

**COUNTY OF SAN BERNARDINO  
BOARD OF SUPERVISORS  
RESPONSE TO THE  
GRAND JURY FINAL REPORT**



**2007-2008**

## Arrowhead Regional Medical Center

**Findings:** The County agrees with the grand jury's findings

### Assessor

**Findings:** The findings do not call for a response from the Board of Supervisors. The Assessor responded under separate cover. The Assessor's response is included as an attachment to this report.

#### **Recommendations 08-01 and 08-02:**

These recommendations do not call for a response from the Board of Supervisors. The Assessor responded under separate cover. The Assessor's response is included as an attachment to this report.

**Recommendation 08-03:** *Enact policy that requires competitive bidding for consulting services.*

The recommended policy is in place. San Bernardino County Policy No. 11-05 (effective August 15, 2006) requires that a competitive process based on demonstrated competence and professional qualifications and capabilities be utilized for services, and further stipulates that service procurements in excess of \$50,000 (per scope of services, per vendor, per department/agency, per fiscal year) be approved by the Board of Supervisors. The Purchasing Agent has discretion to refer purchases of a lesser dollar amount to the Board for approval.

**Recommendation 08-04:** *Revise the education reimbursement policy to limit discretionary reimbursement for exempt employees. It is ambiguous and open to broad interpretation. Require employees receiving tuition assistance while working towards a college degree, guarantee the county that they will remain in its employ for a fixed period after graduating.*

This recommendation was implemented on August 12, 2008 when the Board of Supervisors adopted an ordinance related to compensation of exempt and other unrepresented County employees and officials.

Specifically, the ordinance states:

*"Tuition Reimbursement and Membership Dues. The County shall establish an individual, departmental fund in the amount of \$1,000 for each fiscal year commencing fiscal year 2005-06 for each employee in the Exempt Group to reimburse employees for tuition costs incurred for job-related education or career development or to*

*reimburse membership dues in professional organization(s), providing each expenditure enhances furtherance of County or continuing education goals. Requests for reimbursement must be approved in advance by the appointing authority and shall not be paid in increments less than \$10.00 per fiscal year.*

*“The individual department fund is in addition to department budgeted and mandated trainings and memberships. The County shall also pay, in addition to the individual department fund, the membership dues to the State Bar of California for all licensed attorneys in the Exempt Group whose job duties require admission in the State Bar.*

*“Employees who successfully complete job-related education or courses may submit a request to be reimbursed beyond the limit of \$1,000 to their Department Head or Appointing Authority for review. The Department Head or Appointing Authority must then request and receive approval from the County Administrative Office to reimburse beyond the limit of \$1,000 per fiscal year per employee. In order to be eligible for reimbursement under this provision, the employee must take such course work outside regular work hours, and shall do no productive work for the County while attending the courses.*

*“If the reimbursement is approved and paid to the employee, and the employee leaves the County prior to completing two years of County service after completing the job-related education or coursework, the employee will reimburse the County according to the following schedule:*

<u>Job-related education/course completion date</u>	<u>Reimbursement</u>
<i>Within 9 months</i>	<i>100%</i>
<i>After 9 months, but before 18 months</i>	<i>50%</i>
<i>After 18 months, but before 24 months</i>	<i>25%</i>
<i>After 24 months</i>	<i>0%”</i>

Implementation of this recommendation creates no local cost impact.

**Recommendation 08-05:** *Enact policies for separation agreements of County employees that link the length of employment with terms of severance.*

The County will not carry out this recommendation. The County does not enter into severance agreements with employees who are to be terminated. In some cases when a high-level County employee is terminated, an agreement will be proposed that settles all potential employment-related legal claims in consideration for salary continuation for a limited period of time. The length of the salary continuation contained in such a settlement agreement is based on a

review of the potential legal claims, and is determined within the discretion of the appointing authority, subject to the review and approval of County Counsel. A policy that would limit the County's discretion in this area would leave the County vulnerable to costly litigation.

**Recommendation 08-06:** *Require that County email system have automatic firewalls in place to preclude all political email from being accessed on the County email system and equipment.*

The County will not carry out this recommendation because the technology that would be needed to block inappropriate political e-mail without blocking appropriate and potentially vital e-mail does not exist. Filters designed to block certain content are constructed using keywords. Most if not all of the keywords that would be used to construct a filter intended to block inappropriate political e-mail would also block information related to legitimate County business, such as communications with state and federal representatives and information on legislation vital to the County's interests.

If the technology to accomplish the grand jury's goals did exist, users could bypass it by using e-mail services provided by a variety of Internet sites.

The County will continue to rely on existing policies that prohibit the use of County technology for inappropriate political purposes, and the right the County has to review e-mail traffic when inappropriate use is suspected.

### **Auditor/Controller-Recorder and Purchasing**

**Findings:** The County agrees with the grand jury's findings that pertain to functions and policies overseen by the Board of Supervisors. The Auditor/Controller-Recorder has been advised to respond under separate cover to findings that pertain to functions under the Auditor/Controller-Recorder's purview, if appropriate.

### **Economic Development Department and Legislative Liaison**

**Findings:** The County partially agrees with the grand jury's findings. First of all, in order to avoid confusion as it pertains to the County's legislative advocacy program, a point of clarification is necessary prior to addressing the findings and recommendations of the Grand Jury report: The entity referred to by the grand jury as the "Legislative Liaison Department" is actually the Office of Legislative Affairs and is a separate entity from the Economic Development Agency. As for EDA, written expenditure guidelines for achieving project goals do exist, and all expenditures are indeed part of a cohesive, objective-directed strategic plan.

Nearly all of the items identified by the grand jury were part of the strategic document that formed the foundation of the Economic Development Agency's structure. The 2005 Economic Strategy, developed by economist John Husing, outlined these activities – including the County's engagement with the development community through conferences, trade shows and activity within these networks and other strategic options, which EDA followed during the period studied by the Grand Jury. In addition, most of the items specifically outlined by the grand jury fall within, and were subject to, County guidelines covering travel and expenditures. EDA followed the guidelines, submitted requests, sought permission and answered through the standard chain of command and permission to develop its program.

A few minor points of clarification are in order. The "limousine service" identified in the grand jury report was actually a van operated by a company that refers to itself as a "limousine service." The "Men's Warehouse" expenditure was for the rental of formal wear required for an event EDA representatives were required to attend. And the largest share of expenditures for the various conventions and trade shows mentioned in the report went toward exhibitor fees and displays, not travel, meals, and lodging.

Regarding the Office of Legislative Affairs, County records indicate the County's cost for the November 2007 California State Association of Counties conference was \$7,654.47, not the \$18,679.92 reported by the grand jury. As is the case with EDA, all travel associated with the Office of Legislative Affairs is consistent with written expenditure guidelines for achieving project goals, and all expenditures are indeed part of a cohesive, objective-directed strategic plan.

**Recommendation 08-07:** *At the time the EDA and Legislative Liaison budgets are established, a "Plan, Justification and Implementation Report" should be generated for each project (each conference, show, class or trip should be an individual project).*

While no report specifically titled "Plan, Justification and Implementation Report" exists, documents with similar or identical intention are already part of the regular course of business. Business plans and business plan presentations are a mandated part of the annual budget process. Justification runs as a necessary part of any business plan. Separate justification is required for CAO or Board approval for out-of-state travel. In addition, numerous standard documents related to that aspect of the projects are regularly produced from the early planning stages to final reports and debriefing sessions following major events.

Some of this recommendation would run contrary to achieving stated goals. While most programs and travel-related expenses can be pre-programmed before the fiscal year begins, some may arise and become necessary during the year in order to achieve strategic objectives outlined in long-term and short-term plans.

**Recommendation 08-08:** *For ease of tracking, each project should be assigned a case number. This case number should be used on all documentation pertaining to that project.*

Every expenditure at EDA is assigned a GRC code. The GRC is the final part of a string of accounting codes required by the EDA administrative unit and Economic Development Department (which have connected budgets) on all payment documents.

**Recommendation 08-09:** *The total of attendees to conferences, shows, classes or trips should be limited to only the most cost-effective number (see examples 5, 8, 9, 20, 21, 23 and 27). The Grand Jury questions the value to taxpayers of the numbers of officials and employees attending some of the above noted functions.*

The County has a long-standing practice of limiting the number of attendees to conferences, shows, classes or trips to only the most cost-effective number. The County determines each proposed attendee's roles and needs before it grants approval for travel. It should be noted that the grand jury did not ask either EDA or the Office of Legislative Affairs to justify the presence of any of the persons who attended the events cited in its report. Had the grand jury interviewed either EDA or the Office of Legislative Affairs prior to the completion of its report, each entity would have provided the grand jury with ample justification for the presence of each attendee.

**Recommendation 08-10:** *The relevance of the location of the conference to San Bernardino County must be taken into account (see examples 1, 4, 6, 7, 10 and 18).*

This recommendation has been in practice since the agency was founded. Every conference and initiative exists as part of a strategic framework.

**Recommendation 08-11:** *The type of conference or class should return value to the county for tax dollars invested. Therefore, both EDD and Legislative Liaison proposed spending should be examined closely during the annual budget preparation process. Proposed expenditures should be justified on a "return on investment" basis.*

The County agrees that conferences or classes should return value to the County for the tax dollars invested, which is why proposed spending is examined closely during the annual budget preparation process. Proposed expenditures are justified on a "return on investment" basis to the degree possible during both the budget process and when travel requests are submitted for approval. It should be noted that in both the case of Economic Development and Legislative Affairs, it is usually impossible to predict ahead of time the exact dollar value in return the County will realize as a result of its efforts. It is often impossible to tie a specific

business contact to a company's eventual decision to locate or expand within the County, unless of course a business specifically states that it was contact by the County's Economic Development Agency that led to their decision. In virtually every case, an employer's decision is tied to a number of factors, one of which may be the efforts of EDA. At the same time, it is clearly wrong to assume that the County's economic development efforts have zero impact on the decisions by various businesses to expand or locate within the County.

**Recommendation 08-12:** *Once the project is completed, a "goal attainment" report should be filed with the Board of Supervisors. The report should reiterate the strategic or tactical objective of the project, the cost, number of persons attending, if the goal was accomplished, or if not, corrective action to be taken, and finally, the value of the project to the county and the taxpayers.*

The County does this to a limited degree and usually only related to major initiatives. The County will look into the feasibility of preparing "goal attainment reports" on all projects. The County's ability to do this will likely be limited by the staff hours available to prepare such reports. Also, if the grand jury's intent is to isolate and monetize the impact of specific initiatives separate from all other factors that determine expansion, relocation and other job-creating activities, this would prove virtually impossible to implement.

**Recommendation 08-13:** *As examples 5, 8 and 23 illustrate, elected officials attend some of these conferences. In order to provide clarity to the taxpayers for such expenditures, the Grand Jury recommends that all county elected officials file a quarterly "Expense Accountability Report." This report would be comprised of "overnight travel" expenses and "out of state" travel expenses, with appropriate justification. These reports should be presented to the public as part of the Board of Supervisors' agenda.*

During the present fiscal year the County will examine the feasibility and necessity of implementing this recommendation. However, it should be noted that all of the information the grand jury recommends be produced and made available to the public has at all times been produced and available to the public via expense reports, reimbursement claims, and other similar records filed with the Auditor/Controller-Recorder. The County believes all expenses that have been incurred are proper and in accordance with the County's mission and policies. The County did not perceive anything in the grand jury's report as an indication that the staff time that would be involved in producing additional reports is necessary.

### **Department of Community Development and Housing**

**Findings:** The County disagrees only with the implication that the rehabilitation work from a large number of applications is simply not completed. The grand

jury report did not make it clear that a vast majority of this work is not completed because the applicants were found to be ineligible for the program.

**Recommendation 08-14:** *Reconsider the amount available for the Senior Home Repair Program from \$5,000 to \$7,500 in order to qualify more people for the program.*

The County is pursuing an alternative to this recommendation that would achieve the same goal. Although the County has the authority to adjust the limit, raising the maximum level for each repair service would also lower the number of grants available, since the funding amount will remain the same. Currently, the average applicant who qualifies for services by the Senior Home Repair Program receives slightly more than \$4,000 in repairs. The department is studying ways to reduce costs and streamline operations to improve service and possibly make it possible to perform more work at a lower cost. This would allow the department to do more for each applicant, thereby creating the same impact as raising the cap without reducing the number of available grants.

**Recommendation 08-15:** *Improve current application procedures to identify applicants that do not meet the program's requirements.*

This recommendation was studied and implemented near the end of the grand jury's inquiry. The department has adjusted the application process to identify ineligible applicants early, before much staff time or resources have been committed to processing the application.

**Recommendation 08-16:** *Review the necessity of routinely sending two-man teams to each project.*

The County is currently studying this and several other options with the goal of reducing costs and performing more services for each eligible homeowner within the \$5,000-per-case limit. The department plans to complete this review and develop recommendations prior to the end of the 2008-09 fiscal year.

### **Economic Development Agency**

**Findings:** The County disagrees only with the finding that the Economic Development Agency administrator "had no clear person of authority to whom he was accountable. The administrator dealt with the Board of Supervisors more as a courtesy than a requirement." The EDA administrator reports directly to the County Administrative Officer and works very closely with members of the Board of Supervisors in developing and executing projects and programs.

**Recommendation 08-17:** *Adopt Dr. Levitt's recommendations to improve and enhance the China Trade Mission, and continue to act as a consultant to assist the County in implementing her recommendations.*

The audit will be completed during the current fiscal year (the version seen by the grand jury was phase one of a two-phase report). The County will study the feasibility of the recommendations and seek ways to implement the strategic document. Most of Dr. Levitt's preliminary suggestions are administrative or represent minor shifts in strategy, resulting in no new net costs. However, her suggestion, apparently seconded by the grand jury, to create staff experts with deep local ties in China's local governments (rather than relying on consultants) could be extremely costly. In order to replace the expertise of carefully selected consultants, EDA would need to staff an office in Asia. Local relationships simply cannot be cultivated simply through phone calls and electronic correspondence. They require face-to-face communication. This can be done through a dedicated consulting team, as EDA has secured through the Asia Pacific-USA Chamber of Commerce.

**Recommendation 08-18:** *SBEDA Administrator needs to be accountable to the County Administrative Officer.*

Under the ordinance that created the Economic Development Agency, the EDA administrator has always reported and continues to report directly to the County Administrative Officer.

**Recommendation 08-19:** *Allow a maximum of two elected officials with one staff member each to accompany any Trade Mission.*

The County will not implement this recommendation. As stated by Dr. Levitt in her Phase I of the audit, elected officials play a key role in the success of trade missions overseas, particularly to China, where a high premium is placed on the presence of elected leaders. Placing arbitrary limits on the number of supervisors available to support the mission would limit the scope and potential of the business match-making missions. Elected officials are a vital resource to international trade development. It should be noted that elected officials are active participants in all of the meetings and other activities that take place during these trips.

**Recommendation 08-20:** *Match the participating businesses with their foreign counterparts.*

This is already a central part of the business match-making missions.

**Recommendation 08-21:** *Hire skilled interpreters to enhance communication.*

This is already part of the trade missions.

## Human Services/Program Integrity Division

**Findings:** The County disagrees with several of the findings. Since 2002 the Homecall staff has decreased from 19 to 12. It was as low as eight in 2004, but was increased to 12 as part of an effort to increase the welfare- to-work participation rate.

The County has not stopped proactive enforcement programs. The Fraud Investigations Unit (FIU) has collaborated with the Sheriff's Department and the Housing Authority and works with several law enforcement agencies on a regular basis.

Although the grand jury suggested that the FIU do random, cold-call, childcare inspections, the California Manual on Policy and Procedure specifically prohibits "Mass and indiscriminate home visits". Referrals must be "based upon knowledge of the case, provides reason to suspect that fraud exists or has been attempted. An investigation shall be made when there are reasonable grounds to suspect that a crime against a public social service program has occurred."

Finally, the County disagrees with the finding that there is a "tug of war going on between the benefits side of the PID and the fraud investigation side." The County expects that all units within the Program Integrity Division (PID) ensure that the welfare assistance programs are administered fairly, equally, and without abuse. The PID does not contain a "benefit side." The benefit issuance function for the County is through the Transitional Assistance Department.

**Recommendation 08-22:** *Transfer the Fraud Investigation Unit out of Human Services and place it under the D.A.'s office.*

The County will not implement this recommendation as it would constitute a violation of state policy. The California Department of Social Services (CDSS) Manual contains the regulations that govern the investigations of public assistance fraud. The CDSS identifies the County Welfare Department (CWD) as the responsible agency for investigating the misuse or abuse of public assistance (MPP 20-005.1).

**Recommendation 08-23:** *Create a new tier of investigators that are not part of law enforcement. They would work under the Human Services Department.*

This recommendation will not be implemented. The recommendation within the report is to create a tier of employees who are not part of law enforcement but are able to make collateral contacts. All employees who are "not part of law enforcement" are bound by the regulations (Welfare and Institution Code 10850 and 45 Code of Federal Regulation Section 205.5) that protects against the disclosure of people who have applied for, or are receiving public assistance.

Investigators who are not part of law enforcement are prohibited from making collateral contacts.

**Recommendation 08-24:** *Create and maintain a report regarding welfare fraud rate and the cost to the county.*

This recommendation will be implemented. The county reports to CDSS on the number of convictions for welfare fraud and the amount of restitution ordered to be repaid. The challenge in determining a “welfare fraud rate” either monthly or annually is the time lapse between receiving the information of a suspected fraud and obtaining a conviction. Since its discussion with the Grand Jury, PID/FIU has identified strategies that might assist the County in providing a welfare fraud rate that is not connected to convictions. PID will develop supplemental training for its investigators that will enhance its ability to pull reports and gather additional data in this area. There is no cost impact associated with this recommendation.

**Recommendation 08-25:** *Have County Counsel look into “asset forfeiture” regarding properties purchased with illegally obtained welfare money.*

The County will direct County Counsel to examine this recommendation, and determine its feasibility and cost to the division.

### **Public Defender**

**Findings:** The County agrees with the grand jury’s findings.

**Recommendation 08-26:** *Increase the number of Deputy Public Defenders to align with the Department of Justice’s caseload standards.*

The County will consider implementing this recommendation as funding becomes available. The Board of Supervisors has added approximately 20 attorneys to the Public Defender’s staff during the past three years. The County will continue to monitor staffing and caseload issues within the office. Given current budget constraints at both the state and local levels, resources to continue adding positions are limited and will have to be considered by the Board in the context of the many other competing needs within the general fund.

**Recommendation 08-27:** *Institute a loan repayment program to support the recruitment and retention of qualified personnel.*

This is an attractive recommendation that the County will consider raising as an issue during the next round of negotiations with the San Bernardino County Public Attorneys Association, provided a cost study shows that the proposal is fiscally viable.

**Recommendation 08-28:** *Increase the Public Defenders investigative staff, creating a Level II investigator position.*

The County will consider implementing this recommendation as funding becomes available. The Board of Supervisors has added 11 investigators to the Public Defender's staff during the past three years and will continue to monitor staffing issues within the department. In 2008-09 the Public Defender created the Senior Investigator classification utilizing existing department budget. This new classification will permit Supervising Public Defender Investigators to attend to management level functions and allow the Senior Investigator to assign cases, conduct field training and work on high-level sensitive cases.

### **Sheriff-Coroner/Coroner Division**

**Findings:** The findings do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

### **Recommendations 08-29 through 08-33:**

These recommendations do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

### **Sheriff-Coroner/Central Detention Center**

**Findings:** The findings do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

### **Recommendation 08-34:**

These recommendations do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

### **Sheriff-Coroner/West Valley Detention Center**

**Findings:** The findings do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

**Recommendations 08-35 and 08-36:**

These recommendations do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

**Sheriff-Coroner/Major Accident Investigation Team (M.A.I.T.)**

**Findings:** The findings do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

**Recommendation 08-37 through 08-42:**

These recommendations do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

**Sheriff-Coroner/Regional Gang Unit/San Bernardino County Movement  
Against Street Hoodlums**

**Findings:** The findings do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

**Recommendations 08-43 through 08-51:**

These recommendations do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

**Sheriff-Coroner/Scientific Investigations Division**

**Findings:** The findings do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

**Recommendation 08-52:** *Provide additional workspace for the Sheriff's Scientific Investigation Division taking into account the growth of the county.*

As part of the FY 2006-07 budget, the Board of Supervisors approved the use of \$25 million for the construction of a new Sheriff's crime lab. Also, on February 27, 2007, the Board of Supervisors awarded a \$184,186 contract for a crime lab

needs assessment. The County will continue to work with the Sheriff's Department on this important project.

**Recommendations 08-53 and 08-54:**

These recommendations do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

**Sheriff-Coroner/Training Center/Academy**

**Findings:** The findings do not call for a response from the Board of Supervisors. The Sheriff responded under separate cover. The Sheriff's response is included as an attachment to this report.

**Recommendation 08-55:** *Construct a 93,000 square foot centralized Sheriff's Training Academy.*

As part of the FY 2007-08 budget, the Board of Supervisors approved the use of \$500,000 in General Fund financing towards the design of a new Sheriff's Training Center. The County will continue to work with the Sheriff's Department on this important project.

**Facilities Management**

**Findings:** The County agrees with the grand jury's findings.

**Recommendation 08-56:** *Provide adequate staffing to monitor contract compliance in the workplace, paying particular attention to background checks.*

A supervisor has been assigned full-time to monitor contract compliance.

**Recommendation 08-57:** *Complete periodic reviews of existing contracts, checking license status.*

The custodial supervisor has a contract compliance checklist that is used during rounds that includes reviews of business licenses, business status, insurance certificates, as well as verification of sign-in work logs to ensure that only authorized personnel are in the buildings.

**Recommendation 08-58:** *Establish a reasonable distance that a "site supervisor" can be from a site to effectively supervise that site.*

The County believes that supervision is adequate. Facilities Management supervisors are assigned to supervise and review the work of contract staff. Supervisors employed by contractors are available by pager to respond to issues as they arise.

### **Public Works/Bridges**

**Findings:** The County agrees with the grand jury's findings.

**Recommendation 08-59:** *Fund all pending bridge repairs at Yermo, Baker Boulevard and the National Trails Highway.*

The County has implemented the recommendation to fund all pending bridge repairs at Yermo, Baker Boulevard and the National Trails Highway. Applications to replace bridges with new structures on Yermo Road and Baker Boulevard have been submitted to Caltrans for federal funding. Caltrans is delegated as the agent for the Federal Highway Administration and Caltrans and the County must complete federal process and procedures before the County can begin invoicing for reimbursement of expenses for these projects.

The County has received federal funding to replace two of the bridges along National Trails Highway at Dola Ditch and Lanzit Ditch. Since the roadway is listed in the National Historic Registry, additional cultural studies are being developed that will ultimately lead to a design template with the two bridges currently funded. This template will then be used for similar bridge structures in need of replacement. It is anticipated that additional applications for funding will be submitted after this template is created.

Caltrans has recently implemented a program to fund bridge maintenance and repairs that extend the life of existing structures. The County has prepared and is updating a list of bridges needing such repair prioritizing findings from Structure Maintenance & Investigations (SM&I) bridge reports generated by state inspectors on a bi-annual basis. This list will be submitted to Caltrans for funding. With the new bridge crew that was approved in the 2008-09 budget, and additional funding, many repairs may be made in a more timely fashion on these bridges.

**Local Cost Impact:** The local agency is required to match the federal funds at 11.47%. The local agency must pay for the entire cost of the project up front and then submit invoices that are reimbursed 88.53%. The matching funds come from limited local gas tax funds. In addition, all bridges less than 20 feet are not eligible for federal funding and are funded by local funds if available. Local gas tax funds are used primarily for maintenance of the roadway and a limited amount is available for large projects such as bridges. The new bridge

maintenance crew and equipment will cost \$750,000, funded through the local gas taxes.

The following are the estimated total costs with local matching share:

- Dola Ditch on National Trails Highway Total: \$3,549,919 with \$407,175 local share
- Lanzit Ditch on National Trails Highway Total: \$4,062,378 with \$465,955 local share
- Baker Bridge: Total: \$2,909,250 with \$333,691 local match
- Yermo Bridge: Total: \$1,855,000 with \$212,769 local match

**Recommendation 08-60:** *The County Board of Supervisors takes a more active role in funding County bridge repair and bridge safety programs.*

The County will implement the recommendation. In the past years the Department of Public Works used a crew that worked on chip seal during the summer months for bridge repairs during the winter months. In the recent budget for 2008-09, the Board of Supervisors approved the addition of a five-man bridge crew to provide year-round maintenance and repairs on the bridges throughout the County, and since Caltrans has recently implemented a program to fund bridge maintenance and repairs that extend the life of existing structures, local funding will complement more County bridge repair and bridge safety programs.

**Recommendation 08-61:** *The County Board of Supervisors should concentrate efforts to increase interactions with Caltrans to insure our share of the available funding for bridge replacements and repairs.*

The County will implement the recommendation. The County meets with Caltrans annually to discuss the County's needs for projects. Bridge replacement and repair funding is subject to federal criteria. County applications are submitted to Caltrans' Department of Local Assistance. Caltrans has recently made presentations to the Technical Advisory Committee Board members (SANBAG staff, Cities staff, County staff) notifying them that Caltrans has made substantive changes to its internal procedures to expedite federal funding. Attention needs to be drawn to the fact that all federal or state funding is available only on a reimbursable basis, and multiple large-dollar projects in the same fiscal year strains County budget resources. The local agency is required to front the money for the project and then seek reimbursement through FHWA/Caltrans on a periodic basis. Since the bridges can run into the millions of dollars, this can strain County budget resources until reimbursements are received.

**Recommendation 08-62:** *Prepare a cost analysis covering the last ten years to show the effectiveness of paving over the ditches, as opposed to bridge repairs and replacements.*

The County has implemented the recommendation. The Department has determined by record search that \$1,942,078 has been spent over the last 10 years on bridge maintenance for bridges throughout the County. National Trails Highway bridges represent 85% of this cost. Since the implementation of the new Caltrans Bridge Preventative Maintenance Funding Program, these costs will now be funded by this program resulting in a lower cost for our local agency. In the recent budget for 2008-09 the Board of Supervisors approved the addition of a five-man bridge crew to provide year-round maintenance and repairs on the bridges throughout the County.

The Federal Highway Bridge Program (HBP) funds 88.53% of the cost to replace a bridge that meets the criteria mandated by the program; a bridge length of over 20 feet, being functionally obsolete or structurally deficient and having a sufficiency rating below 50 on a scale of 0-100. To remove an existing bridge and create a dip section would be 100% local cost and for a typical 40 foot bridge is approximately \$300,000. Since the majority of a replacement cost is funded by the HBP program, replacement is far less financially burdensome on the local agency than constructing a dip section because a dip section potentially creates additional safety concerns and liability issues. In addition, resource agencies have historically opposed dip section in desert watercourses as they inhibit free and safe movement of the desert tortoise.

To remove an existing bridge and create a dip section would be 100% local cost – for a typical 40-foot bridge the cost would be approximately \$300,000. With the new Federal Highway Bridge Program (HBP) the local match is 11.47%, so a large amount of the previous costs to maintain the bridges will now come from federal funds and local costs will be significantly reduced.

### **Public Works/County Water Resources/Flood Control**

**Findings:** The County agrees with the grand jury's findings.

**Recommendation 08-63:** *The San Bernardino County Flood Control District host regularly scheduled meetings with State Water Contractors and all other water agencies within the County, to discuss immediate and long term water concerns.*

The County will implement the recommendation if it does not conflict with current major water planning efforts being conducted by other regional agencies. Though the San Bernardino County Flood Control District has not hosted regular meetings, it participates in a number of groups and major planning efforts to address current and future water needs.

The District participated in the Upper Santa Ana Watershed Management Plan headed by the San Bernardino Valley Municipal Water District (SBVMWD), which looked at the groundwater table and future projects to address long-term water solutions. The District has also been participating in SAWPA's "One Water, One Watershed" effort to address the same long-term water shortage issues. The District, for the second year in a row, was a bronze sponsor of the Annual Water Conference, which was held this year on August 14, 2008 in Ontario and is co-hosted by Supervisor Biane and Supervisor Ovitt.

The District has agreements with several agencies to facilitate water spreading activities throughout the County. An agreement for the joint use of District facilities with IEUA, Chino Basin Watermaster, and the Chino Basin Water Conservation District covers the Chino Basin portion of the County. An Agreement with SBVMWD covers part of the Valley area of the County. The District with the City of Yucaipa and the Yucaipa Valley Water District recently entered into a cooperative agreement to develop Oak Glen basins for flood control and water conservation purposes. Construction of the basins is currently in progress. The District also has an agreement with the Mojave Water Agency for water spreading activities in the High Desert. Discussions with other water agencies, such as SBVMWD and the San Antonio Water Company, have recently occurred to investigate further opportunities and possible joint projects for water conveyance, spreading and conservation.

There are no significant additional cost impacts in the continuation of the ongoing efforts that satisfy this recommendation. The local costs we would incur include staff time, supplies for mailers etc. The staff time would not be additional costs; it would be redirected from other tasks. The district does spend \$4,000 annually for water conference sponsorships.

**Recommendation 08-64:** *Recruit qualified engineers to fill vacant positions to meet immediate and future Flood Control District needs.*

The County has implemented the recommendation. The County has implemented an intern program for junior and senior standing Civil Engineer students. The program is designed to encourage students to become engineers and to attract upcoming graduates to apply for full-time positions with the County. The County is also interested in presenting information to high school drafting classes to stimulate student interest in becoming Engineering Technicians. While they are in those positions they could study to become Professional Engineers. The County also participates in a number of college job fairs throughout the year to recruit interns and encourage new hires for lower-level engineering positions. The department has also asked Human Resources to send out postcards to registered professional civil engineers notifying them of job opportunities with the County. Lists can be derived off of the Board for Professional Engineers and Land Surveyors state website and have previously been forwarded to the department's Human Resources Office.

## **Public Works/Solid Waste Management**

**Findings:** The County agrees with the grand jury's findings.

**Recommendation 08-65:** *Enter the contract operators' cost in the Public Works budget as a separate line item entry.*

The County has implemented the recommendation. The Solid Waste Management Division implemented the recommendations in July 2008 as part of the 2008-09 budget. On July 8, 2008, with a request from DPW-SWMD and agreement by the CAO, the Auditor/Controller-Recorder created a new 200 series object code "2443 - Enterprise Fund Operations Contract" to track FY08/09 payments made to Burrtec Waste Industries, Inc. for operating the solid waste disposal system. In addition, on July 9, 2008, DWP-SWMD recommended revising the 2008-09 budget to distinctly identify the total budgeted amount of the Solid Waste disposal system Operations Contract both in the budget narrative and electronic budget files.

**Recommendation 08-66:** *Review financial options in the event the County cannot support enterprise funding for solid waste.*

The County will implement the recommendation. During fiscal 2008-09, DPW-SWMD will prepare a report of financial options in the event the County cannot support enterprise funding for solid waste.

**2007-08 GRAND JURY REPORT  
RESPONSE FORM**

GROUP                      Fiscal    DATE 8/25/2008  
DEPARTMENT      Assessor  
SUBMITTED BY Harlow Cameron, Acting Assessor      PAGE 9

---

**FINDING – AGREE/DISAGREE**

Recommendation No. 08-01: Review Executive Support Staff requirements in the Assessors Office for potential consolidation of positions to increase efficiency.

Response: The Assessor's Office agrees with the recommendation.

The Office modified two Executive Support positions for the 2008-09 department annual budget. A "Contract Assessor Project Specialist" position that the Office budgeted for eight years was combined with the "Assessor Facilities / Safety Manager" position and the funding for an "Executive Secretary I" position was reallocated to partially support an "Appraiser" position. The Facilities / Safety Manager position is now filled by the former contract employee.

The Office is working with County staff on a 2008-09 midyear position adjustment to reallocate funds from three additional Executive Support Staff positions. Positions being eliminated are an "Assistant Assessor" vacated 07/11/2008, "Intergovernmental Relations Officer" being vacated 09/26/2008, and "Executive Secretary III" vacated 08/29/2008.



**2007-08 GRAND JURY REPORT  
RESPONSE FORM**

GROUP                      Fiscal    DATE 08/25/2008  
DEPARTMENT      Assessor  
SUBMITTED BY Harlow Cameron, Acting Assessor      PAGE 9

---

**FINDING – AGREE/DISAGREE**

Recommendation No. 08-03: Enact policy that requires competitive bidding for consulting services.

Response: This recommendation relates to countywide policy. The CAO assigned the response to this recommendation to County Purchasing.

**2007-08 GRAND JURY REPORT  
RESPONSE FORM**

GROUP                      Fiscal    DATE 08/25/2008  
DEPARTMENT      Assessor  
SUBMITTED BY Harlow Cameron, Acting Assessor      PAGE 9

---

**FINDING – AGREE/DISAGREE**

Recommendation No. 08-04: Revise the education reimbursement policy to limit discretionary reimbursement for exempt employees.

Response: This recommendation relates to countywide policy. The CAO assigned the response to this recommendation to Human Resources.





**2007-08 GRAND JURY REPORT  
RESPONSE FORM**

GROUP	Fiscal	DATE	08/25/2008
DEPARTMENT	Assessor	RECOMMENDATION NO.	08-01
SUBMITTED BY	Harlow Cameron, Acting Assessor	PAGE	9

---

**Response**

The Office modified two Executive Support positions for the 2008-09 department annual budget. A "Contract Assessor Project Specialist" position that the Office budgeted for eight years was combined with the "Assessor Facilities / Safety Manager" position and the funding for an "Executive Secretary I" position was reallocated to partially support an "Appraiser" position. The Facilities / Safety Manager position is now filled by the former contract employee.

The Office is working with County staff on a 2008-09 midyear position adjustment to reallocate funds from three additional Executive Support Staff positions. Positions being eliminated are an "Assistant Assessor" vacated 07/11/2008, "Intergovernmental Relations Officer" being vacated 09/26/2008, and "Executive Secretary III" vacated 08/29/2008.

**Local Cost Impact**

The salary savings from the modified positions was used to fund Operations positions. Likewise, the Office will propose that the funding for the three Executive Support positions slated to be eliminated midyear be reallocated to support Assessor Operations production positions that are scheduled to be eliminated in the RCS Budget Realignment plan submitted to the CAO in July. If approved as proposed, there will be no direct local cost impact in the form of salary savings. However, the Office submits that the reallocation of funds from Executive Support to Operations positions scheduled for deletion will retain fully trained staff, contribute to lower department work backlog levels, and the timely collection of future property tax revenue.





GARY PENROD, SHERIFF



August 28, 2008

James McGuire, Presiding Judge of the Superior Court  
172 West Third Street - Second Floor  
San Bernardino, California - 92415-0302

Dear Judge McGuire:

Pursuant to California Penal Code Section 933 (c), please accept the following responses to the findings and recommendations for the 2007-08 San Bernardino County Grand Jury's Final Report that was presented to your office on July 1, 2008.

As you know, the Grand Jury's Law & Justice Committee interviewed personnel from various operations within our Department, including the recently merged Coroner Division. We have reviewed the findings made subsequent to these assessments and offer our responses to the recommendations made for the following areas:

- Coroner Division Operations
- Central and West Valley Detention Centers
- Major Accident Investigation Team
- SMASH/Regional Gang Enforcement
- Scientific Investigations Division
- Training Center/Academy

Please let me know if there is any additional information you may need for clarification on our position. An informational copy of our responses is being provided to the County's Board of Supervisors, as required by law.

Best Regards,

A handwritten signature in black ink that reads "Gary S. Penrod".

Gary S. Penrod, Sheriff-Coroner

cc: County Board of Supervisors

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-29  
SUBMITTED BY Gary Penrod PAGE 32

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Sheriff's Department agrees with the findings that funds are needed for the purchase of x-ray equipment and security systems for the Coroner Division facilities.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-29  
SUBMITTED BY Gary Penrod PAGE 32

---

**RESPONSE**

The Coroner Division is currently in the process of acquiring the required three (3) vendor quotes for submitting a Request to Purchase Order. However, due to budget considerations, the Department does not have the anticipated \$256,000 needed for the purchase of a multi-use digital x-ray machine. This item has been presented to the Department's Homeland Security Committee, and it was given a number two (2) priority status.

The Sheriff's Department is aware of the need for a security system at the San Bernardino facility and the need for security fencing at the Apple Valley facility and is looking for funding sources. The department is currently negotiating with the landlord/owner of the Apple Valley property regarding improvements to the property.

**Local Cost Impact**

Purchase of the digital x-ray machine is currently estimated to be \$256,000.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-30  
SUBMITTED BY Gary Penrod PAGE 33

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Sheriff's Department agrees with the Grand Jury's findings that additional cross-trained deputy sheriff personnel may be needed to handle future Coroner needs in the High Desert area.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-30  
SUBMITTED BY Gary Penrod PAGE 33

---

**RESPONSE**

Shortly after the transition from Coroner Department to Sheriff-Coroner in 2005, five (5) Deputy Sheriff's were assigned to the High Desert stations to be cross-trained as Deputy Coroner Investigators. Since that time, three (3) Deputy Sheriff's have been reassigned, leaving two (2) still active. By December of 2008, it is the department's goal that three (3) newly assigned Deputy Sheriff's will be cross-trained and assisting with Coroner Death Investigations.

**Local Cost Impact**

There is a minimal local cost impact for cross-training deputy sheriff personnel to handle coroner duties due to a \$1.50 an hour differential that is paid to them while handling coroner duties.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-31  
SUBMITTED BY Gary Penrod PAGE 33

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the findings and recommendation that a full-time position in the Needles Coroner office be reinstated.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-31  
SUBMITTED BY Gary Penrod PAGE 33

---

**RESPONSE**

With the increased activity in the Needles area during FY 07/08, it became apparent that a full-time position was required to meet the needs of the citizens in that area.

In response to this recognized need, the recent Deputy Coroner Investigator application process was conducted in such a way as to hire a Deputy Coroner Investigator who would be willing to live and work full-time in the Needles area.

**Local Cost Impact**

There will be no addition local cost impact as the position being transferred to the Needles office is a full-time position that is currently vacant in the San Bernardino Office.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-32  
SUBMITTED BY Gary Penrod PAGE 33

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the findings and recommendation that the Coroner Division obtain certification by the National Association of Medical Examiners.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-32  
SUBMITTED BY Gary Penrod PAGE 33

---

**RESPONSE**

In 2008, the Coroner Division began preparation for application for accreditation by the National Association of Medical Examiners (NAME). At this time we are in the process of updating our policies and procedures to meet the requirements of NAME. It is anticipated that our application will be submitted in early 2009.

**Local Cost Impact**

The cost of accreditation by the National Association of Medical Examiners is estimated to be between \$3,000 and \$5,000. The department would absorb all related costs within its normal operating budget.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-33  
SUBMITTED BY Gary Penrod PAGE 33

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the findings and recommendation that morgue staffing be increased during the next two or three years as demands increase.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-33  
SUBMITTED BY Gary Penrod PAGE 33

---

**RESPONSE**

While the Department agrees that morgue staffing should be increased during the next two or three years as demands increase, at this time morgue staffing is adequate to meet the needs of the current county population. As the population increases, so will the demands made upon our morgue staff. Close attention is being paid to the staffing/autopsy ratios to ensure continued professional, timely, and appropriate services to our communities.

It is anticipated that within the abovementioned time, an additional Forensic Pathologist and two to four Autopsy Assistants may be needed.

**Local Cost Impact**

At this time there are no local cost impacts.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-34  
SUBMITTED BY Gary Penrod PAGE 36

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the findings and recommendation related to the increase of staffing for the Central Detention Center. The recommendation would bring the staffing level to an acceptable and manageable number.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-34  
SUBMITTED BY Gary Penrod PAGE 36

---

**RESPONSE**

The Sheriff requires station and division commanders to make staffing recommendations on an annual basis. In FY 2008-09, the Sheriff requested one (1) sergeant and thirteen (13) additional deputy positions to augment staffing for the Central Detention Center.

**Local Cost Impact**

The salary & benefit cost for a (12-hour) Sheriff's Sergeant position is \$172,852 annually. Salary & benefit costs for a (12-hour) Sheriff's Deputy position is currently \$136,572 annually. Thirteen (13) deputy positions would cost \$1,775,436 each year. There is also a corresponding service & supply (S&S) cost assigned to each position of \$1,200, for a total annual S&S cost of \$16,800.

The total annual ongoing cost for the above mentioned positions would be \$1,965,088.

There is also a corresponding start-up equipment cost for each safety position of \$5,000; for a total one-time cost of \$70,000.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-35  
SUBMITTED BY Gary Penrod PAGE 38

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the finding and recommendation to increase staffing levels at the West Valley Detention Center.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-35  
SUBMITTED BY Gary Penrod PAGE 38

---

**RESPONSE**

The Sheriff requires station and division commanders to make staffing recommendations on an annual basis to ensure appropriate inmate supervision, safety, and security. During his FY2008-09 budget proposal, the Sheriff requested the Board of Supervisors fund an additional twenty-one (21) deputy sheriff and two (2) sergeant positions to meet these needs.

**Local Cost Impact**

The salary & benefit cost for a (12-hour) Sheriff's Sergeant position is \$172,852 annually. Two (2) positions would cost \$375,704. Salary & benefit costs for a (12-hour) Sheriff's Deputy position is currently \$136,572 annually. Twenty-one (21) deputy positions would cost \$2,868,012 each year. There is also a corresponding service & supply (S&S) cost assigned to each position of \$1,200, for a total annual S&S cost of \$27,600.

The total annual ongoing cost for the above mentioned positions would be \$3,243,716.

There is also a corresponding start-up equipment cost for each safety position of \$5,000; for a total one-time cost of \$115,000.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-36  
SUBMITTED BY Gary Penrod PAGE 38

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the findings and recommendation to implement a responsive release policy at West Valley Detention Center with a stronger emphasis on release assistance.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-36  
SUBMITTED BY Gary Penrod PAGE 38

---

**RESPONSE**

The Sheriff's Department is implementing a responsive release program for inmates with a much greater emphasis on providing county services and/or resources. In conjunction with a non-profit organization (Restorative Justice Group), and a local church, the Department has established the "Face to Face" program at West Valley Detention Center. Although in its initial stages, the program is focused on providing homeless, indigent, and at-risk individuals with immediate assistance upon their release from custody.

The long term program objective of reducing recidivism and providing resources for those in need can be obtained through the established coalition and recruitment of other interested parties. The growth of the program hinges on commitments from public entities involved.

**Local Cost Impact**

There is no local cost impact.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-37  
SUBMITTED BY Gary Penrod PAGE 41

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department disagrees with the recommendation that members of the M.A.I.T. team should increase their training to become ACTAR certified. It is the intention of the investigators to be fact finders and investigate traffic accidents for criminal purposes. ACTAR certification is utilized when traffic accident reconstruction is necessary, most commonly for civil litigation purposes.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-37  
SUBMITTED BY Gary Penrod PAGE 41

---

**RESPONSE**

While the Department appreciates the recommendation for increased training for the traffic accident investigators, it disagrees with the necessity for achieving ACTAR certification. The most efficient use of additional training would be to increase the number of deputies in both Region I and Region II who are M.A.I.T. qualified in order to enhance the specialists at each station.

**Local Cost Impact**

There would be no local cost impact if ACTAR certification is rejected.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-38  
SUBMITTED BY Gary Penrod PAGE 41

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees that the implementation of standardized equipment and training would be a great benefit for M.A.I.T. investigations.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-38  
SUBMITTED BY Gary Penrod PAGE 41

---

**RESPONSE**

Introducing software such as *Vista FX* would create the standardization desired and could be expanded for utilization by Specialized Investigations and Crime Scene Investigators.

**Local Cost Impact**

The most recent price quote associated with the *Vista FX* program is \$159,500 with an annual fee of \$14,500 for Goldstar Tech Support, patches and updates.

All costs related to such software would be borne by the individual contract city stations. No local cost dollars are used to support traffic enforcement operations for contract city stations.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-39  
SUBMITTED BY Gary Penrod PAGE 41

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the findings and recommendations related to the need for funding continuing education for M.A.I.T. personnel.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-39  
SUBMITTED BY Gary Penrod PAGE 41

---

**RESPONSE**

Additional classes would not equate to ACTAR certification, but would provide the investigator with a higher level of skills to assist in determining causal factors.

**Local Cost Impact**

The cost of recommended advanced traffic investigation classes per person:

- Traffic Collision Investigation-Pedestrian Bicycle; 24 hrs/\$120.00
- Traffic Collision Investigation-Vehicle Dynamics; 40 hrs/\$211.00
- Traffic Collision Investigation-Motor Inspections; 40 hrs/\$239.00

All costs related to such training would have to be borne by the individual contract city stations. No local cost dollars are used to support traffic enforcement operations for contract city stations.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-40  
SUBMITTED BY Gary Penrod PAGE 41

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department disagrees with the findings and recommendations encouraging ACTAR certification for M.A.I.T. personnel.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-40  
SUBMITTED BY Gary Penrod PAGE 41

---

**RESPONSE**

The four required classes for M.A.I.T. certification including Basic, Intermediate, Advanced, and Reconstruction of Traffic Accidents remain an adequate foundation for major injury and fatal traffic collision investigations.

**Local Cost Impact**

There is no local cost impact related to this item.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-41  
SUBMITTED BY Gary Penrod PAGE 41

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department disagrees with the findings and recommendation to provide M.A.I.T. investigators with multi-disciplinary specialists to consult on fatal accident investigations.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-41  
SUBMITTED BY Gary Penrod PAGE 41

---

**RESPONSE**

The Sheriff's Department believes its current approach provides satisfactory results. To date, there have been no "Claims Against the County" or civil lawsuits filed in relation to the respondent's investigative practices of fatal accidents.

**Local Cost Impact**

There is no local cost impact related to this item.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-42  
SUBMITTED BY Gary Penrod PAGE 41

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the findings and recommendation to use technical equipment and mapmaking skills to assist other divisions.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-42  
SUBMITTED BY Gary Penrod PAGE 41

---

**RESPONSE**

This practice is already in place wherein M.A.I.T. investigators have been called to homicide scenes to utilize measuring devices that factually capture the location of evidence. With the department-wide implementation of *Vista FX*, all investigations could benefit from the simplified and enhanced factual diagramming of crime scenes with the additional capability of creating video reenactments.

**Local Cost Impact**

The most recent price quote associated with the *Vista FX* program is \$159,500 with an annual fee of \$14,500 for Goldstar Tech Support, patches and updates. If used exclusively for county-related investigations, the department would absorb the cost within its annual operating budget. No new local cost dollars would be requested.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-43  
SUBMITTED BY Gary Penrod PAGE 46

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the findings and recommendations that increasing the number of SMASH/gang unit personnel will enable the department to "stay ahead of gang growth and criminal activity particularly in the high desert region."

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-43  
SUBMITTED BY Gary Penrod PAGE 46

---

**RESPONSE**

The Department believes that the addition of two, seven (7) member, gang units deployed throughout the County would enhance the department's ability to further investigate the criminal activity of gangs, identify gang members, and disrupt gang activity.

**Local Cost Impact**

Each Gang Team is comprised of one (1) sergeant, two (2) detectives and four (4) deputy sheriffs. The total salary & benefit costs for each (8-hour) position, is \$170,027 (sergeant); \$163,059 (detective); and, \$131,458 (deputy). There is also a corresponding service & supply (S&S) cost for each position of \$1,200 annually, ongoing. Add to that another \$5,000 per year for fuel & maintenance for each assigned vehicle, and the annual ongoing cost for S&S and fuel & maintenance is \$6,200 per position; or, \$86,800.

The total annual ongoing cost for two (2) gang teams is currently estimated to be \$2,130,754.

One-time expenses associated with these positions are equipment start-up costs of \$5,000 per position and vehicles @ \$20,000 per unit. The total one-time (start-up) cost for two (2) gang teams is \$350,000.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-44  
SUBMITTED BY Gary Penrod PAGE 46

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the findings and recommendation to provide a strategically located facility and support staff to accommodate the desert regional gang team.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-44  
SUBMITTED BY Gary Penrod PAGE 46

---

**RESPONSE**

The Department has entered into a multi-year lease for strategically located office space to accommodate the high desert regional gang team as well as the high desert regional crime impact team. Staff support from San Bernardino will be utilized through electronic media as necessary.

**Local Cost Impact**

The lease amount agreed to for FY-2008-09 is \$46,464 annual, ongoing; \$65,000 one-time (estimated) for furniture & equipment. All costs absorbed by department's annual operating budget.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-45  
SUBMITTED BY Gary Penrod PAGE 46

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department disagrees with the recommendation to add SMASH/gang Personnel to the Victorville County Station, the Town of Apple Valley, the City of Adelanto, and the City of Hesperia.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-45  
SUBMITTED BY Gary Penrod PAGE 46

---

**RESPONSE**

The Sheriff's Department believes the needs of the High Desert residents are best met with the addition of regional gang personnel who can be deployed to meet changing needs, as opposed to assigning specifically-trained personnel to an individual station.

Additionally, the responsibility of increasing personnel in the City of Adelanto, City of Apple Valley, and the City of Hesperia lies with those cities as they are individually incorporated.

**Local Cost Impact**

There is no local cost impact related to this recommendation.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-46  
SUBMITTED BY Gary Penrod PAGE 46

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees that sufficient overtime should be allotted as necessary to meet the needs of the regional gang units.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-46  
SUBMITTED BY Gary Penrod PAGE 46

---

**RESPONSE**

The department recently underwent an effort to identify the amount of operational overtime necessary to meet workload needs for all county operations.

In the absence of increased funding, the department will continue to manage its allocated budget in a manner that best serves the mission at hand, but in balance with the trust placed in the department by the public to utilize its allocated resources wisely.

**Local Cost Impact**

In the Sheriff's FY2008-09 budget proposal, some \$3,230,000 of ongoing local cost dollars were requested to fund all anticipated county-related operational overtime. To cover this cost without additional budget allocations, respondent must leave an equivalent of twenty-five (25) deputy sheriff positions vacant throughout the year.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-47  
SUBMITTED BY Gary Penrod PAGE 47

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees that combining city gang/SMASH personnel with regional teams for special operations and more street presence.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-47  
SUBMITTED BY Gary Penrod PAGE 47

---

**RESPONSE**

Department regional gang personnel routinely work with allied agencies and sheriff's stations throughout the county on special operations. SMASH operations are held monthly and are, by MOU, a joint effort of all San Bernardino County law enforcement agencies. SMASH is comprised of local prosecutors, police, and sheriff personnel from all agencies within the county, along with probation, parole, and state and federal agencies.

**Local Cost Impact**

There is no additional local cost related to this recommendation. Respondent is implementing within current budget allocation.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-48  
SUBMITTED BY Gary Penrod PAGE 47

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department disagrees with the findings and recommendation to add Gang Specialist County Probation Officers to meet regional team needs.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-48  
SUBMITTED BY Gary Penrod PAGE 47

---

**RESPONSE**

Each of the two Sheriff's regional gang units have San Bernardino County Probation Officers (PO's), specifically trained in gang enforcement assigned to them on a full-time basis. PO's work daily with the regional gang teams, are assigned to the office of the regional gang units and wear uniforms identifying them as regional gang team members.

**Local Cost Impact**

There is no additional local cost related to this recommendation. County agencies are implementing within current budget allocations.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-49  
SUBMITTED BY Gary Penrod PAGE 47

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department disagrees that additional vehicles and equipment, and photographic and surveillance equipment are needed.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-49  
SUBMITTED BY Gary Penrod PAGE 47

---

**RESPONSE**

Division commanders are charged with evaluating the vehicle and equipment needs of their respective divisions on an on-going basis. Through the budget process needs are met when justified.

**Local Cost Impact**

There is no additional local cost related to this recommendation. Respondent is meeting needs within current budget allocation.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-50  
SUBMITTED BY Gary Penrod PAGE 47

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees that providing each gang team member with a laptop computer in order to access and input gang information into the California Gang Database.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-50  
SUBMITTED BY Gary Penrod PAGE 47

---

**RESPONSE**

Providing each member of the regional gang units with a laptop computer would enable quicker database response to investigative inquiries and enhance the ability to enter critical data into regional databases for access by all law enforcement agencies.

**Local Cost Impact**

The cost to outfit each Gang Enforcement Officer with a laptop computer is estimated to be \$1,868 each. There are currently six (6) gang enforcement officers without laptop computers; so, the total cost to equip these officers with this equipment is approximately \$11,208. The department would absorb these costs within its ongoing annual operating budget.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-51  
SUBMITTED BY Gary Penrod PAGE 47

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the need to provide ongoing gang training to team members, along with membership/seminar attendance with the California Gang Investigators Association to maintain "Gang Expert" status.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-51  
SUBMITTED BY Gary Penrod PAGE 47

---

**RESPONSE**

Annual costs associated with gang training are substantial. In addition to county funds, grant funds are utilized to off-set costs associated with training costs. Personnel are sent to training to maintain their expertise as required.

**Local Cost Impact**

There is no additional local cost related to this recommendation. Respondent is implementing within current budget allocation. However, travel and training budgets are often limited when limited revenues require fiscal restraint.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-52  
SUBMITTED BY Gary Penrod PAGE 49

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the findings and recommendation related to the need for additional workspace in the Scientific Investigation Division.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-52  
SUBMITTED BY Gary Penrod PAGE 47

---

**RESPONSE**

The Scientific Investigations Division was awarded a 2007 DNA Backlog Reduction Grant, which funded the renovation of the Forensic Biology area, providing additional workstations and bringing the total number of analyst workstations to fourteen.

In FY2006-07, the Board of Supervisors committed \$25 million towards an expansion project for the crime lab. However, after a formal needs assessment was completed, it was learned that construction costs had risen considerably. To complete the project as originally proposed, an additional \$38 million would be necessary. The Sheriff made this additional funding request in his FY2008-09 budget proposal to the Board of Supervisors.

**Local Cost Impact**

Construction costs for the expansion of the crime lab are now estimated to be \$63 million.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-53  
SUBMITTED BY Gary Penrod PAGE 49

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees, in part, with the findings and recommendations related to the need to increase the number of Crime Scene Investigators; however, the Department could not immediately accommodate the recommended doubling of this staff from 12 to 24 due to workplace and equipment restrictions.

ATTACHMENT II

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-53  
SUBMITTED BY Gary Penrod PAGE 47

---

**RESPONSE**

The Sheriff requested the Board of Supervisors to fund two (2) additional Crime Scene Investigators during the FY2007-08 budget workshop. To date, no additional positions have been approved.

**Local Cost Impact**

The funding of the two (2) additional Crime Scene Investigators, as requested in last FY's budget, would cost approximately \$174,660 (\$87,330 each) in local cost dollars (vehicles, equipment and supplies not included).

The doubling of the Crime Scene Investigator staff, from 12 to 24, would cost an additional \$1,047,960 in annual ongoing local cost dollars.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-54  
SUBMITTED BY Gary Penrod PAGE 49

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees, in part, with the findings and recommendations related to the need to increase the number of DNA/Forensic Analysts; however, we could not immediately accommodate the recommended doubling of this staff from 10 to 20 due to workplace and equipment restrictions.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-54  
SUBMITTED BY Gary Penrod PAGE 47

---

**RESPONSE**

The Department continues to work with both the Board of Supervisors and the RAN Board to increase staffing, as needed. During the FY2007-08 budget workshop, the Sheriff requested funding for three (3) additional Criminalists to handle the increasing workload. While this request was not funded, the RAN Board did approve funding for two (2) DNA analysts for the FY2008-09 budget. This funding was approved for the 2007-08 budget year; however, it was deferred to the 2008-09 budget cycle to offset training and space concerns.

Proposition 69 revenues will be used to fund one (1) DNA analysts for the 2008-09 budget year.

**Local Cost Impact**

The funding of the two (2) additional DNA/Forensic Analyst positions, as requested in last FY's budget, would now cost approximately \$146,796 (\$73,398 each) in local cost dollars (start-up equipment and supplies not included).

The doubling of the current staff, from 10 to 20, would cost an additional \$733,980 in annual ongoing local cost dollars.

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-55  
SUBMITTED BY Gary Penrod PAGE 52

---

**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The Department agrees with the findings and recommendation to construct a 93,000 square foot centralized Sheriff's Training Academy.

ATTACHMENT II

2007-08 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 22, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 08-55  
SUBMITTED BY Gary Penrod PAGE 52

---

**RESPONSE**

The Department has completed a needs assessment for a conceptual design of a new Training Academy building. The structure is approx. 80,000 sq. ft. and designed to be placed on the existing Training Center grounds. Still needed is a request for design proposal upon funding of the project.

**Local Cost Impact**

Project not yet approved; initial cost estimates at \$80 million.