



June 14, 2023

Donna Ziegler, County Counsel
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Via Electronic Mail and Overnight Delivery

Re: Notice of Intent to Initiate Litigation Against the County of Alameda regarding Mismanagement, Malfeasance, and Deliberate Indifference at Children's Assessment Center

Greetings,

On behalf of the City of Hayward and as its City Attorney, I am herewith putting your office on notice of the City's intent to initiate litigation within seven (7) days against the County of Alameda, and various County officials, for the shocking mismanagement and malfeasance at the Children's Assessment Center (Center) located at 22225 Foothill Blvd., in Hayward, California, which has caused a public health and safety crisis at the Center, the surrounding neighborhood and the City generally. The litigation the City intends to initiate will seek extraordinary remedies in the form of preliminary and permanent injunctive relief to compel the County to abate the public nuisance at the Center which has permitted and exacerbated human trafficking and sexual exploitation of children as young as 10 and 11 years of age.

The County's decision in February 2023, to withdraw Alameda County Sheriff's Office (ACSO) deputies from the Center, coupled with the failure to implement reasonable operational policies that protect the safety and well-being of children at the Center, has resulted in multiple critical incidents. The County's actions have permitted predatory clients (i.e., teenage children) to engage in or facilitate human trafficking of younger children. The City is informed that County staff are, and have been, aware that children leave the Center to engage in prostitution activity in the surrounding community, yet the County has failed or refused to take any actions to address or abate the situation.

As a consequence of the County's deliberate indifference and failure to act or intervene, the City has deployed officers from the Hayward Police Department (HPD) on hundreds of occasions since mid-February to investigate complaints of missing children, drug overdoses, assaults, human trafficking, and sexual exploitation of children within the Center and the adjacent neighborhood.

The issues existing at the Center are well known to the County and have been for years. Despite these known issues and despite having a contractual obligation to provide on-site security and law enforcement services at eight (8) sites operated by the County Social Services Agency (SSA), including the Center, in February 2023, ACSO removed the deputies assigned to the Center. ACSO, however, continues to provide security and law enforcement services to the other seven Social Services facilities in the County as outlined in the memorandum of understanding between SSA and ACSO. The County's solution to the security vacuum left by ACSO has been to hire an unsworn private security service with no deterrent effect on human trafficking or other criminal behavior within the Center. In fact, a security guard suffered a fentanyl overdose while on duty in the last two weeks, allegedly as a result of the drug being brought on-site by one of the children identified as a client at the Center.

It is a disturbing and unacceptable abuse of discretion to remove deputies from the Center when deputies have not been recalled from any of the other seven Social Services sites for which they seem to be contracting to provide security services. The Center receives children who have been removed from their homes due to abuse or neglect pending some alternative placement. In removing these children from their homes, the County assumes an obligation to ensure that the facilities to which they are brought are safer than those from which they were removed. That has not been the case here. Rather than providing a place of safety and security from a neglectful or abusive home, the absence of ACSO deputies and unreasonable operational policies at the Center result in placing children into another harmful environment where they are vulnerable to sex trafficking, assaults, and illegal substances.

To date, the County has been disappointingly passive toward the situation at the Center. Prior to the recent meetings with County officials described below, the City's only interactions have been with County contractors such as WestCoast Children's Clinic and the private security firm, Diligence Security Group. When ACSO withdrew deputies from staffing the Center on February 15, 2023, a cascade of public health and safety issues have followed in their absence. Children at the Center have been subjected to sex trafficking and general threats to their health and safety. HPD has responded to daily calls for service at the Center since the County abandoned its security responsibilities. Calls for service relate to assaults between clients, assaults on AC staff, and children as young as 10 years of age leaving the Center without permission and going "AWOL."

HPD has devoted nearly 750 officer-hours since February 2023, investigating the Center's AWOL/trafficked children, following calls for service, due to the County's inaction and disregard for the Center. The onus should not be on the City of Hayward to devote so many of its limited public safety resources to a single county facility. The redirection of Hayward police officers has resulted in numerous impacts within our City, including delayed responses to other calls for service, in particular to a multiple shooting

critical incident on May 11, 2023, in which one person was fatally wounded and a second person was wounded.

As recently as May 26, 2023, Mayor Mark Salinas sent a detailed letter to the county Board of Supervisors (attached hereto) outlining the City's concerns, including but not limited to the critical impact of the withdrawal of Sheriff's deputies from the Center. The letter cites hundreds of calls for service from the Center to HPD despite its limited staffing, including 40 vacant sworn officer positions among its approximately 190 sworn personnel, and resources that are already stretched thin throughout the City. While the County has abandoned its law enforcement obligations at the Center, HPD has responded professionally and responsibly since February 15, 2023.

On June 1, 2023, Mayor Salinas and other City representatives met with County officials, for the purpose of emphasizing the immediacy of the crisis at the Center. The response from County officials at that meeting is best described as deflective and lacking urgency, with no acknowledgment of responsibility for the human trafficking of children at the Center.

Despite reasonable and responsible administrative and political pleas from City officials, the County has taken no action in response. Considering the exigency of the ongoing crisis at the Center, the City demands that immediate steps be taken by the County to remedy the situation and resolve the public nuisance. The County must improve the management of the Center ensuring that children are not subject to sex trafficking, assault, and other dangers. At a minimum, Sheriff's deputies must return to the Center to provide on-site security and law enforcement services at the site, and the County must implement operational procedures that properly balance the children's right to access the surrounding community with the County's responsibility to safeguard their health and well-being while in the County's charge.

Perplexingly, the City was informed that the consultant group managing the Center, WestCoast Children's Clinic, had its contract renewed for a year. This action was taken by the Board of Supervisors in the last two weeks. The City has no confidence in WestCoast's competency or capacity at the Center.

If the County does not take immediate action to remedy these failures, the City is prepared to seek extraordinary relief against the County by filing suit no later than June 22, 2023. The City takes no pleasure in commencing civil action that could result in closure of the Center, since it provides vital services to foster children seeking care and a safe place to reside. However, in order to address the ongoing public nuisance and the public health and safety threats to the community, as well as to protect the children being brought to the Center, seeking a judicial remedy is a last resort, which the City is more than prepared to take.

The City intends to pursue the following causes of action against the County, among others, should the County fail to take immediate action to remedy this unacceptable situation:

- Public Nuisance - Violation of Civil Code §§ 33479-33480;
- Public Nuisance Per Se - Hayward Municipal Code §4-15.14(d)-(e), (j);
- Red Light Abatement Law - Violation of Penal Code §§11225-11235; and
- Failure to Perform Mandatory Duty – Gov. Code §815.6, Welfare & Institutions Code §200, §209, §309.

Additional causes of action are contemplated, including but not limited to failure to perform mandatory duties pursuant to Child Abuse and Neglect Reporting Act (CANRA), Penal Code §11164, et seq., and potential federal causes of action.

In 2022, the County lost track of Sophia Mason, a young girl who had spent much of her childhood in Hayward. The County does not need an embarrassing reminder of how this child ended up dead nor do any of us wish to see something similar happen to any of the children at the Center.

The City requests a concrete action plan to address concerns outlined herein before June 22, 2023.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael Lawson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Lawson,
City Attorney

cc: Mayor Mark Salinas
City Manager, Kelly McAdoo

Attachment: 5.26.2023 Salinas letter to Board of Supervisors