

2006-2007

SAN BERNARDINO COUNTY
GRAND JURY



FINAL REPORT

COUNTY OF SAN BERNARDINO

GRAND JURY FINAL REPORT



2006-2007

EDITORIAL COMMITTEE



*Back – Gary Moran, Burrel Woodring, Roderic Moers
Front – JoAnn Miller, Lois Long-Chair, Carol Sharp*

The Editorial Committee would like to acknowledge and thank the following individuals for their hard work and invaluable assistance in the preparation of the Final Report of the 2006-2007 San Bernardino County Grand Jury.

Graphic Arts	Silvia Schreiber, Graphic Designer
Cover Design	Silvia Schreiber, Graphic Designer
Photographs	Silvia Schreiber, Graphic Designer
Printing Services	County Printing Services Personnel
Typing/Preparation	Melonee Vartanian, Grand Jury Assistant



FOREMAN'S STATEMENT

In accordance with the Constitution of the State of California (Article 1, Section 23), each county in the state shall draw and summon one or more Grand Juries each year. The citizen-residents of San Bernardino County have been performing this public service and duty for more than 150 years.

Drawing on volunteers from throughout the county and each supervisorial district, the 19-member 2006/2007 San Bernardino County Grand Jury was impaneled and sworn in for one year, effective July 1, 2006. (Details of Grand Jury background, membership, duties, obligations, and commitments are given in the appendix at the end of this report.)

What follows is the consensus Final Report of the activities, investigations, finding and recommendation of the 2006/2007 Grand Jury. It represents the year-long effort to look into local government toward the goal of improving the function of government in service to county residents. This report does not include many investigations conducted which were later deemed not of sufficient merit, quality or quantity to present to the public.

In addition to its civil investigations, the Grand Jury assisted the County District Attorney with five investigative hearings on criminal matters.

Service on a Grand Jury can be considered a privilege and a duty. The men and women of this Grand Jury applied themselves with a full measure of both. The thousands of hours they collectively devoted to learning about government and its complexities, their ability to collect, analyze and distill great amounts of information to concise, meaningful reports, and their determination to be fair and honest in their investigations should be greatly appreciated.

In the quest for knowledge about County government operations, Jurors spent evenings and off-days attending functions such as graduation ceremonies of the Sheriff's Academy in San Bernardino, the "State of the County" presentation in Ontario, and sessions of "Service First," the countywide customer service improvement program. In addition, Jurors in their investigations, traveled the county to such diverse locations as Rancho Cucamonga to the west, Barstow to the north and Yucca Valley to the east, most often on off-days and using their own vehicles.

On another level, the giving of time by Grand Jurors to their public service, while sacrificing personal agendas such as vacations, is worthy of a very strong Thank You. To several Jurors, whose commitment and effort were truly "above and beyond," there is a special thanks owed, especially from their fellow Jurors.

Notwithstanding Juror effort, this report is in no small way the result of the high level of access given by the County Board of Supervisors (all of whom were individually interviewed), the Sheriff, the District Attorney, and other elected officials, as well as county government department heads and individual county employees. A particular note of access is made of County Administrative Officer, Mark Uffer, who met at least six times during our year with the Full Grand Jury or its committees. We found little reluctance by the people in the county government to talk to the Grand Jury in confidence about any subject governing their jobs or government operations.

A special recognition must be given to two people who have together shaped County Grand Juries, including this one, for more than 30 years. Sue Shuey, Grand Jury Assistant, and Clark Hansen, Jr., Deputy District Attorney and Grand Jury Legal Advisor. Their knowledge and guidance was invaluable.

On behalf of the 2006/2007 San Bernardino County Grand Jury, I trust this report of our service in the interest of good government will prove to be beneficial to all the residents of the county.

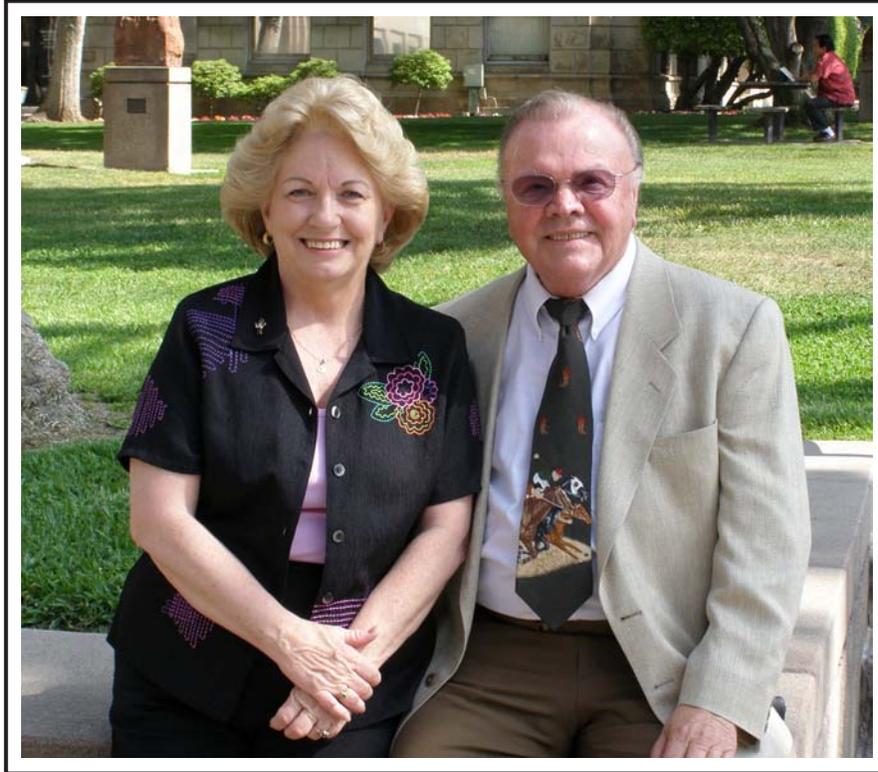


ALFRED J. DUBIEL

Foreman

2006/2007 San Bernardino County Grand Jury

DEDICATION AND 54 YEARS OF SERVICE



Susan (Sue) Shuey and Clark A. Hansen, Jr.

Susan (Sue) Shuey, Grand Jury Assistant, and Clark A. Hansen, Jr., Grand Jury Legal Advisor, have a combined 54 years of professional, dedicated service to San Bernardino County's Grand Jury.

The 2006-2007 Grand Jury is proud to dedicate this final report to these two outstanding public servants on their retirement this year.

Sue Shuey began her career with the county in 1968 as a clerk in the County Administrative Office. She was promoted several times in the CAO office and in 1974, she was assigned as secretary to the Grand Jury and as secretary to the Presiding Judge. She also was supervisor for six judicial secretaries. In 1983, the new Court Executive Office relieved her of her supervisor duties and assigned her full time to the Grand Jury. That was 33 years, and 627 Grand Jury members ago.

Clark A. Hansen, Jr. graduated with honors in 1963 from USC Law School. He became a San Bernardino County Deputy District Attorney in 1964 and he rose to the position of Chief Deputy District Attorney. He left the District Attorney's Office in 1978 to return to the private practice of law. In 1986, he returned to the District Attorney's Office to become the legal advisor for the Grand Jury. In 1996, Clark retired from the County as a Deputy District Attorney. On his retirement, he was hired by the District Attorney as a special consultant and contracted to advise the Grand Jury until his retirement this year.

2006-2007 GRAND JURY SAN BERNARDINO COUNTY

Alfred J. Dubiel	◇	Foreman
Victor G. Edinburgh	◇	Foreman Pro Tem
JoAnn L. Miller	◇	Secretary
Marianne Della Marna	◇	Assistant Secretary
Ron Brooks	◇	Sergeant-at-Arms
Ellen L. Miller	◇	Assistant Sergeant-at-Arms

Ron Brooks	◇	Pinon Hills
Jeanne Choisnet	◇	San Bernardino
Marianne Della Marna	◇	Alta Loma
Alfred J. Dubiel	◇	Ontario
Victor G. Edinburgh	◇	San Bernardino
William E. Howard	◇	Rialto
Lois C. Long	◇	Lytle Creek
Thomas Ma	◇	Ontario
Clyde Metzler	◇	Victorville
Ellen L. Miller	◇	Fontana
JoAnn L. Miller	◇	San Bernardino
Roderic J. Moers	◇	San Bernardino
Gary Moran	◇	Yucaipa
Roy H. Nierman	◇	Highland
Carol Sharp	◇	Crestline
Kenneth D. Taylor	◇	Running Springs
Elias G. Valdez	◇	Running Springs
Burrel S. Woodring	◇	Yucaipa
Dennis Zimmerman	◇	Chino Hills

RESIGNATIONS:

Suzanne T. Reading, August 2006

Presiding Judge 2006-07	◇	Larry W. Allen
Legal Advisor	◇	Clark A. Hansen, Jr.
Grand Jury Assistant	◇	Susan L. Shuey (Retired)
Grand Jury Assistant	◇	Melonee A. Vartanian

SAN BERNARDINO COUNTY GRAND JURY 2006-2007



From left to right:

*Back row – Kenneth Taylor, Dennis Zimmerman, Victor Edinburgh, Ron Brooks,
Gary Moran, Alfred Dubiel-Foreman, Thomas Ma*

*Center row – Burrel Woodring, William Howard, JoAnn Miller, Roy Nierman,
Elias Valdez, Roderic Moers*

*Front row – Sue Shuey, Clark Hansen, Ellen Miller, Carol Sharp,
Jeanne Choisnet, Lois Long, Melonee Vartanian*

Not pictured – Marianne Della Marna and Clyde Metzler



Larry W. Allen, Presiding Judge



TABLE OF CONTENTS
2006-2007 GRAND JURY
FINAL REPORT

	<u>Page</u>
ADMINISTRATIVE COMMITTEE	1
Architecture and Engineering	
303 Building	2
Board of Supervisors/County Counsel	4
County Administrative Officer	9
Human Resources Department	10
Information Services	12
Public Health Department	
Animal Care and Control	14
Vector Control Program	15
Risk Management	18
Solid Waste	20
AUDIT/FISCAL COMMITTEE	23
Assessor	24
COMPLAINTS COMMITTEE	26
ECONOMIC DEVELOPMENT COMMITTEE	27
Redevelopment	28
HUMAN SERVICES COMMITTEE	29
Department of Aging and Adult Services	
Ombudsman	30
Department of Children's Services	
Foster Care	32

	<u>Page</u>
LAW AND JUSTICE COMMITTEE	33
Indigent Defense Contracts	34
Indigent Defense Fee Collection	36
Judicial Benefits	39
Probation	42
Public Defender	47
Sheriff-Coroner	
Barstow Sheriff's Station	50
Central Court Holding	52
Coroner Division	53
Immigration Customs Enforcement (ICE)	55
Scientific Investigations Division	56
Sheriff's Training Center/Academy	57
PUBLIC AND SUPPORT SERVICES COMMITTEE	59
County Fire Department	
Communication Center	60
Support Services/Hazardous Material/Sewell Training Center	61
Land Use Services	63
Registrar of Voters	65
APPENDIX	
About the San Bernardino County Grand Jury	

ADMINISTRATIVE COMMITTEE



*Back – JoAnn Miller, Roy Nierman-Chair, Elias Valdez, Gary Moran
Center – Carol Sharp, Lois Long, Roderic Moers
Front – Ellen Miller, Jeanne Choisset*



ADMINISTRATIVE COMMITTEE

The Administrative Committee investigated the following boards, departments and agencies:

Architecture and Engineering
303 Building
Board of Supervisors
County Administrative Office
Ethics Officer
County Counsel
Human Resources
Information Services
Public Health
Animal Care and Control
Vector Control Program
Risk Management
Solid Waste Management

Four committee members attended all of the Board of Supervisors' meetings on Tuesdays.

The committee received one complaint, which resulted in a final report on Solid Waste Management.

The Administrative Committee and the Public and Support Services Committee jointly investigated the 303 Building which resulted in a final report.

A comprehensive investigation of the Board of Supervisors and County Counsel has resulted in a final report.

On behalf of all members of the Administrative Committee, we thank the members of the Board of Supervisors, the County Counsel and her staff, and all department heads for their cooperation and support during our term.

The actions of the Administrative Committee resulted in the following findings and recommendations.

ARCHITECTURE AND ENGINEERING

303 BUILDING

BACKGROUND

On May 17, 2005, San Bernardino County Supervisors and 303 LLC, a Limited Liability Corporation, concluded a negotiation for the purchase of a building herein after called "303 building."

Those departments included in the negotiations from San Bernardino County were the Board of Supervisors, Real Estate Services, County Counsel, and Architecture and Engineering.

The purchase agreement for the building was \$4,625,000 with many fees and payments added.

The following departments were involved in the purchase:

1. Real Estate Services negotiated the cost structure.
2. County Counsel reviewed the sale contract.
3. Architecture and Engineering was involved, providing cost estimating and timetable's aspect.

FINDINGS

The 303 building was purchased for \$4,625,000.

There was a representation by 303 LLC, based on a consulting services survey they initiated, that approximately \$10,000 abatement costs would make the building habitable.

The County has now spent \$637,647 for asbestos removal (see Board of Supervisors agenda of July 11, 2006) and \$360,432 for lead-based paint removal (see Board of Supervisors agenda of October 31, 2006).

The County did not perform any environmental surveys prior to purchase, but relied on a survey by a consulting service hired by 303 LLC.

RECOMMENDATIONS

- 07-01 COUNTY AGENCIES CONDUCT THEIR OWN ENVIRONMENTAL SURVEYS BEFORE THE PURCHASE OF ANY LAND OR BUILDING.
- 07-02 THAT COUNTY COUNSEL INSURE ALL ENVIRONMENTAL SURVEYS ARE COMPLETED BY THE COUNTY BEFORE AGREEING TO "AS IS" OR "WITH ALL FAULTS" PURCHASES.
- 07-03 THAT COUNTY COUNSEL PURSUE REIMBURSEMENT FOR COUNTY ABATEMENT COSTS OF:
 - a. ASBESTOS REMOVAL \$637,647
 - b. LEAD-BASE PAINT REMOVAL \$360,432.

BOARD OF SUPERVISORS

BACKGROUND

This report concerning the Board of Supervisors was initiated after reviewing a barrage of negative information being reported by the news media that appeared to reflect a breakdown in trust, communications and cooperation between members of the Board of Supervisors. The appearance of a dysfunctional Board of Supervisors was further compounded by unknown media leaks and comments voiced to the news media concerning various Board of Supervisors decisions.

The concern was that a dysfunctional elected Board of Supervisors was not in the best interest of those citizens who had placed their trust in their elected representatives.

Public confidence in the effectiveness of the Board of Supervisors can be eroded by a breakdown in trust, communications, cooperation and improper or unlawful conduct by the Board of Supervisors as a whole or by any of its members acting alone. Conversely, information about the Board of Supervisors based on conjecture, unfounded information based on rumor or innuendo can also present an image of dysfunction not based on fact.

Penal Code 925 states "The grand jury shall investigate and report on the operation, accounts, and records of the officers, department, or function of the county including those operations, accounts and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex-officio capacity as officers of the district."

The duty of the Grand Jury is to assist the citizens of San Bernardino County to determine the issues within the Board of Supervisors that may be causing the dysfunctional public perception and recommend the appropriate corrective action if needed.

The method that appeared to be the best alternative to ascertain the issues of the adverse dysfunctional perception was to question each Supervisor separately. A series of questions were formulated which were similar in nature yet geared to each Supervisor's district and background. The questions were structured with the purpose of determining what, if any, issues existed that were causing the dysfunction, and to bring these concerns to the attention of the Board of Supervisors. The questions were also constructed in a manner that would create a sense in each Supervisor's mind that there was a need to stop the discord and resolve the issues between Supervisors for the best interest of the citizens of their respective districts.

The second purpose for the questioning of each Supervisor was to determine if in fact the issue of dysfunction was based on erroneous information.

It should be noted that during the preliminary process of interviewing each Supervisor a problem developed that although each Supervisor had a great deal of important concerns in their respective districts, four of the five Supervisors understood the importance of the Grand Jury investigation and made time available in their respective calendars to appear before the Grand Jury. Several attempts were made to schedule an appointment for the appearance of the former Chairman of the Board of Supervisors. Two appointments scheduled before the Grand Jury were cancelled at the last moment by the former Chairman. The former Chairman gave no explanation why he was not able or willing to appear before the Grand Jury. The former Chairman was subsequently elected as the Assessor and no further attempts were made to interview him by this committee.

The newly elected Supervisor was interviewed on April 19, 2007. Some of the areas covered in the respective interviews with each Supervisor were:

1. Former County Counsel sudden retirement
2. Appointment of Interim County Counsel
3. Colonies Partners Limited, L.P. settlement
4. Gumpert Report concerning Maranatha Jail property purchase
5. Media leaks
6. Partisan Politics
7. Dysfunctional relationships between Supervisors

FINDINGS

It is important to preface the findings in this report by making the following remarks as they relate to the operations and functioning of San Bernardino County government.

It is important to remember that it is the people of the County who combine their pennies, nickels and dollars through various means into one County fund. The people then elect representatives (in this case a Supervisor) to administer the funds and provide services in the best interest of the people. The people place their trust in their elected representatives to work together and make those decisions, which may not be popular or accepted by all of the people, but are made in their best interest.

1. The available information determined that the decision to retire was voluntarily made by the former County Counsel.

The available information did reveal that a few days prior to the resignation the former Chairman of the Board of Supervisors had berated the County Counsel in an open workshop meeting, concerning the County Counsel's failure to follow Board direction and also made comments to the effect that outside use of legal counsel was being considered.

The inability to satisfy each Supervisor's needs and the discord between Supervisors was one of the deciding factors leading to the decision to retire by the County Counsel.

2. The former Chairman of the Board of Supervisors recommended and Supervisors approved of an Interim County Counsel, which was a proper procedure under County Charter: Article 2, Section 7, which states, "Any vacancy in a County office other than that of supervisor, shall be filled by the Board of Supervisors by appointment for the unexpired term." There was a concern as to the Supervisors' decision to bypass the Assistant County Counsel and the effect that the decision would have on the Colonies Partners Limited pending litigations by bringing in an Interim County Counsel with questionable knowledge of the critical litigation issues. There is no requirement in a County appointed position that the assistant to that department head automatically become the head or interim of the department.

This concern became a moot issue when the Board of Supervisors disregarded the expenditure of County funds already spent on outside legal representation, all legal counsel advice and settled the suit in favor of Colonies Partners Limited, L.P.

3. The available information at this time supports the premise that the Board of Supervisors' monetary settlement in favor of the Colonies Partners Limited, L.P. was a decision made by three of the five Supervisors after consideration of the available alternatives. The Board of Supervisors has the authority to make the final decision on this civil lawsuit. The Board of Supervisors can consider, but were not required to follow, legal advice in this civil matter.

4. The purchase of the Maranatha jail facility and the subsequent Gumport report has been reviewed and disclosed no violations of law. The overall examination of the issues involved with the Maranatha facility purchase and information contained in the Gumport report did result in some positive actions by the Board of Supervisors. The first action was to renegotiate the Platinum Advisory contract to allow the CAO to terminate the contract at any time. There was also a reporting requirement to the County by the Platinum lobby contract when an issue of possible conflict arose. The lobbyist, who was a central issue in the Gumport report, although still employed by Platinum, is not representing San Bernardino County. A second positive result was the acquiring of a 700-bed jail

facility needed by the Sheriff. The facility was placed into service in a relatively short time and at a substantially reduced cost considering the cost to build a new jail facility. New additions to the facility are in the planning stages.

5. The area concerning release of confidential information to the news media was reviewed, however the person or persons responsible for the releases were not ascertained. The available information does support the premise that the discord between members of the Board of Supervisors may have contributed to the release of confidential information.

6. Partisan politics in County government, although not legally allowed, cannot be proven to exist or discounted.

7. The major area of concern was the dysfunctional display of interaction by some members at Board of Supervisor meetings, negative comments that made their way into the news media and release of confidential information with the intent to place another in a negative position. These actions were clearly not in the best interest of the citizens of the County.

One of the reasons for the dysfunction of the Board was the failure of some members to place their personal feelings aside when debating an issue and the failure to recognize that others may not view the issue in the same way. The failure to resolve these long-standing differences further added to the dysfunctional perception of the Board.

When the available information is viewed in totality the blame for allowing the dysfunctional operation of the Board of Supervisors lies squarely on the shoulder of the former Chairman of the Board who was, at the time, the elected leader. The leadership did not take the necessary steps to resolve the issues that were the source of conflict between Board members.

The remaining Board of Supervisors also share in the blame for the dysfunctional operation due to their failure to take a leadership role in the conflict when the former Chairman did not take action to defuse or resolve the dysfunctional operation.

As a result of the overall inaction by the Board of Supervisors there was a continuing failure of cooperation, trust and communication between Supervisors; thus the dysfunctional perception. This perception continued until there was a change in the Chairman of the Board leadership in 2007.

COMMENDATION

The present Board of Supervisors, despite differences of opinion that may arise on County matters, appears to be functioning as a cohesive unit of County government for the benefit of the people. Credit for this positive change appears to be the new leadership and the manner in which he is able to listen and communicate with Board members. The positive change is also a credit to the cooperation exhibited by all Board members. The vast reduction in the amount of negative press by the news media concerning the Board of Supervisors is also a credit to them. The Board of Supervisors is also positively credited with the implementation of the new COUNTY VISION site on the County website, which will open up the avenues of information and may reduce the distrust of county government due to the lack of information.

The commendation to the Board of Supervisors is meant to be construed as a reminder that they are the elected representatives of the people, charged to act in the best interest of the citizens in their respective districts, and a dysfunctional Board of Supervisors is not in the best interest of the citizens of San Bernardino County.

COUNTY ADMINISTRATIVE OFFICER

BACKGROUND

The County Administrative Officer (CAO) is appointed by, and reports directly to, the Board of Supervisors. The CAO oversees the operations of County departments and assists in the coordination of activities of departments headed by elected officials.

FINDINGS

The CAO is responsible for the "Service First" workshop conducted for all employees of the County. "Service First" is a countywide customer service improvement program. The CAO believes this program has improved the workplace of the County. The "Service First" ideals have now been incorporated into the work performance evaluation process.

A background check for all employees is needed to insure the safety and integrity of the County and its employees. A background check policy was to be presented to the Board of Supervisors by January 2007.

Every department is required to submit a Business Plan to the CAO. The department must adhere to those plans once they are submitted to the Board of Supervisors.

RECOMMENDATIONS

- 07-04 CONTINUE THE "SERVICE FIRST" WORKSHOP PRESENTATIONS FOR ALL NEW EMPLOYEES.
- 07-05 TO INSURE THE SAFETY AND INTEGRITY OF THE COUNTY, EVERY EMPLOYEE WHO RECEIVES A PAYMENT FROM THE COUNTY BE REQUIRED TO PASS A BACKGROUND CHECK, INCLUDING PUBLIC OFFICE APPOINTEES AND BOARD OF SUPERVISORS STAFF.
- 07-06 THE COUNTY ADMINISTRATIVE OFFICER CONTINUE TO MONITOR THE BUSINESS PLANS OF ALL DEPARTMENTS.

HUMAN RESOURCES DEPARTMENT

BACKGROUND

The Grand Jury investigated the Human Resources Department since it learned that the County Administrative Officer stated at a "Service First" mandatory meeting that County employees will receive a timely and yearly Work Performance Evaluation (WPE). The County Administrative Officer has set a goal of at least a 90% completion rate and in past Grand Jury documentation it was indicated that a "Standard Background Check" would be implemented by January 2007.

FINDINGS

During a "Service First" presentation it was stated that there were over 3,700 WPE's which were clearly overdue. The current status now indicates that number at only 300-400. In fact, some employees are on extended sick leave or may be off work for an extended period of time and, therefore, the department cannot complete the WPE.

The goal of Human Resources, according to its Director, is to implement a "Standard Background Check" by January 2007. Human Resources was waiting for the reorganization of the Board of Supervisors before presenting it for approval. Human Resources will now proceed with the movement of the "Standard Background Check" policy to the County Administrative Officer, who supports it, and then to the five Board of Supervisor members for final approval.

The Director of Human Resources stated that his intention was to be open to suggestions and new ways of doing things. The Director stated that the following new ordinances and policies (personnel rules) have been implemented:

- a. Dress and Grooming Program
- b. Drug Testing, Alcohol Testing
- c. Revisions of the following:
 - i. Employee Relations Ordinance (bargaining units)
 - ii. Personnel Rules county-wide

iii. Policy and Procedures Manual

iv. "Resource Newsletter" to all County employees

RECOMMENDATIONS

- 07-07 THE HUMAN RESOURCES DEPARTMENT CONTINUE TO IMPLEMENT THE PROGRAM THAT GIVES EACH COUNTY EMPLOYEE A YEARLY AND TIMELY WORK PERFORMANCE EVALUATION (WPE).
- 07-08 THE HUMAN RESOURCES DEPARTMENT CONTINUE TO MAKE A CONCERTED EFFORT TO IMPLEMENT A "STANDARD BACKGROUND CHECK" AND MOVE THE POLICY TO THE COUNTY ADMINISTRATIVE OFFICER AND TO THE BOARD OF SUPERVISORS IN A TIMELY MANNER.
- 07-09 THE HUMAN RESOURCES DEPARTMENT CONTINUE TO REVISE AND IMPLEMENT THE (1) STANDARDIZED DRESS AND GROOMING PROGRAM; (2) DRUG TESTING AND ALCOHOL TESTING; AND (3) THE REVISIONS OF THE POLICIES AND PROCEDURES AS INDICATED ABOVE.

INFORMATION SERVICES DEPARTMENT

BACKGROUND

The Grand Jury's review was to identify areas that the newly appointed Chief Information Officer may need to modify to improve overall operations of the Information Services Department (ISD).

ISD provides County service in five major areas: (1) Network Services, (2) Application Development and Support, (3) Information Technology Customer Service, (4) Technology Operations, and (5) Core and Security.

In the past five years there have been two Grand Jury reviews of the Information Services Department. Recommendations concerned replacement and disposing, donation of old computers, and determining the cost benefit of having ISD service all County computers. The 2004/2005 Grand Jury commended the ISD for creation and implementation of the Grand Jury webpage.

FINDINGS

The Analog 800MHz radio communication support system and equipment in current use by most County law enforcement agencies, and various other County departments is over 15 years old. ISD is currently in the process of converting the internal operating system presently in use in the support system, handheld devices and car radios to a lower frequency within the 800 MHz Analog bandwidth system, due to extreme high volume usage in the 800 MHz bandwidth.

In the future, it is going to become increasingly difficult to obtain replacement parts for the present analog system. ISD is reviewing the feasibility and cost factors associated with converting to a countywide digital communications system. Estimated cost to convert just the communications support infrastructure is \$250 million and does not include the actual cost of digital radio units.

The County currently has 4,970 County owned one-way pagers in use. The County also has 441 "Blackberry" and 69 "Goodlink" communication devices in use. The Blackberry and Goodlink devices provide a two-way improved communication link for County personnel.

ISD is currently working on improving the functionality of the new Geographic Information System (GIS). This system will provide improved aerial views of County properties when required by County departments.

RECOMMENDATIONS

- 07-10 DETERMINE FEASIBILITY AND COST FACTORS TO IMPLEMENT A COUNTYWIDE DIGITAL RADIO COMMUNICATIONS SYSTEM.

- 07-11 IMPLEMENT A DIALOG WITH CONCERNED DEPARTMENTS USING THE COUNTY ANALOG COMMUNICATIONS SYSTEM TO DISCUSS ANALOG ISSUES, PREPARE A PLANNED COURSE OF ACTION AND DETERMINE AVAILABLE FUNDING RESOURCES TO CONVERT TO A COUNTYWIDE **DIGITAL** COMMUNICATIONS SYSTEM AT A FUTURE DATE.

- 07-12 REVIEW THE CURRENT ONE-WAY PAGER, BLACKBERRY/GOODLINK COMMUNICATION SYSTEMS TO DETERMINE NEED, USAGE AND COST EFFECTIVENESS.

PUBLIC HEALTH DEPARTMENT

ANIMAL CARE AND CONTROL

BACKGROUND

The present Grand Jury looked at Animal Care and Control, regarding the 2004-05 Grand Jury concerns on safety and security at the Devore Animal Shelter. The length of time an animal is held was also investigated. Animal Care and Control takes in over 12,000 animals a year. The shelter started in 1985 with 40 kennel runs, and currently has over 90 kennel runs.

FINDINGS

Animal Care and Control has installed high fences and security cameras at the Devore Animal Shelter. They presently have a full-time security guard. There have been no break-ins since security measures were implemented. The shelter has been painted, is clean and well organized. Animals are scanned for identification chips and photographed immediately upon arrival. Photos and other information are placed on the lost pet website: www.sbcounty.gov/acc.

Animals are held for a minimum of five days (State law requires four days). When space is available, animals that are "adoptable" are kept for a longer period or placed with a certified rescue group. A larger facility would allow animals to be held for a longer period for adoption.

People/families looking to adopt a pet view animals in their cages. There is insufficient space for interaction between animals and people/families.

A veterinarian comes to the shelter three times a week to check and treat animals on site. Multiple shelters in the Central Valley of San Bernardino County duplicated animal care, adoption procedures and veterinarian care. The County assists with spay/neuter costs through a voucher program.

COMMENDATION

The Animal Shelter is located in a rural area; the security measures taken with higher fences, security cameras and a full-time security guard make the shelter a safer

place for staff and animals. The department and County are to be commended for implementing safety and security recommendations of the 2004-05 Grand Jury.

RECOMMENDATIONS

- 07-13 COMBINE THE EXISTING MULTIPLE ANIMAL CARE AND CONTROL FACILITIES IN THE CENTRAL VALLEY INTO A LARGER REGIONAL FACILITY BY USING JOINT POWERS AGREEMENTS (JPA) OF NEIGHBORING COMMUNITIES INCLUDING THE CITY OF SAN BERNARDINO.
- 07-14 EMPLOY A FULL-TIME VETERINARIAN TO PROVIDE CARE, SPAY AND NEUTERING AT A REGIONALIZED CONTROL CENTER.
- 07-15 PROVIDE MORE SPACE IN AN ADOPTION CENTER WHERE PEOPLE/FAMILIES CAN INTERACT WITH PROSPECTIVE ADOPTIVE PETS.

VECTOR CONTROL PROGRAM

BACKGROUND

Among the services provided by the San Bernardino County Department of Public Health is the Vector Control Program of the Environmental Health Services Division. (Vector has been defined as a carrier). Vector Control denotes control of vectors and vector-borne diseases by any insect or animal that could cause health hazards to humans or other animals. The Vector Control Program is both proactive and reactive.

There are two components of the program important to the control of vectors and vector-borne diseases throughout the County.

1. The program has a comprehensive surveillance plan that routinely performs surveys of mosquito, rodent and tick populations. It further evaluates the prevalence of diseases such as West Nile, encephalitis, plague, Hantavirus, Lyme, and others.
2. The program also provides prompt response to County residents' requests.

Visits were made to Vector Control facilities to get an overview of the department. The Vector Control Program has an administrative office in the County Government Center and a field office on Fifth Street in San Bernardino. The field office is what drew our attention.

FINDINGS

The field office facility was designed to accommodate a staff of eight and currently serves a staff of 21. It is extremely crowded. A Capital Improvement Plan (CIP) for a new facility has been prepared and is going through the process. A new site near freeway access would reduce unnecessary travel time.

The department is adequately staffed with trained professionals supplemented with seasonal staff when needed. The seasonal staff mostly comes from colleges and universities. There is no plan to add more staff at this time.

The 5,000 square foot building includes offices, laboratory, equipment storage, locker room with a changing area shared by men and women, conference room, indoor parking/garage and supply storage.

An additional 5,000 square foot of outdoor space is taken up by four Sea Train shipping containers; two are modified to accommodate offices and two for storage of chemicals and fuel. These containers are not compliant with the American Disabilities Act. On site is a chicken flock and hatchery tubs for mosquito fish.

There is no space at this site for expansion of any kind. The construction of a new facility will allow for future expansion of the program and added staff to accommodate the expected population growth and to better respond to the concerns regarding vectors and vector-borne diseases from County residents.

Testing is done in the field and in an onsite lab manned by the Vector Ecologist. Testing is also contracted out to University of California, Davis, and University of California, Riverside, facilities. The San Bernardino Vector Control lab is crowded. Sometimes lunches and lab specimens end up in the same refrigerator. There is an exit door in the lab going directly outside; this could compromise the integrity of the lab.

The Vector Control Program includes County lands and West End cities served by Special Districts. Communication is good between public and private agencies, which results in no duplication of Vector Control services. State grants are available; some desert cities did apply for grants up to \$20,000 each while others have not applied for grants.

Vehicles and equipment are parked outside. Though there is an effort to put sensitive equipment indoors at night, there is not always room. Vandalism in the past has caused some loss of fuel and equipment.

RECOMMENDATIONS

- 07-16 IMPLEMENT THE CAPITAL IMPROVEMENT PLAN (CIP) IMMEDIATELY TO ACQUIRE A NEW CENTRALIZED SITE WITH FREEWAY ACCESS TO CUT DOWN ON TRAVEL TIME FROM THE FACILITY TO THE JOB SITE(S).

- 07-17 THE FACILITY INCLUDE SEPARATE DRESSING ROOMS AND SHOWERS FOR MEN AND WOMEN STAFF.

- 07-18 PROVIDE MORE SPACE FOR PERSONNEL, SPECIMENS, STORAGE AND SENSITIVE EQUIPMENT, IN THE LAB.

- 07-19 IN THE INTEREST OF PUBLIC HEALTH, THE COUNTY HEALTH DEPARTMENT DEVELOP A PROGRAM TO ENCOURAGE DESERT CITIES TO BECOME MORE ACTIVE IN VECTOR CONTROL ACTIVITIES TO SAFEGUARD THE CITIZENS BY APPLYING FOR AVAILABLE STATE GRANTS.

- 07-20 SECURE INDOOR PARKING OF VEHICLES EQUIPPED WITH SPRAYERS, AND OTHER EQUIPMENT.

RISK MANAGEMENT DEPARTMENT

BACKGROUND

The Grand Jury decided to conduct a review of this newly created department, which was formerly a division within the Human Services Department. It was the Grand Jury's understanding that the County Administrative Officer (CAO) transferred the Risk Management Division to his direct supervision and upgraded it to departmental status. An interview with the department Director took place and the Grand Jury had an opportunity to ask questions and gain more understanding of its function.

FINDINGS

Risk Management was originally under the Human Resource's Department. It is now a complete and separate department in the County under the CAO. This change afforded the Department more visibility in the County organization and allowed its director full access to the CAO in regard to its function as managing insurance agent for the County, managing claims for Worker's Compensation and dealing with medical malpractice claims for Arrowhead Regional Medical Center (ARMC) and third part tort claims against the County.

The importance of the Risk Management Department's upgrade and placement under the direct supervision of the CAO is recognized. The County's liability and self-insured status, workman's compensation claims and medical malpractice claims for ARMC are serious and grave issues for governmental entities.

The department places strong emphasis on ergonomics in the workplaces of County employees.

The Director has expanded the Risk Management website on the County Intranet. On this new site, there is a warning to County employees which states "employees are under the watchful eye of a camera."

"Background checks" of employees needs to be resolved. The Director stated that the CAO will move forward to set forth a clear policy that every County employee will have the standard background check. This new policy is to move forward to the Board of Supervisors (BOS) forthwith.

RECOMMENDATIONS

- 07-21 RISK MANAGEMENT REMAIN A SEPARATE DEPARTMENT REPORTING DIRECTLY TO THE COUNTY ADMINISTRATIVE OFFICER.
- 07-22 THE NEW RISK MANAGEMENT "USER-FRIENDLY" WEBSITE FOR USE BY COUNTY EMPLOYEES BE MAINTAINED AND CONTINUED.
- 07-23 EVERY COUNTY EMPLOYEE BE REQUIRED TO PASS A STANDARD BACKGROUND CHECK.

SOLID WASTE MANAGEMENT

BACKGROUND

During a Grand Jury investigation of a citizen complaint concerning a city's use of environmental mitigation funds (EMF), several areas of concern came to our attention. These concerns related to Solid Waste Management Memorandums of Understanding (MOU's) with various cities in which San Bernardino County landfills are located.

FINDINGS

The Solid Waste Management Division has entered into many MOU's with various cities concerning landfills that are located within that city's boundaries or sphere of influence. Each city is paid the following amounts:

<u>LANDFILL</u>	<u>CITY</u>	<u>RATE PER TON</u>
Mid Valley	Fontana	\$2.69
	Rialto	\$2.69
San Timoteo	Redlands	\$1.00
Colton	Colton	\$1.00
Victorville	Victorville	\$.50
Barstow	Barstow	\$.50
29 Palms	29 Palms	\$.50
Landers	Yucca Valley	no fee

Mid Valley pays tonnage rates more than five times greater than other landfills.

These MOU's provide for:

1. Distribution of money from the Environmental Mitigation Fund.
2. Eligibility for funding.
3. Criteria for funding.
4. Funding formula.
5. Payment method.

6. The Nexus Test (A project satisfies the "Nexus Test" if the project's primary purpose and effect is to alleviate or to reduce the magnitude or the significance of an adverse condition affecting the city. This adverse condition must result from the presence of the current and/or expanded landfill).

All monies from the EMF paid to a city must be used by that city relative to the criteria established under the "Nexus Test".

All cities warrant that they will use fees only on projects that meet the "Nexus Test".

The cities of Rialto and Fontana are presently each paid approximately \$2 million per year. Rialto was prepaid \$14 million in 1998 in order to build a new police station. That police station has never been built. Rialto has been prepaid for tonnage until approximately 2012.

The MOU's with all cities except Fontana and Rialto require that:

1. The city keeps records necessary to establish the use of EMF monies for five years after use.
2. All use of EMF monies is subject to audit by the County, as it deems necessary.

If a city fails to satisfy the "Nexus Test", the funds are to be returned to the County for placement in the EMF until a project to use the funds meets the "Nexus Test".

Solid Waste Management has never conducted or requested an audit, has no procedure for requesting an audit, and has no knowledge of whether any city is misusing EMF monies.

RECOMMENDATIONS

- | | |
|-------|---|
| 07-24 | SOLID WASTE MANAGEMENT SET UP A PROCEDURE TO AUDIT THE USE OF EMF FUNDS. |
| 07-25 | IF CITIES ARE NOT USING EMF FUNDS PURSUANT TO THE MOU, SOLID WASTE MANAGEMENT REQUEST THAT THOSE FUNDS BE RETURNED TO THE COUNTY PURSUANT TO THE MOU. |

- 07-26 IF FONTANA AND RIALTO CANNOT MEET THE "NEXUS TEST", THEN SOLID WASTE MANAGEMENT RENEGOTIATE THE TONNAGE RATES PAID TO FONTANA AND RIALTO IN LIEU OF REQUIRING THOSE CITIES TO MEET THE "NEXUS TEST".
- 07-27 THE COUNTY COUNSEL'S OFFICE INCLUDE IN ALL ENVIRONMENTAL MITIGATION FUNDS MOU'S THE REQUIREMENT THAT EACH CITY KEEP RECORDS FOR FIVE YEARS AND THAT THE COUNTY CAN AUDIT THE EMF MONIES AS IT DEEMS NECESSARY.

AUDIT/FISCAL COMMITTEE



*Back – Dennis Zimmerman, JoAnn Miller, Gary Moran
Front – Thomas Ma, Ellen Miller-Chair, Jeanne Choisnet
Not pictured – Marianne Della Marna*



AUDIT/FISCAL COMMITTEE

The Audit/Fiscal Committee reviewed the operations and functions of the following County departments:

Assessor
Auditor/Controller-Recorder
Public Guardian
Treasurer/Tax Collector

The full committee was used for reviews and investigations of each of these departments. Also investigated was the Retirement System. Included in this report are the findings and recommendations of the Audit/Fiscal Committee

COUNTY ASSESSOR

BACKGROUND

On January 7, 2007, a new County Assessor was sworn into office.

The County Assessor is an elected official and constitutional officer charged by law with the responsibility of independent oversight and preparation of the annual local property assessments, from which tax funds are derived. Currently, there are 235 employees in the Assessor's Office, of which 142 are located at the San Bernardino Office at 172 West Third Street. The remaining 93 are distributed throughout the nine (9) countywide district offices, where appraisers and their support staff are located.

The mission statement of the Office of Assessor is to perform the following state mandated functions:

1. Locate, describe and identify ownership of all property within the county.
2. Establish a taxable value for all property subject to taxation.
3. List all taxable value on the assessment roll.
4. Apply all legal exemptions.

On March 27, 2007, an interview with the Assessor and five staff members was conducted. A guided tour of the Assessor's main office was conducted after the interview.

FINDINGS

The newly elected Assessor has made personnel changes in his staff structure and has started a review of the Assessor's operations in preparation to formulate a Business Plan. The Assessor is also in the process of requesting funds from the Board of Supervisors to remodel the three floors occupied by Assessor personnel.

The Assessor is in the process of converting certain hard copy paper files to a digital format. The intent is to save space, increase safety and secure all records.

The Assessor has reclassified some staff positions to unclassified status, which will afford him the means to accomplish future goals for the office. The reclassification was made with the concurrence of the affected staff personnel.

The lack of a formal structured training program for such positions as Appraiser has been identified as a need for the Assessor's future plans. At present, a new Appraiser is assigned to one of nine district offices and trained by staff Appraisers from that office. Training information imparted to trainees may not be consistent in offices throughout the County.

A tour of the facility on the third, fourth and fifth floors revealed a need to remodel, repair, upgrade and/or replace various items in each of the three floors. The current Assessor's building was constructed in about 1958 and was originally the Treasurer's Office. The original vault used to maintain County funds is still in place and used for file storage.

Ceiling lighting in some offices consists of old florescent fixtures set into suspended ceiling tiles. Due to glare emitted by these lights on computer monitors, some of the fixtures have been turned off to facilitate the use of computers.

There are certain areas where suspended ceiling tiles are missing, broken or stained. Work cubicles are very small, close together and most of the work area furniture is old "Steel Case" type. The furniture in some areas was obtained from County storage where old, replaced County office equipment is discarded.

RECOMMENDATIONS

- 07-28 THE ASSESSOR DEVELOP A FORMAL STRUCTURED TRAINING PROGRAM TO BE CONSISTENT IN ALL DISTRICT OFFICES.
- 07-29 BASED ON THE REVIEW OF THE ASSESSOR'S FACILITY, IT IS RECOMMENDED THAT THE BOARD OF SUPERVISORS CAREFULLY REVIEW THE ASSESSOR'S OVERALL BUSINESS PLAN FOR 2007/2008 AND APPROVE THE REQUEST FOR FUNDS TO RENOVATE THE ASSESSOR'S OFFICES, TAKING INTO CONSIDERATION FUTURE CAPITAL IMPROVEMENT PLANS. POSITIVE APPROVAL OF THE REQUESTED RENOVATION FUNDS WOULD BE A BENEFIT NOT ONLY TO THE ASSESSOR'S EMPLOYEES, BUT ALSO TO THE COUNTY WITH THE IMPROVED PROCESSING OF VITAL PROPERTY INFORMATION. THIS APPROVAL SHOULD BE PRIORITIZED AND CONTINGENT UPON THE AVAILABLE FUNDS AS DETERMINED BY THE BOARD OF SUPERVISORS.

COMPLAINTS COMMITTEE



*Back – Roy Nierman, Ron Brooks-Chair, Burrel Woodring
Front – Thomas Ma, Dennis Zimmerman, Elias Valdez*



COMPLAINTS COMMITTEE

The function of the Complaints Committee is to review all complaints received by the Grand Jury on an official complaint form. The forms are available by request or through the internet. Complaints may be referred by the District Attorney's Office. The committee determines if the complaints are valid. If a complaint is valid and meets criteria, it is referred to the proper committee.

The 2006-2007 Grand Jury received 19 complaints during its term. Two of these complaints were referred to the Public and Support Services Committee, one complaint was referred to the Law and Justice Committee, and one complaint was referred to the Administrative Committee. Fifteen complaints resulted in no action taken by the Complaints Committee. Each complainant was informed of the action taken on their complaint.

ECONOMIC DEVELOPMENT COMMITTEE



*Back – Thomas Ma, William Howard-Chair, Victor Edinburgh
Front – Ellen Miller, Kenneth Taylor, Carol Sharp
Not pictured – Clyde Metzler*



ECONOMIC DEVELOPMENT COMMITTEE

The Economic Development Committee was challenged to review and/or investigate the following County departments as to their respective functions and procedures in the operations of their departments:

Economic Development

- Big Box Stores
- City of Needles
- County's Five-Year Plan

Redevelopment

- Cedar Glen Project
- San Sevaine Project

Workforce Development

Upon conclusion of the interviews and/or investigations, there were no final reports from the subcommittees of Economic Development or Workforce Development.

The efforts from the Redevelopment Subcommittee led to the following final report.

REDEVELOPMENT AGENCY

BACKGROUND

The County Redevelopment Agency serves to improve economic opportunities and affordable living conditions within established redevelopment project areas in the unincorporated county, through the effective and efficient utilization of California redevelopment law, appropriate use of tax increment revenues and cooperative programs with other County agencies and communities.

In 1995, the former Kaiser Steel Mill site and other blighted industrial properties located in the unincorporated area west of Fontana were incorporated into the San Sevaine Redevelopment Project Area. The major objectives of the project are to encourage private sector investment in the development and redevelopment of the area, by removing impediments to growth caused by ever-present toxic and hazardous waste, eliminating and/or preventing the spread of blight and deterioration, and correcting infrastructure deficiencies.

FINDINGS

The County's redevelopment project areas are very unique requiring staff to possess specialized knowledge and ability to perform the job. The existing positions require the knowledge of writing of comprehensive reports, act as a liaison, facilitate and conduct financial analyses, make public presentations and monitor legislation.

The redevelopment of the San Sevaine Project is well planned and being implemented successfully. Past toxic and hazardous waste problems may be a detriment to future redevelopment.

RECOMMENDATIONS

07-30 MONITOR THE PRESENT CONDITION OF THE SAN SEVAINE PROJECT AREAS, WHICH HAVE BEEN KNOWN TO POSSESS TOXIC AND HAZARDOUS WASTE.

HUMAN SERVICES COMMITTEE



*Back – Ron Brooks, William Howard, Victor Edinburgh
Front – Jeanne Choisnet, Roderic Moers-Chair, Carol Sharp
Not pictured – Marianne Della Marna*



HUMAN SERVICES COMMITTEE

The Human Services Committee investigated the following departments and agencies:

Aging and Adult Services

- Ombudsman Program

Department of Children's Services

- Foster Care
- Independent Living Program

Transitional Assistance

- Food Stamp Improvement
- Food Stamp Fraud

The committee completed reports on the Ombudsman Program and Foster Care.

DEPARTMENT OF AGING AND ADULT SERVICES

OMBUDSMAN PROGRAM

BACKGROUND

Title VII Older Americans Act of 1965 is funded through the State of California and provides oversight assistance to residents in long-term nursing facilities and residential care homes in San Bernardino County. This oversight assistance is provided by trained Ombudsman volunteers who donate their time and service.

Knowledge of the program and Ombudsman duties were known to two Grand Jurors. Their experience was helpful in assessing the program and promoted the investigation.

FINDINGS

There are currently 26 certified Ombudsmen. This figure fluctuates according to the turnover rate. The volunteers serve 58 skilled nursing facilities and 256 residential care homes. The confidentiality and privacy of the residents is protected by the Ombudsman Program. An average of 160 monthly complaints are handled by the program. The turnover rate of Ombudsmen is a concern. Due to the increased longevity of the older population, the assistance provided is becoming less adequate. Continued news coverage and other coverage would encourage a flow of volunteers.

The Ombudsman volunteers are working without appropriate safety communication. A GPS system provided for the volunteers would give needed safety in the field.

Communication between County and State officials is insufficient due to unanswered telephone calls, e-mails and letters.

RECOMMENDATIONS

07-31 INCREASE MEDIA EXPOSURE TO REDUCE TURNOVER RATE OF THE OMBUDSMAN VOLUNTEER.

- 07-32 INSTALL GPS SYSTEMS IN ALL OMBUDSMAN CELL PHONES.

- 07-33 INCREASE COMMUNICATIONS BETWEEN STATE AND COUNTY OFFICIALS
 TO ASSURE A CONTINUED AND SUCCESSFUL OMBUDSMAN PROGRAM.

DEPARTMENT OF CHILDREN'S SERVICES

FOSTER CARE

BACKGROUND

The Grand Jury looked into Children Services to see if safety and security were a priority for children and County workers. The Grand Jury found that children in Foster Care were visited on a regular schedule and reported as being visited in a timely manner.

FINDINGS

Social workers may use their own phone and/or pager, or County issued phone and pager for communication when making visitations and doing fieldwork. Social workers are often in areas where communication is limited. GPS systems are not used in conjunction with phone use in the field and should be purchased for safety and communication with supervisors and co-workers and law enforcement.

It was reported that the use of "Safe Measures" by department supervisors has improved the reporting percentage of foster care children being seen in a timely manner. "Safe Measures" provides real time information regarding current status of the department, region, unit and individual caseworker. Utilizing the "Safe Measures" program makes it apparent that the reporting problems were in data entry rather than social workers not making contact with foster child. The statistical data of children being seen in a timely manner has improved from 65% to 93%. The current cost for "Safe Measures" program is \$64,000 a year. There is no cost in adding the Social Workers to the "Safe Measures" program.

RECOMMENDATIONS

- 07-34 PURCHASE GLOBAL POSITIONING SYSTEMS (GPS) FOR SOCIAL WORKERS' AREA SO THAT THEIR LOCATION CAN BE TRACKED WHEN NEEDED OR ASSISTED BY OTHER STAFF OR LAW ENFORCEMENT IF IN A DANGEROUS SITUATION

- 07-35 ADD SOCIAL WORKERS TO "SAFE MEASURES" PROGRAM.

LAW AND JUSTICE COMMITTEE



*Back – Dennis Zimmerman, Kenneth Taylor
Center – Roy Nierman, Gary Moran, Burrel Woodring-Chair
Front – JoAnn Miller, Elias Valdez, Lois Long*



LAW AND JUSTICE COMMITTEE

The Law and Justice Committee had the responsibility for investigating the following County departments:

- Probation
- Public Defender
- Sheriff-Coroner

The authority for the investigation of these departments is found in the California Penal Code and Government Code.

Final reports and recommendations were made on the following offices and facilities:

- Barstow Sheriff Station and Detention Facility
- Central Court Holding Facility
- Coroner
- ICE Unit at West Valley Detention Center
- Indigent Defense Contracts
- Indigent Defense Fee Collection
- Judicial Benefits
- Probation Department
- Public Defender Department
- Scientific Investigations Unit
- Sheriff's Training Center/Academy

The Sheriff's Inmate Welfare Trust Fund was investigated and was found to be operating properly and legally under the rules set forth by the Penal Code.

The Board of Supervisors hired a new Public Defender during this Grand Jury's term of office. Investigations showed that she is reorganizing this department and introducing some significant cost-saving programs.

INDIGENT DEFENSE

CONTRACTS

BACKGROUND

The San Bernardino Superior Court is no longer a County department. This Grand Jury does not have jurisdiction to make recommendations to the Court or the Judges, who are State employees. The Superior Court, however, still sets the requirements for contract attorneys and awards the contracts for all adult indigent defense attorneys. These contracts are paid with County funds.

Juvenile contracts are paid with funds from the State. The Superior Court, which is a state agency, continues to award the juvenile indigent attorney contracts.

FINDINGS

A state agency is awarding county contracts and spending County funds for the representation of indigent defendants by indigent contract defense attorneys. A possible conflict exists when defense attorneys appear before judges who award the indigent fee contracts. Contract attorneys who appear before those judges can be intimidated.

The San Bernardino Superior Court contract only requires that the contracting attorney have the following legal qualifications:

1. Licensed to practice law in the State of California.
2. The attorney has malpractice insurance.

The contracting attorney determines which sub-contract attorney would actually represent the defendant in each case. There is no requirement for specific experience levels, capabilities or qualifications of a sub-contract attorney to handle different types of crimes or cases (excluding life without possibility of parole or death penalty cases).

At present, there were only four bidders on the four County contracts which are awarded to contract attorneys every three years. Those bids are as follows:

CONTRACT AREA	MISD. COST	FELONY COST
North Desert (Victorville/Barstow)	\$375	\$1045
East Valley (Central/Fontana)	\$375	\$975
West Valley (Chino/ Rancho)	\$400	\$975
East Desert (Joshua Tree)	\$375	\$1150

In the Central Division (San Bernardino), there were 1,295 felony appointments to the contract attorneys during the year 2006. There are approximately 15 sub-contract attorneys who handle the cases in the Central Division.

The charge per defendant is so low Orange County and Los Angeles County attorneys do not bid on the San Bernardino indigent defense attorney contracts.

Since the appointment of a new Public Defender in 2006, there has been a nine percent drop in the number of felony appointments and a 15 percent drop in the number of misdemeanor appointments to contract attorneys. This has reduced the income of contract attorneys and has saved the County over \$700,000.00.

RECOMMENDATIONS

- 07-36 THE BOARD OF SUPERVISORS DIRECT THE COUNTY ADMINISTRATIVE OFFICER TO NEGOTIATE AND AWARD THE CONTRACTS WITH INDIGENT DEFENSE ATTORNEYS.
- 07-37 THE COUNTY ADMINISTRATIVE OFFICER SET STANDARDS TO INSURE THAT EACH CONTRACTING ATTORNEY AND SUB-CONTRACTING ATTORNEY IS QUALIFIED TO HANDLE THE TYPE OF CASE HE/SHE IS APPOINTED TO DEFEND.
- 07-38 THE COUNTY ADMINISTRATIVE OFFICER DESIGNATE A COUNTY DEPARTMENT, POSSIBLY TREASURER/TAX COLLECTOR, TO HANDLE ALL ACCOUNTINGS AND PAYMENTS TO CONTRACTING ATTORNEYS.

INDIGENT DEFENSE

FEE COLLECTION

BACKGROUND

The 2005-2006 Grand Jury recommended (recommendation #06-41) that the Treasurer/Tax Collector proceed with the indigent defense fees collection program. This program was to allow the County to recover attorney fees from those defendants who are not totally indigent. The program was discontinued by the then Presiding Judge. The Treasurer/Tax Collector, in their response (#06-41), indicated that "The County lost \$2 million of possible reimbursement for public defender fees due to Courts not ordering fees as recommended".

FINDINGS

In 2006 the Public Defender and contract attorneys were appointed on the following criminal cases:

<u>Agency</u>	<u>Misdemeanor</u>	<u>Felony</u>
Public Defender	31,338	16,254
Contract Attorneys	2,709	3,808

A pilot program for the collection of indigent defense fees is being developed by the Treasurer/Tax Collector and the Court in the Rancho Courthouse. It is anticipated that this pilot program will be instituted throughout the County after a scheduled meeting with the presiding judge and approval from the judges' executive committee.

The Treasurer/Tax Collector will then be designated as the "Financial Officer" per P.C. 987.81 to collect indigent defense attorney fees.

The pilot program will provide for the court at the arraignment procedure to present to defendant, among other legal notices, a portion advising the process for reimbursement of attorney fees. (This form is still in the development process). The Treasurer/Tax Collector will then process the collection of appropriate reimbursement fees from those defendants who have been determined to be able to pay for any and/or all attorney fees.

The Court will be ordering defendants to pay “the maximum amount” of attorney fees subject to modification by the “Financial Officer” based on the defendant’s ability to pay. The “maximum amount” presently set by the Court is \$500 for misdemeanors and \$800 for felonies.

Present indigent defense contracts between the Court and contract attorneys provide for the following pay schedule to the contract attorney:

Misdemeanors	\$375.00 to \$400.00
Felonies	\$975.00 to \$1150.00

The indigent defense reimbursement program may include both misdemeanor cases and cases in which the defendant is not convicted of a crime or may be phased, one at a time, into the program.

There is no procedure presently in effect for defendants appearing by video arraignment to be ordered to “Central Collections”. The Public Defender has indicated there may be 10,000 arraignments by video in 2008.

The indigent defense reimbursement program will not work without the total cooperation of all judges who handle criminal cases. The Treasurer/Tax Collector has indicated judges who are overloaded with cases often forget to order attorney fees. The County lost \$2 million in 2006 because of the Court’s failure to order attorney fees.

RECOMMENDATIONS

07-39 THE TREASURER/TAX COLLECTOR IMPLEMENT THE INDIGENT DEFENSE FEE COLLECTION PROGRAM COUNTYWIDE.

07-40 THE TREASURER/TAX COLLECTOR WORK WITH THE COURT TO REQUIRE THE COURT BAILIFF TO HAND EACH DEFENDANT A FINANCIAL QUESTIONNAIRE AND A LETTER FROM “CENTRAL COLLECTIONS” NOTIFYING THEM OF THEIR RIGHTS AND ORDERING THEM TO APPEAR IN 20 DAYS TO CENTRAL COLLECTIONS.

07-41 THE TREASURER/TAX COLLECTOR WORK WITH THE COURT TO INCREASE THE “MAXIMUM ATTORNEY FEES” TO:

MISDEMEANORS	\$ 500.00
FELONIES	\$1200.00

- 07-42 THE TREASURER/TAX COLLECTOR WORK WITH THE COURT TO ESTABLISH ATTORNEY FEE REIMBURSEMENT IN MISDEMEANOR CASES AND IN CASES IN WHICH THE DEFENDANT IS ACQUITTED.
- 07-43 THE TREASURER/TAX COLLECTOR WORK WITH THE SHERIFF'S DEPARTMENT AND THE COURT TO INSURE VIDEO ARRAIGNMENT DEFENDANTS BE INCLUDED IN THE INDIGENT DEFENSE COLLECTION PROGRAM AT THE TIME OF THE VIDEO ARRAIGNMENT.
- 07-44 THE TREASURER/TAX COLLECTOR WORK WITH THE COURT TO MODIFY THE ARRAIGNMENT DOCKET SHEET TO REMIND JUDGES TO INCLUDE THE ORDERING OF ATTORNEY FEES IN INDIGENT MISDEMEANOR AND FELONY CASES.

JUDICIAL BENEFITS

BACKGROUND

In 1992 Municipal and Justice Courts in the County were merged. In recognition of the merger, the Board of Supervisors equalized the benefits paid to those County Judges.

In 1997, a second consolidation took place when the State of California enacted the Trial Court Funding Act of 1997 (SB 223) which abolished the Municipal Courts and declared the Municipal Court Judges were, henceforth, Superior Court Judges. **This act also provided that all Judges are employees of the State of California and no longer County employees.**

In 2000, The San Bernardino Board of Supervisors enacted Resolution 2000-190 that allocated \$1.3 million to the Court for costs associated with locally authorized judicial benefits for “eligible” judges, and there were 63 “eligible” judges at that time.

The 2002-2003 Grand Jury questioned why the Board of Supervisors continued to authorize the payment of \$19,371.56 per year to every San Bernardino County Judge since they were now employees of the State of California.

FINDINGS

Superior Court Judges are State employees and their salary is set by the State legislature and paid by the State of California (AB 223, Chapter 850, Statutes of 1997).

Superior Court Judges are appointed by the Governor of California or elected by the residents of the County. The Governor can appoint persons to the San Bernardino Superior Court who are not residents of the County. County “judicial benefits” are not a major factor in the acceptance of an appointment to a judgeship. Many counties offer no judicial benefits.

The County Counsel in two separate legal opinions, one on September 22, 2000, and one on April 21, 2003, questioned whether judges can legally participate in County sponsored benefit programs.

In 2000, 63 “eligible” judges were collecting County benefits. Today, 83 “eligible” judges receive County benefits of \$19,700 per year.

There are presently five judicial vacancies on the San Bernardino County judicial bench and the State of California has authorized 16 additional judicial positions for the County of San Bernardino.

In 1997, the salary of a Superior Court Judge was **\$108,000**. Today, the salary of a Superior Court Judge is **\$171,000**. This is a 63% increase.

The 2003-2004 Grand Jury reported on what other Southern California counties paid judges as judicial benefits. Their findings were as follows:

- Alameda
 - Paid \$1,350 per judge annually for a cafeteria plan. A total cost of \$150,000 for 69 judges.
- Fresno
 - Paid \$1,121.42 per judge for health insurance and \$92.56 for a life insurance policy
- Riverside
 - Paid a car allowance, deferred compensation and life insurance policy.
- San Diego
 - Paid no county benefits for 128 judges.
- Santa Barbara
 - Paid no county benefits for 19 judges.
- Santa Clara
 - Paid for a \$25,000 life insurance policy for 79 judges.
- **San Bernardino**
 - Paid county benefits of \$19,371.56 per judge. A total of \$1,607,839 for 83 judges.

The current San Bernardino County benefit is **\$19,700 per judge. A total of \$1,635,100 for 83 judges.** An expected total of **\$1,950,300 for 99 judges.** (San Bernardino is authorized 16 additional judges).

The cost of living in San Bernardino County is less than many other Southern California counties. For example, the median home prices are substantially less. In March 2007, the median home prices in Southern California counties were as follows:

- | | |
|-------------------------|------------------|
| • Los Angeles | \$540,000 |
| • Orange | \$629,000 |
| • Riverside | \$420,000 |
| • San Diego | \$490,000 |
| • Ventura | \$566,750 |
| • San Bernardino | \$369,000 |
| • So. California | \$505,000 |

The median home prices in San Bernardino County are the lowest in Southern California, yet San Bernardino County pays substantially more in judicial benefits than other Southern California counties.

RECOMMENDATIONS

- 07-45 THE BOARD OF SUPERVISORS DISCONTINUE OR REDUCE THE JUDICIAL BENEFITS PAID TO PRESENTLY APPOINTED OR ELECTED SUPERIOR COURT JUDGES.

- 07-46 THE BOARD OF SUPERVISORS NOT PAY ANY JUDICIAL BENEFITS TO ANY NEW JUDGE APPOINTED OR NEWLY ELECTED AFTER JULY 1, 2007.

PROBATION DEPARTMENT

BACKGROUND

The San Bernardino County Probation Department handles 17,000 to 18,000 adult probationers with approximately 120 to 130 Deputy Probation Officers. The Probation Officer average caseload is 140 probationers.

A Probation Department memorandum dated September 18, 2006, indicated the San Bernardino County Probation Department currently prepares 6,000 pre-sentence probation reports each year for the San Bernardino Superior Court, whereas, Orange County Probation Department prepares approximately 800 pre-sentence probation reports per year.

FINDINGS

The vast majority of these pre-sentence probation reports (hereafter referred to as "probation reports") concern cases in which the defendant, the defense attorney, the District Attorney and the Court have accepted a negotiated plea agreement. These negotiated plea agreements typically resolve most, if not all, issues concerning length of jail sentence, restitution, fines and terms of probation, prior to the matter being referred to the Probation Department for a pre-sentence report.

The probation reports are labor intensive. Each report requires 9-12 hours to complete (3 to 4 reports per deputy per week). Presently 25 Deputy Probation Officers spend their entire time writing pre-sentence probation reports. If 3,000 less probation reports were written per year, 14 Probation Officer IIs and one Supervising Probation Officer could be reassigned to supervision of high risk probationers or to other areas where gaps in service exist.

It normally takes four weeks to complete a probation report and a defendant typically waits in county jail for an additional four weeks after accepting a negotiated plea agreement before being transported by the Sheriff's Department back to Court for sentencing.

P.C. 1203(4) provides that the probation report may be waived by a stipulation of the prosecuting and defense attorneys with the consent of the Court.

Riverside County Adult Probation Department writes approximately 2,000 pre-sentence probation reports each year and only writes reports on the following:

1. Cases that go to trial (90% of all pre-sentence probation reports)
2. Cases in which there is a "Lid" on sentencing, i.e. agreement of not more than a set number of years.
3. Cases in which there is no agreement by the District Attorney's Office and the plea is offered by the Court.

There are no pre-sentence probation reports written on any negotiated pleas other than those listed above.

If there is a negotiated plea in Riverside Court, the Court does a sentencing of the defendant, whether or not a victim is available to testify.

P.C. 1192.6 requires the prosecuting attorney to relay to the Court the circumstances of the offense, the medical expense involved, whether there are prior felonies involved, and the damages to the victim. Riverside Court will sentence the defendant immediately and will order restitution as determined by Financial Services.

Financial Services is a department working for the Court, but funded by Riverside County. It has the responsibility to calculate and collect restitution. If defendants are not in custody they are directed to go to Financial Services immediately. If the defendant is in custody, Financial Services will contact them at the jail. Financial Services personnel get the police report which has the address and name of the victim. (Victim names are not given in sex crime cases). Financial Services then contacts the victim to determine damages, injuries, medical expense and the amount of reimbursement to be made to the victim. Financial Services then determines the amount of the restitution and it becomes a part of the court order.

In many instances the Victim/Witness personnel in the District Attorney's Office can contact the victim to determine the restitution required to be made to the victim. The District Attorney's Office can also run a Criminal Information Identification (CII) report to determine the defendant's criminal background. This is normally done before the preliminary hearing and is available to the Judge for sentencing if a negotiated plea agreement is reached.

The San Bernardino District Attorney's Victim/Witness Program has just requested grant money under P.C. 1382.5 of \$966,813.00.

The San Bernardino Probation Department has suggested the elimination of pre-sentence probation reports on negotiated pleas of:

1. Petty theft with a prior.

2. Vehicle theft where the vehicle is returned with minor damage.
3. Low level burglary.
4. Victimless crimes.
5. Drug cases without a victim.
6. Other low level crimes.

By waiving probation reports on these negotiated pleas, 14 Deputy Probation Officers could be assigned elsewhere to provide greater supervision to high risk offenders that have committed a violent crime or who have a high potential for violating probation.

The Public Defender's office, the District Attorney's office, the Probation Department and the San Bernardino Superior Court have agreed to waive pre-sentence probation reports for drug crimes without a victim. This went into effect March 1, 2007. It is anticipated this will eliminate approximately 1,000 probation reports and will free up approximately five Deputy Probation Officer IIs to perform other duties.

The District Attorney's office has indicated that contacting the victims to determine restitution on damages to victims is the responsibility of the Probation Department. They also indicated that the Probation Department should investigate the criminal background of defendants and not the District Attorney's office. Their primary objection was that this is the way they have done it in the past and they were not "comfortable in waiving Probation reports on any negotiated pleas other than non-violent drug cases." The Public Defender's office and the Probation Department encourage waiving probation reports on other low-level crimes as Orange County and Riverside County have done. The San Bernardino Superior Court has indicated that if the prosecuting attorney and the defense attorney waive a probation report, they will consent to the waiver.

If there was a waiver of probation reports for other low level crimes as listed above, it would eliminate an additional 1,800 probation reports and free up an additional nine Deputy Probation Officer IIs. It is anticipated 1,800 fewer probation reports would have the following effects:

1. Reduce the review of 1,800 probation reports by the defense attorney, the prosecuting attorney and the Judge.
2. Not tying up the following personnel in 1,800 additional court hearings:
 - a. Judge
 - b. Prosecuting attorney

- c. Defense attorney
 - d. Bailiff
 - e. Court reporter
 - f. Court clerk
3. County jail inmates could be released on probation or sentenced to state prison four weeks earlier. (No need to return to court four weeks later for sentencing.)
 4. Fewer inmate movements from county jail to Court for in-custody defendants.
 5. Reduce by 1,800 the number of Court calendared items which will allow the Court to proceed with other hearings.

Freeing up nine (9) additional Deputy Probation Officer IIs and one (1) Supervising Probation Officer, would save the County over \$1,000,000 per year in salaries used solely to write probation reports.

RECOMMENDATIONS

- 07-47 THE DISTRICT ATTORNEY'S OFFICE AND THE PUBLIC DEFENDER'S OFFICE WAIVE PRE-SENTENCE PROBATION REPORTS ON NEGOTIATED PLEAS OF THE FOLLOWING CRIMES:
- a. PETTY THEFT WITH A PRIOR.
 - b. VEHICLE THEFT WHERE THE VEHICLE IS RETURNED WITH MINOR DAMAGE.
 - c. LOW LEVEL BURGLARY.
 - d. VICTIMLESS CRIMES.
 - e. DRUG CASES WITHOUT A VICTIM.
 - f. OTHER LOW LEVEL CRIMES.
- 07-48 THE DISTRICT ATTORNEY'S VICTIM/WITNESS PERSONNEL CONTACT VICTIMS TO DETERMINE REIMBURSABLE EXPENSES AND RESTITUTION WHEN POSSIBLE.

- 07-49 THE TREASURER/TAX COLLECTOR ESTABLISH A FINANCIAL SERVICES DIVISION TO WORK WITH THE COURT TO CALCULATE AND COLLECT RESTITUTION.
- 07-50 THE PROBATION DEPARTMENT REASSIGN DEPUTY PROBATION OFFICERS FREED UP AS A RESULT OF FEWER PROBATION REPORTS, TO PROVIDE GREATER SUPERVISION OF HIGH RISK OFFENDERS. ANY MONEY SAVED BY NOT HIRING DEPUTY PROBATION OFFICERS COULD BE USED TO INCREASE THE NUMBER OF ADDITIONAL DEPUTY DISTRICT ATTORNEYS OR INCREASE PERSONNEL IN THE VICTIM-WITNESS PROGRAM.
- 07-51 THE DISTRICT ATTORNEY AND PUBLIC DEFENDER REQUEST THAT DEFENDANTS IN NEGOTIATED PLEAS BE SENTENCED IMMEDIATELY IN ORDER TO FREE UP JAIL SPACE AND COURT PERSONNEL.

PUBLIC DEFENDER

BACKGROUND

The Constitution provides that all persons accused of a crime be defended. Those defendants who do not have the financial means to hire an attorney will be assigned one by the court. The County Public Defender's (P.D.) office has the responsibility of representing indigent clients. It provides defense services to both adults and juveniles accused of felonies, misdemeanors, and violations of probation.

FINDINGS

The P.D. has started a comprehensive training program. The office is now representing defendants from arraignment to sentencing. The P.D. has reduced the number of cases the public defender has been relieved from representing a defendant because of a conflict of interest. The P.D. has reduced the number of Marsden hearings by 95%. A Marsden hearing is a hearing granted by the Court when a defendant requests that the attorney appointed to represent him or her be removed and another attorney (normally a private attorney) be appointed to represent him or her. The P.D. has recommended waiving pre-sentence probation reports on some negotiated plea cases that have the potential to free up several probation officers to perform other tasks.

The P.D.'s Office currently has 111 Deputy Public Defender positions authorized. Five of those positions are unfunded and three positions are vacant. The P.D. handled over 52,723 cases in 2006, for an average of 512 cases per attorney (52,723 cases divided by 103 attorneys = 512). The P.D. estimates they will handle over 65,000 cases in 2008 for an average caseload of 585 cases per attorney (65,000 cases divided by 111 attorneys = 585).

The Department of Justice's National Advisory Commission adopted a caseload standard of **"no more than 150 assigned felonies per attorney per year, or no more than 400 assigned misdemeanors per attorney per year, or no more than 242 assigned juvenile cases per attorney per year."**

The 2006 caseloads of area public defender's offices are as follows:

County	Felony	Juvenile	Misd.	Total Cases	# of Atty's	Avg Caseload Per Atty	Budget	Cost per Defendant
San Bernardino	16,254	5,131	31,338	52,723	103	512	\$28,862,282	\$547
Orange				77,500	213	360	\$54,865,528	\$708
Riverside (2004/2005)	14,344	3,100	17,959	35,403	131	270	\$26,842,148	\$758

The P.D. is now present for all video arraignments at Adelanto and West Valley Detention Centers. It is estimated there will be 10,000 video arraignments per year in 2008.

As a result of the P.D. having fewer conflict cases and fewer Marsden hearings granted, there has been a nine percent decrease in contract attorney felony cases and a 15 percent decrease in misdemeanor cases. The contract attorneys received average fees of \$975 per defendant. The P.D. cost per defendant is \$547. The reduction in contract attorney cases has saved the County over \$700,000.

Although the Public Defender's office received increased staffing in 2006-2007, the increased number of countywide criminal filings, the decrease in declared conflicts and decreased Marsden hearings has resulted in increasing the P.D. caseload rather than lessening it.

The Public Defender's Office has need for 18 additional Deputy Public Defender positions (an increase to 129 positions). The average caseload would be 504 cases per attorney (65,000 anticipated cases divided by 129 attorneys = 504) which is still higher than the attorney caseload of Riverside County or Orange County.

In 2006, the average caseload per Public Defender investigator was:

COUNTY	NUMBER OF INVESTIGATORS	TOTAL CASES	CASES PER INVESTIGATOR
Orange	79	77,500	981
Riverside	39	35,403	908
San Bernardino	22	52,723	2,396

The Public Defender's office does not have a comprehensive case management system. This system would enable attorneys to access files from the office or the courtroom. It would save clerical staff time, incorporate updated technology and enable multi-department coordination to enhance motion writing, case organization, and staff efficiency.

Because of the increase in caseload and the number of attorney positions, there is a need for eight office assistants, six supervising office assistants, six investigators, and one supervising investigator.

Extremely high attorney caseloads, investigator caseloads, and staff caseloads cause high employee, investigator and attorney turnover which ultimately leads to increased recruitment and training costs.

Although the Public Defender's office will increase its office space in San Bernardino with completion of the 303 building, there is still a shortage of office space in Victorville and Fontana. The Fontana office has 4,000 sq. ft. of space for 23 staff members. Victorville has 5,300 sq. ft. of space for 26 staff members.

RECOMMENDATIONS

- 07-52 THE BOARD OF SUPERVISORS APPROVE FUNDING FOR 18 ADDITIONAL DEPUTY PUBLIC DEFENDERS AND TWO SUPERVISING DEPUTY PUBLIC DEFENDERS.
- 07-53 THE BOARD OF SUPERVISORS APPROVE FUNDING FOR SIX INVESTIGATORS AND ONE SUPERVISING INVESTIGATOR.
- 07-54 THE BOARD OF SUPERVISORS APPROVE FUNDING FOR SIX SUPERVISING OFFICE ASSISTANTS AND EIGHT OFFICE ASSISTANT II'S.
- 07-55 THE PUBLIC DEFENDER DEVELOP AND INITIATE A CASE MANAGEMENT SYSTEM.
- 07-56 THE BOARD OF SUPERVISORS AUTHORIZE ADDITIONAL OFFICE SPACE IN VICTORVILLE AND IN FONTANA FOR PUBLIC DEFENDER USE.

SHERIFF-CORONER

BARSTOW SHERIFF'S STATION AND DETENTION FACILITY

BACKGROUND

The Barstow Sheriff's Station was established in 1890. The present station (a former Barstow City police office and jail) is the oldest in the County and has been in use since the early 1950's. The building also houses courtrooms and offices for the Superior Court.

The jail and booking facility is used by the Sheriff's Department, Barstow Police, California Highway Patrol, Burlington Northern Railway Detectives and, on occasion, Military Police Criminal Intelligence Division investigators from Fort Irwin and the Barstow Marine Corps Logistics Base.

Deputies from this station have patrol jurisdiction over 10,000 square miles, more than half of the total square miles of the County. This area includes Baker, Daggett, Hinkley, Lenwood, Ludlow, Newberry Springs, Sandy Valley, Yermo, Red Mountain and Trona.

Station staffing consists of 71 personnel, including one captain, one lieutenant, five sergeants, four corporal/detectives, six jail deputies, one secretary, three office specialists, five custody specialists, five custody specialist assistants, one automotive and five station officers.

FINDINGS

Prisoner meals are stored in a refrigerator prior to being heated and served. Food is transported from the Glen Helen jail.

A staff of trustees maintains the station and jail. They have a separate dormitory that is too small for the number of inmates. When these trustees have visitation with their families, there is not a visitation room and they use a small, secured patio off the staff conference room.

Inmates are generally held for 36 hours or less before being transported to Adelanto or West Valley facilities, unless they are to appear before the Barstow Superior

Court for arraignment. They are then transported and returned on the day of their next court appearance.

Parking lot facilities are inadequate for Sheriff vehicles and most deputies and employees must park on unsecured streets.

Evidence storage space is seriously inadequate. Firearms are not in lockers. Evidence workers have inadequate space and security in a 6' x 6' room. Drugs and cash are not kept permanently on site, but are periodically transported to the Criminal Services Unit in San Bernardino. Station ammunition is stored on shelves in a 4' x 2' hallway wall locker.

The detectives' office is only 16' x 12' and contains desks and files for the station's several investigators. The adjacent interview room is a former closet and is used as a fingerprint room for applicants for various non-criminal permits.

The station and jail's air conditioning system is inadequate for the severe desert climate. Some holding cells in the women's section are unusable due to chronic plumbing problems, and no fire suppression sprinklers were observed in the cell area or station proper.

Communication between the jail and the adjacent courtrooms is outdated. It usually consists of necessary defendant paperwork being slid under a door from the court to the jail.

Only one deputy is on jail duty per shift, with a Sheriff Correction Specialist. The deputy is responsible for jail security in transferring prisoners to court bailiffs.

Adjacent to the facility is a small city-owned park, purchased from the County for \$1 several years ago. It would be the most cost effective site if the Board of Supervisors ever considered enlarging the station. An evaluation should be done as the condition and age of the facility might necessitate building a new station at another location.

Several new developments and industries, plus the proposed new Indian casino, are scheduled for the area. The Sheriff will then need to develop new staffing and strategies to maintain the high level of law enforcement that citizens now enjoy.

RECOMMENDATIONS

07-57 REMODEL AND EXPAND THE EXISTING BARSTOW JAIL AND SHERIFF'S STATION USING THE VACANT CITY LAND NEXT TO THE FACILITY.

07-58 THE BOARD OF SUPERVISORS AUTHORIZES A CAPITAL IMPROVEMENT PLAN TO BUILD AND FINANCE A NEW STATION AND JAIL IN BARSTOW.

07-59 THE SHERIFF EVALUATE STAFFING NEEDS FOR THE FACILITY IN BARSTOW.

CENTRAL COURT HOLDING FACILITY

BACKGROUND

The Penal Code requires the Grand Jury investigate the conditions and management of County detention facilities.

The Sheriff's Central Court holding facility is located on the fourth floor of the San Bernardino County Central Courthouse. It is a temporary holding facility for people in custody who are awaiting court appearances. The facility is classified as a "Class II Detention Facility" (pending arraignment during trial and upon sentencing), as prescribed by Title 15 Minimum Jail Standards. Built in 1926, it was originally the only San Bernardino County Jail.

The facility accommodates approximately 120-200 inmates daily. Staff is comprised of six Deputy Sheriffs and one Sheriff Custody Specialist, who work Monday-Friday from 6:00 a.m. to 5:30 p.m.

FINDINGS

Inmates are in waist chains and leg irons when bussed daily from West Valley, Central and Adelanto detention facilities for their court appearances. They are transferred from the bus to a security elevator that only stops on the first and fourth floors. This elevator can only accommodate 3,000 pounds or 13 (1 deputy and 12 inmates per load) and is operated by an inmate trustee.

After arriving at the fourth floor, the leg irons are removed and inmates are placed into separate juvenile, male and female holding cells. Males are further separated until their appearance in court. When their cases are called, they are transferred to the court annex, under guard, through different stairs and security doors.

The holding area and cells are clean considering the age of the facility. It contains a small storeroom and small breakfast and lunch area for the guards. Exterminators are attempting to solve a recurring rodent and flea problem. The cooling system is adequate. There are 24 unoperable floor drains.

The Fire Suppression Pre-Plan Protocol and Emergency Evacuation Plan, coordinated with the San Bernardino City Fire Department, is updated every two years.

According to this plan, there are several exits in and out of holding cells. The plan calls for the majority of inmates to be evacuated through the kitchen stairwell, the stairway behind Departments S-17 and S-18, and the stairway behind Department S-21, plus the Court Annex passageway. It does not explain the evacuation plan if the Court Annex exit is destroyed or closed due to an emergency, or the electricity to the elevators is disrupted.

Considering the age of the facility and the plans to build a new courthouse, major expenditures are not financially feasible.

RECOMMENDATIONS

- 07-60 THE PLUMBING AND DRAIN PROBLEMS IN THE CENTRAL COURTHOUSE HOLDING FACILITY NEED TO BE REPAIRED.
- 07-61 UPDATE THE FIRE SUPPRESSION PLAN AND MODIFY THE EVACUATION PLAN FOR THE COURTHOUSE HOLDING FACILITY.

CORONER DIVISION

BACKGROUND

The 2002/2003 Grand Jury investigated the Coroner's facility. The report found the facility in unacceptable condition. Bodies were stacked three or four high and an extremely bad odor existed throughout the facility, originally built in 1986.

Recommendations were made to increase the size of the Coroner's Facility, remodel it entirely and add additional refrigeration capacity, as well as the additional staff to the Coroner's office.

FINDINGS

Recently, the Board of Supervisors assigned the Coroner's duties to the Sheriff's Department.

In November 2006 remodeling was begun on the entire Coroner's Facility, including the installation of a new roof.

A new and larger refrigeration/freezer system has been installed in addition to the existing refrigeration system. Facility upgrades include the autopsy stations, anthropology room and a facility for pathologists. When finished, the new morgue will hold approximately 170 bodies. Since the merger, the Board of Supervisors has approved 19 new staff positions and when filled, the office will have 51 full-time positions.

The Sheriff is recruiting RN's, ex-officers and paramedics, embalmers, and fire personnel. They will receive four months departmental training and two weeks specialized training. When fully staffed, the Coroner's Office will have three full-time and three part-time pathologists. Additional investigators are needed to identify a backlog of unidentified persons.

The remodeling of the Coroner's Facility is a four-part process. The Grand Jury's visit on April 12, 2007, found stage one of the remodeling almost complete. Final completion is scheduled for September 2007.

The Sheriff's Office requested the Board of Supervisors provide an additional Coroner's facility in the high desert area. This request was approved and an Apple Valley mortuary was obtained and is being remodeled. The Apple Valley facility is a lease with option to buy. The additional facility has given the County two Coroner's facilities to handle the growing population of San Bernardino County.

RECOMMENDATIONS

- 07-62 THE COUNTY PROVIDE ADDITIONAL CORONER INVESTIGATORS FOR THE BACKLOG OF UNIDENTIFIED BODIES.
- 07-63 COMPLETE REMODELING OF THE APPLE VALLEY FACILITY AND HAVE THE REAL ESTATE SERVICES DEPARTMENT INVESTIGATE OPTION TO PURCHASE FACILITY.

IMMIGRATION CUSTOMS ENFORCEMENT (ICE)

BACKGROUND

The Immigration Customs Enforcement (ICE) Unit is administrated by the Sheriff of the County of San Bernardino. Operations began January 2006 at West Valley Detention Center in Rancho Cucamonga only. The mission is to screen all prisoners booked at the facility to determine immigration status. San Bernardino County was the first to initiate the program in California.

FINDINGS

The Unit, consisting of nine specialists and one supervisor, is in operation Monday through Friday, 5:00 a.m. until midnight at the West Valley Detention Center only. The Unit is supervised by the Sheriff's Department.

The specialists must be bilingual and attend ICE training, which is funded by the Federal government. They receive no extra pay or allowance to serve in these positions. They also are required to have a high secret clearance. Only the ICE specialists are authorized access to the computers and files. All operations are monitored by Federal ICE personnel. Adequate office and work space is provided.

RECOMMENDATIONS

- 07-64 EXPAND THE ICE PROGRAM TO INCLUDE ALL SHERIFF'S JAIL BOOKING FACILITIES.

- 07-65 CONSIDER PROVIDING STIPENDS TO ICE SPECIALISTS.

SCIENTIFIC INVESTIGATIONS UNIT

BACKGROUND

The Sheriff's Scientific Investigation Division provides support in the investigation of crimes committed within the County of San Bernardino. Division personnel have been commended for their expertise and assistance in solving crimes. This includes evidence monitoring, crime scene investigation, photos, evidence gathering, ballistics testing, and the analysis and testing of DNA.

FINDINGS

The workspace area is not adequate for the amount of investigative services that the division provides. The FBI recommends that there be 1,000 square feet of space for each analyst, but the current facility has 46 analysts in 15,226 square feet. There are currently only 10 crime scene investigators but more are needed. Evidence is brought to the facility from all Sheriff and police agencies in the County and is stored on site.

One particular concern is the area where evidence vehicles are stored. They are housed outside in an unprotected area and are severely compromised by weather, animals and vandalism. The last two Grand Juries have recommended that something should be done to make the area more secure.

The Sheriff's Department currently supplies all kits for evidence gathering to all law enforcement agencies in San Bernardino County for blood alcohol, sex offense, DNA swabs and blood tubes at no charge.

A digital server is needed that would download and secure all photos. Photos are currently unsecured and some evidence has appeared on websites. This would eliminate the physical storage of all photos, which occupies substantial space.

RECOMMENDATIONS

07-66 HIRE ADDITIONAL DNA ANALYSTS AND CRIME SCENE INVESTIGATORS.

07-67 PROVIDE AN AREA INSIDE A WAREHOUSE OR INVESTIGATE CONSTRUCTION OF A MORE FEASIBLE WAY TO HOUSE VEHICLES INVOLVED IN CRIMES.

- 07-68 CHARGE LAW ENFORCEMENT AGENCIES A NOMINAL FEE FOR ALL EVIDENCE KITS.
- 07-69 PROVIDE FUNDING FOR A DIGITAL SERVER TO DOWNLOAD AND SECURE ALL PHOTOS.

SHERIFF'S TRAINING CENTER/ACADEMY

BACKGROUND

The 23-week basic Academy training program lasts 920 hours and is considered by California Peace Officer Standards and Training (POST) to be one of the top basic academies in the State. POST has recognized the need for peace officers to have strong values of leadership, ethics, and community policing.

The curriculum and format has been recognized as the standard for all the other basic academy programs in the State. This past year, 121 students completed the basic Academy program.

FINDINGS

The Academy trains recruits for the Sheriff's Department and as well as other police departments.

Class sizes vary from 40 to 70 students. Recruits at the Academy spend 40 hours a week in the training program.

One of the most difficult areas of training is report writing. San Bernardino Community College provides an instructor to assist in educating the recruits in this area. There are four academies conducted each year.

The training center consists of 650 acres on three different sites. Some of the facilities are old, in poor condition and have mold issues that are being resolved. Sewers have to be pumped every day. There is an occasional flooding problem area during heavy rains. Transporting personnel into the grounds by helicopter has been

necessary when flood occurs. An alternative route west of the facility is currently under development and could provide an alternate route.

The Academy offers training in other areas: Advanced Officer Training, Mounted Enforcement, Firearms Training, Motorcycle Training, Driver Training and Advanced Defensive Driving.

RECOMMENDATIONS

- 07-70 DEVELOP AN ALTERNATE, FLOOD FREE ROUTE, INTO THE GROUND OF THE SHERIFF'S TRAINING FACILITY.

- 07-71 REPAIR BUILDINGS THAT ARE IN POOR CONDITION AND REMOVE MOLD.

PUBLIC AND SUPPORT SERVICES COMMITTEE



*Back – Ron Brooks, Victor Edinburgh, Kenneth Taylor-Chair
Center – Roderic Moers, William Howard, Burrel Woodring
Front – Lois Long, Carol Sharp
Not pictured – Marianne Della Marna, Clyde Metzler*



PUBLIC AND SUPPORT SERVICES COMMITTEE

The Public and Support Services Group (PSSG) was formed during a County organizational restructuring approved by the Board of Supervisors in May 2005. This group includes most departments having a strong interface with the general public, as well as a number of internal support departments.

PSSG Administration coordinates the administrative and budget activities of fourteen County departments charged with providing services to the public and to other County departments. The departments of PSSG that were reviewed are as follows:

- Agriculture/Weights and Measures
- Airports
- Architecture and Engineering
- County Fire
- County Library
- County Museum
- Fleet Management
- Land Use Services
 - Building and Safety
 - Code Enforcement
 - Planning
- Regional Parks
- Registrar of Voters
- Special Districts

The departments not reviewed are as follows:

- Facilities Management
- Public Works
 - Surveyor
 - Transportation/Flood Control
 - Waste Systems Division
- Real Estate Services

The actions of the PSSG Committee resulted in the following findings and recommendations.

COUNTY FIRE DEPARTMENT

CONFIRE JPA COMMUNICATIONS CENTER

BACKGROUND

The San Bernardino County Fire Department's CONFIRE Joint Powers Agreement (JPA) Communications Center (Comm Center), is located in the City of Rialto, southwest of the Rialto Municipal Airport. It is located in the same security complex as the County Office of Emergency Services. Its primary mission is to provide 24/7 direct Fire/Emergency Medical Services (EMS) dispatch services.

Member agencies of the CONFIRE JPA are San Bernardino County Fire Department and all 36 consolidated fire county districts, plus fire departments for the cities of Colton, Loma Linda, Redlands and Rialto. They also contract with Running Springs and Twentynine Palms fire districts for this service.

The Comm Center is also the operational area dispatch center for several County departments. It is also responsible for mutual aid dispatching requests and it handles all air ambulance calls and multi-casualty incidents for this area.

FINDINGS

The Center is now in a 5-year-old permanent Butler-built type building. They were located in a nearby temporary building with 9-1-1 and Sheriff Dispatchers. The Comm Center has 58 personnel assigned with approximately 26 on duty at any one time.

They have eight radio dispatchers and two intake personnel. They work 12-hour shifts and are cross-trained in all systems. Qualified dispatchers are in great demand and have a significant turnover in the public service field.

County Fire and the Sheriff's Department have been awarded a \$300,000 Homeland Security grant. It provided a Request for Proposal (RFP) to hire consulting services for the new joint communications center for County Fire and County Sheriff. The contract has been awarded to DMJM Designs/AECEM in Orange, California, and the results of the study will be completed by December 31, 2007. The study will recommend a permanent location, combining services of the two locations, the financing and time frame for the new center along with other recommendations.

Past Grand Jury recommendations were reviewed with the Comm Center Director. Mostly those recommendations were concerns of security and overcrowding at the center. Even though some of those conditions still exist, the proposed joint center that is being planned with the Sheriff's Department will address and solve most of those concerns. The department is small and little known and the public needs to be informed of this useful and valuable department.

RECOMMENDATIONS

- 07-72 REVAMP THE PAY SCALES AND BENEFITS TO BETTER RETAIN DISPATCHERS. THIS WILL ALSO HELP IN RECRUITING EMPLOYEES.
- 07-73 ACT PROMPTLY TO IMPLEMENT THE STUDY OF THE COMM CENTER.
- 07-74 INFORM THE PUBLIC OF THIS UNIQUE AND VALUABLE DEPARTMENT.

Support Services Center, Hazardous Material Division, and Sewell Training Center

BACKGROUND

There are three County Fire Centers located at the San Bernardino International Airport (SBIA) on approximately 10 acres leased from the airport authority. The facility consists of a mixture of old original hangars and temporary manufactured buildings.

The Support Service Center provides three support activities: Vehicle Services (repair and outfitting of all fire engines and support vehicles), Warehouse Services and Facilities Maintenance.

The Hazardous Materials Center is responsible for routine inspections, operating household hazardous waste collection facilities and responds to citizen complaints about hazardous waste problems. This operation is recognized by the state and federal government as a leader in household hazardous waste management.

The Sewell Training Center, in conjunction with Crafton Hills College, has 11 weeks of classwork encompassing all aspects of real-life firefighting techniques that includes 480 hours of field training. The Center provides three fire academies per year.

FINDINGS

The SBIA Joint Powers Authority consists of representatives from the cities of Loma Linda, Colton, Highland, San Bernardino, and the County of San Bernardino. The SBIA Authority has notified the County that they are not renewing the lease they have had with County Fire since 1995. The lease called for 10 years, plus two three-year options. The last three-year option will expire in 2011.

According to SBIA, "with the closure of Rialto Airport, we are placing some aircraft oriented business on our site. In 2011, we may need to acquire the County Fire facilities space for our SBIA use for aircraft placement and aviation use." In addition, SBIA reported, "County Fire is considered non-aviation and consequently, the FAA (who have oversight on leases at the airport) will not support a lease renewal." SBIA is uncertain whether another of their off-airport sites will be available to relocate the three centers.

In the County Fire Business Plan for 2006-07, Goal Six recommends the following steps to complete the facilities relocation: "(a) Perform a needs assessment and space allocation study; (b) Research available real estate based on space allocation study; (c) Estimate project cost and identify potential revenue sources to fund relocation of a facility; and (d) Present recommendations to Board of Supervisors for viable options."

County Fire is involved in a reorganization of 36 fire districts into four regions. The application is before LAFCO (Local Agency Formation Commission) and should be completed this year. LAFCO informs the Grand Jury that with some minor adjustments, it should be before the Board of Supervisors sometime this fall.

RECOMMENDATIONS

- 07-75 EXPLORE WITH SAN BERNARDINO INTERNATIONAL AIRPORT ON ALTERNATE OFF-AIRPORT RELOCATION SITES.
- 07-76 EXECUTE 2006-07 BUSINESS PLAN RECOMMENDATIONS FOR RELOCATION OF THREE COUNTY FIRE COMMUNICATION CENTERS AND PRESENT RECOMMENDATIONS TO BOARD OF SUPERVISORS.
- 07-77 COMPLETE THE REORGANIZATION OF THE 36 COUNTY FIRE DISTRICTS THAT IS BEFORE LAFCO.

LAND USE SERVICES

BACKGROUND

The Grand Jury received complaints on the responsibilities and duties of the San Bernardino County Land Use Services Department. This department has a staff of approximately 200 employees. They have four divisions: Current Planning, Advance Planning, Building and Safety, which is responsible for the issuance of permits, and Code Enforcement, which regulates and enforces these codes.

The main complaint was regarding the County Development Codes provisions for native plant protection and allegedly illegal removal of Joshua trees and other native plants (S.B. Ordinance 3341, County of San Bernardino Development Code, Title 8, Division 3, 83.10.080,(c),(1),(A),(B), and Division 6, 86.09.090,(b),(4),(5),(6)).

FINDINGS

During an interview with the Department, it was revealed that they have a serious shortage of professional planners due to salary competition from the private sector. This creates difficulty in recruiting new staff members.

It was also disclosed that other than Cal Poly Pomona, there is no college in this area that offers a dedicated planning career curriculum.

The Grand Jury found that many developers of both large and small developments are removing and destroying numerous Joshua trees and other native plants that are under the ordinances of protecting native trees and plants. It is the responsibility of Code Enforcement to enforce these ordinances within the County and local law enforcement to enforce the codes within their jurisdictions.

The investigation found that because there is an apparent lack of code enforcement, it may be costing the County a substantial amount of revenue as well as the loss of protected trees and plants.

The technology of aerial photos/GPS shows plant growth on larger developments. The system is newly in place, but not yet widely used.

RECOMMENDATIONS

- 07-78 MAKE AN EFFORT TO NOTIFY AREA UNIVERSITIES THAT THE COUNTY HAS A SERIOUS NEED FOR PLANNERS; IT SHOULD ALSO CONSIDER OFFERING GRANTS AND SCHOLARSHIPS TO QUALIFIED STUDENTS IN EXCHANGE FOR MULTIYEAR COMMITMENTS TO THE COUNTY WITH FULL-TIME EMPLOYMENT AS AN ULTIMATE GOAL.
- 07-79 WHEN A LAND USE PERMIT IS PULLED, REQUIRE PRE-INSPECTION BEFORE THE WORK BEGINS ON LARGE AND SMALL DEVELOPMENTS. INFORM ALL LOCAL LAW ENFORCEMENT AGENCIES OF CODES AND LAWS REGARDING PROTECTED PLANTS AND TREES. THESE AGENCIES ARE REQUIRED TO ENFORCE THESE ORDINANCES AND COLLABORATE ON ENFORCEMENT WITH OTHER DEPARTMENTS.
- 07-80 THE EXISTING TECHNOLOGY OF AERIAL PHOTOS/GPS BE USED TO THE FULLEST EXTENT.

REGISTRAR OF VOTERS

BACKGROUND

The Grand Jury investigated the Registrar of Voters (ROV) to look at issues concerning the last election. In order to do a comprehensive investigation, it was concluded that the Grand Jury follow the election process and get an understanding of all the pre-election requirements. Specifically, the Grand Jury attended the Logic and Accuracy testing of election procedures, observed the voting process election night, and interviewed the ROV and staff following the election.

FINDINGS

The temperature in the ROV warehouse did not maintain the required 78 degrees. This temperature requirement is critical because of the temperature-sensitive paper of the VeriVoter printer attached to the Direct Recording Electronic (DRE) machine. The printed record of each vote cast from the voting machine is the backup counting of all the votes cast and, therefore, must be relied upon if there is a recount or challenge to the DRE machine.

Part of the Logic and Accuracy testing was testing a small sample ballot procedure. The ballots are run through eight scanners in the absentee ballot counting room. The process should guarantee that the optical scanners were accurately reading the test ballots. It was noticed that some of the optical scanners would shred and crumple the test ballots, requiring the ROV to duplicate the damaged test ballots in accordance with the Elections Code.

The ROV makes a complete check of each DRE machine to see if it is set to "0". The DRE machine remains sealed inside and outside during the actual election process.

The Grand Jury participated in a Logic and Accuracy testing process in which individual votes of the different precincts were cast. They were afforded the opportunity to observe the votes they actually cast and the VeriVoter printer attached to the DRE machine. These votes were tallied and verified on the machine attached to the DRE in a printed format and simultaneously stored in a cartridge that is built into the DRE unit itself.

The ROV has recently received funding from the Board of Supervisors for a remodel of the facility. The statement from ROV was that some of the funding will be

used to set and maintain the correct storage temperature for the temperature-sensitive paper from the voting machine.

The ROV is aware that issues emerged countywide regarding the election, which included a small number of DRE's being inoperable, VeriVoters running out of paper and shortage of paper ballots especially when lines began to grow longer. The ROV stated that staff is aware of these issues and will be better prepared and equipped for the next election.

The ROV reported that the training of a pool of steady workers is an ongoing challenge and a specific concern at each election, as each election is different. New technology is constantly improving and new advances assume that there can be "glitches."

Security cameras have been installed throughout the facility but will not be operational until the completion of the office remodel project indicated above. Once activated, the monitoring of cameras will be done at the ROV facility by ROV staff.

RECOMMENDATIONS

- 07-81 UPGRADE THE TEMPERATURE CONTROL IN THE REGISTRAR OF VOTERS WAREHOUSE TO MAINTAIN A CONSTANT 78 DEGREES.

- 07-82 UPGRADE BALLOT-COUNTING SCANNERS.

- 07-83 DURING THE ELECTION PROCESS: (1) PREVENT THE VOTING MACHINES FROM RUNNING OUT OF PRINT PAPER AND MALFUNCTIONING; (2) ASSURE THAT THERE WILL BE NO SHORTAGE OF PAPER BALLOTS COUNTY-WIDE; (3) OFFER YEAR-ROUND TRAINING; AND, (4) ACTIVATE THE SECURITY SYSTEM.

APPENDIX



ABOUT THE SAN BERNARDINO COUNTY GRAND JURY

The San Bernardino County Grand Jury is a body of 19 citizens who are charged and sworn to investigate County matters of civil concern as well as inquire into public offenses committed or triable within the County. The Grand Jury's duties, powers, responsibilities, qualifications and selection processes are outlined in the Penal Code of California §888 et seq.

Duties

The Grand Jury reviews and evaluates procedures, methods and systems utilized by local government to determine whether they can be made more efficient and effective. It may examine any aspect of the County government or a city government, including special legislative districts and joint powers agencies, to ensure that the best interests of San Bernardino County residents are being served. The Grand Jury may inquire into written complaints brought to it by the public.

The Grand Jury functions lawfully only as a body; no individual member acting alone has any power or authority. Meetings of the Grand Jury are not open to the public, and discussions and voting are required by law to be kept private and confidential.

The Penal Code requires the Grand Jury to inquire into the condition and management of the detention facilities within the County; investigate and report on the operations, accounts and records of county and other local public agencies, officers, departments or functions; inquire into the willful or corrupt misconduct in office of public officers; and, submit a final report of its finding and recommendations no later than the end of its term to the Presiding Judge of the Superior Court. Agencies to which these recommendations are directed are required to comment on both the findings and the specific recommendations.

The Grand Jury may request the issuance by the Superior Court of subpoenas. The Grand Jury may conduct hearings to determine whether sufficient evidence exists to bring an indictment charging a person with a public offense. However, the District Attorney usually calls for impanelment of separate juries drawn from the petit (regular trials) jury pool to bring criminal indictments.

Qualifications

A Grand Juror must be a citizen of the United States; be at least 18 years old; be a resident of California and San Bernardino County for at least one year immediately

prior to selection; possess ordinary intelligence, sound judgment, and good character, and, possess a sufficient knowledge of the English language to communicate both orally and in writing. A Grand Juror cannot be serving as a trial juror in any California court; have been discharged as a Grand Juror in any California court within one year of the beginning date of service, July 1; have been convicted of malfeasance in office, any felony or other high crimes, or be serving as an elected public official.

Other desirable qualities of a Grand Juror are good health; open-mindedness; sensitivity to and concern for the view of others; skill in working with others in a group setting; interest in and knowledge of community affairs; skill and experience in fact finding; skill and experience in report writing; working knowledge of computers, and general knowledge of the responsibilities, function, and authority of county and city governments.

Commitment

The complex, diverse responsibilities of Grand Jurors make it necessary to give a serious commitment to the time requirements. The Grand Jury term is for one year and the usual work week is three to four days. Additionally, attendance at some evening meetings may be required. Jurors are provided with meeting facilities and adjacent parking in San Bernardino.

Remuneration

Jurors are paid per diem (currently \$25 per day) based on actual days worked and provided free parking. Holidays, vacation, and other time off are taken without remuneration. Mileage is reimbursed for travel between Jurors' residences and the Grand Jury office and for travel on business of the Grand Jury.

Application Process

Any interested citizen who meets the required qualifications and is able to make the time commitment should request an application from the Grand Jury Office in writing to the Grand Jury Assistant, 351 North Arrowhead Avenue, Room 200, San Bernardino, CA 92415-0243. You can also find the application on the Grand Jury website at www.sbcounty.gov/grandjury.

Selection Process

Panels of judges review applicants for Grand Jury service. Every effort is made to recruit men and women from all socio-economic levels, ethnic and age groups. Applicants are judged on the knowledge, skills and abilities required for successful performance as a Grand Juror.

Applicants who are found to be best qualified, interested and available to serve will be given a background check by the San Bernardino County Sheriff's Office and become a finalist for the list of potential Grand Jurors, which may not exceed 30 names.

In order to comply with the law, potential Grand Jurors are selected from the County Supervisorial Districts in proportion to the population of those districts. In San Bernardino County, six applicants from each of the five Supervisorial Districts are named to the Grand Jury panel.

The 30 persons selected will constitute the Grand Jury panel and are summoned to appear in court where all names are placed in a lottery draw. The first 19 names chosen become the next San Bernardino County Grand Jury. The remaining names are retained for use as alternates when necessary.

Shortly before the beginning of the Grand Jury term of service, an orientation process is conducted. The presiding judge of the Superior Court selects the foreperson, with all other officers chosen by the Jury itself.

Organization

To carry out its responsibilities, the Grand Jury generally organizes itself into committees. Areas of focus may include administration, finance, education, environment, health, law enforcement, and social services. The Foreperson is appointed by the Presiding Judge of the San Bernardino Superior Court from among the jurors. The Grand Jury determines its rules of procedure.

For more information, please visit the Grand Jury website at

www.sbcounty.gov/grandjury