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CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
DAVID O. LIVINGSTON
SHERIFF - CORONER

July 24, 2026

Ms. Brenda Balingit, Foreperson
2025-2026 Civil Grand Jury
P.O. Box 431
Martinez, CA 94553-0091

VIA EMAIL AND US MAIL

RE: Response to Report No. 2605, Electronic Home Detention

Dear Ms. Balingit:

In response to the Grand Jury Report (2605) dated May 14, 2026, where in you submitted findings and recommendations regarding the Electronic Home Detention Program involving Sheriff's Office Policy 2.19.03, Notice of Disqualifications/Denials/Dismissal Process, Appeals Process, Lack of Data, Documents in Language Other Than English, please see the responses below:

Findings:

F1. The present administrative policy for Electronic Home Detention (EHD) does not set out an individual's right, or the procedure, to appeal the denial of participation in the EHD program.

Response: Agree with the finding.

F2. The Custody Alternative Facility (CAF) "Notice of Disqualification" does not cite Penal Code Section 1203.017(g)(2) (pre-trial EHD)

Response: Partially disagree with the finding. CAF is currently updating the Notice of Disqualification to include Penal Code 1203.017(g)(2). This new form will be sent to the Board of Supervisors for approval.

F3. The CAF "Notice of Disqualification" cites Penal Code 1203.016(d)(2) (post sentencing EHD)

Response: Agree with the finding.

F4. CAF does provide notice to attorneys of record of denials and disqualifications for pre-trial individuals.

Response: Agree with the finding.

F5. If the participant is post-sentencing, the Notice of Disqualification is not sent to the last known attorney of record.

Response: Disagree with the finding. When a participant is sentenced by the court, they will either serve their sentence at CAF or in a detention facility. Participants who do not qualify for placement at CAF are returned to custody. Attorneys of records are not notified because the participant has already been sentenced, and counsel is present at the sentencing hearing. A long-standing agreement with the court is that the court will notify a participant's attorney of the disqualification.

F6. CAF sends the Notice of Disqualification to participants at their last known address.

Response: Agree with the finding.

F7. Lack of notice of appeal rights to the last known attorney of record of a participant limits the participant's opportunity for effective representation in the appeal of the CAF denial or removal.

Response: Disagree with the finding. The Office of the Sheriff provides participants with written notice of their appeal rights and multiple opportunities to submit an appeal following a denial or removal from the Custody Alternative Facility (CAF) Electronic Home Detention (EHD) program. Participants are informed of their appeal rights in accordance with California Penal Code section 1203.016(d)(2), including the timeframe for submitting an appeal.

Individuals who are denied participation prior to enrollment may submit a written appeal by mail or by hand delivery to the Custody Alternative Facility. Individuals who have been returned to custody may submit an appeal using an Inmate Request form routed to the Custody Alternative Facility. Through these established procedures, participants are provided with a meaningful opportunity to appeal and to communicate with legal counsel if they choose to do so.

F8. CAF does not report demographic information on denials or disqualifications.

Response: Partially disagree with the finding. The Custody Alternative Facility (CAF) has maintained race-based demographic information for participants who are denied or disqualified from its programs since 2025. CAF does not collect or maintain demographic information related to age, gender, or residential address for denied or disqualified participants.

F9. CAF does not report who is denied participation in the three programs.

Response: Partially disagree with the finding. CAF has tracked participant disqualifications and reasons for denial since 2017. This information is maintained by CAF for administrative, operational, oversight, and audit purposes.

F10. CAF does not report reasons for denial or disqualifications.

Response: Partially disagree with the finding. CAF has tracked participant disqualifications and reasons for denial since 2017. This information is maintained by CAF for administrative, operational, oversight, and audit purposes.

F11. CAF does not report rates of recidivism for those who are EHD.

Response: Agree with the finding.

F12. The costs of the three CAF programs are never disaggregated; therefore, there is insufficient information to identify the cost of each separate program.

Response: Agree with the finding. The Sheriff's Office does not separately account for the full operating costs of each CAF program. While certain direct expenses, such as vendor contracts and some staffing assignments, can be identified, the majority of program costs are shared across SWAP, Electronic Home Detention (EHD), and SCRAM operations.

CAF personnel routinely perform duties that support multiple programs, making it impractical to accurately allocate employee time, salaries, benefits, facility costs, administrative overhead, equipment, and deputy field activities to individual programs.

Developing separate cost analyses for each CAF program would require the implementation of new accounting methodologies, detailed time-tracking systems, and additional administrative resources. As a result, the Sheriff's Office does not currently maintain sufficient disaggregated cost data to accurately identify the full cost of each individual CAF program.

F13. In 2025, the Board of Supervisors authorized the Sheriff's Office to hire and designate staff to facilitate data collection.

Response: Agree with the finding.

F14. Not all EHD forms used by the public are available in languages other than English.

Response: Agree with the finding.

Recommendations:

R1. The Sheriff's Office should consider revising the administrative policy for EHD to include an explanation of the right to appeal under California Penal Codes Sections 1203.018 and 1203.16.

Response: The recommendation will be implemented. The Office of the Sheriff will revise Sheriff's Office Policy 2.19.02, Administration, to include information regarding a participant's right to appeal a denial or removal from the Electronic Home Detention (EHD) program, consistent with applicable provisions of the California Penal Code.

The Office of the Sheriff will also revise the current disqualification and appeal notification process to provide participants with written notice of the specific reason for the denial or disqualification, information regarding their appeal rights, and the procedures for requesting an administrative review, consistent with established Custody Alternative Facility (CAF) administrative policies.

R2. The Sheriff's Office should consider directing CAF to send post-sentencing "Notice of Disqualifications" to the address of the last known attorney of record in addition to the notice mailed to the denied participant.

Response: The recommendation will not be implemented because it is not warranted. Following sentencing, participants denied placement in a CAF program remain in the custody of the Office of the Sheriff pursuant to the court's sentencing order. Individuals who are denied participation are informed of that determination while in custody and have access to established procedures to communicate with legal counsel if they choose to do so.

Requiring the Office of the Sheriff to identify, verify, and mail duplicate notices to the last known attorney of record would create an additional administrative burden and require staff resources beyond current operations. In many cases, the attorney of record may no longer represent the individual following sentencing.

R3. The Sheriff's Office should consider collecting and publishing demographic information on denials or disqualifications for all three CAF programs.

Response: The recommendation will be implemented. Beginning in 2025, CAF enhanced its data collection practices to include demographic information related to participant denials and disqualifications.

The Office of the Sheriff will publish aggregate demographic information regarding denials and disqualifications for the CAF programs through the Office of the Sheriff Transparency Portal. Any published information will be presented in an aggregate format that protects individual privacy and complies with applicable laws governing the release of confidential information.

R4. The Sheriff's Office should consider collecting and publishing reasons for denials or disqualifications for all three CAF programs.

Response: The recommendation will not be implemented because it is not warranted. CAF maintains records of participant denials and disqualifications for administrative purposes; however, the Office of the Sheriff will not publish the reasons for those decisions because they may involve confidential criminal justice, medical, or other protected information. Aggregate program information will continue to be published through the Office of the Sheriff's Transparency Portal.

R5. The Sheriff's Office should consider collecting and publishing rates of recidivism for EHD participants.

Response: The recommendation will not be implemented because it is not warranted. The Office of the Sheriff does not maintain the comprehensive criminal justice data necessary to accurately calculate recidivism rates for participants in the Electronic Home Detention (EHD) program. Determining recidivism requires access to arrest, conviction, and incarceration data across multiple jurisdictions and criminal justice agencies, which is beyond the scope of the Office of the Sheriff's records and authority. Accordingly, the Office of the Sheriff is not in a position to accurately collect or publish recidivism rates for EHD participants.

R6. The Sheriff's Office should consider collecting and publishing separate cost data for each of the CAF programs.

Response: The recommendation will not be implemented because it is not warranted. Producing separate cost analyses for the SWAP, EHD, and SCRAM programs would require the Office of the Sheriff to develop and maintain separate accounting and cost allocation systems that do not currently exist. After consultation with Fiscal, it was determined that doing so would require significant staff time and resources without providing sufficient operational benefit.

R7. The Sheriff's Office should consider translating all documents used by individuals in the CAF process into Spanish and Mandarin.

Response: The recommendation will be implemented. CAF is currently developing an electronic process that will make participant forms and program documents available in English, Spanish, and Mandarin through iPads. The system will also include text-to-speech functionality for individuals who are unable to read documents. Upon completion of the orientation process, participants will be able to electronically review and sign all required forms and related documents, helping ensure that program information and participant acknowledgments are provided in a language they understand.

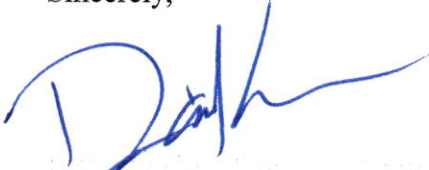
Letter to Civil Grand Jury Foreperson Brenda Balingit re Response to Grand Jury Report No. 2605

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Please let me know if my staff or I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Livingston', with a stylized flourish extending to the right.

DAVID O. LIVINGSTON
Sheriff-Coroner

DOL:jf