a complex issue further complicated by the current economic climate, returning military veterans, and early release of prisoners. We believe that the citizens of San Diego have the capacity and the heart to correct this problem. If the residents of San Diego County expect to have decent animal shelters, then let's expect decent, shelters for homeless people.

The 2009 Regional Task Force on the Homeless report, *Point in Time Count Summary*, counts 7,892 homeless people of whom 44% are chronically homeless in the County of San Diego (County), excluding children. Some experts believe the number to be significantly higher. Homelessness is a serious issue that is detrimental to the homeless themselves. Homeless is defined as sleeping in a place not meant for human habitation (streets, culverts, abandoned buildings, etc.) or living in an emergency shelter.

Chronically homeless individuals:

- 1) are homeless for more than one year or more than four episodes in the first three years and
- 2) are not living with a child eighteen or under and
- 3) have a long term disabling condition (physical, mental, emotional, developmental, Acquired Immunodeficiency Syndrome [AIDS], substance abuse)

The homeless population in San Diego has an unfavorable influence on tourism, businesses, and local residents. Substantial costs for supporting the homeless are passed on to San Diego residents in the form of increased fees and reduced services. Some examples of these costs are:

- Emergency hospital care
- Paramedic health services
- Mental health counseling and care
- Court and incarceration costs
- Police and fire department responses to incidents involving homeless persons that reduce their availability for other types of calls

Homelessness can be substantially reduced. The Grand Jury report addresses the following interventions necessary to reduce homelessness and associated problems:

- Cooperation of the eighteen cities within the County of San Diego and other stakeholders working together on solutions
- Interim and permanent housing with service support

- Protection and care of homeless persons and their property
- Additional outdoor toilets in downtown San Diego
- Additional cleaning of the sidewalks and streets in downtown San Diego

During the course of this investigation, the Grand Jury found not only a need for permanent housing and services throughout the San Diego metropolitan area, but found a crucial need for on-going, year-round temporary housing and services for the homeless. Studies have shown that public costs are substantially reduced by providing supportive housing. Supportive housing includes medical care, mental health support, substance abuse counseling and other related case management services.

INVESTIGATION

To arrive at this report the Grand Jury:

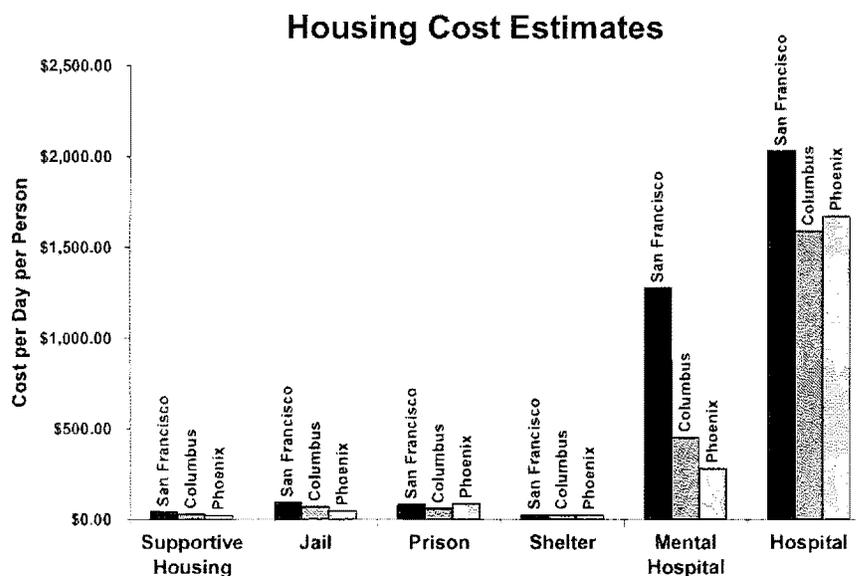
- Interviewed thirty-two City and County government employees at appropriate levels of responsibility and decision making
- Interviewed twenty-seven homeless advocates
- Interviewed six homeless service providers and toured their facilities
- Interviewed a cross section of homeless individuals
- Toured the Alpha Project and Veterans Village of San Diego winter shelters
- Reviewed costs of homelessness to the community including reports provided by healthcare organizations, police, sheriff, fire departments, and detention facilities
- Analyzed major metropolitan studies and reports evaluating the costs of homelessness to their communities
- Reviewed San Diego media reports on the homeless

The Grand Jury reviewed the following specific reports:

- The New York/New York Agreement Cost Study, *The Impact of Supportive Housing on Services Use for Homeless Mentally Ill Individuals 2001*
- The Lewin Group, *Costs of Serving Homeless Individuals in Nine Cities*, Chart Book No. 367376, 2004
- *Plan to End Chronic Homelessness (PTECH) in the San Diego Region 2006*
- San Diego Regional Task Force on The Homeless, *Point in Time Count 2009*
- *Where We Sleep – Costs when Homeless and Housed in Los Angeles 2009*
- *Project 50 – 1 year Progress Report (LA) 2009*
- Hearth, Inc. *Ending Elder Homelessness: The Importance of Service – Enriched Housing (Boston) 2009*
- *Home & Healthy for Good – A Statewide Housing First Program, Progress Report, 2009*
- *Building for Success-Second Chance Program*
- *A Street Is Not a Home*, Judge Robert C. Coates, 1990

The following metropolitan studies outside the San Diego area examine the treatment of the chronic homeless and the cost savings to their communities (see Table 1):

1. In 2001, *The New York/New York Agreement Cost Study* concluded that a mentally ill homeless person consumes an average of \$40,449 of publicly funded services annually. Once placed into service-enriched housing (affordable housing supported with clinical and social services) the average homeless cost of services is reduced by \$12,145 per year per person, which covers 95% of the cost of housing.
2. A nine city study completed in 2004 by the Lewin Group determined the cost of housing a homeless person. The study indicated that supportive housing was the least expensive solution in a majority of cities, as compared to other housing options, such as jails, prisons, shelters, psychiatric, and other hospital



Date Source: The Lewin Group

3. *The 2007 Cost of Homelessness Study* in Portland, Maine, determined that per person, average homeless services cost before and after permanent supportive housing, decreased from \$28,045 to \$14,009 annually. The largest savings were in mental health and psychiatric hospitalization, which more than covered the cost of providing housing.
4. The 2009 Massachusetts Study, *Home and Healthy for Good*, determined the projected annual savings before and after permanent supportive housing was \$9,261 per chronically homeless person. The savings came from Medicaid, shelter, and incarceration costs. Additionally, the average annual health care cost for individuals living on the street was \$33,327 compared to \$8,598 for individuals who obtained housing.

5. The 2009 Los Angeles Public Costs Study, *Where We Sleep*, showed the annualized cost of services before housing at \$34,764 and the cost of services with housing at \$7,260, a savings of \$27,504. The only outlay of providing housing was General Relief vouchers to pay rent. One conclusion of the Los Angeles Public Costs Study was to make increasing use of state and federal block grant funds, to develop affordable housing.

Cities that provide service-enriched housing to the homeless show an annual cost savings and improved use of services when housing is provided. Although the homeless study groups differed in their areas of analysis, from chronic homeless to mentally ill, all the reports showed savings when the following services provided:

- Medical care
- Mental health evaluation and hospitalization
- Substance abuse programs
- Employment training and placement

The following chart summarizes the cost per homeless person per year:

Table 1 – Other Cities

Major Studies	Cost of Services without Housing	Cost of Services with Housing	Cost Reduction with Housing	Average Cost of Housing	Net Savings with Housing
New York/New York (Mentally Ill)	\$40,449	\$28,304	\$12,145	\$13,570	(\$1,425)
Massachusetts (Chronic homeless support)	\$33,327	\$8,598	\$24,729	\$15,468	\$9,261
Greater Portland (Homeless) costs	\$28,045	\$14,009	\$14,036	\$13,092	\$944
Los Angeles (Homeless) *	\$34,764	\$7,260	\$27,504	study does not include housing data	study does not include housing data

*Annualized

The Grand Jury summarized chronic homeless costs reported as a sampling of police, sheriff, fire, and hospital agencies in San Diego County.

Table 2 – Police Costs

Police	2008		2009	
Location	Number of incidents	Cost (\$)	Number of incidents	Cost (\$)
Chula Vista	1,387	145,202	1,204	135,287
El Cajon	1,635	207,359	1,912	225,238
San Diego*	12,112	1,771,012	12,271	1,763,434
Total	15,134	2,123,573	15,387	2,123,959

* The San Diego Police Department does not identify all of their homeless contacts

Table 3 – Jail Costs

Sheriff	2008		2009	
Location	Number of incidents	Cost (\$)	Number of incidents	Cost (\$)
County of San Diego*	2,934	401,919	2,934	401,919

* The number of incidents and costs are the average of two years totals

Table 4 – Fire Department Costs

Fire	2008		2009	
Location	Number of incidents	Cost (\$)	Number of incidents	Cost (\$)
San Diego	4,001	1,951,896	4,706	1,787,979
Escondido	299	173,884*	329	193,091*
El Cajon	261	336,951	276	356,316
La Mesa	59	11,800	61	12,200
Total	4,620	2,300,647	5,372	2,156,495

* Two year cost provided, prorated into years by number of incidents

Table 5 – Hospital Costs

Hospitals	2008	2009
Name	Cost (\$)	Cost (\$)
Tri-City	762,008	1,151,061
Sharp	16,130,510	17,155,477
Total	16,892,518	18,306,538

Table 6 – Costs Summarized

	2008 Cost (\$)	2009 Cost (\$)
Grand Total	21,718,657	22,988,911

The tables illustrate the sizeable financial impact of homelessness to the community. Some of the largest hospitals and government agencies did not specifically track their homeless costs. Below is a summary of the organizations that did not provide responses to the Grand Jury’s inquiry or had incomplete data on homeless cost numbers:

- Three large health care organizations
 - Palomar/Pomerado Health
 - Scripps Health
 - UCSD Medical Center
- San Diego Police Department
- San Diego County Sheriff’s patrol contacts

During the investigation, the Grand Jury determined that the police, sheriff, and the hospitals need to develop data systems to track homeless costs in the future.

FACTS—Set One

A San Diego regional authority can assist in solving the homeless problem.

Fact: In September 2006 the *Plan to End Chronic Homeless* (PTECH) in the San Diego region was published. The PTECH plan was organized by the United Way with the cooperation of leaders representing all areas of the County of San Diego. The PTECH plan is a collaborative effort recommending solutions for homelessness in San Diego.

Fact: The PTECH plans to establish a Homes First/Housing Plus (first provide the homeless with shelter, then add social services including medical care, mental health and employment counseling.) The PTECH model has limited public and private funding.

FINDINGS

Finding #01: Homelessness in San Diego County is a region-wide problem that calls for region-wide solutions.

Finding #02: Homelessness in the City of San Diego is an ongoing issue in the downtown area and is most apparent in the East Village neighborhood.

Finding #03: The PTECH report identified many of the homelessness problems and their solutions; however, the lack of an ongoing source of funding has limited the implementation of the Housing First/Housing Plus Plan.

Finding #04: The San Diego region has numerous resources to reduce the impact of homelessness in the community. It is necessary for San Diego governments, homeless service providers and advocates, religious groups, business leaders, and citizens to work cooperatively.

RECOMMENDATIONS

A regional homeless authority is needed to streamline the facility planning and construction, to coordinate the public and private social support services, and to pool funding for a Homes First/Housing Plus Model. A regional authority will require the assistance of a consortium of community leaders in order to be successful.

*The following recommendations outline **two options** for setting up a regional authority:*

- 1. A Joint Powers Authority (JPA) led by the City and the County of San Diego*
- 2. The San Diego Association of Governments (SANDAG)*

The 2009/2010 San Diego County Grand Jury recommends that the Mayor of the City of San Diego, the City Council of the City of San Diego, and the Board of Supervisors of the County of San Diego:

10-24: Form a Joint Powers Authority (JPA) and enlist the support of leaders in other cities in the County to develop a regional approach to manage and fund programs to moderate chronic homelessness.

The 2009/2010 San Diego County Grand Jury recommends that the Board of Directors of the San Diego Association of Governments (SANDAG):

10-25: Develop and implement a plan to end chronic homelessness in the San Diego region.

FACTS—SET TWO

There is a need for a San Diego regional homeless consortium with strong leadership to support the Joint Powers Authority (JPA) or San Diego Association of Governments (SANDAG) plan.

Fact: There are approximately 4,014 unsheltered chronically homeless persons living on sidewalks, in doorways, river beds, parks, canyons, and other undeveloped areas in San Diego County.

Fact: It is estimated that there are approximately 200 homeless service agencies that provide services including housing, mental health, job training, shelter, and other forms of assistance.

Fact: Studies conclusively demonstrate that providing supportive housing first for homeless persons reduces public costs.

FINDINGS

Finding #05: Many chronic homeless in San Diego County do not have shelter at night.

Finding #06: A multitude of homeless service providers exist in San Diego County.

Finding #07: A need exists for permanent intake facilities with supportive services.

Finding #08: Year-round, temporary homeless shelters with supportive services are critical until permanent facilities are operational.

RECOMMENDATIONS

Time has come to reduce the number of homeless persons on the streets. The homeless population is most evident in the downtown and East Village areas. Evidence obtained during the course of this investigation demonstrates that permanent housing is a priority. Nevertheless, permanent housing alone is not enough. Support services (medical, mental health and substance abuse counseling, educational training and job placement) are paramount and necessary to reunify the homeless population into the main stream of society. It is the obligation of society to intervene and assist in relieving homelessness. San Diego needs a regional consortium of key stakeholders who will have a role in reducing homelessness. A suggested name for the future consortium is "Homeless and Human Services Council." Additionally, consortium members should select a Director and an Executive Board to support the efforts of their "Homeless and Human Services Council". The following is a recommended list of consortium participants:

- *Hospitals and health care facilities*
- *Homeless service providers*
- *Homeless advocates*
- *Religious organizations*
- *United Way of San Diego*
- *Non-Profit Social Services Organizations*
- *San Diego Redevelopment Agencies*
- *Chambers of Commerce*
- *Downtown San Diego Partnership*
- *Public Defenders*
- *Law Enforcement Agencies*
- *Fire Protection Agencies*

- *San Diego Homeless Court*
- *Housing Commissions*
- *A Judge of the San Diego Superior Court*
- *San Diego Health and Human Services Agency*
- *Major San Diego foundations*
- *Homeless representatives*
- *Additional persons or agencies as required*

The 2009/2010 San Diego County Grand Jury recommends that the Mayor of the City of San Diego, the City Council of the City of San Diego and the Board of Supervisors of the County of San Diego:

10-26: Organize a consortium of the leaders in the San Diego region to meet no less frequently than monthly to determine the direction on reducing homelessness in the San Diego region. This consortium shall work in concert with the regional authority that is formed based on Recommendations 10-24 and 10-25.

FACTS—SET THREE

Destruction of personal property of homeless persons

Fact: The City of San Diego Environmental Services Department with the assistance of the San Diego Police Department, on September 22, 2009 at 10:30 AM, used a trash compaction truck to destroy personal property left unattended on the sidewalk as the homeless attended church services at God’s Extended Hand in the East Village area.

Fact: The abatement notice of the removal was posted, but apparently the posting was removed; most of the homeless persons were unaware their belongings would be seized.

Fact: People were not allowed to retrieve their belongings.

Fact: The following items from nine homeless individuals were destroyed:

1. Three pairs of Levi pants, shirts, socks and two pairs of shoes
2. Ice chest, sweaters, and socks
3. A radio, three blankets, comforters, gas grill, three changes of clothes, a three-piece suit, two pairs of shoes, and one study bible
4. Blankets, personal hygiene items, clothes, shoes, and medications
5. A basket filled with personal belongings
6. False teeth, (estimated replacement value of \$4000), boots and other personal items
7. \$120 cash from one individual’s savings to pay rent
8. Blankets, a pillow, medications, socks, shirts, and a bike
9. Bedroll, blankets, a sweater, and the only remaining picture of the homeless person’s father.

FINDINGS

Finding #09: The City destroyed the personal property of homeless people who were attending a religious service. There was no personal contact by the police with the homeless persons or homeless agencies prior to the destruction of their belongings.

Finding #10: The San Diego Police officers on the scene would not allow anyone to retrieve their personal belongings.

RECOMMENDATIONS

The 2009-2010 San Diego County Grand Jury recommends that the Mayor of the City of San Diego and the City Council of the City of San Diego:

- 10-27:** Direct the San Diego Police Department and Environmental Services Department to develop policies and procedures regarding notification and the protection of homeless persons' property when removal is ordered.
- 10-28:** Direct the San Diego Police Department and Environmental Services Department to publish these guidelines to the homeless service agencies and the media.

FACTS—SET FOUR

A permanent intake facility for the homeless has been proposed by the City. A Homes First/Housing Plus model with supporting services was recommended in the "Plan to End Chronic Homeless (PTECH)". The City and the San Diego Housing Commission, following the PTECH model, requested bids in December 2008.

Fact: Neither the City nor the County of San Diego operates a permanent homeless intake center.

Fact: In December 2008, San Diego Housing Commission and the City Council issued a Request for Proposal (RFP) asking for bids on a "one-stop service center" with emergency and permanent shelter accommodations.

Fact: A major source of funding for the proposed acquisition and rehabilitation of the permanent facility is the City's Redevelopment Agency/ Center City Development Corporation (CCDC).

Fact: Service providers' responses to the permanent intake facility were submitted by June 22, 2009.

Fact: The Land Use and Housing Committee of the City Council is scheduled to hear the selection committee's recommendation for a permanent homeless intake facility on April 21, 2010.

FINDING

Finding#11: An eleven-member committee was established to review the responses for a Homes First/Housing Plus facility and to recommend a provider and a potential site.

RECOMMENDATION

The 2009-2010 San Diego County Grand Jury recommends that The Mayor of the City of San Diego and the City Council of the City of San Diego:

10-29: Finalize the plan, funding, and establishment of the year-round homeless intake facility.

FACTS—SET FIVE

Interim year-round temporary shelters

Fact: Approximately 1,868 unsheltered homeless exist in downtown San Diego and the East Village areas.

Fact: The City of San Diego funded two winter shelters through Community Development Block Grants (CDBG) and Emergency Shelter Grants and provides supportive housing relief for some people living on the streets.

Fact: The City set up two temporary winter shelters that were opened from December 1, 2009 to April 1, 2010.

Fact: The winter shelters were funded to house a total of 370 homeless persons.

Fact: The winter shelters give preference to veterans, women, handicapped, and the elderly.

Fact: Families with children are mainly housed at Cortez Hill, Father Joe's Villages, The Rescue Mission and also accommodated by the County voucher program.

Fact: Many of the unsheltered chronically homeless males in the City of San Diego are not accommodated at the winter shelters.

Fact: Presently no temporary shelters are operated or funded by the City of San Diego from the beginning of April to the end of November.

Fact: The County of San Diego does not operate a temporary shelter.

Fact: Many of the residents and business owners of the East Village area object to the continued placement of the shelter in their neighborhood.

Fact: The San Diego City Council and the Mayor delayed their selection of the location for the downtown winter shelter.

Fact: Due to the efforts of Veterans Village of San Diego and the Alpha Project for the Homeless, the East Village winter shelter was set up on schedule in spite of the delay in the selection of the location.

FINDINGS

Finding #12: The City needs to select the locations for downtown winter shelters earlier in the year to allow for community input and more time for the setup of the structures.

Finding #13: The current winter shelters, because they are seasonal, do not adequately support the chronic homeless living on the streets in San Diego.

Finding #14: Many of the homeless sleep on the sidewalks and in doorways throughout the City.

Finding #15: A need exists for year-round shelters.

Finding #16: To effectively address the human needs of these individuals, on-site social services must be provided at homeless shelters including medical care, mental health counseling, employment counseling and Supplemental Security Income (SSI) and Medi-Cal enrollment support.

RECOMMENDATIONS

Temporary homeless shelters should operate year-round until permanent homeless intake facilities can be constructed. It is imperative that the temporary homeless shelters be set up with the goal of accommodating the majority of the chronic homeless in the City. The current location of the winter shelter, at 450 16th Street, is paved and has the utility connections necessary for showers, toilets, and tents and could be expanded to accommodate additional homeless. Another option would be to use vacant existing buildings in the City to house temporary shelters. The Veterans Village of San Diego winter shelter, at 2801 Sports Arena Blvd., is a good example of an ideal location and should remain on this site. Service providers would have to be selected. Based on the current expenditures for the existing winter shelters, the year-round temporary downtown shelters' projected annual budget would be approximately three million dollars per year. The temporary emergency shelters could utilize funding such as:

- *Formation of a special district tax base*
- *Transient Occupancy Tax (TOT) increase*
- *HUD Community Development Block Grants and Emergency Shelter Grants*
- *Mental Health Services Act (Prop 63)*
- *Homeless service providers*
- *Private donations*

The 2009/2010 San Diego County Grand Jury recommends that the Mayor of the City of San Diego and the City Council of the City of San Diego:

- 10-30:** Establish a downtown year-round temporary shelter, patterned after the 2009-2010 winter shelters, to house approximately 1,000 to 1,200 homeless persons.
- 10-31:** Consider the establishment of additional temporary shelters in other parts of the City to accommodate the balance of the homeless persons in those areas.

The 2009-2010 San Diego County Grand Jury recommends that the San Diego County Board of Supervisors:

- 10-32:** Instruct the Director of the Health and Human Services Agency to provide services when the year-round shelters are established, to support the following:
- Medical care
 - Mental health care
 - Substance abuse counseling
 - Assistance in enrolling persons in federal programs such as Social Security Income (SSI) and Medi-Cal

FACTS—SET SIX

Due to a limited number of outdoor toilets downtown, additional sanitizing of the sidewalks and streets in both the downtown and the East Village areas is imperative. One solution is to use automatic public toilets that are mechanically self-cleaning and have a limited time usage prior to sanitizing taking place. The automatic public toilets are more sanitary than temporary toilets and are safer due to automatically controlled time limits for persons using the toilet. This decreases the potential for criminal activity. The need for automatic public toilets was recommended by the 2004-2005 San Diego County Grand Jury, "Automatic Public Toilets in the City of San Diego." Funding for public toilets could include the City's Redevelopment Agency/Center City Development Corporation (CCDC) for initial installation and construction. The long term solution is to provide permanent structures and automatic public toilets in parks and other City owned properties. In the interim, portable toilets should be installed in strategic locations such as selected commercial parking lots and City owned property in the downtown area. Two examples of locations of City owned property that could be utilized for outdoor toilets are the PETCO Park tailgate parking lot and the proposed public library vacant lot. The rental cost of two portable toilets, including the cleaning and content removal, is approximately \$400 per month. Funding solutions for permanent outdoor toilets should include the possibility of utilizing Community Development Block Grants (CDBG). Commercial advertising on automatic public toilets could generate funding for ongoing maintenance.

Fact: Fecal deposits and urine odors in the East Village create a public health hazard.

Fact: The Downtown Partnership, through the Clean and Safe Downtown San Diego program, perform street and sidewalk cleaning.

FINDINGS

Finding #17: Adequate permanent outdoor toilet facilities in the downtown and East Village areas do not exist.

Finding #18: Additional portable, automatic, and permanent toilets would reduce the fecal deposits and urine odors in the downtown and East Village.

Finding #19: An outbreak of illness caused by unsanitary conditions in the downtown and East Village areas could result in liability to the City.

Finding #20: Additional sidewalk and street cleaning equipment is necessary to reduce fecal matter, urine deposits, and odors in the downtown area to ensure the protection of the public's health and safety. Many of the East Village residents and businesses have to clean up fecal waste.

RECOMMENDATIONS

The 2009/2010 San Diego Grand Jury recommends that the Mayor of the City of San Diego and the City Council of the City of San Diego:

10-33: Review Downtown Partnership's Clean and Safe program with the objective of increasing the cleaning and sanitizing of the sidewalks and streets in downtown San Diego.

10-34: Provide funding for outdoor toilets in the downtown and East Village areas to reduce public health hazards.

FACTS—SET SEVEN

There is a need to improve the facility at the Neil Good Day Care Center.

Fact: The Neil Good Day Care Center (NGDC) is located in the East Village area and is a day center for homeless persons.

Fact: The facility needs to ensure that all areas are in compliance with Americans with Disabilities Act (ADA) requirements concerning accessibility to bathrooms, showers, and paths of travel.

Fact: The City is required to maintain the showers at the NGDC per its contract with Father Joe's Villages.

Fact: Contract with the City limits the shower usage at NGDC to ten persons per day.

Fact: The current hours of operation for the NGDC are:

- Monday - Friday 6:00 AM to 4:00 PM
- Saturday - Sunday 6:00 AM to 2:30 PM

Fact: Approximately 150 homeless persons can be accommodated at the NGDC during the day.

Fact: There is no sun and rain protection for people in the outside areas of the NGDC.

Fact: The 17th Street side of the NGDC is unsightly.

FINDINGS

Finding #21: The NGDC requires necessary improvements to be in compliance with ADA requirements.

Finding #22: The NGDC requires repairs to the facility which will cost approximately fifty to one hundred thousand dollars.

Finding #23: The appearance of the NGDC requires landscaping to improve the appearance from the street side of the facility.

Finding #24: NGDC showers are limited to disabled persons only by Father Joe's Villages.

RECOMMENDATIONS

The 2009/2010 San Diego County Grand Jury recommends that the Mayor of the City of San Diego and the City Council of the City of San Diego:

- 10-35: Provide funding to improve the functionality and serviceability of the Neil Good Day Care Center, specifically:**
- **Insure that the facility is in compliance with the Americans with Disabilities Act.**
 - **Maintain the showers, washing machines and clothes dryers.**
 - **Install a covering on the outside areas to provide shade and protection from inclement weather.**
 - **Expand the Neil Good Day Care Center operating hours from 6:00 AM to 9:00 PM daily to reduce the incidence of homeless people being arrested by the San Diego Police for illegal lodging enforcement.**
 - **Expand the usage of the showers to include all homeless persons.**
 - **Consider the Neil Good Day Center site as a location for a year-round temporary shelter.**

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires 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 agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that 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 comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §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 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 the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date</u>
Mayor, City of San Diego	10-24, 10-26 through 10-31, and 10-33 through 10-35	8/16/10
City Council, City of San Diego	10-24, 10-26 through 10-31, and 10-33 through 10-35	8/16/10
Board of Supervisors, County of San Diego	10-24, 10-26 though 10-28, 10-32	8/16/10
San Diego Association of Governments (SANDAG)	10-25	8/16/10

