

# FINAL REPORT



SAN BERNARDINO COUNTY  
CIVIL GRAND JURY  
2016-2017

# FINAL REPORT



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CIVIL GRAND JURY  
2016-2017

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# GRAND JURY



COUNTY OF SAN BERNARDINO

172 West Third Street, Second Floor  
San Bernardino, CA 92415-0243 • (909) 387-9120

June 30, 2017

Honorable Raymond L. Haight III, Presiding Judge  
Superior Court of California, County of San Bernardino  
247 West Third Street, Eleventh Floor  
San Bernardino, CA 92415-0302

Dear Judge Haight,

The 2016-2017 San Bernardino County Grand Jury is pleased to present this Final Report to you, the San Bernardino County Board of Supervisors and the citizens of San Bernardino County.

On July 1, 2016 nineteen citizens came together, each bringing their own individual experiences and knowledge towards our common goal of ensuring our County, Cities and Special Districts are governed honestly and efficiently.

Throughout our term, Grand Jury members met and interviewed numerous county employees. The Grand Jury believes these employees are dedicated and want to improve each department's service to the San Bernardino County citizens. To them, the Grand Jury extends their deepest gratitude.

This was a year of many changes that led to growth and progress for the Grand Jury. We welcomed a new administrative secretary, Norma Grosjean, who is doing an excellent job. The Grand Jury suite needed technological updates. The Grand Jury Website is being updated and improved to allow greater access to citizens and we are working with the Board of Supervisors to raise the Per Diem for future Grand Jurors. These changes will improve the next Grand Jury's investigative endeavors.

The Grand Jury would also like to thank Presiding Judge Raymond Haight and the San Bernardino County Board of Supervisors for their support. Special thanks go to our Legal Advisors, Deputy District Attorney Michael Dauber, Jean Rene Basle and Michelle Blakemore of County Counsel for their expertise and assistance throughout the year. And I thank every one of my fellow Grand Jury colleagues for their tenacious dedication to service. It has been my honor to serve in the capacity of foreperson of the 2016-2017 San Bernardino County Grand Jury.

Respectfully,

Susan S. Brewster, Foreperson  
San Bernardino County Civil Grand Jury

# 2016-2017 CIVIL GRAND JURY SAN BERNARDINO COUNTY

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Darrell Freeland, Foreperson Pro Tem	Victorville
Bob Turley, Secretary	Redlands
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Bruce Hollenbeck, Sergeant-at-Arms	Apple Valley
Ernie Armenta, Assistant Sergeant-at-Arms	Rialto

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Jerry Santana (Resigned 10/18/16) – Yucaipa  
Robert Sturges (Resigned 1/20/17) - Apple Valley  
Richard Williams (Resigned 7/19/16) - San Bernardino

## ADMINISTRATION

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Legal Advisor	Michael Dauber
Grand Jury Assistant	Norma Grosjean
Former Grand Jury Assistant	Sarah Mayne

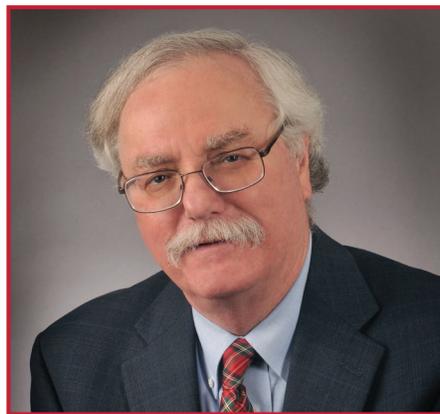
# 2016-2017 CIVIL GRAND JURY SAN BERNARDINO COUNTY



*Back Row (left to right):* Ernie Armenta, Richard “Kim” Chitwood, Ruth McMillan, Susan Brewster, Michael Pichler, Steve Miller, Allen “Skip” Burt, Lino Martinez, Tim Smith

*Middle Row (left to right):* Don Newton, Ron Zurek, Kent Fogleman, Rick Penaflor, Lynn Pidal, Darrell Freeland, Bob Turley

*Front Row (left to right):* Jan Flammang, Bruce Hollenbeck, Dave Hutson



Honorable  
Raymond L. Haight, III

**TABLE OF CONTENTS**

**2016-2017**

**SAN BERNARDINO COUNTY CIVIL GRAND JURY**

**FINAL REPORT**

**COMPLAINTS .....1**

**GRAND JURY REPORTS.....2**

    Apple Valley Unified School District Police Department.....4

    Children and Family Services.....19

    High Desert Ambulance Availability and Bed Delay.....36

    Inspections of Jails/Prisons/Detention Centers.....45

    Oversight of San Bernardino County Charter Schools.....86

    Request for Proposal for the Indigent Adult Appointed  
        Representation Service Contract.....96

    San Bernardino County Facilities, Site Security and Public Safety .....106

    San Bernardino County Department of Veterans Affairs.....113

**RESPONSE ACCOUNTABILITY REPORTS .....120**

    Bullying.....121

    San Bernardino International Airport.....131

# COMPLAINTS



## COMPLAINTS

The Grand Jury received and investigated various complaints from our citizens. Every complaint is carefully reviewed by the Grand Jury and a determination is made regarding jurisdiction.

If jurisdiction is confirmed and the complaint warrants investigation, it is assigned to the appropriate committee. An investigation ensues and the outcome reported to the full Grand Jury. A written report regarding a specific complaint may or may not be included in this year-end Grand Jury Final Report.

The process to submit a complaint is to obtain a Confidential Citizen Complaint Form from either the Grand Jury Website (<http://cms.sbcounty.gov/grandjury/Home.aspx>) or by calling the Grand Jury Office at (909) 387-9120. Once fully completed, the form is returned to the office at 172 West Third Street, Second Floor, San Bernardino CA 92415. Although the Grand Jury normally does not investigate unsigned complaints, depending on the issue, it may conduct an investigation from an anonymous source.

The 2016-2017 Grand Jury received nineteen complaints. Of those three were assigned and investigated. Two complaints were not within the jurisdiction of the Grand Jury, one was anonymous and two were already resolved or in litigation. Eight were rejected by the Grand Jury for various reasons other than jurisdiction and three are being referred to the 2017-2018 Grand Jury.

# REPORTS



## GRAND JURY FINAL REPORTS

### INTRODUCTION

The following penal institutions, which are designated detention centers by the County of San Bernardino, were inspected and are included in this 2016-2017 Final Report under the authority of California Penal Code 919(b) which states:

"The Grand Jury **shall** inquire into the condition and management of the public prisons within the County."

California Institution for Men  
California Institution for Women  
Desert View Modified Community Correctional Facility  
Glen Helen Rehabilitation Center  
Central Valley Juvenile Detention and Assessment Center

The Grand Jury conducted investigations for the following reports for inclusion in this, the 2016-2017 Grand Jury Final Report under the authority of California Penal Code Section 925 which states:

"The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions 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 districts. The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. The Grand Jury may enter into a joint contract with the board of supervisors to employ the services of an expert as provided for in Section 926".

Children & Family Services  
High Desert Ambulance Availability and Bed Delay  
Request for Proposal for the Indigent Adult Appointed Representation Service Contract.  
San Bernardino County Department of Veterans Affairs  
San Bernardino County Facilities, Site Security and Public Safety

The following reports were investigated under the authority of Penal Code 933.5 which states:

"A Grand Jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission."

Apple Valley Unified School District Police Department  
Oversight of San Bernardino County Charter Schools

## APPLE VALLEY UNIFIED SCHOOL DISTRICT POLICE DEPARTMENT

### BACKGROUND

The Apple Valley Unified School District (AVUSD) is located in the High Desert of San Bernardino County. Its service area is generally to the east of Interstate 15 and is bisected by Highway 18. It includes most of the Town of Apple Valley and the surrounding unincorporated area. According to the District's website (<http://www.avusd.org>) the District maintains fifteen schools and *“serves just over 13,000 students ranging from preschool through twelfth grade, and offers an adult education program linked with Victor Valley College. AVUSD provides a safe, encouraging, and challenging learning environment in which students are given the opportunity to reach their full potential.”*

On April 3, 2002, the AVUSD Board of Trustees approved a Policy creating the Apple Valley Unified School District Police Department (AVUSD-PD) in accordance with California Education Code Section 38000 which permits establishment of such a department. Subdivision (b) of Section 38000 indicates the District *“... may employ peace officers, as defined by subdivision (b) of Section 830.32 of the Penal Code, to ensure the safety of school district personnel and pupils, and the security of the real and personal property of the school district.”* Penal Code Section 830.32 qualifies the authority of such school police officers as *“... peace officers whose authority extends to any place in the state for the purpose of performing their primary duty.”*

The current configuration of the AVUSD-PD is a Chief, five regular officers and six-part time reserve officers plus one dispatch supervisor, one dispatcher and two part-time clerical staff.

The San Bernardino County Grand Jury received a report of possible issues involving the AVUSD-PD pertaining to disposal of district vehicles. The Grand Jury elected to conduct an investigation under the authority of Section 933.5 of the California Penal Code.

During the course of that inquiry, it was immediately determined that district vehicles were not involved, but rather that, from January 2014 through December 2016, the AVUSD-PD had ordered over 700 vehicles towed from public roadways. The adjoining Hesperia Unified School District Police Department did not tow any vehicles during that same time period. The Snowline Unified School District Police Department in nearby Phelan towed only one abandoned vehicle during the same time frame. The San Bernardino Unified School District Police Department, an agency four times as large as AVUSD-PD, towed 272 vehicles during the same time period while the Fontana Unified School District Police Department, with 64 officers, towed only 169 vehicles. All of the vehicles ordered towed by the AVUSD-PD were towed by a single tow company in Apple Valley. An unknown number of the privately owned vehicles were subsequently lien sold by the tow company for fees and towing charges accrued.

## **METHODOLOGY**

The Grand Jury utilized the following methodologies in their examination of the AVUSD-PD: personal interviews, telephonic interviews, sworn testimony, data received from the AVUSD and the AVUSD-PD, data received from Fontana Unified School District, data received from San Bernardino Unified School District, data received from the Hesperia Unified School District, data received from the Snowline Unified School District, information received from the California Commission on Peace Officer Standards and Training, information from the California Highway Patrol, personal inspection of sites and facilities, examination of reports, records, hiring a Graphic Information System (GIS) mapping expert, and a legal opinion provided by San Bernardino County Counsel's Office.

## **FACTS**

A legal opinion prepared by the San Bernardino County Counsel's Office, at the request of the Grand Jury, found that school police officers are limited duty peace officers whose primary duty is to ensure the safety of school district personnel and pupils, and the security of the real and

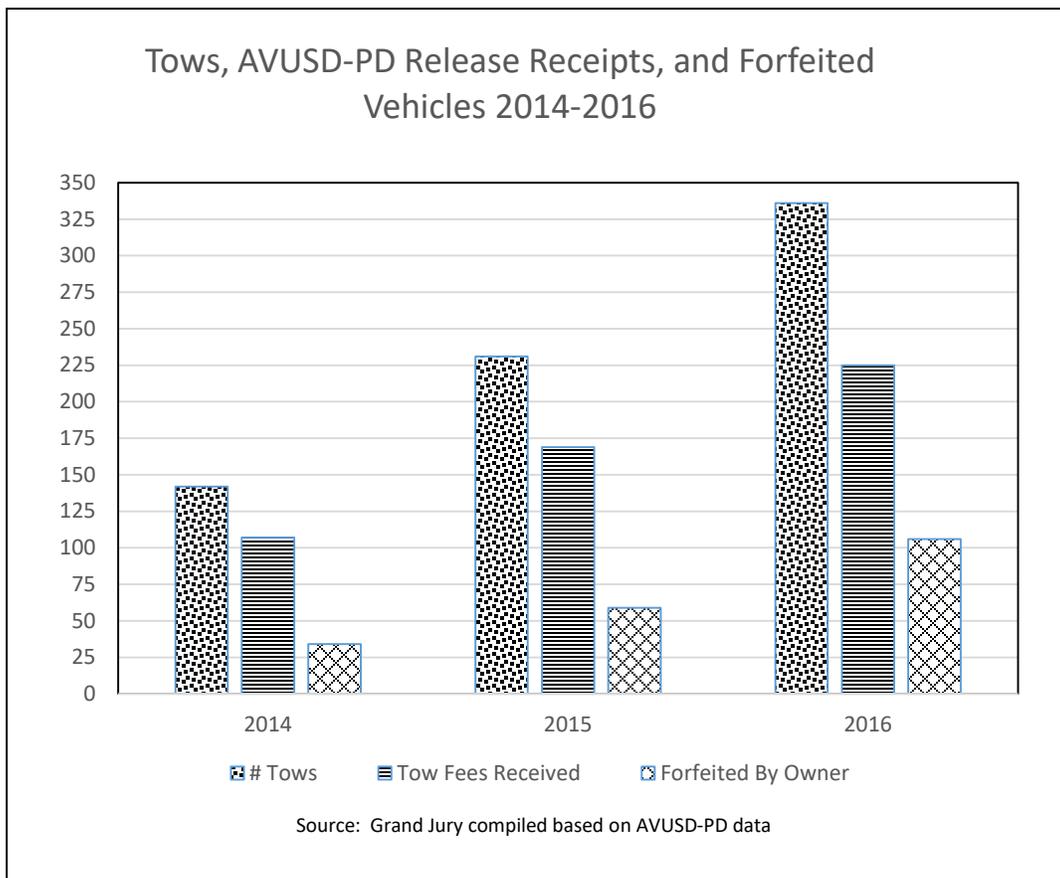
personal property of the school district. These officers have additional authority in Penal Code section 830.32 to make arrests when there is an immediate danger to persons or property, or the escape of the perpetrator of that offense. By application, the school police would not have general police powers off school property unless there was an immediate danger to a person or property or to the escape of the perpetrator of that offense. This opinion also quoted *People v. Landis* (2007) 156 Cal. App. 4th Supp. 12, which found that local peace officers with general police powers are limited in their authority to issue citations for infractions to only the jurisdiction of their agency, absent exigent circumstances.

All of the Apple Valley Unified School District police officers that were interviewed by the Grand Jury believed that Penal Code Section 830.32 permitted them to stop, cite, and tow vehicles anywhere in the state of California. None of the police officers were able to cite any legal opinion from the School District's legal counsel or the School District's administration. The Grand Jury was unable to find any School District actions directing officers to exert that level of authority.

The Town of Apple Valley Police Department has primary jurisdiction for all police services within the Town Limits. The Town contracts with the San Bernardino County Sheriff's Department to provide those services. Most law enforcement agencies that have concurrent jurisdiction with another law enforcement agency have a Memorandum of Understanding (MOU) to delineate responsibilities and coordinate procedures between the agencies. The Grand Jury requested a copy of the MOU between AVUSD and the Town of Apple Valley Police Department. AVUSD was unable to produce a copy of the MOU that had been signed or approved by either the Town or the District. They did produce a draft MOU from 2012, but it was unsigned and did not appear to have been approved by any of the entities. The lack of such an MOU can lead to mishandled investigations, miscommunication between agencies, and uncertainty over what types of crimes will be handled by each agency. The opinion of the San Bernardino County Counsel's Office does stress that an MOU with a general law enforcement agency cannot convey to a school district police department any greater authority than they have under the Education Code and the Penal Code.

In order to more fully understand the laws pertaining to towing of vehicles, an expert from the California Highway Patrol (CHP) was invited to instruct the Grand Jury. This expert reported that a law enforcement agency may tow or store a vehicle on a public roadway for a variety of reasons, but in all cases, it must provide notice to the registered owner and the legal owner of their right to a hearing on the legality of the tow. The CHP 180 form is a vehicle report for towed or impounded vehicles. The CHP provides the form (CHP180) at no charge to any such agency to facilitate a uniform method of notification.

Examination of the records of the AVUSD-PD, coupled with testimony from the AVUSD-PD clerical staff and officers, revealed that CHP 180 forms generally were completed for the vehicles ordered towed. However, the forms were never sent to the registered owner and the legal owner as mandated by Section 22852(a) of the California Vehicle Code unless there was a lien holder listed as the legal owner. CVC 22852(a) *"Whenever an authorized member of a public agency directs the storage of a vehicle, as permitted by this chapter, or upon the storage of a vehicle as permitted under this section (except as provided in subdivision (f) or (g)), the agency or person directing the storage shall provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a poststorage hearing to determine the validity of the storage."* AVUSD-PD officers interviewed said they sometimes gave a printed sheet to the driver that explained how to pay the administrative Vehicle Release Form Fee and retrieve the vehicle from the tow yard; however, an explanation to the driver of the process to request a poststorage hearing was not included. AVUSD-PD clerical staff reported that they assumed that the tow company would send the CHP 180 information to the interested parties. The clerical staff only sent a CHP 180 form to the legal owner when it appeared that there was a lienholder for the vehicle.



**TOWED, RELEASE FEE RECEIPTS and FORFEITED VEHICLES**

Following the tow of a vehicle, the driver must pay a Vehicle Release Fee to AVUSD-PD before the vehicle will be released by the tow company. An increasing number of drivers forfeited their car by not paying the fee.

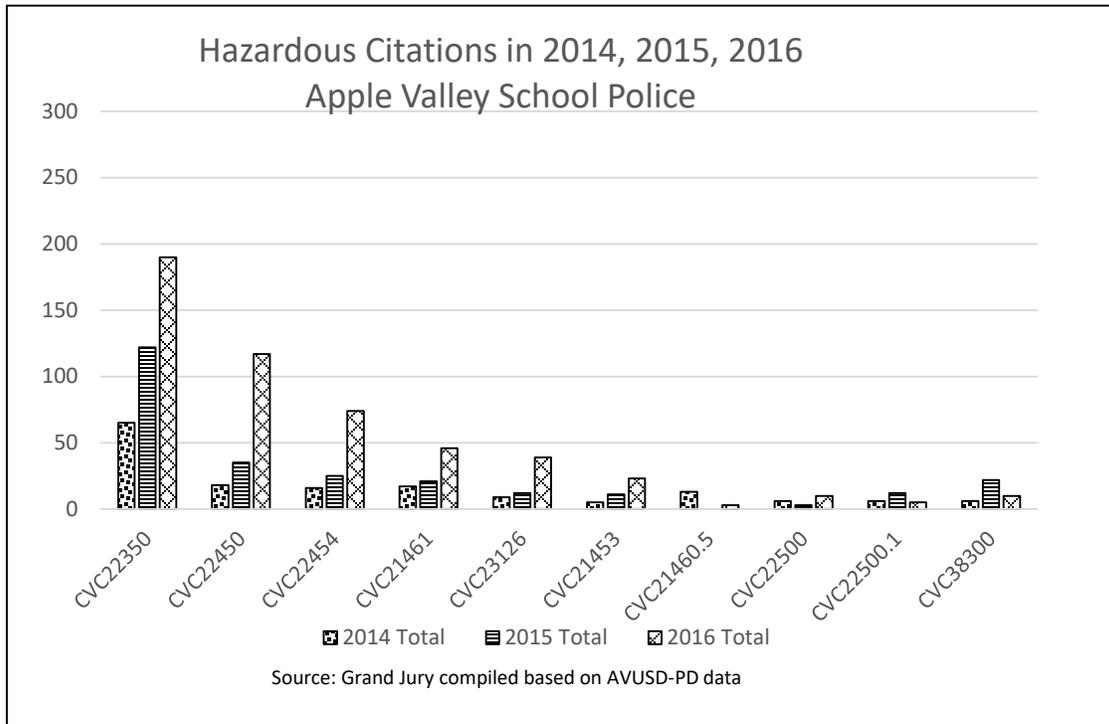
The Grand Jury reviewed almost 3,000 citations issued by the AVUSD-PD for the years 2014, 2015, and 2016. A significant majority of the citations were for non-hazardous moving vehicle code violations such as expired registration, equipment violations, expired driver's license, no driver's license in possession or not wearing a seat belt. For purposes of brevity in this report, the Grand Jury will discuss the most recent year, 2016, which continues the patterns seen in 2014 and 2015.

CVC Code	Brief Description	Ranking	Towed 2014	Not Towed 2014		Towed 2015	Not Towed 2015		Towed 2016	Not Towed 2016
CVC22350	Excessive Speed	Hazard	3	62		22	100		7	183
CVC22450	Ignoring Signs	Hazard	1	17		6	29		11	106
CVC4000	Car Registration	Not a Hazard	54	39		106	52		171	83
CVC16028	Lack of Insurance	Not a Hazard	30	29		60	34		64	80
CVC22454	Flashing Bus Lights	Hazard	1	15		3	22		8	66
CVC12951	License Not Available	Not a Hazard	2	13		5	24		3	48
CVC27360	Seat Belt Issue	Not a Hazard	1	3		0	3		7	45
CVC12500	No License	Not a Hazard	53	26		67	20		83	43
CVC21461	Disobeying Sign	Hazard	3	14		4	17		5	41
CVC23126	Cell Phone in Use	Hazard	0	9		1	11		3	36
CVC14601	Suspended License	Not a Hazard	43	9		54	16		93	24
CVC21453	Red Light Violation	Hazard	0	5		0	11		0	23
CVC21460.5	Illegal Left Turn	Hazard	1	12		0	0		0	3
CVC22500	Pedestrian Crosswalk	Hazard	1	5		3	0		1	9
CVC22500.1	Red Bus Zone	Hazard	0	6		0	12		2	3
CVC38300	Disobeying Sign	Hazard	1	5		1	21		2	8
CVC24252	Lighting Equipment	Not a Hazard	0	1		0	0		4	15

Source: Grand Jury compiled based on AVUSD-PD data

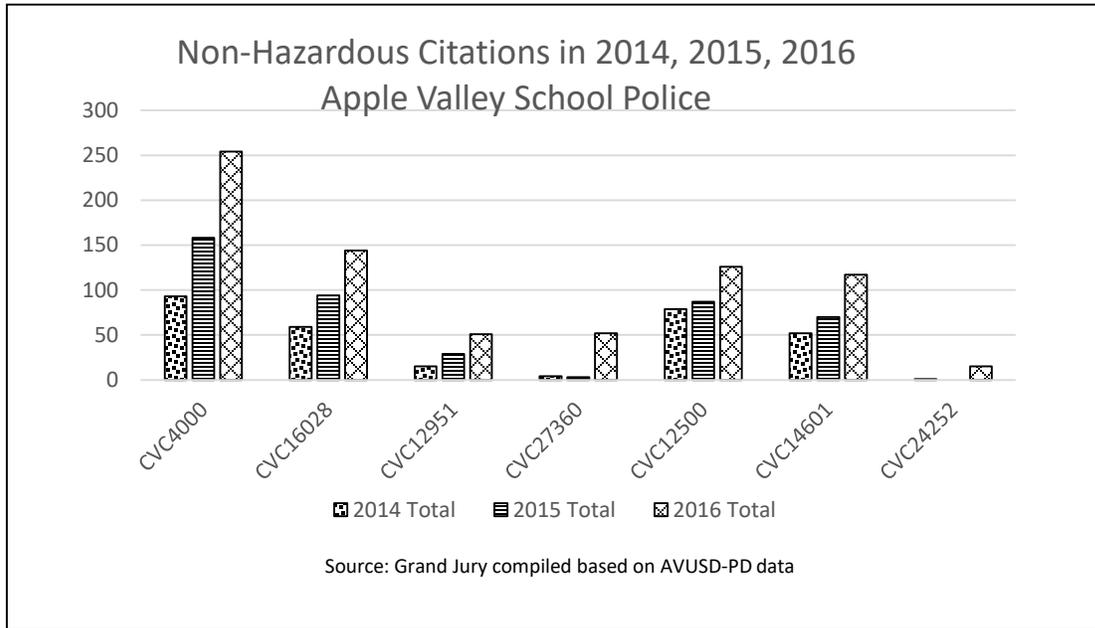
#### **CVC SECTION, BRIEF DESCRIPTION, CLASSIFICATION, TOWED/NOT TOWED**

The most frequent types of infractions are noted along with a brief description of the violation. Some appeared to be hazardous to students and pedestrians near a school site, but others were not hazardous to the general public.



**HAZARDOUS CITATIONS BY YEAR**

Most frequent hazardous violations cited. Excessive speed violations increased from 122 to 180 from 2015 to 2016.

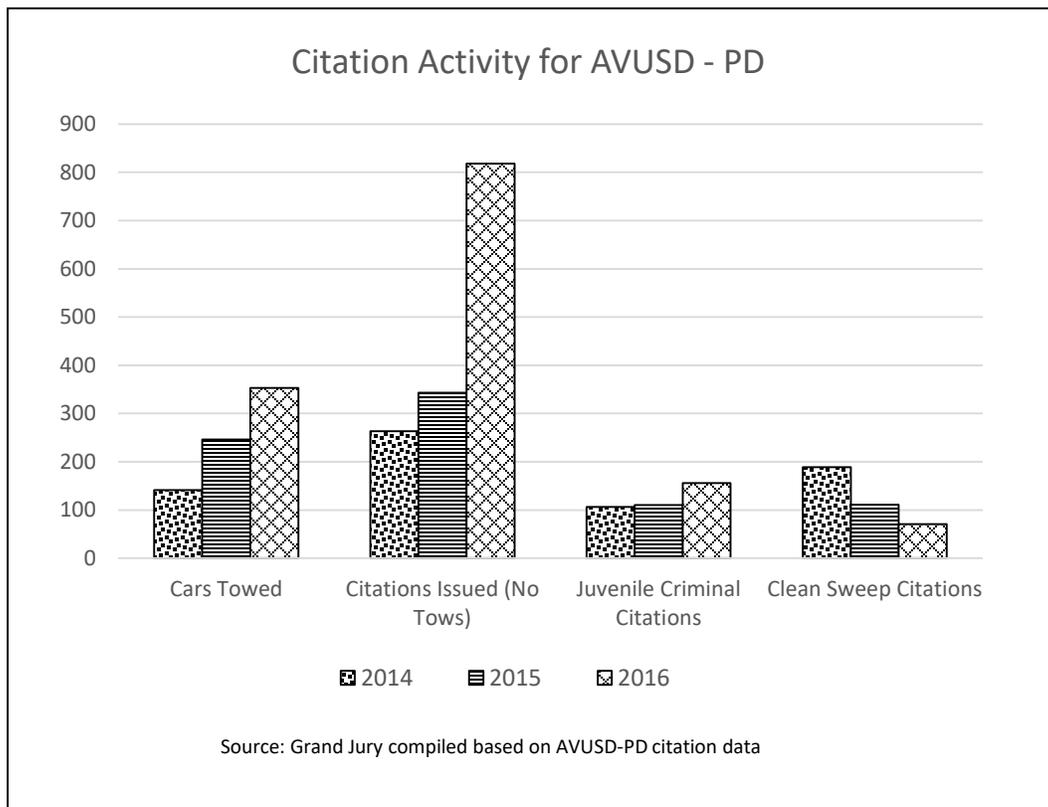


**NON-HAZARDOUS CITATIONS BY YEAR**

Almost one hundred more registration violations were cited in 2016 than in 2015. Lack of insurance violations ranked as the second most frequent citation. Neither represents a danger to staff or students.

The Grand Jury's examination of copies of the citations that were issued by AVUSD-PD in conjunction with the towing of vehicles revealed that most vehicles were not stopped for hazardous moving violations but for equipment or registration violations, and thus, outside of the authority of the AVUSD-PD to stop and detain drivers on a public roadway.

Over the three-year period that was examined by the Grand Jury, it appears that, as traffic citations and traffic activity by the AVUSD-PD increased, there was a corresponding decline in student related interactions, such as operation Clean Sweep, (a youth diversion program for minor or first offense violations) or on-campus citation activity.



**AVUSD-PD CITATION ACTIVITY**

2016 saw an increase of 107 cars towed over 2015. Juvenile criminal citations increased while the Clean Sweep diversion program citations decreased in 2016.

Several drivers of vehicles ordered towed by the AVUSD-PD were interviewed by the Grand Jury. One woman reported that she was stopped by AVUSD-PD on October 6, 2016 on Bear Valley Road and Central Avenue in Apple Valley at 11:23 p.m. at night because the license plate light on her vehicle was inoperative. The officer determined the vehicle had an expired license registration and ordered her vehicle towed and issued a citation. The driver did not feel comfortable in the presence of the officer and refused his offer of giving her a ride home. She subsequently walked about a mile to her home. She was unable to pay the fees to retrieve her car and it was ultimately lien sold at auction by the tow company. She was not at or near a school when she was stopped. In another incident, a man was stopped on Christmas Day 2016, at 8:45 p.m. The officer stopped him for an expired registration. The officer learned the man had a suspended driver's license. The driver told the Grand Jury that his suspended license was a surprise to him because he had only experienced a difficulty with a late child support payment. The officer cited the man for both violations and had his car towed to a storage facility, even though the driver's son was in the car with a valid driver's license and could have driven the vehicle home. While the driver was stopped near a school, it was 8:45 p.m. and school was not in session due to winter break.

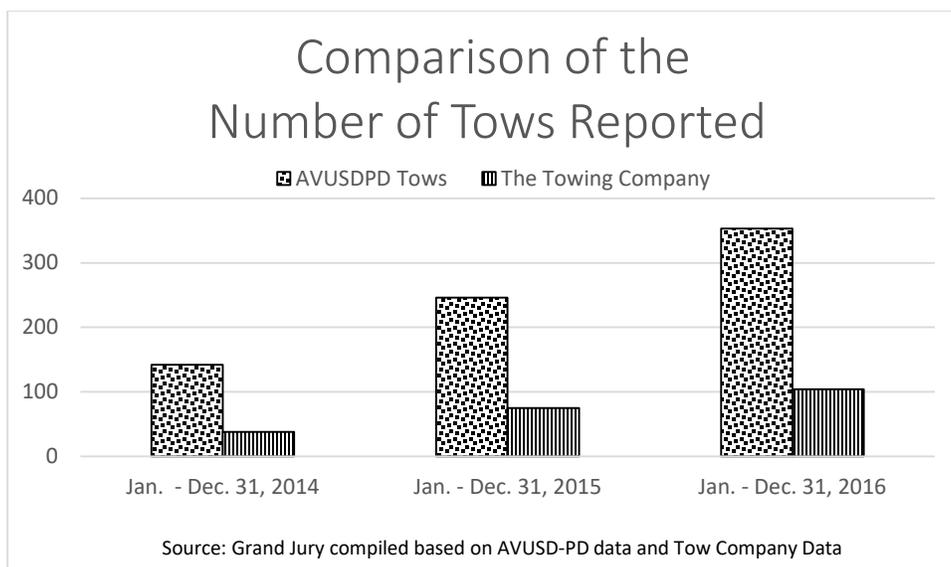
The AVUSD-PD "TOWED VEHICLE LOG" document is a manually completed chronological list of vehicles ordered towed by the AVUSD-PD. It includes the following columns: Date, Report Number, Veh. description, License, L/O, 180 sent, Date Released, Fee Receipt #. Each page contains 17 lines for entry of information. Examination of the document shows the "180 Sent" column was completed only when a lienholder was listed. All other lines showed the column as blank. There is no indication that the vehicle's registered owner or the legal owner was ever notified of their right to a hearing to determine the validity of the seizure and towing of a vehicle ordered towed by the AVUSD-PD, and thus, the registered and legal owners were often deprived of their right to a poststorage hearing. Vehicle Code 22852 (e) states: "*The agency employing the person who directed the storage shall be responsible for the costs incurred for towing and storage if it is determined in the poststorage hearing that reasonable grounds for the storage are not established.*" The AVUSD-PD administration could only recall one instance when a post storage hearing was requested.

The administrative Vehicle Release Form is currently completed by the clerical staff at the AVUSD-PD office upon payment of \$120.00 and verification that any registration or licensing deficiencies have been rectified. Once the Vehicle Release Form is completed and provided to the driver or owner, the vehicle may then be retrieved from the tow company upon payment of towing and storage fees, currently a minimum of \$250.00 plus \$50.00 per day beyond the first day.

The Grand Jury visited the office of the tow company and examined its storage area to estimate the capacity for storage and retention of towed vehicles. The inspection failed to locate any price schedules posted in the area accessible to the public as required by CA Vehicle Code 22651.07(a)(1)(A) "*Except as provided in subparagraph (B), post in the office area of the storage facility, in plain view of the public, the Towing Fees and Access Notice and have copies readily available to the public.*" Interviews with drivers who had their vehicle ordered towed by AVUSD-PD also reported that they saw no fee schedules posted and that, in several cases, the tow company required that the fees be paid by cash.

In December of 2016, after the Grand Jury commenced this inquiry, the AVUSD-PD changed its tow methodology to utilize a weekly tow rotation system amongst three local tow companies. It was reported that these two additional tow companies were approved and vetted for utilization and used by the San Bernardino County Sheriff Department. The Grand Jury independently confirmed that information. This three-tow rotation was done without any advice or guidance from the AVUSD Administrative Services division that is responsible for all contracts for service within the District. The AVUSD did not execute any contracts, MOUs or written understandings with any of the tow companies.

The Grand Jury requested information from the tow company as to the disposition of all of the 700 plus vehicles ordered towed by AVUSD-PD over the past three years. The tow company was only able to produce disposition information for 217 of the 727 vehicles ordered towed.



#### TOW VEHICLES REPORTED

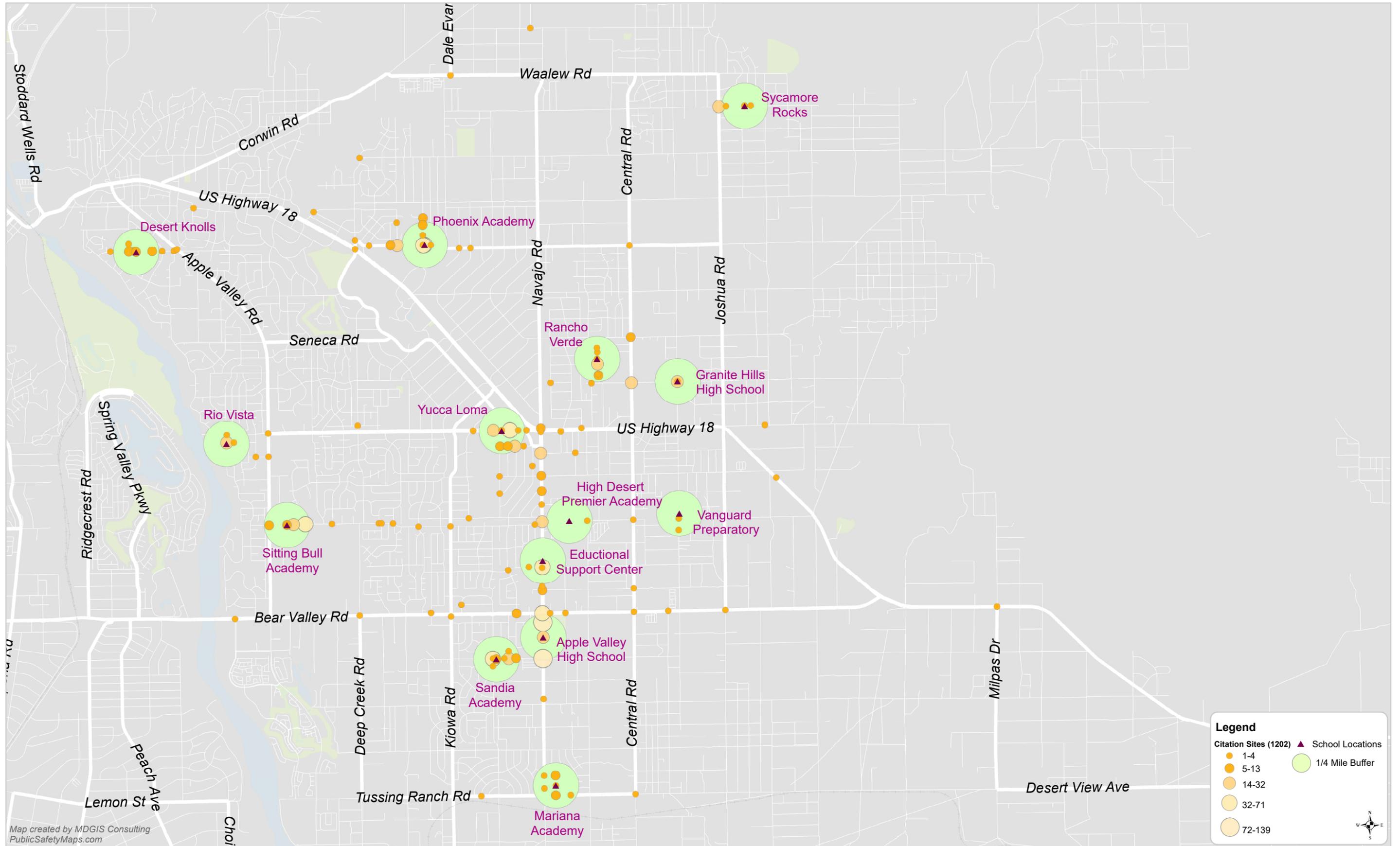
Towed vehicles reported by AVUSD-PD compared to the number of vehicles the towing company reports processing.

Sworn testimony by the representative of the tow company was that the information they produced was a complete and accurate representation of their files. The representative could not explain, nor accept, that there was a discrepancy of 510 vehicles unaccounted for in their records. The Grand Jury will leave to other agencies or organizations any attempt to examine the inability of the tow company to account for 510 vehicles that AVUSD-PD indicated were towed by them. On May 21, 2015 the Governing Board of the AVUSD, relying on CA Vehicle Code 22850.5 (a), approved a motion to increase the Vehicle Release Fee from \$95.00 to \$120.00. CA Vehicle Code 22850.5 (a) states, in part, "***A city, county, or city and county, or a state agency may adopt a regulation, ordinance, or resolution establishing procedures for the release of properly impounded vehicles to the registered owner or the agent of the registered owner and for the imposition of a charge equal to its administrative costs relating to the removal, impound, storage, or release of the vehicles to the registered owner or to the agent of the registered owner. Those administrative costs may be waived by the local or state authority upon verifiable proof that the vehicle was reported stolen at the time the vehicle was removed.***" (***emphasis added***)

The Vehicle Code used to justify the increase does not permit a school district to charge a Vehicle Release Fee because a school police department is not a "city, county, or city and county, or a state agency" but is a Special District. The Grand Jury was unable to establish any legal basis for charging such a fee by the AVUSD-PD

The AVUSD-PD sponsors Explorer Post Unit 95. This Explorer Post is open to students who have an interest in law enforcement. The Advisors are officers of the AVUSD-PD who volunteer their time to mentor the students. Several past members have advanced to law enforcement careers, including with the AVUSD-PD. The Post serves as a crime diversion program for at-risk youths.

# Apple Valley Unified School District - Citation Locations



**Legend**

<span style="color: orange;">●</span> Citation Sites (1202)	<span style="color: purple;">▲</span> School Locations
<span style="color: orange;">●</span> 1-4	<span style="border: 1px solid lightgreen; border-radius: 50%; display: inline-block; width: 10px; height: 10px;"></span> 1/4 Mile Buffer
<span style="color: orange;">●</span> 5-13	
<span style="color: orange;">●</span> 14-32	
<span style="color: orange;">●</span> 32-71	
<span style="color: orange;">●</span> 72-139	



## **FINDINGS**

F1: The AVUSD relied on California Vehicle Code section 22850.5(a) to charge a vehicle release fee and to make increases in that fee. The vehicle code section relied upon gives authority to charge this fee to "...a city, county, or city and county, or a state agency." AVUSD-PD is not a city, county, or city and county or a state agency, and thus has no authority to charge this fee.

F2: Based on interviews with several AVUSD-PD personnel and several owners/drivers of vehicles that were towed at the direction of AVUSD-PD, the registered owners and legal owners were not notified of their right to a poststorage hearing to determine the validity of the storage, as mandated by California Vehicle Code section 22852(a).

F3: After interviewing several AVUSD personnel and owners/drivers of some of the vehicles that were towed by the authority of AVUSD-PD, proper notice of their right to a tow hearing was not given as mandated by California Vehicle Code section 22852(a).

F4: Through the combined interviews conducted by the Grand Jury of AVUSD personnel, interviews with drivers/owners of vehicles that were towed at the direction of the AVUSD-PD, review of documents provided by AVUSD-PD, and a legal opinion from San Bernardino County Counsel, it was determined that, in many cases, the AVUSD-PD did not have authority to stop, cite, and tow vehicles. Many owners could not pay the tow and storage fees, and their vehicles were subsequently lien sold.

F5: Based on interviews with AVUSD and AVUSD-PD personnel and based on a review of documents submitted by AVUSD, the AVUSD-PD was authorizing the towing of vehicles using only one tow service for a number of years, with no written contract, no signed Memorandum of Understanding, and without the involvement of the AVUSD Administrative Services Division.

F6: Based on interviews with AVUSD-PD personnel, interviews with AVUSD personnel, and a review of California Penal Code section 830.32, Education Code 38000, and case law, the majority of instances where the AVUSD-PD stopped, cited, and authorized the towing of vehicles exceeded the authority of the AVUSD police officers, since most instances did not indicate an immediate threat to persons or property.

F7: Based on the examination of citations written by the AVUSD-PD during the years 2014, 2015 and 2016, there is a constant increase in the number of citations written and vehicles being towed, with the vast majority of citations being for non-hazardous vehicle code violations. This activity results in the officers being taken away from their primary duty, which is the protection of school children, school personnel, and school property.

F8: The AVUSD has operated without a signed MOU with SBCSD.

F9: Based on the tow log received by the AVUSD-PD on all cars that department ordered to be towed by the only tow company used during the years 2014, 2015, and 2016, and compared to the cars that the tow company received during 2014, 2015, and 2016, over 500 cars are unaccounted for even though both the AVUSD-PD and the tow company stand by their records.

## **RECOMMENDATIONS**

17-01: Refund any monies collected by Apple Valley Unified School District – Police Department for Vehicle Release fees.

17-02: Develop a procedure to assure the Apple Valley Unified School District – Police Department notifies the legal and registered owners of vehicles towed in the future of their right to a tow hearing.

17-03: Refund any towing and storage fees paid by any legal owner or registered owner who was denied the opportunity to request a tow hearing.

17-04: Provide restitution to any vehicle owner whose vehicle was lien sold as a result of the vehicle being ordered towed by Apple Valley Unified School District – Police Department in excess of their legal authority to do so.

17-05: Engage in a Request for Proposal (RFP) process for any non-district services requested by Apple Valley Unified School District – Police Department.

17-06: Clarify to all members of the Apple Valley Unified School District – Police Department their geographical area of responsibility and the limits of their authority.

17-07: Prioritize the duties and responsibilities of the Apple Valley Unified School District – Police Department to confirm with their primary duty of protecting school children, school staff, and school property.

17-08: Review all Memorandum of Understandings with school police departments and the San Bernardino County Sheriff's Department to insure that jurisdictional authority has not been exceeded by school police departments.

17-09: The appropriate state agency opens an investigation into this matter which is beyond the jurisdiction of the Grand Jury.

<b><u>AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DUE DATE</u></b>
Apple Valley USD	17-01 through 17-07	10/1/2017
San Bernardino County Sheriff's Department	17-08 through 17-09	9/1/2017

## CHILDREN AND FAMILY SERVICES

### BACKGROUND

In 2011, Children and Family Services (CFS) requested the County Board of Supervisors (BOS) to hire Deloitte Consulting LLP (Deloitte) at a cost of \$250,000. Deloitte, which consults on children and family services, conducted a study of the CFS organizational operations and services and recommended improvements. The BOS hired Deloitte in response to a competitive Request for Proposal. Their six-month study resulted in the 148-page “San Bernardino Business Redesign Project: Final Recommendations,” published on July 6, 2012. The projected timeline for full implementation of the redesign was five years. As July 2017 approaches, CFS acknowledges they have been unable to meet the five-year deadline due to unanticipated factors such as additional government mandates.

The 2012-2013 findings and recommendations regarding CFS were published in the Grand Jury Final Report. On behalf of CFS, the BOS officially responded to the Grand Jury’s investigation. The 2016-2017 Grand Jury followed up on the implementation of the five-year Deloitte redesign and the recommendations of the 2012-2013 Grand Jury regarding public accountability.

CFS has nine offices throughout the County. There are approximately 950 employees, approximately half of whom are Social Service Practitioners (SSP). Intake SSPs respond to reports of child abuse, assess the situation, make recommendations for placement of the child, and develop a treatment plan for the child and family as the situation warrants. Placement and treatment may require CFS to provide foster care and adoption services. Carrier SSPs administer and monitor services in accord with the plan. Administrative, managerial, supervisorial, social work, technical, clerical, and other staff members provide guidance and support for the SSPs. Employees at all levels were involved in the redesign effort leading up to the hiring of Deloitte.

The Grand Jury is an independent civil watchdog agency that investigates County agencies, towns and cities, and special districts within San Bernardino County. California Penal Code 925 is the civil Grand Jury's jurisdiction authority for this investigation.

## **METHODOLOGY**

The 2016-2017 Grand Jury interviewed representatives of CFS management regarding the systematic implementation of the Deloitte recommendations. By request, the interviewees provided annual and System Improvement Plan (SIP) reports for the prior two years and information on current public relations operations. The Grand Jury interviewed a sample of SSPs who had been selected randomly from a list provided by County Human Services. The Grand Jury returned to management for a follow-up interview and requested additional documentation.

This report consists of two parts, which echo and update those of the 2012-2013 Grand Jury Final Report:

- Part 1. CFS Implementation of the Deloitte recommendations, and
- Part 2. CFS obligation to provide an annual report for full accountability to the public.

## **FACTS**

### **Part I: Deloitte Redesign**

Deloitte made 44 recommendations/objectives. CFS management distilled them into task initiatives and assigned them to a Deputy Director and Manager. They formed multi-level work groups to implement actions and the attendant policies and procedures. CFS added the County-wide Training initiative with three additional objectives. Work groups are focusing on the three on-going objectives and the six in-progress objectives. Management recently created and hired a Project Coordinator. The Project Coordinator keeps staff on track to complete the remaining task objectives and monitors objectives to measure their effectiveness. Table 1 shows the scope of the initiatives.

Deloitte Redesign Recommendations

Table 1. CFS Initiative Name and Goals	Status
<u>Unit Configuration and Caseload Management</u>	
1. Consider moving towards sibling and permanency units	Completed
2. Continue to use Geo-Staffing for case distribution and introduce an overflow method	Completed
3. Consider implementing a rotation or cross training program to promote growth for all staff	Completed
4. Formalize recommended caseloads	Completed
5. Develop method to support workload balancing	Completed
6. Implement recommended caseloads and unit configuration for redesign and assure social worker to caseload ratio is appropriate. Evaluate clerical staffs workflow and adjust to new unit configuration process	Completed
<u>Supervision and Organizational Structure</u>	
1. Enable supervisors to focus on individual area of expertise	Completed
2. Centralize court supervisors at court and reassign J/D Court staff to regions	Completed
3. Supervisors to support clerical teams to promote a teaming and customer service focus	On-going
<u>Optimized Operational Scheduling</u>	
1. Configure CFS operational and staff scheduling to meet customers' needs	In Progress
2. Evaluate a Command Post Strategy	Completed
<u>Hiring Retention and Classification</u>	
1. Leverage approaches to hiring that have yielded positive results and create incentives that enhance retention	Completed
<u>Optimized Staff Classification, Duties, Assignments and Support</u>	
1. Consider career development opportunities for entry level professionals	Completed
2. Explore the use of a lead worker position	Completed
3. Consider expanding the Parent Partner program by enhancing the roles and responsibilities	Completed
4. Consider adding additional Education Liaisons to extend services under the age of 10	Completed
5. Research ways to increase the capacity of PFAs, bilingual workers and PHNs	Completed

6. <del>Consider the use of Paralegal's in the regions</del>	*See below
7. Review the overall referral workload for the agency and determine if the appropriate assignments/duties are being completed by the appropriate personnel.	Completed
7a. Process Redesign Study	In-Progress
8. Consider utilizing time study for all professionals to maximize resources	In-Progress
<u>Effective Use of Technological Tools</u>	
1. Identify current technologies, programs, databases and tools. Provide users with access, training, and support to increase day to day work	Completed
2. Identify technologies to enhance mobility with a focus on safety	Completed
3. Formalize an IT helpdesk for enhanced support and learning opportunities	Completed
4. Implementation of the Mobile Device Management System	Completed
5. Implementation of Mass text Messaging	On Hold
6. Implementation of Laptops	Completed
<u>Risk Assessment Practice/Warrant Process Training</u>	
1. Implementation of SDM	Completed
2. Consider implementing and training staff on supplemental risk and safety tools that supports risk assessment, decision making , and caseload management	Completed
3. Review screening process for referrals	Completed
4. Introduce additional structure to the Risk Assessment Meetings (RAM/DARE/CAF)	Completed
4a. Streamline RAM Process to reduce of bottleneck of referral closures safely	Completed
5. Prioritize and increase the number of TDM's being performed	Completed
6. Consider joint response with law enforcement	On-going
7. Continue to evaluate and train on warrant processes	Completed
<u>Visitation</u>	
1. Consider opening visitation resources center/s to meet the needs of children and families	Completed
<u>Accountability</u>	
1. Find ways to communicate mission, vision, goals and changes to help staff continuously be accountable	In-Progress
<u>Culture of Modeling and Innovation</u>	
1. Continue to foster a culture that promotes positive re-enforcement, encourages modeling, coaching and training, and supports innovation	Completed

2. Continue to heighten executive and management level engagement in day to day activities to support improvement, collaboration and morale	Completed
<u>Communication Organization-Wide</u>	
1. Formalize a CFS Business Redesign communication plan	Completed
2. Formalize and strengthen a CFS-wide communication plan	Completed
3. Simplify communications related to process and policy	On-going
4. Social Media	Completed
<u>Incorporate Data into Future Planning Process</u>	
1. Enhance data analysis to continue to drive decision making and strategic Planning	In-Progress
<i>Objectives outside of the Business Redesign:</i>	
<u>Countywide Training Committee</u>	
1. Consider new approach to the training unit to improve professional development and training delivery	Completed
2. Reconfigure training unit to further support agency goals	Completed
3. Consider contracting out Pride Training after hours and weekends	In-Progress

\*CFS eliminated the objective to add paralegals to the staff as it would necessitate hiring an attorney to supervise them.

SOURCE: CFS, data from February 22, 2017

Table 2 summarizes the record of accomplishment in five years.

TABLE 2	
Objectives	
<u>Completed</u>	36
<u>In progress</u>	6
<u>Ongoing</u>	3
<u>On hold</u>	1
<u>Eliminated</u>	1
TOTAL	47

SOURCE: CFS, data from February 22, 2017

## Definitions

**Jurisdiction/  
Disposition (J/D)** The primary goal of the Jurisdiction/Disposition (J/D) Hearing is to determine the least intrusive intervention to ensure the safety and well-being of the families. In either Family Reunification or Family Maintenance, the social worker is to provide resources and support to children and families through family centered casework. Family centered casework utilizes the family's strengths in order to evaluate and provide the necessary resources to either stabilize the family or reunify the child with his/her parents. Alternatively, every child has a right to permanency and legislation requires that this be secured within 12 months from the date the child entered foster care.

The purpose of the Jurisdiction and Disposition Hearings and the information required for the J/D Hearing Report. Although in San Bernardino County the Jurisdiction and Disposition hearings are combined and usually held on the same day, they are two distinct court hearings:

<b>Jurisdiction Hearing</b>	<b>Disposition Hearing</b>
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<p>Court determines whether:</p> <ul style="list-style-type: none"> <li>• There is sufficient evidence provided by the Social Worker (SW) to support each of the allegation(s) in the Petition, or</li> <li>• The Parent or Guardian who provides an admission, plea of no contest, or submission to the allegations in the Petition understands the nature of the allegations and consequences of the admission, or</li> <li>• The allegations in the Petition are not proven by a preponderance of the evidence.</li> </ul>	<p>Court determines whether:</p> <ul style="list-style-type: none"> <li>• To declare the child a dependent of the Court, and.</li> <li>• To place the child with the parent(s) on Court Family Maintenance and provide services, or.</li> <li>• To dismiss Petition with custody to non-offending parent, or.</li> <li>• To dismiss Petition In lieu of Voluntary Family Maintenance (VFM), or.</li> <li>• To remove the child from the parent(s) and place him/her with a relative, non-relative extended family member (NREFM), foster parent, or group home, and.</li> <li>• To offer parents reunification services, or.</li> <li>• To remove the child from the parents and not offer them reunification services (No-FR).</li> </ul>
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**Reference:** CFSHB Volume 6, Chapter B.

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*Continued on next page*

## Definitions, Continued

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### **Structured Decision Making (SDM)**

Structured Decision Making (SDM) is an assessment tool that promotes safety and well-being for children at risk and their families. SDM combines research with best practices, offering social workers a framework for consistent decision making.

SDM criteria is used for screening an investigation, determining response priority, identifying immediate threatened harm and estimating the risk of future abuse and neglect. Child and family needs and strengths are identified and considered in developing and monitoring progress toward a case plan.

**Reference:** IIN 16-018 and 16-019.

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### **Daily Risk Assessment Meeting (DARE)**

Daily Assessment Review Evaluation (DARE) is a part of the peer review/case consultation processes. The DARE process is part of an integrated approach to view families in terms of their strengths and evaluates the necessary resources Children and Family Services (CFS) can offer. When removal is necessary, it is imperative to work diligently with the family and community to restore the family's capacity to resume their parental responsibilities.

DARE was created to provide an arena for the social worker (SW) to obtain necessary support and consultation for child removal decisions. DARE is a required consultation and review of the responding SW's casework through a supportive process with the SW's peers and supervision. The DARE Team reviews referrals resulting in a petition being filed (post Team Decision Making [TDM] meeting) and will occur following an Immediate Response (IR)/Risk Assessment Meeting (RAM).

**Reference:** CFSHB Volume 3, Chapter B, Section 2.

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**Case Assessment  
Forum (CAF)**

The Case Assessment Forum (CAF) is a peer case review process and a tool to use when group discussion is helpful during case planning. It is designed to assist case carrying social workers to deal with complex case issues. For example, a Family Maintenance (FM) worker may request a CAF to help in deciding the appropriateness of extending FM services beyond the federal/state-funded maximum 12-months for a given case. A Family Reunification (FR) worker may request a CAF in order to learn about alternative programs and services that would help deal with difficult mental health issues in order to help the family successfully reunify. The CAF differs from the Concurrent Planning Review (CPR) process in that the CPR reviews FR or Planned Permanent Living Arrangement (PPLA) cases in order to determine whether the proposed Permanent Plan remains appropriate.

**Reference:** CFSHB Volume 3, Chapter B, Section 3.

**Team Decision  
Making (TDM)**

Team Decision Making (TDM) enables those closest to a child to participate in problem solving. Instead of a single caseworker determining what to do in a crisis that requires consideration of out-of-home care because of child abuse or neglect, TDM brings together parents, family, community members and others to assess the situation and determine how best to keep the child safe. TDM provides the family with a voice in each and every placement related decision.

TDM allows Children and Family Services (CFS) to maintain responsibility to make the decisions, supports the social worker in difficult decisions, reinforces the core strategies of strengthening the family and partners in the decisions regarding the needs of the child.

**Reference:** CFSHB Volume 3, Chapter F.

Prior to the February 22, 2017, follow up interview with management, the 2016-2017 Grand Jury submitted a number of pre-interview requests and questions. One question concerned post-measurements of staff response to changes to compare with those responses obtained by Deloitte in 2011. In their prepared remarks for the interview, management wrote ". . . [A] survey to obtain staff feedback regarding the ongoing organizational changes is an excellent idea . . . This will help us in mapping out areas needing further adjustment or improvement."

The Grand Jury inquiry determined that CFS has not reported on the redesign progress and its impact on the organizational operations to the BOS. Also, the CFS management has not reported on the full redesign progress to its staff.

### **A Focus on CFS Task Initiatives**

#### Unit Configuration and Case Load Management

CFS followed Deloitte's advice to replace blended units with side-by-side units. In a blended unit a multi-level team, including intake and carrier workers, followed a child from referral to placement and through maintenance to permanence. The side-by-side unit model serves a child with independent intake and carrier specialists. Their desks are intermingled to provide services when needed.

#### Optimized Operational Scheduling

CFS response is needed 24 hours a day. Until recently, Intake Workers and their support staff routinely had to work long hours after the offices closing time of 5:00 p.m. In remote locations some still do. In 2016, CFS opened an After-hours Response Center (ARC) that established a swing shift from 5:00 p.m. - 11:00 p.m. and a night shift from 10:00 p.m. - 8:00 a.m. At the time of the first Grand Jury visit on September 23, 2016, ARC was recently implemented in San Bernardino and serviced the entire County. Days of service were Monday through

Thursday. On the second visit, on February 22, 2017, management stated that ARC service had been extended to include Friday through Sunday. San Bernardino's ARC continues to cover the County, and a satellite ARC in Victorville has just begun service to the High Desert.

### Hiring and Retention Classification

In 2014, the union representing SSPs reached an impasse with management. After mediation, the parties were unable to come to an agreement. The Board of Supervisors declared a collective bargaining imposition, a forced contract that reduced salaries by seven percent. As a consequence, the attrition rate rose to 23 percent. Later SSPs changed their union affiliation. In 2016, the seven percent salary reduction was fully restored with an additional two percent raise in 2017 and another three percent raise planned for 2018. CFS is currently approaching full staffing.

Recruitment efforts intensified to a great extent, but formal training takes four to five months. The training takes at least one to two years on-the-job to become a worker who requires limited supervision.

CFS adopted an expanded classification system for SSPs from two to five classes, (I-V) with attendant salary increases. Outreach efforts include three approaches: job fairs, moving from once-a-year recruitment at local colleges to year round searches with outreach beginning in public schools, and extending recruitment efforts across state lines. A recently formed Department Diversity Committee has joined in the effort to address attrition and retention. The Labor-Management Committee, formed in conjunction with the union, is working on a number of issues including a reduction in the number of cases and workloads. It should be noted that caseloads vary with the intensity of workload, e.g., caseloads for disabled foster children are small. In spite of professional standards and efforts to reduce case and workloads, they remain excessively high, especially in the High Desert.

A remote assignment incentive has recently been offered for SSP I-V to work in Barstow, Needles, Victorville and Yucca Valley for the period July 9, 2016, through June 30, 2019. Employees who meet the eligibility requirements receive \$500 upon hire and an additional \$500 upon completion of 2,080 hours at those remote locations.

Title IV-E is a federally funded program that enables CFS employees to earn a Bachelor of Arts in Social Work or a Master of Social Work degree from California State University, San Bernardino or Loma Linda University in order to advance their careers. Enrolled employees are given an internship and reduced caseload to support their studies. Upon completion, the employee is contractually obligated to work for a child welfare services agency, generally for two years.

#### Optimized Staff Classification, Duties, Assignments and Support

Increasing the classes of SSPs from two to five is an inducement to retention. During the Grand Jury interviews with SSPs, nearly all who had received a promotion, indicated that other than salary, there were no clear distinctions among the classes. Some who said they had received a major promotion under the new classification system said they did not know what their job description included. When the Grand Jury asked management about this confusion, management assured the Grand Jury a job description would be forwarded. When management failed to respond, the Grand Jury requested the job descriptions in writing. A listing of qualifications and respective salaries of the jobs was received. However, nothing received distinguished the classes in terms of relative duties, rights, responsibilities, and performance standards.

#### Effective Use of Technological Tools

Teleconference technology interconnects all the offices. It is used for weekly executive meetings and the “First Monday View” live broadcasts fostering communication and best practices. Management circulates around the regions for these broadcasts. In the past, staff used personal

cell phones. CFS had just issued smart phones to personnel before the first Grand Jury visit on September 23, 2016, CFS has since issued 100 new laptops to staff members who requested them.

#### Risk Assessment Practice/Warrant Process Training

Workers and management agree that the new tool for assessment of child safety and decision-making protocol, Structured Decision Making, is a great improvement over the prior system. Coordination with law enforcement is enhanced. The warrant process is now part of training in a simulation training facility shared with Riverside County. The training facility is located in that county.

#### Communication Organizations-Wide

“First Monday View,” a live staff-wide teleconference, is broadcast on the first Monday of each month. The teleconference location moves among the regions and offices to highlight people, activities and operations. The programs are archived and available for later viewing in-house. The Director and Assistant Director travel around the regions for regular listening tours. Employees acknowledge the importance of these activities and like finding out what is happening in other offices.

## **FACTS**

### **Part II: A CFS Annual Report for Accountability to the Public**

In their official response to the 2012-2013 Grand Jury Final Report, the Board of Supervisors agreed with the following: “CFS has an obligation to measure its accountability to the public and express it in terms which can be understood by the public.”

The 2012-2013 Grand Jury Recommendation 13-9 stated: “CFS devise more suitable means of reporting its accountability to the public in an annual publication presented in understandable terminology and easy to access . . .”.

CFS does not yet publish an annual accountability report expressed in terms that can be understood by the public. One CFS annual report, the in-house staff report, can be adapted for public accountability. It is already public as it is posted on the CFS website. It includes CFS mission, functions, programs, activities and services in an easy to understand format.

In order to be more accountable, the statistics cited need to be more informative. The 2012-2013 Grand Jury recommended that the annual report should go beyond a recitation of raw numbers served and the 2016-2017 Grand Jury concurs. Raw numbers have little informative value without a context or basis for comparison; annual trending data and percentages provide more information. For instance, compare the number of children provided services over the last three years. Another instance would be stating the percentage of eligible children who participated in the annual Sports Faire would be more informative than the raw number of children participating. The annual trend data has been provided to a limited extent in the current report. CFS has its own statistics unit that can provide the comparative statistical measures.

The goal of the revised Annual Report should be to provide information to account for public support for the agency. At the same time, the feedback provided by more meaningful data will serve CFS staff and management as an annual report card on their services.

#### The CFS Website

In the intervening five years, the CFS website, "<http://hs.sbcounty.gov/cfs>" has improved. In addition to resource information on Child Abuse Services, Foster Parents and Adoption, and links to resources and educational videos, there is a window, "CFS Business Reports." This window currently features the CFS Annual Report for 2015 which always has a one-year publication delay. The Redesign Executive Summary and the SIP Roadmap remain unchanged from year to year. The "Contact Us" page does not include the telephone number and email address for the Administrative Offices.

## **FINDINGS**

- F1: CFS has made steady progress on implementing changes in organizational objectives.
- F2: No progress reports have been made directly to the BOS to apprise them of the value of investing \$250,000 in the redesign.
- F3: A disconnect exists between the implementation of the redesign elements and the changes brought about in organization and operations.
- F4: Workers who had been part of blended units expressed a preference for them for their teamwork aspect.
- F5: Although CFS is approaching full staffing, professional training takes one to two years. Therefore, it will be some time before current staff members, whose case and workloads remain high, feel the effects of full staffing.
- F6: There were no clear job descriptions to distinguish among SSP classes I-V.
- F7: CFS has begun to provide ARC shifts in outlying offices.
- F8: Staff welcomed the issue of new technological tools. In the field these tools will enable staff to better utilize time and communicate with offices and clients.
- F9: The wording of 2012-2013 Grand Jury Recommendation 13-10 lacked specificity: "Enhance the Annual Report for this purpose." The "Annual Report" that the Grand Jury recommended to be upgraded for the purpose of accountability to the public was not SIP. It was the former in-house report intended for the staff, which CFS has since made a public document on the CFS website.
- F10: Updating of CFS website is limited.

## RECOMMENDATIONS

17-10: Implement fully the Deloitte methodology and replicate portions of it that would reveal Children Family Services staff perceptions of the redesign changes.

17-11: Review Deloitte's research methodology and replicate relevant tools to compare pre- and post- measurements of staff perceptions toward changes in operations, organization and their work lives resulting from the redesign.

17-12: Provide a full progress report to the Board of Supervisors.

17-13: Present a full progress report to the Children Family Services staff.

17-14: Survey the Children Family Services staff on the effectiveness of blended units.

17-15: Maintain intensified efforts to hire, train, and retain professional workers to lower cases and workloads, particularly in the High Desert and other remote locations.

17-16: Provide Children Family Services staff with full job descriptions for each Social Service Practitioner classification (I-V).

17-17: Give increased priority to expand After-hours Response Center shifts, particularly in remote offices in 2018.

17-18: Adapt the former in-house annual report as the Children Family Services Annual Report for accountability to the public. Replace raw numbers with statistical numeric and percentage comparisons for data in the revised Annual Report.

17-19: Update the status of the Redesign Executive Summary and the System Improvement Plan Roadmap on the Children Family Services website annually.

17-20: Provide the telephone numbers and email address for Children Family Services Administrative Offices on the “Contact Us” page of the website.

<b><u>AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DUE DATE</u></b>
Children and Family Services	17-10 through 17-20	10/1/2017

## **HIGH DESERT AMBULANCE AVAILABILITY AND BED DELAY**

### **BACKGROUND**

Bed delay is the time between arrival of an ambulance at a hospital Emergency Department (ED) and the ED receiving the patient. The first 25 minutes after arrival to the Hospital are excluded from the bed delay calculation. The bed delay contributing factors are the result of several issues: only three high desert hospitals with an ED, none of which have trauma centers; a lack of ambulances at peak times; the misuse by the public of the EDs; and the overuse of 9-1-1 calls for non-emergencies. Other contributions are a lack of interest of private hospitals to expand or build new services which leads to a shortage of beds. Only three hospitals have EDs that can receive patients via ambulances. There are a high number of Medicare and Medi-Cal clients in the High Desert. These factors put a strain on the use of resources between San Bernardino County Fire Department (SBCFD) and American Medical Response (AMR) in the High Desert. The nearest trauma centers for the High Desert are Loma Linda University Medical Center and Arrowhead Regional Medical Center.

Recently, there were newspaper articles that referenced the response time and bed delays concerning SBCFD and AMR. This is a concern for adequate Emergency Medical Services (EMS) for residents in the High Desert communities. For this report the High Desert includes the following cities: Adelanto, Apple Valley, Victorville, Hesperia, and Victor Valley. "Current trends and changes in the healthcare delivery system suggest that a greater impact on the medical system and higher demand on EMS will continue into the foreseeable future." (Attachment 1, page i)

The Grand Jury's jurisdiction for this report is Penal Code §925.

## **METHODOLOGY**

The Grand Jury gathered information through interviews to track the response times and level of services for AMR and SBCFD to determine whether there are adequate resources to provide the required level of service. The Grand Jury interviewed representatives from Inland Counties Emergency Medical Agency (ICEMA). The Grand Jury also interviewed reporters, representatives of SBCFD, and AMR regarding the bed delay issue. San Bernardino County (SBC) Purchasing Department was also interviewed regarding the AMR contract. The Grand Jury studied the complete process from receipt of the 9-1-1 call through obtaining a bed or chair in the ED. ICEMA provided the Grand Jury with two attachments: “ICEMA Centralized Medical Control Proposal” (Attachment 1) and “ICEMA Bed Delay Report” (Attachment 2). To publicly access these reports go to <http://www.sbcounty.gov/icema/>, look under reports in the blue field on the left hand side of the home page.

## **FACTS**

ICEMA is a Joint Powers Authority (JPA) that covers three counties: San Bernardino, Inyo, and Mono. ICEMA as a JPA is an entity permitted under the laws of California, whereby two or more public authorities not necessarily located in the same county, may jointly exercise any power common to all of them. San Bernardino County activities are grouped into three primary programs: Pre-Hospital and Trauma Care, Performance Based Contracts, and Medical Disaster Preparedness, including the Hospital Preparedness Program. The ICEMA Medical Director provides medical direction and oversight to all Emergency Medical Services (EMS) personnel within the three counties.

ICEMA provides quality customer services, certification, and accreditation of Emergency Medical Technicians (EMTs), Emergency Medical Technicians – Paramedics, and Mobile Intensive Care Nurses. ICEMA is responsible for all pre-hospital patient care protocols,

education, and materials for paramedics, hospitals, and educators. In addition, it oversees ambulance response time monitoring, inspection and permitting, and medical disaster planning for hospitals and the citizens of the County of San Bernardino. ICEMA establishes criteria for policy and procedures for adult and pediatric trauma centers and cardiac care hospitals. By meeting these objectives, ICEMA fulfills its medical oversight responsibility and legal requirements to the counties of San Bernardino, Inyo, and Mono. All five San Bernardino County Board of Supervisors are also members of the ICEMA governing board.

"APOD [or Ambulance Patient Offload Delays] not only impacts the transfer of care of patients, it delays the return of ambulances to respond to other calls for emergency services. The downstream effect of APOD is that first responders, including fire service and law enforcement personnel, must remain on scene longer than necessary thus delaying responses to a variety of emergencies including medical, fire, hazardous materials and crime related incidents."

(Attachment 1, page ii) In Bed Delay Task Force discussions, the Hospital Association of Southern California and the 18 CEOs of San Bernardino County hospitals proposed exploring the creation of a centralized medical control and transportation hub to better address and implement solutions.

A media source interviewee stated that there are multiple contributing factors to bed delay. These factors are a lack of ambulances at peak times, shortage of ED beds and the public's misuse of the ED, and the lack of incentive for private hospitals to expand or build new services due to the high usage of Medicare and Medi-Cal in the area. Medicare and Medi-Cal reimburse providers at a lower rate than standard medical insurers.

SBCFD mentioned one solution to the bed delay issue is the communication with AMR ambulances. A single source communication system does not exist as SBCFD and AMR are not on the same radio frequency. Other solutions include an increase in hospital staff and open bidding on the Emergency Transportation contract. Finally, the public needs to be educated on appropriate 9-1-1 usage.

One potential solution to addressing bed delays includes: "Implementation and adoption of emerging technologies to assist the EMS personnel in the triage of both 9-1-1 patient responses and in the evolving community paramedicine models, including post discharge patient encounters." (Attachment 1, page iii) Another solution includes: "Implementation on pre-hospital triage strategies, such as 9-1-1 call screening and increased utilization of existing nurse advice lines designed to identify patients that do not require the historical EMS response or an ED to provide care for the patient's medical complaint." (Attachment 1, page ii)

### Ambulance Delay

An impact of the EMS system in bed delay is "the inability to move patients from ambulance gurney to ED beds or chairs due to ED [or hospital] overcrowding." (Attachment 1, page i) Once the ambulance is within 250 feet of one of the three hospitals, the responsibility of care transfers to the hospital and the two ambulance personnel are considered defacto employees of the hospital. Last year, AMR lost 72,000 personnel hours due to bed delay while Riverside County lost 24,000 personnel hours. San Bernardino County had 36,000 hours of bed delay compared to Riverside County that had 12,000 hours of bed delay.

### Ambulance Callouts

AMR and the SBCFD both use an Emergency Medical Dispatch System that classifies 9-1-1 calls as A B C D E.

A and B are Basic Life Support (BLS) which represent 42% of the calls.

<b>LETTER</b>	<b>SERIOUS LIFE THREAT</b>	<b>RESOURCES</b>	<b>RESPONSE</b>
<b>Alpha 20%</b>	Non-life Threatening	Basic Life Support	Non-emergency
<b>Bravo 22%</b>	Possibly Life Threatening	Basic Life Support	Emergency
<b>Charlie 24%</b>	Life Threatening	Advanced Life Support	Emergency
<b>Delta 32%</b>	Serious Life Threat	Advanced Life Support	Emergency
<b>Echo 2%</b>	Life Status Question	Closest Available	Emergency

SOURCE: Annual report SBCFD July 2015 through June 2016

A minimum of 20 percent, Alpha calls, have an emergency unit dispatched to the call site for non-emergency situations due to the overuse or misuse of the 9-1-1 system. This results in non-emergency calls being responded to unnecessarily.

The average number of daily medical responses within the High Desert's Exclusive Operating Area (EOA) 12 is 100-110. The High Desert may have as many as 15 AMR ambulances during peak deployment and as few as six during low peak hours. EOAs are designated areas within the County by which ICEMA ensures the effectiveness and success of a medical transportation system. Those ambulance services awarded an EOA are under contract to ICEMA and SBC. AMR is contracted to operate 12 of the 27 EOAs in SBC.

According to SBCFD, they have 16 County ambulances assigned to the High Desert. Ten are assigned in Apple Valley and Victorville; six ambulances are assigned to all the other areas in the High Desert. SBCFD and AMR operate on different radio frequencies. SBCFD receives all 9-1-1 calls based on the EOA and they may be relayed to AMR. This results in time delays when SBCFD units are closer to an AMR call and the response could be handled quicker. The opposite situation may also occur. SBCFD covers for AMR when ambulances are not available. In the last calendar year, SBCFD took 1,396 calls for AMR and AMR took 300 calls for SBCFD.

SBCFD utilizes a system called First Watch which monitors the usage of all the 16 County ambulances related to the bed delay issue. The determination of which hospital to transport to is decided several ways: the closest hospital, the patient's choice, and the bed status at the hospital. The SBCFD ambulance has real time contact with their dispatch to keep them updated as to the status at local hospitals.

### Hospital Coordination

There is no coordination between the three High Desert hospitals when a bed shortage leads to ambulance delays. Riverside County does not have the same number of bed delays because there is cooperation between hospitals and their systems utilize an Emergency Medical Dispatch.

### Ambulance Tracking

The clock for response time starts for AMR once the call or relay to AMR is made. AMR has a 9 minute 59 second response time in urban areas. The County and City Fire departments do not have any response time expectations because they are not under contract with ICEMA. SBCFD tracks and maintains the statistical data of the emergency response time of their ambulances. The SBCFD starts their tracking from the time they receive the call to the time they arrive at the location.

### Ambulance Staffing

Each ambulance for AMR and SBCFD must have, at a minimum, of one Emergency Medical Technician (EMT) and a Paramedic. The cost is \$1 million to maintain one ambulance on the street for 24 hours for one year. This includes all costs including vehicle cost and maintenance plus staffing. AMR Ambulance staff turnover is an issue due to SBCFD offering benefits and career growth opportunities that are better than what AMR offers.

There are three hospitals in the High Desert area with Emergency Departments:

Desert Valley Hospital Center (DVHC) - 110 BEDS

Saint Mary Medical Center (STMMC) - 210 BEDS

Victor Valley Global Medical Center (VVGMC) - 101 BEDS

According to the 2010 Census there are 306,976 residents of Victorville, Hesperia, Apple Valley, and Adelanto.

	<u>DVHC</u>	<u>STMMC</u>	<u>VVGMC</u>	<u>TOTALS</u>
Total Bed Delay Hours	4,213:20	4,232:59	3,250:13	11,695:92
Bed Delay Transports	7,000	6,715	4,093	17,808
Total Transports	11,167	11,708	7,053	29,928
Bed Delay Percentage	62.7%	57.4%	58.0%	59.5%

The contributing factors to the data include several issues:

- "An increase in the number of newly insured patients as a result of healthcare reform placing higher demands on already strained, over-crowded ED"
- "Further pressure on a county where the demand for inpatient beds is already significantly greater than the supply"
- "A disproportionately low number of local primary and specialty care physicians"
- "An aging population with additional medical needs, and the evolving role of EMS in healthcare systems, e.g., community paramedicine." (Attachment 1, page i)

## **FINDINGS**

F1: Demands on the 9-1-1 system are influencing the need for a re-evaluation of the EMS system. It was designed "to provide better management of resources, real-time exchange of medical information, and improvement in the delivery of appropriate, safe, cost effective, and quality healthcare." (Attachment 1, page i).

F2: Bed delay directly affects the safety of patients and the general public who experience emergencies.

F3: A shortage of ED beds and the lack of a trauma center exist in the High Desert. This shortage leads to hospital and emergency department overcrowding resulting in bed delays.

F4: The misuse of the 9-1-1 system on a regular basis overloads dispatch and decreases the availability of ambulances.

F5: A lack of coordination occurs among the three high desert hospitals, AMR, and SBCFD regarding overcrowding.

F6: Communication problems result from AMR and SBCFD not operating on the same radio frequency.

F7: Enhanced 9-1-1 call screening data is collected but not utilized.

F8: No effective action has taken place to begin implementation of the ICEMA "Centralized Medical Control Proposal."

## **RECOMMENDATIONS**

17-21: Implement the Inland Counties Emergency Medical Agency's "Centralized Medical Control Proposal."

17-22: Educate the general public for the correct use of the 9-1-1 system.

17-23: Implement and utilize enhanced 9-1-1 call screening of pre-hospital triage strategies. Include utilization of existing nurse advice lines designed to identify patients who do not require the traditional Emergency Medical Services response or an Emergency Department to provide care for the patient's medical complaint.

17-24: Track dispatches between American Medical Response and San Bernardino County Fire Department to determine the number of patients each hospital can serve based on the availability of beds to ease the number of bed delays.

17-25: Create a process to facilitate access to a common radio frequency between American Medical Response and San Bernardino Fire Department that will aid in the real time monitoring of their ambulances.

17-26: Build a new San Bernardino County hospital in the High Desert similar to Arrowhead Regional Medical Center that includes a trauma center.

<b><u>AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DUE DATE</u></b>
Inland Counties Emergency Medical Agency (ICEMA)	17-21 through 17-25	10/1/2017
Board of Supervisors	17-26	9/1/2017

# **Attachment 1**

**Inland Counties Emergency Medical Agency (ICEMA)**  
**Centralized Medical Control Proposal**

**Introduction:**

Current trends and changes in the healthcare delivery system suggest that a greater impact on the medical system and higher demand on Emergency Medical Services (EMS) will continue well into the foreseeable future. This is due, in part, to the change from a fee for service to value based care reimbursement model.

Additional factors include:

- An increase in the number of newly insured patients as a result of healthcare reform placing higher demands on already strained, over-crowded emergency departments (ED).
- Further pressure on a county where the demand for inpatient beds is already significantly greater than the supply.
- A disproportionately low number of local primary and specialty care physicians.
- An aging population with additional medical needs, and the evolving role of EMS in the healthcare system, e.g., community paramedicine.

These demands are influencing the need for an unprecedented, proactive reevaluation and remodeling of the EMS system designed to provide better management of resources, real-time exchange of medical information and improvements in the delivery of appropriate, safe, cost effective and quality healthcare.

The extent that these changes will ultimately impact EMS remains unclear, but it is evident that there are already increased demands on the EMS system and hospital EDs to provide primary care to the newly insured. There is also continued pressure to provide behavioral health services in the emergency setting. This results in the exacerbation of long-standing system inefficiencies, resource shortages and ED overcrowding.

From the EMS perspective, the most tangible impact on the EMS system is ambulance patient offload delays (APOD) or the inability to move patients from ambulance gurneys to ED beds or chairs due to ED overcrowding. The number of APOD hours has been increasing out of proportion to the increases in 9-1-1 requests for medical assistance. APOD exceeded 20,000 hours in 2014. Without systemic interventions, the 2015 APOD numbers are on track to exceed 30,000 hours.

APOD not only impacts the transfer of care of patients, it delays the return of ambulances to respond to other calls for emergency services. The downstream effect of APOD is that first responders, including fire service and law enforcement personnel, must remain on scene longer than necessary thus delaying responses to a variety of emergencies including medical, fire, hazardous materials and crime related incidents.

APOD directly affects the safety of patients and the general public that experience emergency response delays.

***Potential Solutions:***

An APOD Task Force comprised of stakeholders from San Bernardino and Riverside Counties identified a number of potential solutions to address these issues to promote better management of current resources, improve patient care and reduce APOD time resulting in the transfer of care and subsequent expeditious release of ambulances from EDs.

These solutions include:

- Implementation of pre-hospital triage strategies, such as enhanced 9-1-1 call screening and increased utilization of existing nurse advice lines designed to identify patients that do not require the historical EMS response or an ED to provide care for the patient's medical complaint.
- Development, implementation and continuation of ongoing public education strategies to address appropriate utilization of the EMS system and changing expectations that calling 9-1-1 always results in transportation to the ED. This must occur in partnership with healthcare insurance organizations, hospitals, EMS providers, and all levels of healthcare practitioners.
- Implementation of EMS personnel on scene screening of non-critical patients, through approved protocols, that results in routing these lower acuity 9-1-1 patients to appropriate non-emergency department medical facilities i.e., urgent care centers and clinics.
- Development of additional resources to support law enforcement and EMS personnel that encounter behavioral health patients and assist with the decision making regarding the placement of mental health holds commonly referred to as 5150s.
- Development of protocols to guide the transportation of patients with behavioral health conditions such as a 5150 without a medical condition that meet specified screening criteria to appropriate behavioral healthcare settings.

- Implementation and adoption of emerging technologies to assist the EMS personnel in the triage of both 9-1-1 patient responses and in the evolving community paramedicine models, including post discharge patient encounters.

The possible solutions are in line with current regulations in California that allow for a variety of options and alternatives in the delivery of EMS patient care. However, a centralized medical control mechanism and process to manage the online medical direction to EMS personnel in a uniform manner does not currently exist in San Bernardino County. The concept of a centralized medical control is critical to implementing the possible solutions.

Following APOD Task Force discussions, the Hospital Association of Southern California (HASC) and the 18 San Bernardino County hospital CEOs proposed exploring the creation of a centralized medical control and transportation hub, or MedCon for discussion purposes, to better address and implement these solutions. HASC and the hospital CEOs then asked the Inland Counties Emergency Medical Agency (ICEMA) to prepare a proposal for an ICEMA managed MedCon.

It is believed that a centralized approach to providing medical direction to triage patients to appropriate destinations would better utilize current resources and provides a platform for the development and inclusion of identified solutions. This centralized medical control approach would also provide a focal point for the technologies necessary to address the challenges in effectively managing the strategies. It would also reduce medical control duplication and the costs associated with patient transport to inappropriate venues of care, i.e., EDs.

The MedCon would require real-time situational awareness. This would be accomplished by leveraging and incorporating existing and emerging technologies so the centralized medical control staff, including on-duty emergency medicine physicians, can provide real-time medical direction to EMS personnel thereby improving community health in line with the San Bernardino County Board of Supervisors Countywide Vision.

Based on the HASC and hospital CEOs request, ICEMA investigated the centralized medical control concept, including operational, financial and logistical needs associated with developing and managing such an operation. ICEMA concludes that the MedCon concept has merit and further exploration is warranted in order to achieve the objectives of responding to the changing healthcare environment, reducing overall costs by transporting patients to appropriate

destinations for care, improving patient satisfaction and decreasing if not eliminating APOD and its effects on public health and safety.

***MedCon Functions:***

Under ICEMA's Medical Director oversight, MedCon staff would provide the following value added operational functions:

- Receive and approve EMS field personnel requests for treatment orders during 9-1-1 responses, specialty patient interfacility transfers and for community paramedicine (CP) post discharge follow-up visits if or when a local CP pilot program is fully implemented.
- Approve patient requests for refusal of care or transportation against medical advice (AMA). This will also provide the opportunity for the patient to speak directly to an emergency medicine physician in complex cases where the AMA could have life threatening implications.
- Provide real-time medical direction to EMS field personnel to approve non-urgent and non-acute patient transportation to pre-designated care facilities i.e., urgent cares and clinics.
- Approve medical treatment of non-critical patient's on scene and the subsequent release of non-critical patients for follow-up by the patient's primary healthcare provider at a later time.
- Provide a centralized point of access to behavioral and public health personnel when needed.
- Utilize clinically persuasive technologies to aid in management of various illnesses, i.e., congestive heart failure (CHF) and diabetes.
- Provide physician directed continuous quality improvement.
- Provide a collaborative, integrated environment where behavioral health, law enforcement and the emergency medicine physician in the MedCon can work together, in real-time, to assist law enforcement and EMS field personnel in determining the appropriate use of 5150 holds.
- Provide medical clearance for 5150 patient transportation to appropriate behavioral health facilities through the use of telemedicine (video conferencing) technologies leveraging the expertise of the MedCon emergency medicine physician.
- Screen or authorize low acuity 9-1-1 call referrals using an established Emergency Medical Dispatch tier known as the Omega level, instead of dispatching the normal EMS response to all 9-1-1 requests that result in unnecessary and costly EMS resource utilization and patient transports to EDs.
- Monitor availability of 9-1-1 receiving hospitals and specialty care centers (STEMI, stroke and trauma) to manage transportation to the closest most appropriate medical facility.

- Assist in facilitating interfacility transfers, including STEMI, stroke and trauma patients, using continuation of care protocols.
- Expedite interfacility transfers outside the ICEMA region using the mutual aid system when local resources are depleted.
- Direct patient destination and other care decisions during Multiple Casualty Incidents (MCIs) and disasters.
- Authorize and monitor EMS aircraft utilization.
- Authorize and help facilitate ambulance strike team deployment or other medical mutual aid requests.
- Assist in the preemptive treatment and transport of patients at long-term and/or convalescent facilities.
- Manage the initial screening and notifications for infectious disease responses, i.e., Ebola.
- Facilitate the dispatch and transportation of the Hospital Emergency Response Team (HERT) comprised of trauma center surgeons and nurses to provide care during complex extrications of entrapped patients.
- Function as the ICEMA duty officer to manage any EMS system issues.
- Function as the conduit to the Medical Health Operation Area Coordinator (MHOAC), a role shared by the Public Health Officer and EMS Administrator.
- Provide centralized access to the Inland Empire Health Information Exchange (IEHIE) portal for patient care information based on an existing agreement between ICEMA and the IEHIE.

***Logistics/Planning/Finance:***

The potential roles of the centralized medical control require significant front end planning to develop and implement the MedCon. This includes the technical requirements to fully leverage existing and emerging technologies, and to utilize and develop best practices. ICEMA envisions that telemedicine; computer aided dispatch linkage, geographical information systems (GIS) and advanced computer augmented communication technologies will be needed to provide appropriate functionality.

ICEMA will require additional human resources, not currently available; to fully explore the logistical, operational and fiscal requirements of the ICEMA operated MedCon. Therefore, ICEMA recommends establishing an Ad Hoc MedCon advisory task force comprised of subject matter experts familiar with logistics, planning and finance that would be headed by the ICEMA EMS Administrator.

ICEMA or contract personnel would provide direct project planning oversight. The ICEMA EMS Administrator and ICEMA Medical Director would provide overall project planning and design oversight.

The MedCon requirements will include identifying needs, such as a location, technical and communications equipment, and human resources i.e., emergency medicine physicians, to develop, implement and sustain the center. In addition, ICEMA staff resources will be needed to develop appropriate policies, treatment protocols and quality improvement methodologies to support the centralized medical control concept.

The full impact on the ICEMA budget for the resources necessary to develop, implement and operate the MedCon are yet to be determined. Additional anticipated expenses include the development of contracts with alternate destination providers, i.e., urgent care centers, the promulgation of supporting policies and protocols, and the ongoing quality improvement processes to monitor the effectiveness of the MedCon.

Additional evaluation of the funding streams must occur as part of the detailed planning process. Part of the analysis should include the anticipated decreases in ED and EMS resource utilization and associated savings of using lower cost points of care upon MedCon implementation. Healthcare insurance organizations, hospitals and EMS providers will see a corresponding and likely substantial reduction in operating costs. As a result, those entities could be considered as potential funding sources to support the development and implementation of the MedCon.

The location of the ICEMA operated MedCon is one of the logistical needs that requires further exploration. Estimated total space to accommodate all of the functions is yet to be identified until the full scope of the MedCon operations are determined. At the minimum staff and supervisor workstations, space for server and voice/computer cabinets and equipment racks must be included. ICEMA recommends that board certified or eligible emergency medicine physicians provide the online centralized medical control services. This could be accomplished by using an emergency medicine physician group or ICEMA contract physician employees with ICEMA provided support services.

Anticipated positions include, but may not be limited to:

- Emergency medicine physician(s)
- Technical support staff
- Shift supervisor

- Omega call screener(s)
- Incoming call taker(s)
- Office Assistant III(s)
- EMS Specialist(s)

Technologies would include hardware and software components necessary to provide required functionality. The infrastructure, such as the computer networks and hardware to host the technologies, would be available through the San Bernardino County Information Services Department at a cost to be determined based on need. Communications resources using the County's 800 MHz system would be required to provide online access to EMS providers throughout the region. Enhanced services, such as the use of telemedicine technologies, will require software solutions that are HIPAA compliant and use existing communication technologies.

Technical equipment required:

- Server
- Redundant server
- Workstation computers
- Communication devices
- Video conferencing and software

A Geographical Information System (GIS) would also be needed for real-time situational awareness. This system would integrate existing information sharing platforms, such as weather and road conditions, hospital status/bed availability, location of key infrastructure/facilities and the status for air/ground resources, into separate layers on a scalable visualization tool. The system would aggregate existing data from these information sources into an interoperable common operating picture for complete situational awareness. The use of GIS is in line with the Countywide Plan process that includes the use of a single GIS system that incorporates multiple information sources that can be accessed as needed by various users. The cost of developing the required GIS layers and integrating into the emerging countywide system are yet to be determined.

MedCon will require computerized workstations that would include a minimum of a communications monitor, video monitor, and situational awareness monitor at each station with access to GIS and various other information sources including voice and software.

ICEMA recommends the development and implementation of redundant MedCon capabilities that would be used in the event of failure of the primary MedCon. This redundancy can potentially be established with the evolving Riverside County EMS Agency centralized transportation hub to assure full information sharing and resulting in additional redundant capabilities that can be implemented during emergencies affecting one of the facilities.

Satellite communications should also be incorporated to provide redundant communication capabilities during local or large scale disasters. This would allow fail-safe contingency services to occur in the event of a disruption of standard communication services including internet, phone, and radio. These services would use a variety of systems, including voice over internet technologies (VOIP), to achieve communications with and to assure redundancy and survivability.

***Conclusion:***

ICEMA would like to begin the detailed planning process in conjunction with key EMS system stakeholders to fully develop the MedCon as soon as possible. The concept has been discussed extensively in the APOD Task Force and in a number of other forums. ICEMA has received generally positive feedback during these discussions. In fact, the need to proceed rapidly is a continuing theme that has emerged from these discussions. Based on the feedback received this clearly represents an unprecedented opportunity to be proactive rather than reactive to the many challenges that are occurring in healthcare in the United States that directly affect the provision of EMS. The implementation of the MedCon concept has been identified as central to the strategy of reducing APOD and its unintended consequences.

## **Attachment 2**

# Inland Counties Emergency Medical Agency



## *Bed Delay Report*

*January 2016 – December 2016*

## Report Detail

This report collects and summarizes the "Bed Delay" for a selected group of hospitals. "Bed Delay" is the time between arrival of an ambulance at a hospital and the hospital receiving the patient. The first 25 minutes are excluded from consideration. The only type of transports that are considered are 911 calls where the patient is treated and transported via ambulance.

<b>Abbreviated Name</b>	<b>Full Name</b>
ARMC	Arrowhead Regional Medical Center
BCH	Barstow Community Hospital
BVCH	Bear Valley Community Hospital
CVMC	Chino Valley Medical Center
CRMC	Colorado River Medical Center
CHSB	Community Hospital San Bernardino
DVMC	Desert Valley Hospital Center
HDMC	Hi-Desert Medical Center
KHF	Kaiser Hospital Medical Center - Fontana
KHO	Kaiser Hospital Medical Center - Ontario
LLUMC	Loma Linda University Medical Center
MHMC	Montclair Hospital Medical Center
MCH	Mountains Community Hospital
RDCH	Redlands Community Hospital
SARH	San Antonio Regional Hospital
STBMC	St. Bernardine Medical Center
STMMC	St. Mary Medical Center
VALL	JLP VA Loma Linda
VVGMC	Victor Valley Global Medical Center

ICEMA, ePCR Database. Compiled 1/9/2017, PW.

**Total Bed Delay Hours\* and Bed Delay Transports by Hospital**

**January 2016 – December 2016**

<b>Total Bed Hospital</b>	<b>Bed Delay Delay Hours</b>	<b>Total Transports</b>	<b>Bed Delay Transports</b>	<b>Average Bed Delay Percentage</b>	<b>Median Bed Delay by Patient</b>	<b>by Patient</b>
ARMC	2073:08	4,552	13,314	34.2%	0:27	0:15
BCH	312:40	770	5,630	13.7%	0:24	0:14
BVCH	36:33	169	1,702	9.9%	0:12	0:06
CVMC	399:15	1,007	5,475	18.4%	0:23	0:11
CRMC	18:02	35	808	4.3%	0:30	0:11
CHSB	2077:03	3,298	6,214	53.1%	0:37	0:19
DVMC	4213:2	7,000	11,167	62.7%	0:36	0:20
HDMC	207:43	722	5,072	14.2%	0:17	0:09
KHF	3087:22	5,115	13,534	37.8%	0:36	0:17
KHO	1841:43	3,000	7,890	38.0%	0:36	0:19
LLUMC	2849:14	5,778	13,472	42.9%	0:29	0:16
MHMC	481:23	885	2,885	30.7%	0:32	0:17
MCH	10:45	44	512	8.6%	0:14	0:09
RDCH	3033:13	5,265	9,514	55.4%	0:34	0:20
SARH	3522:47	5,803	14,571	39.8%	0:36	0:18
STBMC	4288:59	7,673	13,754	55.8%	0:33	0:17
STMMC	4232:59	6,715	11,708	57.4%	0:37	0:18
VALL	104:30	6,715,242	1,162	20.8%	0:25	0:13
VVGMC	3250:13	4,093	7,053	58.0%	0:47	0:21
<b>Total</b>	<b>36040:59</b>	<b>62,167</b>	<b>145,437</b>	<b>42.7%</b>	<b>0:34</b>	<b>0:18</b>

\*Note: Bed Delay Hours excludes the first 25 minutes of each transport. As of 01/01/2016, includes San Bernardino County Fire Department.

ICEMA, ePCR Database. Compiled 1/9/2017, PW.

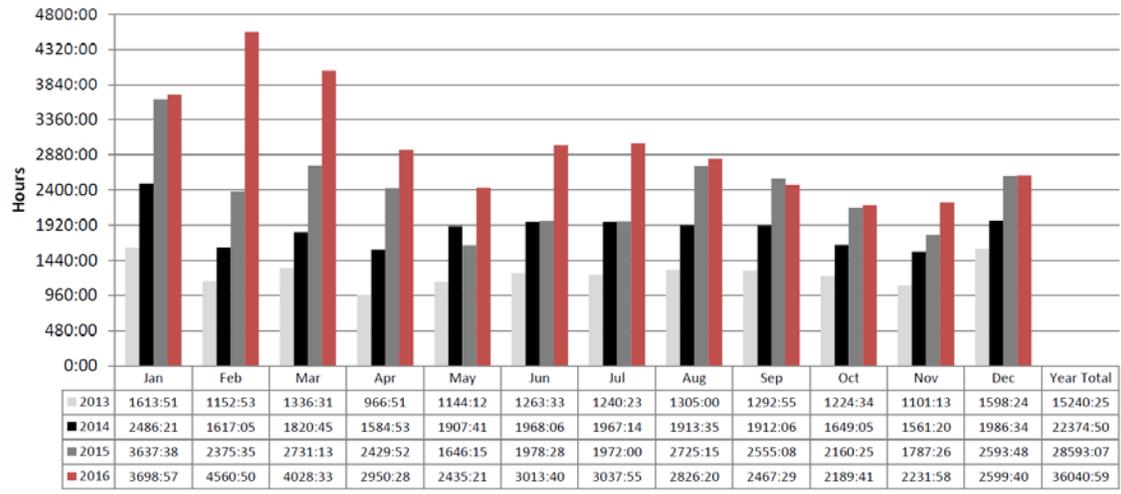
**Total Monthly Bed Delay Hours\* by Hospital  
January 2016 – December 2016**

Hospital	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Average Bed Delay by Month
ARMC	185:18	221:20	202:30	141:42	121:17	154:18	219:20	185:26	175:26	183:36	158:05	124:45	2073:08	172:45
BCH	29:01	46:59	54:45	37:10	10:30	38:56	43:57	7:49	8:46	7:32	15:29	11:42	312:40	26:03
BVCH	7:57	3:40	1:01	4:41	0:30	1:46	2:34	2:21	3:14	3:50	1:01	3:53	36:33	3:02
CVMC	50:02	86:38	59:38	18:13	24:21	17:05	28:52	29:39	25:19	20:07	22:56	16:19	399:15	33:16
CRMC	0:30	1:11	0:09	0:29	0:06	0:11	0:59	7:54	1:59	1:07	0:52	2:29	18:02	1:30
CHSB	161:30	270:47	188:45	173:23	105:22	161:59	179:34	198:40	168:36	132:05	178:13	158:05	2077:03	173:05
DVMC	393:35	432:34	515:12	381:38	303:49	385:36	321:51	308:42	315:45	216:50	284:06	353:36	4213:20	351:06
HDMC	8:16	23:27	38:10	16:01	10:58	20:17	8:36	22:40	13:10	8:40	13:21	24:01	207:43	17:18
KHF	326:13	380:38	272:33	185:50	216:08	295:51	331:00	250:38	189:31	199:31	160:39	278:44	3087:22	257:16
KHO	239:41	291:58	164:49	103:50	84:13	158:05	179:54	112:50	157:27	101:41	99:51	147:18	1841:43	153:28
LLUMC	297:28	345:26	325:02	267:05	186:36	218:54	222:08	210:56	203:52	229:22	148:43	193:36	2849:14	237:26
MHMC	51:15	131:46	66:28	49:01	26:52	27:04	27:37	27:32	27:59	13:34	19:10	12:59	481:23	40:06
MCH	1:12	1:00	0:27	1:39	0:13	0:56	1:44	0:59	1:43	0:15	0:11	0:20	10:45	0:53
RDCH	328:45	471:45	310:59	225:53	207:41	220:13	249:35	241:21	179:42	184:46	182:31	229:57	3033:13	252:46
SARH	503:19	517:05	402:12	280:13	205:34	255:57	242:54	213:05	244:44	220:27	181:40	255:31	3522:47	293:33
STBMC	309:57	509:10	456:59	365:46	332:43	373:01	386:51	400:15	280:09	265:09	239:22	369:30	4288:59	357:24
STMMC	462:46	478:09	564:51	398:49	328:04	379:01	293:00	313:15	243:58	226:32	298:23	246:04	4232:59	352:44
VALL	4:59	15:42	18:42	10:57	3:32	5:27	10:41	8:48	6:14	6:15	8:54	4:13	104:30	8:42
VVGMC	337:04	331:26	385:13	287:59	266:42	298:55	286:37	283:21	219:47	168:13	218:22	166:29	3250:13	270:51
<b>Total</b>	<b>3698:57</b>	<b>4560:50</b>	<b>4028:33</b>	<b>2950:28</b>	<b>2435:21</b>	<b>3013:40</b>	<b>3037:55</b>	<b>2826:20</b>	<b>2467:29</b>	<b>2189:41</b>	<b>2231:58</b>	<b>2599:40</b>	<b>36040:59</b>	<b>3003:24</b>

\*Note: Bed Delay Hours excludes the first 25 minutes of each transport. As of 01/01/2016, includes San Bernardino County Fire Department.

ICEMA, ePCR Database. Compiled 1/9/2017, PW.

**San Bernardino County  
Total Bed Delay Hours\* by Month  
2013 – 2016**



**Total Bed Delay Hours\* and Bed Delay Transports by Hospital  
2014 – 2016**

Hospital	2014				2015				2016			
	Total BD Hours*	BD Transports	Total Transports	BD %	Total BD Hours*	BD Transports	Total Transports	BD %	Total BD Hours*	BD Transports	Total Transports	BD %
ARMC	1183	3,187	11,533	27.6%	1506	3,648	12,214	29.9%	2073	4,552	13,314	34.2%
BCH	171	393	4,389	9.0%	300	685	4,947	13.8%	312	770	5,630	13.7%
BVCH	28	95	1,558	6.1%	50	206	1,790	11.5%	36	169	1,702	9.9%
CVMC	72	341	4,149	8.2%	137	581	4,541	12.8%	399	1,007	5,475	18.4%
CRMC	2	7	655	1.1%	17	28	689	4.1%	18	35	808	4.3%
CHSB	879	2,168	5,791	37.4%	2106	3,297	6,318	52.2%	2077	3,298	6,214	53.1%
DVMC	1621	2,606	4,138	63.0%	1855	2,813	4,688	60.0%	4213	7,000	11,167	62.7%
HDMC	12	40	2,369	1.7%	30	102	2,630	3.9%	207	722	5,072	14.2%
KHF	1521	3,555	11,436	31.1%	2412	4,600	12,687	36.3%	3087	5,115	13,534	37.8%
KHO	643	1,511	5,630	26.8%	1445	2,503	6,922	36.2%	1841	3,000	7,890	38.0%
LLUMC	2247	4,585	11,068	41.4%	2270	5,380	12,960	41.5%	2849	5,778	13,472	42.9%
MHMC	94	348	2,171	16.0%	175	510	2,445	20.9%	481	885	2,885	30.7%
MCH	7	34	103	33.0%	5	29	111	26.1%	10	44	512	8.6%
RDCH	3337	5,039	8,987	56.1%	2331	4,788	9,648	49.6%	3033	5,266	9,514	55.4%
SARH	782	2,998	15,189	19.7%	2831	6,069	15,969	38.0%	3522	5,803	14,571	39.8%
STBMC	2956	5,872	13,946	42.1%	4480	7,184	13,234	54.3%	4288	7,673	13,754	55.8%
STMMC	3736	5,394	9,384	57.5%	3551	5,707	10,067	56.7%	4232	6,715	11,708	57.4%
VALL	27	132	1,072	12.3%	43	164	1,117	14.7%	104	242	1,162	20.8%
VVGMC	3050	4,693	8,100	57.9%	3042	4,183	7,673	54.5%	3250	4,093	7,053	58.0%
<b>Total</b>	<b>22374</b>	<b>42,998</b>	<b>121,668</b>	<b>35.3%</b>	<b>28593</b>	<b>52,477</b>	<b>130,650</b>	<b>40.2%</b>	<b>36040</b>	<b>62,167</b>	<b>145,437</b>	<b>42.7%</b>

\*Note: Bed Delay Hours excludes the first 25 minutes of each transport. As of 01/01/2014, includes Rialto Fire Department. As of 01/01/2016, includes San Bernardino County Fire Department.

ICEMA, ePCR Database. Compiled 1/9/2017, PW.

## **INSPECTIONS OF JAILS/PRISONS/DETENTION CENTERS WITHIN THE COUNTY OF SAN BERNARDINO**

### **BACKGROUND**

The Grand Jury, per California Penal Code 919(b), is mandated as follows: “The grand jury shall inquire into the condition and management of the public prisons within the county.” The Grand Jury modified and used the document entitled, “Inspection Form” included in the Jail Inspection Handbook for Grand Jurors provided by the California Board of State and Community Corrections as noted in the California Grand Jury Association Web site [www.cgja.org](http://www.cgja.org). Visitation Inspection reports were written on each visited jail/prison/detention center referred to below and are incorporated herein. The Grand Jury inspected the following five jails/prisons/detention centers:

- California Institution for Men
- California Institution for Women
- Desert View Modified Community Correctional Facility
- Glen Helen Rehabilitation Center
- Central Valley Juvenile Detention and Assessment Center

### **CONCLUSION**

There are no major discrepancies found at any of the five jails/prisons/detention centers the Grand Jury inspected. The Grand Jury was impressed with the professionalism and knowledge demonstrated by all personnel during each site visit.

## REPORTS

### CALIFORNIA INSTITUTION FOR MEN

For the purpose of this report, the Grand Jury obtained information from the following: interview with the Acting Warden and his Executive Staff; a guided tour by the Public Information Officer (PIO); the California Code of Regulations (CCR), Title 15 Crime Prevention and Corrections, Division 3; the California Institution for Men Institutional Guidebook; the California Department of Corrections and Rehabilitation (CDCR) Web site [www.cdcr.ca.gov](http://www.cdcr.ca.gov); and personal observations by the Grand Jury members.

#### Inspection Form

FACILITY NAME: California Institution for Men	INSPECTION DATE: August 15, 2016
FACILITY CAPACITY: 4,728 inmates Current population of 3,643 inmates	TYPE OF FACILITY: State Prison housing male inmates.
ADDRESS: 14901 Central Avenue, Chino, CA 91710	TELEPHONE NUMBER: 909-597-1821

California Institution for Men (CIM) opened in San Bernardino County in 1941 on 2,500 acres of land. CIM is the third oldest state prison in California after San Quentin State Prison (1852) and Folsom State Prison (1881). CIM is a large complex consisting of four separate facilities under the administration of one warden.

- Facility A has an inmate population of approximately 1,113 Level-II Sensitive Needs Yard (SNY) inmates. The facility consists of eight dormitory housing units and each housing unit has a capacity of approximately 140 inmates. The California Code of Regulations defines a Level-II as consisting primarily of open dormitories with a secure perimeter, which may include armed coverage.

- Facility B has an inmate population of approximately 977 medium/maximum custody level inmates and serves as a reception center receiving and processing male inmates who have been newly committed to CDCR primarily from Riverside and San Diego County. The Reception Center completes diagnostic tests, medical/mental health screening, and literacy assessments for classification in order to determine the inmate's appropriate institutional placement. In addition to the reception center mission, Facility B includes Palm and Cypress Halls as designated Administrative Segregation Units. These Administrative Segregation units receive inmates from CIM, California Rehabilitation Center, Local CDCR/Cal Fire camps, inmates serving Security Housing Unit terms, and inmates in route to court or other CDCR Institutions.
- Facility C has an inmate population of approximately 760 Level-II SNY inmates, many of whom are serving life sentences. The facility consists of four housing units with a capacity of approximately 200 inmates. Facility C is located approximately 2 miles east of CIM's main complex.
- Facility D has an inmate population of approximately 2,000 general population inmates and is designated as a Secure Level-I. The facility consists of twelve housing units with each housing unit having a capacity of approximately 200 inmates. The California Code of Regulations defines a Level-I as consisting primarily of open dormitories with a low security level. Inmates with 0 to 18 points (least likely to misbehave) are housed in Level-I facilities. Inmates with minimum custody can be housed and work outside the secure perimeter where inmates with medium custody are housed and work inside the secure perimeter but can live in a dormitory environment.

### **General Information**

Note: Responses to Grand Jury questions are in bold.

- What is the capacity of the facility? **4,728 inmates. Current population of 3,643 inmates.**
- What is the number of pretrial/presentenced inmates? **Numbers vary for Penal Code 1203.03 (referred to as a presentence diagnostic case). Inmates are housed at Facility B reception center for up to 90 days for evaluation and sentencing recommendation to the court.**

- Has the facility exceeded capacity since the last state inspection? **No per CDCR population report for CIM.**
- What is the average length of detention? **Four years plus for determinate (fixed period) sentenced inmates. CIM also houses Lifer inmates with indeterminate sentences.**
- Are inmates oriented to rules and procedures? **Receive CCR Title 15 and Orientation.**
- Are rules and grievance procedures posted? **Yes.**
- Are rules and grievance procedures understood by inmates? **Each inmate is assigned a Correctional Counselor to provide assistance.**
- Number of suicides 2015 to 2016. **One transgender inmate in April 2015.**
- Number of attempted suicides 2015 to 2016. **None reported.**
- Number of deaths from other causes 2015 to 2016. **None.**
- Numbers of escapes 2015 to 2016. **None.**
- Date of last fire/emergency drill. **Conducted quarterly.**

### **Staffing**

- Is there enough staff to monitor inmates? **Total staffing 1,709 employees: 896 custody staff (uniformed peace officers) and 813 non-custody staff.**
- What is number of funded positions? **1,709 employees.**
- How many vacant positions are there? **No custody vacant positions. Non-custody staff can be up to 8% vacant.**
- Does staff communicate in language that an inmate can understand? **Yes.**
- Diversity of staff. **White, Black, Hispanic, Asian represented.**
- Impression of staff. **Staff was professional and knowledgeable.**

### **Programs**

- Educational Programs? **General Educational Development (GED), Pre-Release, English as a Second Language (ESL), Literacy and Adult Basic Education (ABE), California State University San Bernardino Visual Arts. College Education Program - inmates enrolled in community college correspondence classes. Prison**

**Education & Arts Program - College students tutoring and providing educational resources to inmates who participate in the volunteer education program. Students and program participants are from California Polytechnic State University Pomona.**

- **Self Help Programs? Narcotics Anonymous, Alcoholics Anonymous, Criminal Gang Anonymous, Celebrate Recovery, Veterans in Prison, Prison Fellowship Pre-release Program, Center for the Empowerment of Families Fatherhood Group, Victim Offender Education Group, Toastmasters, Global Youth Connection, Alternative to Violence, Fatherhood Program. ASK mentoring program (program mentors inmates that receive little or no visits from family). Celebrate Recovery -12-step recovery program for dysfunction including drugs, alcohol, sexual abuse, and anger. Victim Offender Education Group (VOEG) (restorative justice program helping participants understand the impact of the crimes and effect on the victim, family and community). PRIDE (Prisoners Reaching Independent Decision to Educate) group helps at-risk youth in community through education. Life Changing Mentoring Program (Program provides mentors to the children of incarcerated parents in an effort to break the cycle of crime.)**
- **Drug Treatment Programs? CIM offers a Substance Abuse Program (SAP) with a 150 inmate program enrollment for those inmates that may need addiction recovery assistance.**
- **Work Programs/Vocational Programs? Prison Industry Authority (PIA) laundry (service for California Institution for Men, California Institution for Women, California Rehabilitation Center, and Patton State Hospitals), PIA juice processing and packaging plant, Marine Technology Training Center deep sea diver training program, Janitorial services, Landscape design, Automotive and Electronics repair.**
- **Religious Services? Religious Services are provided by State Chaplains who supervise a total of 500 volunteers from 93 Community Churches and Ministries. Prison Fellowship Pre-release Program - works with inmates who meet the 12 to 18 month release date. Program outline includes one-on-one life coaching skills, care team of volunteers, pre-release curriculum, and seminars.**

- Exercise:
  - Is it inside or out? **Outside track and sports field.**
  - How frequently is it offered? **Seven days a week during designated daylight/evening hours when not programming in a work/academic/vocational assignment.**
  - How much time is each inmate offered? **All inmates have equal access with varied times according to privilege level.**

### Telephone

- Do inmates have access to telephones? **Yes, collect calls. Inmates sign up for telephone use.**

### Correspondence

- Is there limited free postage for inmates without money? **Free postage, paper, envelopes for indigent inmates with less than \$1.00 on their account for 30 consecutive days.**
- Incoming/outgoing – are inmates aware that mail can be read? **Yes, by staff.**
- Confidential correspondence – letter to attorneys, legislators, etc., - how is it handled? **Outgoing Confidential mail will be designated “Confidential” on the face of the envelope. Staff will inspect the contents of the letter without reading in front of the inmate. Staff will seal the letter and sign his/her name and date on the back of the envelope. Incoming Confidential mail will be opened by staff in front of the inmate without staff reading contents. Inmate will sign in logbook for the receipt of the Confidential mail.**

### Visiting

- Is there adequate space, convenient times or accommodations to family’s work schedule, etc.? **Visiting Days: Saturday, Sunday and Designated Holidays (*New Year’s Day, Independence Day, Thanksgiving Day, and Christmas Day*). Visiting Hours: 8:30 a.m. to 3:00 p.m.**

- Are there provisions for special visits with attorneys/clergy? **Yes.**
- Does staff supervise visits? **Staff monitors regular visits. Attorney visits are held in a confidential area if requested.**
- Do all inmates have access to visiting? **Yes. Visiting can be restricted based on privilege level.**

### Grievances

- What are the most common types of grievances filed by inmates? **Varies; inmates can appeal any decision, action, conditions, or omissions that have an adverse effect on the welfare of inmates.**
- Is there a record kept based on type and number? **Appeals Coordinator maintains logbook.**
- What is the grievance process? **Documented in writing on CDCR 602 form, Inmate/Parolee Appeal.**

### Meals/Nutrition

- The kitchen area – Is it clean? **Did not tour.**
- Are meals served in the cell? If not where? **Normally in the culinary or kitchen.**
- Are inmates permitted to converse during meals? **Yes.**
- Length of time allowed for eating? **A minimum of fifteen minutes shall be allowed for the actual consumption of each meal.**

### Health

- Medical Services and Dental Services:
  - How frequently is medical/dental staff onsite? **Medical staff is available 24/7. Normal dental treatment is available Monday-Friday during regular work schedule.**
  - How long do inmates wait to be seen? **Daily sick call, inmates sign up to be seen the same day.**
  - Is a physician/dentist available by phone or come inside? **Yes, both.**

- What type of onsite health facility is available to inmates? **CIM Hospital is not accredited, but can handle most medical and dental procedures.**
- Mental Health Services:
  - How frequently is mental health staff onsite? **Daily Monday-Friday excluding holidays.**
  - How long do inmates wait to be seen? **Same day Monday-Friday or next working day.**
  - What is the process to handle mentally challenged inmates? **Inmate self-referral or Staff Referral of inmate to Psychiatrist or Clinical Psychologist.**
  - Is there special housing and staff training? **Yes.**
  - Are there Contracted offsite Hospitals, Dental clinics? **CIM has a contract with the Riverside University Health System (RUHS) to provide urgent or emergency hospital care for inmates at the Riverside Hospital. Dental treatment is completed at CIM.**
  - How are inmates transported to off-site facilities? **Contracted ambulances for emergencies or CDCR van transports for contracted referred medical treatment.**
  - How is security handled? **Inmate is put in waist and leg restraint gear unless medical restrictions. Correctional staff accompany inmate to and from the hospital.**

### **Site Tour**

Note the following items as you tour the facility:

- Condition of the exterior and interior of the building noting graffiti, peeling paint, unpleasant odors, or other signs of deterioration. **The facility is old but it has been maintained satisfactorily. Renovations are underway.**

- Condition of the grounds, exercise areas, playing fields, and exercise equipment. **Condition is satisfactory. The drought has taken its toll on the greenery and old trees dying and diseased are being removed. Grass is no longer green or growing; plants are dead and turned to tumbleweeds. Water conservation is mandated.**
- General cleanliness of the facility including windows, lighting, lockers, desks, conditions of the mattresses, bedding and pillows. **Satisfactory.**
- Condition of sleeping room door panels. **Not inspected.**
- Temperature of living units. **Living units were hot. The temperature outside was 105 degrees. Inmates could benefit from an efficient cooling system.**
- Safety and security issues including fencing, outdoor lighting, location of the weapons locker. **Satisfactory.**
- If a court holding area is present in the facility, ensure access to toilet and drinking water. **Not inspected.**

**INTERIOR OF BUILDINGS** (walls, paint, floors, drains, plumbing fixtures working, air vents, windows)

- Are cleaning fluids and chemicals labeled and safely stored? **Did not observe these items in open areas. Stored in supply closets.**
- Weapons locker present. **Not inspected.**
- Recreation/sports equipment. **Track and sports field.**
- Are the hallways clear, are doors propped open or closed? **Hallways were clear, doors were open or closed as appropriate.**
- Holding areas (cells/rooms) – (if present), is there access to drinking water and toilet? **Did not observe.**
- Are there individual cells/rooms, or dormitories? **There are four facilities on the grounds. They contain both dorms and cells.**
- Beds – Type of bed and is it off the floor? **Bunk beds attached to wall. They appear adequate.**
- Adequate lighting. **Yes.**

- Temperature. **No air conditioning in the cells and central rooms. Cooling provided by large fans and swamp coolers.**

#### **INDIVIDUAL CELLS/ROOM**

- Condition of walls. **Did not observe.**
- Personal possessions allowed in cell/room (Art, Books, Etc.). **Yes.**
- Graffiti present. **No.**
- Ample bedding. **Yes.**

#### **PERSONAL APPEARANCE OF INMATES**

- What is the appearance of inmates (dirty, unkempt, well groomed, etc.)? **Well groomed.**
- Showers – frequency, privacy, maintained. **Daily showering.**
- Are there any reported assaults by inmates on inmates? **Yes.**
- Condition of clothing (does the clothing fit; is it appropriate for the weather, etc.)? **Clothing appropriate.**

### **CALIFORNIA INSTITUTION FOR WOMEN**

For the purpose of this report, the Grand Jury obtained information from the following: interview with the Acting Warden and her Executive Staff; a guided tour by the Public Information Officer (PIO); the California Code of Regulations, Title 15 Crime Prevention and Corrections, Division 3; the California Institution for Women Institutional Guidebook; the California Department of Corrections and Rehabilitation Web site [www.cdcr.ca.gov](http://www.cdcr.ca.gov); and personal observations by the Grand Jury members.

**Inspection Form**

FACILITY NAME: California Institution for Women	INSPECTION DATE: October 11, 2016 and November 7, 2016
FACILITY CAPACITY: 2,042 inmates Current population of 1,886 inmates	TYPE OF FACILITY: State Prison housing female inmates.
ADDRESS: 16756 Chino-Corona Rd., Corona, CA 92880	TELEPHONE NUMBER: 909-597-1771

The California Institution for Women (CIW) opened in 1952. Until 1987, CIW was California's only prison for female felons. CIW was originally called "California Institution for Women at Corona," but Corona residents objected to the use of their city in the prison's name and it was changed March 1, 1962 to "Frontera," a feminine derivative of the word *frontier* - a new beginning. The campus-like design was in keeping with the 1950's progressive notion of rehabilitation.

The mailing address for CIW is in the City of Corona in Riverside County; however, the prison has been physically located in the City of Chino since 2003 following an annexation of land in an area that was previously San Bernardino County.

The California Institution for Women (CIW) accommodates all custody levels of female inmates. In addition to its large general population, CIW houses inmates with special needs such as pregnancy, psychiatric care, methadone, and medical problems such as HIV infection. CIW serves as a hub institution for the selection and physical fitness training of female firefighters selected for camp placement. The institution also serves as a higher security facility for female inmates in Administrative Segregation.

### General information

Note: Responses to Grand Jury questions are in bold.

- What is the capacity of the facility? **2,042 inmates. Current population of 1,886 inmates.**
- What is the number of pretrial/presentenced inmates? **Numbers vary for Penal Code 1203.03 Diagnostic 90 day cases at reception center.**
- Has the facility exceeded capacity since the last state inspection? **No per CDCR population report for CIW.**
- What is the average length of detention? **2 years plus for determinate sentenced inmates. CIW also houses approximately 300 Lifer inmates with indeterminate sentences.**
- Are inmates oriented to rules and procedures? **Receive CCR Title 15 and Orientation.**
- Are rules and grievance procedures posted? **Yes.**
- Are rules and grievance procedures understood by inmates? **Each inmate is assigned a Correctional Counselor to provide assistance.**
- Number of suicides 2015 to 2016. **2 suicides. Last suicide April 14, 2016.**
- Number of attempted suicides September 2015 to September 2016. **45 attempted suicides. Reduced from January 2016 to September 2016 (17 attempted suicides).**
- Number of deaths from other causes 2015 to 2016. **Two.**
- Numbers of escapes 2015 to 2016. **None.**
- Date of last fire/emergency drill. **Conducted quarterly. Last completed October 20, 2016.**

### Staffing

- Is there enough staff to monitor inmates? **Yes. Total staffing 1,259 employees: 378 Custody staff, 412 non-custody staff and 469 Mental Health/Medical/Dental.**
- What is number of funded positions? **1,259**
- How many vacant positions are there? **No Custody vacant positions. Non-custody can be up to 8% vacant.**

- Does staff communicate in language that an inmate can understand? **Yes.**
- Diversity of staff. **White, Black, Hispanic, Asian represented.**
- Impression of staff. **Staff was professional and knowledgeable.**

### Programs

- Educational Programs? **Adult basic education, English Secondary Language (ESL), GED, Literacy program, Chaffey College (Associate degree), Coastline (Associate degree), Palo Verde (Associate degree), UCLA African American Studies (Bachelor degree program), California Coast University (Bachelor degree program), Choice Theory Connection Program.**
- Self Help Programs? **Narcotics Anonymous, Alcoholics Anonymous, Victim Awareness, Bike refurbishing program with repaired bikes donated to charities. Prison Puppy Program to train service dogs. Avon Cancer walk that raised over \$42,000 by inmates and staff. "Continuing the Dream" program where inmates volunteer to participate in video conferences with the San Bernardino Unified School District to discourage kids from getting into crime. Lifer Summit in which 30 former Lifer inmates came back to CIW to discuss with currently incarcerated inmates on how they are dealing in a free society.**
- Drug Treatment Programs? **Currently 96 inmate enrollment for the Substance Abuse Program. Adding an additional 50 inmate positions in the future.**
- Work Programs/Vocational Programs? **Prison Industry Authority (PIA): Clothing and textile manufacturing (shirts, shorts, jeans, smocks, aprons, bedspreads, handkerchiefs, bandanas, Nomex firefighting clothing), and construction. Prison Puppy program. Computer training, Data Processing, Word Processing, Building Maintenance, Cosmetology. Forestry/Camp Training and Pre-Forestry training program for Forestry Firefighters.**
- Religious Services? **Services provided for Jewish, Catholic, Protestant, Native American, Buddhist, Jehovah Witness, and Wicca.**
- Exercise:
  - Is it inside or out? **Outside track and sports field.**

- How frequently is it offered? **Seven days a week during designated daylight/evening hours when not programming in work/academic/vocational assignment.**
- How much time is each inmate offered? **All inmates have equal access with varied time according to privilege level.**

### Telephone

- Do inmates have access to telephones? **Yes, collect calls. Inmates sign up for telephone use.**

### Correspondence

- Is there limited free postage for inmates without money? **Free postage, paper, envelopes for indigent inmates with less than \$1.00 on their account for 30 consecutive days.**
- Incoming/outgoing – are inmates aware that mail can be read? **Yes, by staff.**
- Confidential correspondence – letter to attorneys, legislators, etc., - how is it handled? **Outgoing Confidential mail will be designated “Confidential” on the face of the envelope. Staff will inspect the contents of the letter without reading in front of the inmate. Staff will seal the letter and sign his/her name and date on the back of the envelope. Incoming Confidential mail will be opened by staff in front of the inmate without staff reading contents. Inmate will sign in logbook for the receipt of the Confidential mail.**

### Visiting

- Is there adequate space, convenient times or accommodations to family’s work schedule, etc.? **Visiting Days: Saturday, Sunday and Designated Holidays (*New Year’s Day, Independence Day, Thanksgiving Day, and Christmas Day*). Visiting Hours: 8:30 a.m. to 3:00 p.m.**
- Are there provisions for special visits with attorneys/clergy? **Yes.**
- Does staff supervise visits? **Staff monitors regular visits. Attorney visits are held in a confidential area if requested.**

- Do all inmates have access to visiting? **Yes. Visiting can be restricted based on privilege level.**

### Grievances

- What are the most common types of grievances filed by inmates? **Inmates can appeal any decision, action, condition, or omission that have an adverse effect on the welfare of inmates.**
- Is there a record kept based on type and number? **Appeals Coordinator maintains logbook.**
- What is the grievance process? **Documented in writing on CDCR 602 form, Inmate/Parolee Appeal.**

### Meals/Nutrition

- The kitchen area – Is it clean? **Yes.**
- Are meals served in the cell? If not where? **In the kitchen. Daily two hot meals and one sack lunch.**
- Are inmates permitted to converse during meals? **Yes.**
- Length of time allowed for eating? **A minimum of fifteen minutes shall be allowed for the actual consumption of each meal.**

### Health

- Medical Services and Dental Services:
  - How frequently is medical/dental staff onsite? **Medical staff is available 24/7. Normal Dental treatment is available Monday-Friday during regular work schedule.**
  - How long do inmates wait to be seen? **Daily sick call. Inmates sign up to be seen the same day.**
  - Is a physician/dentist available by phone or come inside? **Yes, both.**
  - What type of onsite health facility is available to inmates? **Medical Clinic that can handle most medical and dental procedures.**

- Mental Health Services:
  - How frequently is mental health staff onsite? **Mental Health staff is available 24/7.**
  - How long do inmates wait to be seen? **Same day if required.**
  - What is the process to handle mentally challenged inmates? **Inmate self-referral or Staff Referral of inmate to Psychiatrist or Clinical Psychologist.**
  - Is there special housing and staff training? **Yes.**
- Are there Contracted offsite hospitals, dental clinics? **CIW has a contract with the Riverside University Health System (RUHS) to provide urgent or emergency hospital care for inmates at the Riverside Hospital. CIW also has contracts with Chino Valley Medical Center, Pomona Valley Medical Center, and Kaiser Hospital. Dental treatment is completed at CIW.**
  - How are inmates transported to offsite facilities? **Contracted ambulances for emergencies or CDCR van transports for contracted referred medical treatment.**
  - How is security handled? **Inmate is physically put in restraint gear and Correctional staff accompany inmate to and from the hospital.**

### Site Tour

Note the following items as you tour the facility:

- Condition of the exterior and interior of the building noting graffiti, peeling paint, unpleasant odors, or other signs of deterioration. **Buildings need repairs because of age, built in 1953.**
- Condition of the grounds, exercise areas, playing fields, and exercise equipment. **All dirt because no watering permitted because of the drought. Few plants.**
- General cleanliness of the facility including windows, lighting, lockers, desks, conditions of the mattresses, bedding and pillows. **Windows dirty.**
- Condition of sleeping room door panels. **Small two person cells. Clean and tidy.**
- Temperature of living units. **Humid in some cells. Large fans used for air circulation.**

- Safety and security issues including fencing, outdoor lighting, location of the weapons locker. **Outside areas well lit.**
- If a court holding area is present in the facility, ensure access to toilet and drinking water. **N/A.**

**INTERIOR OF BUILDINGS** (walls, paint, floors, drains, plumbing fixtures working, air vents, windows)

- Are cleaning fluids and chemicals labeled and safely stored? **Yes**
- Weapons locker present. **Not inspected.**
- Recreation/sports equipment. **Exercise class daily for one hour.**
- Are the hallways clear, are doors propped open or closed? **Hallways clear. Doors open or closed as appropriate.**
- Holding areas (cells/rooms) – (if present), is there access to drinking water and toilet? **Yes.**
- Are there individual cells/rooms, or dormitories? **2 person cells.**
- Beds – Type of bed and is it off the floor? **Bunk type with mattresses.**
- Adequate lighting. **Yes.**
- Temperature. **No air conditioning in the cells and central rooms. Cooling provided by large fans and swamp coolers. Inmates could benefit from a more efficient cooling system.**

**INDIVIDUAL CELLS/ROOM**

- Condition of walls. **Clean.**
- Personal possessions allowed in cell/room (Art, Books, Etc.). **Books allowed and some personal items.**
- Graffiti present. **No.**
- Ample bedding. **Yes.**

## PERSONAL APPEARANCE OF INMATES

- What is the appearance of inmates (dirty, unkempt, well groomed, etc.)? **Inmates clean and well groomed.**
- Showers – frequency, privacy, maintained. **Daily showering.**
- Are there any reported assaults by inmates on inmates? **Occasionally.**
- Condition of clothing (does the clothing fit; is it appropriate for the weather, etc.)? **Prison issued, appropriate for weather.**

## DESERT VIEW MODIFIED COMMUNITY CORRECTIONAL FACILITY

For the purpose of this report, the Grand Jury obtained information from the following: interview and site tour with the Warden; the California Code of Regulations, Title 15 Crime Prevention and Corrections, Division 3; the California Department of Corrections and Rehabilitation Web site [www.cdcr.ca.gov](http://www.cdcr.ca.gov); and personal observations by the Grand Jury members.

### Inspection Form

FACILITY NAME: Desert View Modified Community Correctional Facility	INSPECTION DATE: October 11, 2016 and November 7, 2016
FACILITY CAPACITY: 700 inmates	TYPE OF FACILITY: State Prison housing male inmates.
ADDRESS: 10450 Rancho Rd., Adelanto, CA 92301	TELEPHONE NUMBER: 760-246-1171

The Desert View Modified Community Correctional Facility (MCCF) is a restricted, medium security facility designed to house custody inmates and parole violators for the California Department of Corrections & Rehabilitation (CDCR), who are designated as Level-II custody.

### **Facility Description**

The 96,963 sq. ft. one-story masonry building was financed, designed and built by GEO Group, private corporation, on 20 acres of land. It has a health care unit and rooms for classroom instruction, counseling, and visitation. Educational areas include a computer laboratory, a library, and outdoor recreational areas. The facility is well furnished with a fully equipped kitchen and dayrooms and dormitory sleeping areas are clean and comfortable. The dormitory style facility has 2 dorms with 86 beds and 6 dorms with 88 beds, and an additional 13 single-bunked cells for inmate segregation. Two cells with single bunks are reserved for medical purposes. The facility design enables modern correctional techniques such as direct supervision. The building perimeter and control centers utilize state-of-the-art electronic surveillance and detection techniques. Security enhancement measures include a central control room that contains closed circuit television monitors allowing staff to survey interior as well as perimeter areas. Housing units are designed so that inmates can move about freely under the direction of officers who monitor their activities and movement between areas.

### **General Information**

Note: Responses to Grand Jury questions are in bold.

- What is the capacity of the facility? **700 inmates.**
- What is the number of pretrial/presentenced inmates? **None.**
- Has the facility exceeded capacity since the last state inspection? **No per CDCR population report for Desert View MCCF.**
- What is the average length of detention? **5 years.**
- Are inmates oriented to rules and procedures? **Receive CCR Title 15 and Orientation.**
- Are rules and grievance procedures posted? **Yes.**
- Are rules and grievance procedures understood by inmates? **Given a handbook upon arrival.**
- Number of suicides 2015 to 2016. **None.**
- Number of attempted suicides 2015 to 2016. **None.**
- Number of deaths from other causes 2015 to 2016. **None.**
- Numbers of escapes 2015 to 2016. **None.**
- Date of last fire/emergency drill. **Conducted monthly.**

### Staffing

- Is there enough staff to monitor inmates? **Yes. Total staffing 156 employees: 90 custody staff and 66 non-custody staff.**
- What is number of funded positions? **90**
- How many vacant positions are there? **Two vacancies.**
- Does staff communicate in language that an inmate can understand? **Yes.**
- Diversity of staff. White, Black, Hispanic, Asian represented. **Yes, 50 percent female staff.**
- Impression of staff. Staff was professional and knowledgeable. **Yes.**

### Programs

- Educational Programs? **GED, Adult Basic Education, Coastline College (AA) degree.**
- Self Help Programs? **Narcotics Anonymous, Alcoholics Anonymous, Pre-release life/social skills development programs.**
- Drug Treatment Programs? **Yes, Substance Abuse Program (SAP).**
- Work Programs/Vocational Programs? **Yes.**
- Religious Services? **32 volunteers to assist in any and all denominations including a sweat lodge for Native Americans.**
- Exercise:
  - Is it inside or out? **Outside track and sports field.**
  - How frequently is it offered? **Seven days a week during daylight hours.**
  - How much time is each inmate offered? **All inmates have equal access.**

### Telephone

- Do inmates have access to telephones? **Yes, collect calls. A record is kept of telephone numbers that inmates are not allowed to call based on court orders such as restraining orders or victim's rights.**

### Correspondence

- Is there limited free postage for inmates without money? **Free postage, paper, envelopes for indigent inmates is provided.**
- Incoming/outgoing – are inmates aware that mail can be read? **Yes, by staff.**
- Confidential correspondence – letter to attorneys, legislators, etc., - how is it handled? **Outgoing Confidential mail will be designated “Confidential” on the face of the envelope. Staff will inspect the contents of the letter without reading in front of the inmate. Staff will seal the letter and sign his/her name and date on the back of the envelope. In-coming Confidential mail will be opened by staff in front of the inmate without staff reading contents. Inmate will sign in logbook for the receipt of the Confidential mail.**

### Visiting

- Is there adequate space, convenient times or accommodations to family’s work schedule, etc.? **Visiting Days: Saturdays and Sundays, Designated Holidays (*New Year’s Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day*). Hours of Operation: 8:00 a.m. to 3:00 p.m.**
- Are there provisions for special visits with attorneys/clergy? **Yes.**
- Does staff supervise visits? **Staff monitors regular visits. Attorney visits are held in a confidential area if requested.**
- Do all inmates have access to visiting? **Yes. Restricting visiting is no longer used as punishment.**

### Grievances

- What are the most common types of grievances filed by inmates? **Varies, inmates can appeal any decision, action, conditions, or omissions that have an adverse effect on the welfare of inmates.**
- Is there a record kept based on type and number? **Appeals Coordinator maintains logbook. Appeals are coordinated by CDCR.**

- What is the grievance process? **Documented in writing on CDCR 602 form, Inmate/Parolee Appeal.**

### Meals/Nutrition

- The kitchen area – Is it clean? **Spotless.**
- Are meals served in the cell? **Meals are served in the dining room. Trays are given in a “blind delivery” system. Server does not see recipient.**
- Are inmates permitted to converse during meals? **Yes.**
- Length of time allowed for eating? **Twenty minutes is allotted for the meal but seldom does it take that long.**

### Health

- Medical Services and Dental Services:
  - How frequently is medical/dental staff onsite? **The Doctor is present 40 hours per week. The Dentist is present 20 hours per week. In case of emergency a local hospital would be used.**
  - How long do inmates wait to be seen? **Daily sick call. Inmates sign up to be seen the same day.**
  - Is a physician/dentist available by phone or come inside? **Yes, both.**
  - What type of onsite health facility is available to inmates? **This facility has an infirmary type medical facility. Major cases are taken to Arrowhead Regional Medical Center, emergencies go to St. Mary Medical Center or Desert Valley Hospital.**
- Mental Health Services:
  - How frequently is mental health staff onsite? **Inmates requiring Mental Health treatment are transferred to the State Hub Prison in Lancaster.**
  - How long do inmates wait to be seen? **Transferred to State Hub Prison as soon as possible, normally same day.**

- What is the process to handle mentally challenged inmates? **Desert View MCCF does not provide Mental Health treatment. Inmates identified for Mental Health treatment are transferred to the State Hub Prison in Lancaster.**
- Is there special housing and staff training? **No special housing. Staff trained to refer inmate requiring Mental Health Services for transfer to State Hub Prison for treatment.**
- Are there Contracted offsite Hospitals, Dental clinics? **Yes.**
  - How are inmates transported to offsite facilities? **Contracted ambulances for emergencies or CDCR van transports for contracted referred medical treatment.**
  - How is security handled? **Inmate is transferred by transfer team.**

### Site Tour

Note the following items as you tour the facility:

- Condition of the exterior and interior of the building noting graffiti, peeling paint, unpleasant odors, or other signs of deterioration. **Clean except for graffiti on the interior replacement “Lexan” window in dorms.**
- Condition of the grounds, exercise areas, playing fields, and exercise equipment. **All clean.**
- General cleanliness of the facility including windows, lighting, lockers, desks, conditions of the mattresses, bedding and pillows. **Clean except the interior windows of the dorms.**
- Condition of sleeping room door panels. **Clean, painted and not damaged.**
- Temperature of living units. **Air conditioned with outside air temperature of 87 degrees, pleasant.**
- Safety and security issues including fencing, outdoor lighting, location of the weapons locker. **Weapons locker kept by CDC personnel. Indoor lighting fixtures good. This was a daytime inspection. The Grand Jury cannot comment on outdoor lighting.**
- If a court holding area is present in the facility, ensure access to toilet and drinking water. **N/A.**

**INTERIOR OF BUILDINGS** (walls, paint, floors, drains, plumbing fixtures working, air vents, windows)

- Are cleaning fluids and chemicals labeled and safely stored? **Yes.**
- Weapons locker present. **Kept by CDC personnel, locked up in secure area.**
- Recreation/sports equipment **Yes.**
- Are the hallways clear, are doors propped open or closed? **Hallways clear and clean, doors closed.**
- Holding areas (cells/rooms) – (if present), is there access to drinking water and toilet? **All holding cells had water and a toilet.**
- Are there individual cells/rooms, or dormitories? **Dormitories.**
- Beds – Type of bed and is it off the floor? **All beds off the floor, one-piece mattress and pillow system.**
- Adequate lighting **Yes.**
- Temperature. **Satisfactory.**

#### **INDIVIDUAL CELLS/ROOM**

- Condition of walls. **Clean, one wall had just been painted as we walked through.**
- Personal possessions allowed in cell/room (Art, Books, Etc.) **Yes.**
- Graffiti present. **Only on aforementioned window.**
- Ample bedding. **Yes.**

#### **PERSONAL APPEARANCE OF INMATES**

- What is the appearance of inmates (dirty, unkempt, well groomed, etc.)? **Inmates appeared clean with clean clothes.**
- Showers – frequency, privacy, maintained. **Inmates have unlimited showers, as many as they want each day. Showers are only closed so that they may be cleaned in the evening each day.**

- Are there any reported assaults by inmates on inmates? **There is possibly one altercation per month, nothing of a major nature, more like a push or disrespectful speech.**
- Condition of clothing (does the clothing fit; is it appropriate for the weather, etc.)? **Clothing looks adequate for the season.**

### **GLEN HELEN REHABILITATION CENTER**

For the purpose of this report, the Grand Jury obtained information from the following: interview and guided tour with the Captain of the facility from the San Bernardino Sheriff Department; the California Code of Regulations, Title 15 Crime Prevention and Corrections, Division 1, Board of State and Community Corrections, Minimum Standards for Local Detention Facilities; personal observations by the Grand Jury members; and the San Bernardino County Sheriff/Coroner Department Web site:  
<http://cms.sbcounty.gov/sheriff/CourtsCorrections/GlenHelenRehabilitationCenter>.

#### **Inspection Form**

FACILITY NAME: Glen Helen Rehabilitation Center	INSPECTION DATE: September 9, 2016
FACILITY CAPACITY: 324 Female inmates and 1,024 Male inmates	TYPE OF FACILITY: County Female and Male inmates housed in separate facilities.
ADDRESS: 18000 Institution Road, Devore, CA 92407	TELEPHONE NUMBER: 909-473-3689

The Glen Helen Rehabilitation Center lies on nine acres of land and consists of three inmate-housing facilities under the command of a Captain from the San Bernardino County Sheriff Department. Glen Helen is San Bernardino County's primary facility for housing both male and female inmates sentenced to County commitments.

There are three levels of inmate classification. GP for general population ranked 1 through 7 with 1 being the highest risk based on offense(s). There is an HS classification for High Security inmates, and RH classification for Restricted Housing (pregnancy, bullied inmates, etc.). The Male Facility opened in 1960 as a work camp and had a capacity of 100 inmates in a maximum housing unit. The original site was also used as the Sheriff's Basic Academy until many years later when the training center was moved to the property just north of the jail. The current facility has two Minimum Security Housing Units and a Maximum Security Housing Unit. Glen Helen has a maximum capacity of 1,024 inmates and averages a daily population of 1,020.

Glen Helen's Female Facility originally opened in 1988 with three dorm units for the housing of county sentenced inmates. An additional Maximum Security Unit was added in 2003 and the complex now houses both pretrial and sentenced females. The Female Facility has the capacity to house 326 inmates and averages an inmate population of 240 inmates per day.

### **General Information**

Note: Responses to Grand Jury questions are in bold.

- What is the capacity of the facility? **1,024 Male inmates. 326 Female inmates. Capacity will increase when housing units M1 and M2 are fully remodeled.**
- What is the number of pretrial/presentenced inmates? **720 inmates.**
- Has the facility exceeded capacity since the last state inspection? **No.**
- What is the average length of detention? **143 days.**
- Are inmates oriented to rules and procedures? **Yes.**
- Are rules and grievance procedures posted? **Yes.**
- Are rules and grievance procedures understood by inmates? **Yes.**
- Number of suicides 2015 to 2016. **None.**
- Number of attempted suicides 2015 to 2016. **None.**
- Number of deaths from other causes 2015 to 2016. **None.**

- Numbers of escapes 2015 to 2016. **None, last escape in 2013.**
- Date of last fire/emergency drill. **August 2016 during the Blue Cut vegetation fire.**

### Staffing

- Is there enough staff to monitor inmates? **Yes, fourteen inmates to one staff member.**
- What is number of funded positions? **60 custody staff (25% women).**
- How many vacant positions are there? **Four. These positions will be filled by Sept. 8, 2016 academy graduation class.**
- Does staff communicate in language that an inmate can understand? **Yes, several languages are available. Outsourcing is also used for less common languages.**
- Diversity of staff. **Very diverse staff evident.**
- Impression of staff. **Very professional and knowledgeable.**

### Programs

- Educational Programs? **GED (General Education Diploma). The Sheriff's Department partners with Chaffey Adult School, California State University San Bernardino, San Bernardino County Superintendent of Schools, and the County Department of Workforce Development to offer a variety of occupational training to increase an inmate's chance to gain employment upon release.**
- Self Help Programs? **Alcoholics Anonymous, Narcotics Anonymous, Anger Management, Individual and Group Counselling, Veteran's Administration assistance, Parent and Child Connection (PAAC), Teaching and Loving Kids (TALK), Gift a Quilt Program, Health Education, and Life Skill Development during Pre-Release class.**
- Drug Treatment Programs? **Substance Abuse, "INROADS" (Inmate Rehabilitation Through Occupational and Academic Development). Inmates who enter the INROADS program without a high school diploma are required to attend classes and earn their GED while in custody.**

- Work Programs/Vocational Programs? **"Work Release Program."** Under the direction of the court, the inmate can be released before the maximum sentence has been completed in order to reestablish ties with his/her family. In this way, the individual can return to his/her former employment and serve the community on his/her non-scheduled workdays. Vocational classes available while in custody for Commercial Baking, Culinary Arts, Custodial Occupations, and Microsoft Office Specialist Certification.
- Religious Services? **Yes, inmates are allowed on a voluntary basis to participate in religious services conducted by in-house chaplains and volunteers from various religions and organizations. Muslim inmates are accommodated with prayer rugs for prayer times at three intervals per day. Special religious events and meals are observed by the institution.**
- Exercise:
  - Is it inside or out? **Outside, basketball courts available.**
  - How frequently is it offered? **Daily.**
  - How much time is each inmate offered? **Mandated minimum of three hours per week; however, the average time higher at eight to nine hours per week.**

### **Telephone**

- Do inmates have access to telephones? **Yes.**

### **Correspondence**

- Is there limited free postage for inmates without money? **Inmates who are without funds shall be permitted at least two postage paid letters each week to permit correspondence with family members and friends but without limitation on the number of postage paid letters to his or her attorney and to the courts.**
- Incoming/outgoing – are inmates aware that mail can be read? **Yes, by staff.**

- Confidential correspondence – letter to attorneys, legislators, etc., - how is it handled?  
**Jail staff shall not review inmate Confidential mail to or from state and federal courts, any member of the State Bar or holder of public office; however, jail staff may open and inspect Confidential mail only to search for contraband, cash, checks, or money orders and in the presence of the inmate.**

### Visiting

- Is there adequate space, convenient times or accommodations to family's work schedule, etc.? **Visiting hours Tuesday-Saturday 8:00 a.m. - 5:30 p.m.**
- Are there provisions for special visits with attorneys/clergy? **Yes.**
- Does staff supervise visits? **Staff monitors regular visits. Attorney visits are held in a confidential area if requested.**
- Do all inmates have access to visiting? **Yes. Visiting can be restricted based on privilege level.**

### Grievances

- What are the most common types of grievances filed by inmates? **25 grievances were reviewed from January-August 2016. Grievances varied for different issues with no observable pattern in one area over another.**
- Is there a record kept based on type and number? **Yes.**
- What is the grievance process? **An inmate may appeal and have resolved grievances relating to any conditions of confinement, included but not limited to: medical care; classification actions; disciplinary actions; program participation; telephone, mail, and visiting procedures; and food, clothing, and bedding.**

### Meals/Nutrition

- The kitchen area – Is it clean? **Kitchen area is exceptionally clean, no mold or unusual smells.**
- Are meals served in the cell? If not where? **Meals and special dietary meals are prepared in the kitchen. Inmates take their meals in the dorm area; there is no**

**talking and no passing of food. Inmates receive two hot meals and one cold meal daily.**

- Are inmates permitted to converse during meals? **No.**
- Length of time allowed for eating? **A minimum of fifteen minutes shall be allowed for the actual consumption of each meal.**

## Health

- Medical Services and Dental Services:
  - How frequently is medical/dental staff onsite? **Available 24 hours, 7 days a week.**
  - How long do inmates wait to be seen? **A daily sick call conducted for all inmates. Policies and procedures to ensure emergency and medically required dental care is provided to each inmate.**
  - Is a physician/dentist available by phone or come inside? **Yes, both.**
  - What type of onsite health facility is available to inmates? **Medical, Dental, Eye Care. Limited Mental Health services. Inmates with more severe Mental Health issues are typically transferred to West Valley Detention Center.**
- Mental Health Services:
  - How frequently is mental health staff onsite? **Daily Monday-Friday excluding holidays.**
  - How long do inmates wait to be seen? **Same day Monday-Friday or next working day.**
  - What is the process to handle mentally challenged inmates? **Inmate self-referral or Staff Referral of inmate to Psychiatrist or Clinical Psychologist. Severe Mental Health cases are transferred to West Valley Detention Center or Arrowhead Regional Medical Center.**
  - Is there special housing and staff training? **Yes.**
  - Are there Contracted off site Hospitals, Dental clinics? **YES, Arrowhead Regional Medical Center for cases not able to accommodate at the Glen Helen Rehabilitation Center.**

- How are inmates transported to offsite facilities? **Contracted ambulances for emergencies or Sheriff van transportation to contracted referred medical treatment facilities.**
- How is security handled? **Inmate is put in waist and leg restraint gear unless medical restrictions. Correctional staff accompany inmate to and from the hospital.**

### **Site Tour**

Note the following items as you tour the facility:

- Condition of the exterior and interior of the building noting graffiti, peeling paint, unpleasant odors, or other signs of deterioration. **No graffiti seen; paint in reasonable condition; no unpleasant odors of any kind especially in the living areas. Buildings M1 and M2 are undergoing remodeling. Kitchen equipment needs updating.**
- Condition of the grounds, exercise areas, playing fields, and exercise equipment. **Satisfactory, grass is green, some stress evident from reduced watering during the drought, exercise areas are clean with no debris, exercise equipment appears to be in good condition.**
- General cleanliness of the facility including windows, lighting, lockers, desks, conditions of the mattresses, bedding and pillows. **Very good, pillows are incorporated into the mattress, lighting fixtures area reasonably clean, lighting is good, lockers and desks are not damaged.**
- Condition of sleeping room door panels. **Satisfactory.**
- Temperature of living units. **Satisfactory, outside air temperature approximately 84 degrees at 11:30 a.m., inside satisfactory.**
- Safety and security issues including fencing, outdoor lighting, location of the weapons locker. **All appear in good condition and functioning.**
- If a court holding area is present in the facility, ensure access to toilet and drinking water. **Did not observe.**

**INTERIOR OF BUILDINGS** (walls, paint, floors, drains, plumbing fixtures working, air vents, windows)

- Are cleaning fluids and chemicals labeled and safely stored? **No cleaning fluids and chemicals stored in open.**
- Weapons locker present. **Did not observe.**
- Recreation/sports equipment. **Available for checkout.**
- Are the hallways clear, are doors propped open or closed? **Hallways clear, doors open or closed as appropriate.**
- Holding areas (cells/rooms) – (if present), is there access to drinking water and toilet? **Did not observe.**
- Are there individual cells/rooms, or dormitories? **Dormitories and cells.**
- Beds – Type of bed and is it off the floor? **Three-tier bunk beds off the floor. Top bunk is considered the best.**
- Adequate lighting. **Yes.**
- Temperature. **Good.**

#### **INDIVIDUAL CELLS/ROOM**

- Condition of walls. **Clean.**
- Personal possessions allowed in cell/room (Art, Books, Etc.). **Yes, stored in tubs/boxes under bunk.**
- Graffiti present. **No graffiti observed.**
- Ample bedding. **Yes.**

#### **PERSONAL APPEARANCE OF INMATES**

- What is the appearance of inmates (dirty, unkempt, well groomed, etc.)? **Well groomed.**
- Showers – frequency, privacy, maintained. **Showers clean and available as requested.**
- Are there any reported assaults by inmates on inmates? **Some but minor in nature.**
- Condition of clothing (does the clothing fit; is it appropriate for the weather, etc.)? **Yes.**

## **CENTRAL VALLEY JUVENILE DETENTION & ASSESSMENT CENTER**

For the purpose of this report, the Grand Jury obtained information from the following: interview and guided tour with the Superintendent; the California Code of Regulations, Title 15 Crime Prevention and Corrections, Division 1 Minimum Standards for Local Detention Facilities; the San Bernardino County Probation Department Juvenile Detention and Assessment Center Orientation Handbook; the San Bernardino County Probation Department Web site [www.joinprobation.org](http://www.joinprobation.org); a Computer Disk containing 366 files San Bernardino County Probation Department policy and procedures documents; and personal observations by the Grand Jury members.

### **Inspection Form**

FACILITY NAME: Central Valley Juvenile Detention & Assessment Center	INSPECTION DATE: September 1, 2016
FACILITY CAPACITY: 280 juvenile inmates Current population of 33 Female inmates and 182 Male inmates	TYPE OF FACILITY: County Female and Male juvenile inmates housed in separate facilities referred to "Youth or Minor."
ADDRESS: 18000 Institution Road, Devore, CA 92407	TELEPHONE NUMBER: 909-473-3689

The Central Valley Juvenile and Assessment Center (CVJDAC) was completed for 62 million dollars and opened in 2011. CVJDAC consists of a group of buildings in a "campus" style arrangement with related site developments and utilities. The design reflects the current emphasis on consolidating services such as dining, medical, education and others as much as possible in order to streamline operations and minimize the need for transporting individuals from one area to another.

CVJDAC is located on a 9.7-acre site. The housing consists of three 80-bed housing units and one 40-bed housing unit arranged in 20-person modules for a total of 280 beds. Each module measures one story and 75,000 square feet and is composed of classrooms and program space for group therapy, religious activities and medical services. To create an interior courtyard area offering indoor activity space for juvenile detainees, modules were designed in a triangular fashion with basketball courts for each housing unit. Consolidated support facilities include classrooms, common areas, exercise areas, outdoor sports facilities, an intake/booking area, a warehouse, kitchen, and a 47,000-square-foot, single-story administrative building. The administration building includes intake, clinic, library, central control station, as well as offices. CVJDAC is also equipped with a state-of-the-art security system.

### **General Information**

Note: Responses to Grand Jury questions are in bold.

- What is the capacity of the facility? **280 bed facility (three 80-bed housing units and one 40-bed housing unit). Current population of 215 inmates (182 males, 33 females).**
- What is the number of pretrial youth? **Varies.**
- Has the facility exceeded capacity since the last inspection? **No, population divided between two Juvenile Detention Assessment Centers. (CVJDAC and High Desert Juvenile Detention Assessment Center).**
- What is the average length of detention? **Approximately 60 days.**
- Are youths oriented to rules and procedures? **Yes, Probation Correction Officers (PCO) orientation staff will provide information about facility procedures, rules, behavior expectations, services and programming. Orientation shall be provided no later than 24 hours after arrival to a unit.**
- Are rules and grievance procedures posted? **Yes.**
- Are rules and grievance procedures understood by youths? **Yes, provisions are made to provide information to youths who are impaired, disabled or do not speak English.**
- Number of suicides 2015 to 2016. **None.**
- Number of attempted suicides 2015 to 2016. **Unknown, none reported.**

- Number of deaths from other causes 2015 to 2016. **None.**
- Numbers of escapes 2015 to 2016. **None.**
- Date of last fire/emergency drill. **Conducted monthly.**

### Staffing

- Is there enough staff to monitor youths? **Yes, youths are monitored by Probation Correction Officers (PCO's) along with the use of Closed Circuit Television Security System. Cameras monitor and record youth activities and interactions with other youths and staff 24 hours a day, 7 days per week. In order to maintain privacy, Closed Circuit Cameras are not located in restrooms, showers or youth's sleeping rooms.**
- What is number of funded positions? **139 full time staff. Ratio: 1 supervision staff to 10 youths. (5 female Probation Corrections Supervisor I, and 3 female Probation Corrections Supervisor II).**
- How many vacant positions are there? **Eight vacancies.**
- Does staff communicate in language that a youth can understand? **Yes, provisions will be made to provide information to youths who are impaired, disabled or do not speak English.**
- Diversity of staff. **Very diverse.**
- Impression of staff. **Professional and knowledgeable.**

### Programs

- Educational Programs? **Every youth entering a Juvenile Detention and Assessment Center is provided a quality educational program that includes instructional strategies designed to respond to the different learning styles and abilities of students for K-12 grade. School has 14 full time teachers. Teaching staff work closely with each youth's former high school to earn him/her a high school diploma.**
- Self Help Programs? **Yes, drug and alcohol.**
- Drug Treatment Programs? **Volunteer and/or court mandated drug and counseling programs available to all youths.**

- Work Programs/Vocational Programs? **Regional Occupational Program (ROP) career technical training.**
- Religious Services? **Yes, the Religious Services Coordinator maintains oversight of all religious activities within each facility and along with the Chaplains, assigns religious volunteers to provide services to youths. Religious Volunteers in Probation have passed a background check and have been trained and approved by the Religious Services Coordinator or Volunteer Coordinator. Religious services Wednesday and Sunday open to all youths.**
- Exercise:
  - Is it inside or out? **On a daily basis, unit programs and activities are scheduled by staff, which includes indoor activities-approved television/radio programs, video games, board games/card games, art activities, reading material, indoor games, letter writing, phone calls and outdoor activities-basketball, kickball, soccer, calisthenics.**
  - How frequently is it offered? **Youths participate in recreational or exercise activity for a minimum of 3 hours a day, and up to 5 hours a day on weekends, providing behavior is appropriate.**

### **Telephone**

- Do youths have access to telephones? **Yes, youths are allowed access to the unit/staff telephone ONLY to contact their Probation Officer or Attorney. Youths may contact family or others on the unit's collect-only telephones.**

### **Correspondence**

- Is there limited free postage for youths without money? **There is no limit on the volume of mail you may send or receive. Youths will be provided with pencils, paper, envelopes, and staff will ensure that sufficient time is set aside to write letters. Correspondence is not permitted between probation facilities. Letters to other correctional facilities are permitted to immediate family members, but only with written approval from both facilities.**

- Incoming/outgoing – are youths aware that mail can be read? **Yes, prior to mail leaving the facility, staff will ensure that mail is properly addressed, not sealed, no slogans or symbols shall appear on the outside of an envelope.**
- Confidential correspondence – letter to attorneys, legislators, etc., - how is it handled? **Staff without reading, screen for contraband in front of youth.**

### Visiting

- Is there adequate space, convenient times or accommodations to family's work schedule, etc.? **Visiting days and times are specifically scheduled for each unit. Daily Visiting is for 2 hour durations from 9:30 a.m. - 11:30 a.m., 2:30 p.m. - 4:30 p.m., and 6:00 p.m. - 8:00 p.m.**
- Are there provisions for special visits with attorneys/clergy? **Right to contact your attorney by telephone, during business hours (8:00 a.m. to 5:00 p.m.) Monday through Friday. Once the religious/spiritual leader has been cleared at the request of the youth, the approved visit will be scheduled.**
- Does staff supervise visits? **Visits will be supervised by Probation Correctional Officer at all times.**
- Do all juvenile inmates have access to visiting? **Yes, regular visits with Parents, Grandparents, and Legal Guardians.**

### Grievances

- What are the most common types of grievances filed by youths? **Varies, youths can grieve anything.**
- Is there a record kept based on type and number? **Yes, Superintendent reviews all grievances.**
- What is the grievance process? **Grievance forms available in each housing unit. Youths have the right to file a grievance if any staff has violated the youth's rights in the facility, or living conditions, medical, food, religious issues and/or school issues. After completing a grievance form, a Probation Correction Officer will attempt to resolve the issue within 4 days. If the issue remains unresolved, a Supervisor will review the grievance and make a determination. If still not satisfied with the**

**outcome, a request for an appeal will be sent to a facility administrator. The San Bernardino County Superintendent of Schools, not probation, would address grievances involving school state or conditions.**

### Meals/Nutrition

- The kitchen area – Is it clean? **Yes.**
- Are meals served in the cell? If not where? **Meals are prepared in the kitchen and then delivered to each pod. Youths eat in common dining area in each of the pods.**
- Are youths permitted to converse during meals? **Yes.**
- Length of time allowed for eating? **A minimum of fifteen minutes shall be allowed for the actual consumption of each meal.**

### Health

- Medical Services and Dental Services:
  - How frequently is medical/dental staff onsite? **A Correctional Nurse is available 24 hours, 7 days a week. Chief Medical Officer regular hours Monday, Wednesday, and Friday and also on call 24 hours a day for emergencies. Dentist regular hours every other Thursday. Optometrist regular hours every other Thursday.**
  - How long do youths wait to be seen? **Youths sign up for sick call to be seen by the Correctional Nurse within the same day at the clinic.**
  - Is a physician/dentist available by phone or come inside? **Doctor and Dentist on call.**
  - What type of onsite health facility is available to youth? **Medical clinic that provides medical services for sick call, dental services, and optometry.**
- Mental Health Services:
  - How frequently is mental health staff onsite? **24 hours, 7 days a week.**
  - How long do youths wait to be seen? **Youths may at any time request counseling services if experiencing an emotional crisis, feeling sad, wanting to hurt himself/herself, are depressed, or cannot emotionally adjust to a detention setting. Youths will be referred to FAST (Forensic Adolescent**

Services Team) for services. FAST will see the youth immediately, within 24 hours, within 48 hours, or within 14 days based on the level of care required.

- What is the process to handle mentally challenged youths? **Youth self-referral or staff referring youth for mental health/counseling treatment.**
- Is there special housing and staff training? **Yes, all staff trained to recognize need to refer youth for Mental Health services based on youth's stress, anxiety, etc.**
- Are there Contracted offsite Hospitals, Dental clinics? **Appointments or treatment may be completed at the Medical Clinic, Arrowhead Regional Medical Center (ARMC), Loma Linda University Medical Center, Dental provider, or by referrals to youth's private medical physician.**
- How are juvenile inmates transported to off-site facilities? **Youths are transported in transport vans by Probation Correction Officers for non-emergency appointments or ambulances for emergencies.**
- How is security handled? **Emergency and non-emergency appointments/treatment, youths are placed in physical restraints typically waist and leg restraints unless medical restrictions and accompanied by Probation Correctional Officers.**

### Site Tour

Note the following items as you tour the facility:

- Condition of the exterior and interior of the building noting graffiti, peeling paint, unpleasant odors, or other signs of deterioration. **Very well maintained clean facility with no signs of graffiti.**
- Condition of the grounds, exercise areas, playing fields, and exercise equipment. **Green and clean.**
- General cleanliness of the facility including windows, lighting, lockers, desks, conditions of the mattresses, bedding and pillows. **No broken or cracked windows. All areas well lit. Lockers, desks, and tables all in excellent condition. New mattresses with pillows part of mattress.**
- Condition of sleeping room door panels. **Clean.**

- Temperature of living units. **Air conditioned, comfortable temperature.**
- Safety and security issues including fencing, outdoor lighting, location of the weapons locker. **No safety or security deficiencies noted.**
- If a court holding area is present in the facility, ensure access to toilet and drinking water. **Not applicable.**

**INTERIOR OF BUILDINGS** (walls, paint, floors, drains, plumbing fixtures working, air vents, windows). **Clean and well maintained. Noted some sign of discoloration (black soot) around air vent.**

- Are cleaning fluids and chemicals labeled and safely stored? **Yes, youths do not have access to cleaning fluids or chemicals unless under direction supervision of Probation Correction Officer.**
- Weapons locker present. **Yes, for staff, no youth access.**
- Recreation/sports equipment. **Basketball courts.**
- Are the hallways clear, are doors propped open or closed? **Hallways clear, doors not propped open. Doors closed.**
- Holding areas (cells/rooms) – (if present), is there access to drinking water and toilet? **Rooms have toilet and sink.**
- Are there individual cells/rooms, or dormitories? **Most two-person rooms, a few one-person rooms.**
- Beds – Type of bed and is it off the floor? **Two-person room: lower bunk-concrete slab with mattress and upper bunk-solid metal frame with mattress. Single room: concrete slab bed off the floor with mattress.**
- Adequate lighting. **Yes, all areas well lit.**
- Temperature. **Air conditioned, comfortable temperature.**

#### **INDIVIDUAL CELLS/ROOM**

- Condition of walls. **Clean and well maintained.**
- Personal possessions allowed in cell/room (Art, Books, Etc.). **Limited property.**

- Graffiti present. **No.**
- Ample bedding. **Yes, pillow part of mattress.**

#### **PERSONAL APPEARANCE OF JUVENILE INMATES**

- What is the appearance of juvenile inmates (dirty, unkempt, well groomed, etc.)? **Youth observed clean and well groomed.**
- Showers – frequency, privacy, maintained. **Clean and well maintained, with swinging shower door for privacy.**
- Are there any reported assaults by youth on youth? **Occasional fights.**
- Condition of clothing (does the clothing fit; is it appropriate for the weather, etc.)? **Clothing appears appropriate.**

## OVERSIGHT OF SAN BERNARDINO COUNTY CHARTER SCHOOLS

### BACKGROUND

Statistics from the Charter Authorizers Regional Support Network reveal that, "In the 2015-2016 school year, California had 1,228 operating charter schools representing almost 12% of California public schools and serving 572,752 students, or 9% of California's public school children." The Parent Empowerment Law (also known as the "Parent Trigger") signed in January 2010 allowed parents to change the administration of a school into a charter school. Charter schools have authorizing agents such as local school districts, a county, or the State of California. In San Bernardino County, Desert Trails Elementary was originally part of Adelanto Elementary School District (AESD). Education Code Sections 53300-53303 established the Parent Empowerment Act. Parents of pupils in persistently low-achieving schools had a choice of four interventions: the turnaround model, restart model, school closure, and transformation model. Petitions were signed by parents or legal guardians of at least one-half of the pupils attending Desert Trails Elementary. Parents formed Desert Trails Parents Union and sought proposals for new schools from several charter operators. The Desert Trails Parent Union selected Desert Trails Preparatory Academy which had the same charter school administration as Laverne Preparatory Academy in Hesperia, California.

Desert Trails Preparatory Academy (DTPA) signed a Charter Facilities Agreement with Adelanto Elementary School District June 26, 2013, and existed three years under the oversight of AESD. November 30, 2015, AESD passed Resolution 15-16-09 and denied the petition to renew. DTPA petitioned and was approved as a charter school from the San Bernardino County Office of Education which is the authorizing agency of DTPA. Oversight for DTPA in 2016-2017 is through the San Bernardino County Superintendent of Schools (SBCSS). DTPA continues to exist as a charter at the same school location it has occupied since 2013. The Grand Jury also studied Norton Science and Language Academy (NSLA) in San Bernardino. NSLA has been under SBCSS supervisory oversight for ten years as a charter school.

Other charter schools in San Bernardino County have garnered attention in local newspapers after being the focus of critical audits conducted by the Fiscal Crisis and Management Assistance Team. When local districts for those charter schools have withdrawn support and not renewed the charters, the charter schools have sought to enter the supervisory oversight through SBCSS. The possibility of the San Bernardino County Office of Education having supervisory oversight for more than two charter schools is increasing as more districts are not renewing charter schools including Oxford Preparatory Academy in Chino Hills and Hope Academy in Morongo. The San Bernardino County Office of Education denied the charter petition from Oxford Preparatory Academy.

Since more charters may eventually come under the auspices of the SBCSS, the Grand Jury focused on the role that the SBCSS serves in supervisory oversight of charter schools. Consequently, the Grand Jury focused on Desert Trails Preparatory Academy (DTPA) and Norton Science Language Academy.

The Grand Jury elected to conduct an investigation under the authority of Section 933.5 of the Penal Code.

## **METHODOLOGY**

Members of the San Bernardino Civil Grand Jury conducted interviews with a SBCSS administrator and other personnel. Interviews were held several times throughout the six month study. Interviews were held with representatives from Adelanto Elementary School District representing administration and the central office staff. Grand Jurors attended a board meeting for one charter school, DTPA, and two board meetings for the other charter school, NSLA. Board meetings were held at the school sites so Grand Jurors examined the facilities to see if Ralph M. Brown Act requirements were met at the meeting site. The Ralph M. Brown Act Government Code Sections 54950-54962 provide information to governmental boards regarding notification of meetings, agendas, and minutes. Documents requested and received included the Charter Facilities Agreement between AESD and DTPA and the Memorandum of Understanding

Regarding Charter School Oversight and Operations between SBCSS on behalf of the San Bernardino County Board of Education and Desert Trails Preparatory Academy. Other documents obtained included a Charter School Facility Inspection dated August 9, 2016, for DTPA and a copy of the Final Award 01-16-0000-7169 reached by the American Arbitration Association Commercial Arbitration Tribunal between Claimant Desert Trails, Inc. and Respondent Adelanto Elementary School District Board of Trustees, the Governing Body of the Adelanto Elementary School District. DTPA staff provided repair invoices for high priority facility items that needed to be repaired. In addition, the Grand Jury studied specific provisions of the California Education Code regarding charter schools.

## **FACTS**

Grand Jury members visited three charter schools and attended three board meetings. The three charter schools visited included locations previously used by the local school district as well as a charter school built from charter school funds. A Charter School Facility Inspection form for DTPA was conducted as an initial facility inspection on August 9, 2016, when the SBCSS initially began serving as the oversight agent (Attachment 1). The visit resulted in a ranking of six high priority items, two medium priority items, and seven low priority items. The six high priority items included one active class without a functioning air conditioner, another classroom without a functioning air conditioner, and major trip hazards through and around the basketball courts. Other high priority items included exposed landscape fabric causing a trip hazard due to depleted wood chips, violations in the sand play area with a cracked slide and holes in the rubberized play surface, and the lack of a handicap ramp to the upper number 700 building which is accessible only by three stairs (Attachment 2).

The Charter Facilities Agreement by and between Adelanto School District and Desert Trails Preparatory Academy dated June 26, 2013, states in the Section 9 Recital titled Maintenance, "The District shall be responsible for the major maintenance of the Site. For purposes of this section, 'major maintenance' includes the major repair or replacement of plumbing, heating,

ventilation, air conditioning, electrical, roofing, and floor systems, exterior and interior painting, and any other items considered deferred maintenance under Education Code Section 17582." Routine maintenance and minor repairs are the responsibility of the charter school.

The Condition of Property Section 11 of the Charter Facilities Agreement states, "The District shall remain responsible for all legal compliance with, for example, the Americans with Disabilities Act (ADA), Fair Employment and Housing Act, environmental laws, and other applicable building code standards, for any condition of the Site or existing compliance issue prior to the date of the charter school's occupancy of the Site." Conditions of schools were noted when the *Eliezer Williams, et al. v. State of California, et al* ("Williams Case") was filed as a class action lawsuit in 2000 against the State of California and state education agencies, including the California Department of Education. The *Williams Case* settled in 2004 with funding to provide equal access to instructional materials, safe and decent school facilities, and qualified teachers. When Adelanto Elementary School District had oversight responsibilities for Desert Trails Elementary, the SBCSS noted ADA compliance issues with the stairs accessing the 700 Building when SBCSS conducted inspections for the *Williams Case*. Stairs violated ADA requirements as stairs deny access for people with mobility issues.

DTPA has paid independent companies to complete repairs when AESD did not respond in a timely manner to major maintenance repair requests (See Attachments 3 – 6). Names are redacted in compliance with a court order. Attachment 3 – Vern's Glass \$2,110.77 – \$1,000 paid by DTPA and insurance paid \$1,110.77; Attachment 4 – Ace's Heating and Air Conditioning 8/15/2016 \$750; Attachment 5 – Ace's Heating and Air Conditioning 9/2/2016 \$2,300; Attachment 6 – Santiago Roofing 3/8/2017 \$140.

When AESD denied DTPA's petition for renewal for 2016-2017, AESD believed that DTPA would be seeking other facilities to use. DTPA planned to remain at the same school location. To reach a solution regarding use of the school location, legal counsel for each entity agreed to select one arbitrator from a list of ten arbitrators. American Arbitration Association of the Commercial Arbitration Tribunal was selected and a three-day hearing was conducted on

July 5, 6, and 7, 2016. The Final Award 01-16-0000-7169 stated "Under the Charter Facilities Agreement, Desert Trails Preparatory Academy has the right to exclusive use of the school site located at 14350 Bellflower Street in Adelanto, California for the full duration of its Charter, including through the current term of the Charter, any renewed terms of the Charter, and any appeals related to the renewal of DTPA's Charter." So even though DTPA is no longer under the chartering authority of AESD, the District needs to comply with the Charter Facilities Agreement it signed with DTPA on June 26, 2013.

Education Code 47604.33 charges each charter school to prepare and submit reports to its chartering authority. These reports include first and second interim financial reports. The Grand Jury noted interim financial reports appeared on the Board agenda of both charter schools, DTPA and Norton Science and Language Academy; the NSLA January 2017 Board Meeting and the DTPA Board meeting in March 2017 reviewed the topic. The two schools for which the SBCSS serves as the supervisory oversight agency are complying with Education Code 47604.33 on those issues.

The Charter Facilities Agreement Section 8 Utilities states, "Charter school shall be solely responsible for the cost of utilities used or consumed by the charter school on the site..." The note on the Work Order stated: "City of Adelanto water department suspects that there is a leak on campus. We need someone to come out and assess the problem." The staff at DTPA submitted Work Order 22305 on 9/14/2016 and by 2/22/2017 little progress was made on the repair. At the December AESD Board Meeting, it was reported in the public comment time that water consumption for a six-month period at DTPA showed twice as much consumption as in a previous six-month period. If the major repair or replacement of the valve had occurred in a timely manner by AESD, funds that would have been spent on the scholars and their educational programs would not have been expended on wasting water during a multi-year California drought.

Another major repair issue on air conditioning was noted. Work Order 22305 was originally submitted May 20, 2016, for Room 31. The second date on the Work Order was July 5, 2016. Charter School Oversight from SBCSS is found in Education Code Section 47613 (a). "A chartering authority may charge for the actual costs of supervisorial oversight of a charter school not to exceed 1 percent of the revenue of the charter school." The exception is found in Education Code 47613 (b): "A chartering authority may charge for the actual costs of supervisorial oversight of a charter school not to exceed 3 percent of the revenue of the charter school if the charter school is able to obtain substantially rent-free facilities from the chartering authority." NSLA paid \$70,000 to SBCSS as noted in the financial reports provided at the Board meeting in January 2017 which is one percent of its revenue.

Education Code Section 47604.32 charges each chartering authority to identify at least one staff member as a contact person for the charter school. The SBCSS charter liaison provides multiple services to the two charter schools, DTPA and NSLA, for which the County has supervisorial oversight. While Education Code 47604.32 requires the liaison to visit the sites only once a year, the liaison has made significantly more visits. The liaison provides to the site a written response for each visit to report its compliance including Ralph M. Brown Act regulations, board agendas, minutes, and board information packets. The liaison's visit can be announced or unannounced. The SBCSS charter liaison participated in the initial facility inspection of DTPA on August 9, 2016, along with a team from SBCSS. The liaison serves as one of six leaders on a statewide organization overseeing charter schools due to a breadth of knowledge. The liaison helped DTPA achieve more consistent Internet access in 2016 with the installation of additional switches so the school would not have the same connectivity issues it experienced during state testing in 2015. The scholars had to restart the online state test repeatedly when computers lost Internet access. The liaison was offered an opportunity to participate in interviews for CEO for the Academy for Academic Excellence, of which NSLA is associated, but declined due to the liaison's perceived conflict of interest.

Governance of DTPA and SBCSS is covered in Section H of the Memorandum of Understanding between SBCSS on behalf of San Bernardino County Board of Education. Information that must be posted on the charter's website includes the Articles of Incorporation and Bylaws, roster and biographies of current governing Board members, and an annual calendar of governing Board meetings, including a description of how parents and community members will be notified of meetings. Governing Board meetings of Desert Trails, Incorporated must be conducted in compliance with the requirements of the Ralph M. Brown Act. The March 2017 Board meeting was held in a classroom that could only be accessed by climbing stairs and therefore did not meet ADA requirements for the meeting site. A review of the Desert Trails' website in late May 2017 showed that biographies of current governing Board members were not available and a description of notifications for meetings was missing. Approved Board minutes from previous meetings were not available on DTPA's website as of May 30, 2017. Two current Board members of DTPA are employees of Laverne Preparatory Academy, which has the same charter school administration as DTPA. These two members will finish their current terms ending on June 30, 2017. The two new Board members for 2017-2018 should not be family members or officers of either DTPA or Laverne Preparatory Academy, and should not have a financial interest in the charter school according to the Memorandum of Understanding (MOU) between SBCSS and DTPA approved May 9, 2016, and May 12, 2016. According to the MOU, the Governing Board of Desert Trails, Incorporated shall have a parent member seat on the Board at all times. While a parent is currently represented on the Board, Grand Jurors did not see the representative present at the March 2017 meeting. The Grand Jury did not see parents or community members present at the March Board meeting. Little notice was available on the Desert Trails' website regarding the meeting. Grand Jurors noted a lack of available child care for non-school age children during the meeting time.

Parent representatives serving as Board members on the Norton Science and Language Academy Board attended both Board meetings that Grand Jurors attended in January 2017 and March 2017. One topic on the Board meeting for the Lewis Center for Educational Research, the parent organization for NSLA, was the focus of the Board's meeting time. Administration reported that

teachers have complained that they could not attend due to the 7:00 AM starting time. This conflicted with their teaching responsibilities in their classrooms. Grand Jurors noticed the length of the Board meeting which lasted longer than four hours.

## **FINDINGS**

F1: DTPA does not meet ADA requirements for an accessible campus as the Grand Jurors observed at the March 2017 Board meeting.

F2: DTPA has major maintenance issues regarding its site.

F3: AESD has not complied with its Charter Facilities Agreement with DTPA regarding major maintenance.

F4: DTPA does not utilize its website for required postings of information regarding biographies of Board members, of the Articles of Incorporation or the Bylaws, and of the approved minutes of previous meetings.

F5: NSLA does not utilize its website for required posting of approved meeting minutes within five days of their approval according to requirements of the Ralph M. Brown Act.

F6: Ralph M. Brown Act provisions regarding the posting of approved minutes on the charter school's website, and holding Board meetings in an ADA accessible meeting room, are not complied with during and after Board meetings at DTPA.

F7: SBCSS as the supervisory oversight agent for DTPA and NSLA provides extensive services from its charter liaison to each charter it oversees.

F8: A cooperative relationship exists between the charter liaison and the two charters.

F9: A cooperative relationship between DTPA and AESD was breached when an outside arbitrator was needed to resolve issues regarding school site usage.

F10: DTPA has paid for major maintenance repairs when Adelanto Elementary School District should have paid per the MOU of June 26, 2013.

F11: At charter school Board meetings scheduled in January 2017 for NSLA and in March 2017 for DTPA, NSLA had few teachers present and DTPA had none.

F12: Parents attending Board meetings at NSLA and DTPA were limited in number and usually were the ones serving as Board members.

F13: The charter school liaison exceeds the minimum number of charter school visits which is one per school year.

F14: Work orders are prioritized by AESD but not repaired accordingly.

## **RECOMMENDATIONS**

17-27: Update charter school websites at Desert Trails Preparatory Academy and Norton Science and Language Academy with approved minutes of Board meetings within the Ralph M. Brown Act required five-day window following each Board meeting.

17-28: Update charter school websites on an annual basis to include a list of Board members and their biographies. Include information and forms regarding enrollment.

- 17-29: Schedule charter school board meetings at times that are convenient for Board members, parents, and teachers to attend. Anticipate meeting the needs of parents who bring non-school age children.
- 17-30: Provide major maintenance repairs at Desert Trails Preparatory Academy on a timely basis.
- 17-31: Continue providing more than the required one visit a year from the charter liaison who has a broad understanding of charters.
- 17-32: Communicate among school district administration, charter school administration, the County school personnel, and central office staff when there are issues regarding oversight and operations.
- 17-33: Prioritize work orders received by Adelanto Elementary School District by ranking the repairs needed and repair accordingly.
- 17-34: Report by the liaison on the high priority facility repairs made on the Desert Trails Preparatory Academy Charter School Facility Inspection Form dated August 9, 2016, to the San Bernardino County Office of Education which serves as the authorizing agency.
- 17-35: Compensate Desert Trails Preparatory Academy for major maintenance repairs paid by the school because Adelanto Elementary School District is responsible for major repairs according to the Charter Facilities Agreement of June 26, 2013.

<b><u>AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DUE DATE</u></b>
San Bernardino County Superintendent of Schools	17-27 through 17-29 & 17-31 through 17-32 & 17-34	9/1/2017
Adelanto Elementary SD	17-30 & 17-33 & 17-35	10/1/2017

# **Attachment 1**

**DTPA Site Visit Report  
August 9, 2016**

**PRIORITY ORDER**

● **HIGH PRIORITY**

**Rooms 26 & 36**

**Air Conditioners not working (One has active class)**

**Rooms 25, 36, 37, 38**

**Broken Windows**

**Outside Basketball Courts**

**Multiple large cracks running directly through and around basketball courts/ Major Trip Hazard  
Drainage Problems – Landscape Areas drain directly on to basketball courts and play area  
(no standing water at time of pictures as that particular day was not a watering day).**

**Play Structure**

**Wood Chips have been completely depleted / Exposed Landscape Fabric causes trip hazard**

**Sand Play Area**

**Slide is Cracked**

**Holes is rubberized play surface**

**No Handicap Ramp or designated path of travel to upper 700 buildings – Only path of travel is over broken asphalt of basketball court through locked back gate.**

● **MEDIUM PRIORITY**

**Boys Restroom**

**Urinal broken from wall / Needs remounted (Pic 3884)**

**End toilet furthest from entry door / Bolt needs cut and capped for safety (Pic 3885)**

**Toilet Cracked/ Needs Replaced / Bolt needs cut and capped for safety**

**Exhaust Fans Not working**

**Girls Restroom**

**Lighting Fixture Not Working (Most likely burned out ballast) – Is emergency Back Up Light**

**Exhaust Fans not working**

● **LOW PRIORITY**

***MPR***

**Wallpaper is damaged or missing in multiple locations / Poor Wall Patches**

**Stained Ceiling Tile center of room (Leak has been repaired)**

**Small cracks in floor tile along foundation seam**

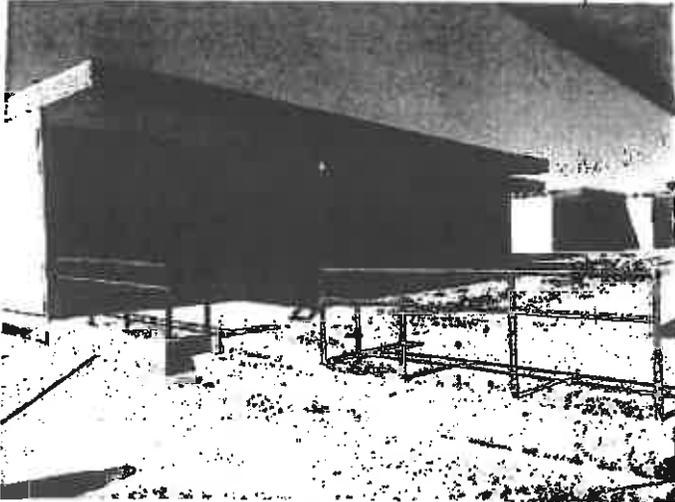
## **Attachment 2**

**Desert Trails Preparatory Academy  
Facility Inspection Pictures  
August 9, 2016**

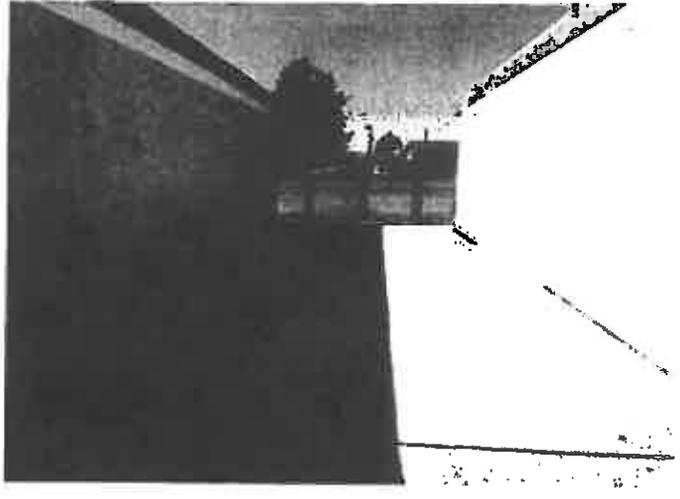
**HIGH PRIORITY ITEMS**

**No handicap ramp or designated path of travel to upper 700 buildings. Only path of travel is over broken asphalt of basketball court through locked back gate.**

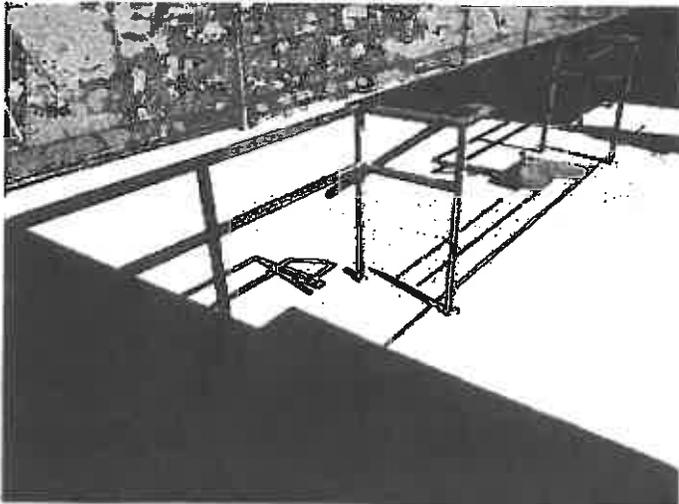
**Picture 3913**



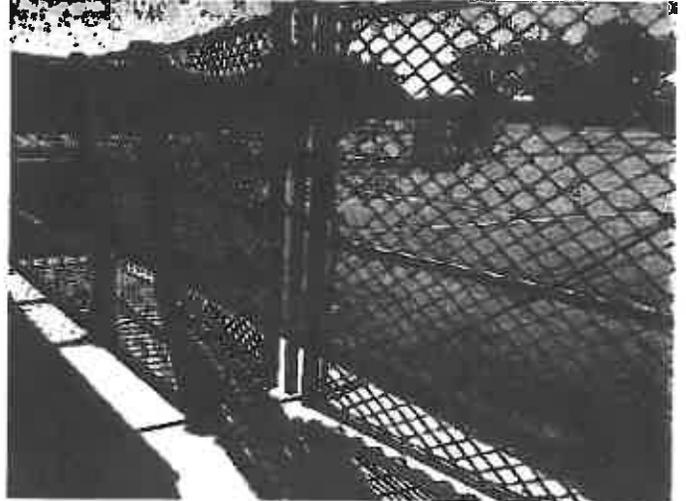
**Picture 3917**



**Picture 3914**



**Picture 3918**



## **Attachment 3**



Bill To

DESERT TRAILS ELEMENTARY  
 DEBRA TARVER  
 PO BOX 400880  
 HESPERIA, CA. 92345

Remit To:  
 P.O. Box 368  
 Victorville, CA 92393

Phone # 760.211.1111  
 Fax # 760.211.7631

vernsglass.com  
 08/22/2016

Ship To

14350 BELLFLOWER ST  
 ADELANTO, CA 92301

# Invoice

Date	Invoice #
8/22/2016	17002
S.O. No.	

Customer Phone	Customer Contact	Customer Alt. Phone	P.O. No.	Terms
760-530-7680-				

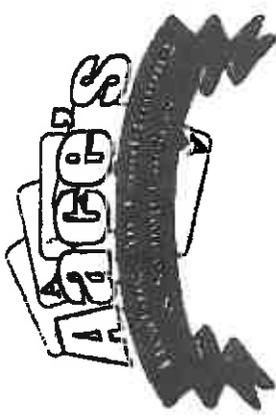
Quantity	Description	Each	Amount
1	5/8" OA DUAL UNIT 1/8" BRONZE/CLEAR-TEMPERED WITH DARK SPACER 33-7/8" X 42-3/4"	172.48	172.48T
1	5/8" OA DUAL UNIT 1/8" CLEAR/CLEAR-TEMPERED WITH DARK SPACER 33-7/8" X 42-3/4"	151.04	151.04T
3	5/8" OA DUAL UNIT 1/8" DARK GRAY/CLEAR-TEMPERED WITH DARK SPACER 47-3/8" X 46-3/8"	396.10	1,188.30T
	TRIP CHARGE AND INSTALLATION	478.00	478.00

**THIS IS A CUSTOM ORDER! BY PLACING THIS ORDER YOU UNDERSTAND THERE ARE NO RETURNS OR REPLACEMENTS ON CUSTOM ORDERS AND ALL SALES ARE FINAL! PLEASE BE SURE TO UNDERSTAND YOUR ORDER BEFORE PLACING IT!**  
 All balances must be paid in full at the time of delivery and/or completion unless terms have been agreed upon prior. Payments not received within 7 days of due date will be subject to 18% APR finance charges and a late fee of 25.00 or 5% outstanding balance, whichever is higher. Accepted payment methods are cash, check, money order, Discover, Visa and Mastercard.

<b>Subtotal</b>	\$1,989.82
<b>Sales Tax (8.0%)</b>	\$120.95
<b>Total</b>	\$2,110.77
<b>Payments/Credits</b>	-\$2,110.77
<b>Balance Due</b>	\$0.00

## **Attachment 4**

1-800-535-8071  
 1-760-983-4342  
 1-909-829-5027



LIC. # 918878  
 BONDED • LICENSED • INSURED  
 COMMERCIAL • RESIDENTIAL

15203

Name: Dee Cat Triste Date: 8/15/11  
 Job at: Kelliflauer Tech: [Redacted] Inst: [Redacted]  
 City: Adelanto Zip: 91701 P.O. # [Redacted] Auth. # [Redacted]  
 Telephone: (760) 810-2258 Email: [Redacted]

DESCRIBE FULLY: Nature of work done and specify exact location of each fixture of repair made. Continue on reverse side if necessary.

DESCRIPTION	AMOUNT
Replace 208-230 Voltage blower motor, hook-up electrical components, run cap.	
Replace Signal cap for water connect all together	
Add from to system	
<i>paid</i>	
Flat Rate	
Truck Stock	
Service Call	
Total Job	
Less Discount	
Amount Due	<u>7.50</u>

TERMS:  CASH  CHECK # 131  
 CREDIT CARD  
 C.D.I. # \_\_\_\_\_ EXP \_\_\_\_\_  
 CARD # \_\_\_\_\_  
 PIN: AUTH# \_\_\_\_\_ EXP \_\_\_\_\_  
 REF # \_\_\_\_\_ AMT \$ \_\_\_\_\_  
 Signature \_\_\_\_\_

WORK AUTHORIZATION  
 TO PROCEED WITH THE ABOVE REPAIRS/REPLACEMENTS, I, the undersigned, am authorized representative of the premises at which the work mentioned above is to be done. I hereby authorize you to perform Diagnostic Service, and to use such labor and materials as you deem suitable. If payment is not made in the agreed manner, a monthly service charge of 1.5% will be added after 30 days. If your check bounces, you could be liable for three times the amount of the check or \$100.00, whichever is more, plus the face value of the check and court costs. I have read, agree to and have received a copy of the contract and Notice to Pay on reverse side.  
 All parts removed will be discarded unless otherwise specified.

Signature of Customer: [Redacted] Amount: 7.50

ACCEPTANCE OF WORK PERFORMED - I find service and materials rendered and installed in connection with the above work mentioned to have been completed in a satisfactory manner. I agree that the amount set forth on this contract is the open balance DEDUCTED by the total final bill including change.

Acceptance Signature: [Redacted]

## **Attachment 5**



## **Attachment 6**



## **REQUEST FOR PROPOSAL FOR THE INDIGENT ADULT APPOINTED REPRESENTATION SERVICE CONTRACT**

### **BACKGROUND**

The Grand Jury examined the policies and procedures used by the County of San Bernardino's Purchasing Department. Specifically, the Grand Jury examined the process that was used for the Request for Proposal (RFP) for the Indigent Adult Appointed Representation Service Contract No.: CRT114-COURT-0733. Since the contract was awarded in 2014, it has been the subject of several newspaper articles.

This contract was announced for proposal in September 2013 and approved on March 11, 2014, by the Board of Supervisors (BOS) in an amount not to exceed \$8,000,000 annually and \$20,000,000 total over the 30-month term of the April 1, 2014, through September 30, 2016, with two additional one-year options if in the best interest of the County.<sup>1</sup> The first of the two options for extending the contract was approved in April 2016 for the period of October 2016 through September 2017.<sup>2</sup> The second option of the contract is expected to be extended for the final one-year option in June 2017.

The County Administrative Office (CAO) had the responsibility to complete the RFP for this contract by utilizing a “template” that was provided by the County’s Purchasing Department. The final RFP totaled 40 pages of information. The Grand Jury focused on the following areas of that RFP:

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<sup>1</sup> Report/Recommendation to the Board of Supervisors San Bernardino County, California and Record of Action dated March 11, 2014

<sup>2</sup>Copy of letter sent to current contract holder from Purchasing Department dated April 14, 2016

- **Purpose** (RFP page 3, Section 1, Part A)
- **Overview of Selection Process** (RFP page 3, Section 1, Part B)
- **Payment Provisions** (RFP page 11, Section C)
- **Evaluation Criteria** (RFP page 29, Section VII, Part B)

In September 2013, the CAO forwarded the completed RFP to the County Purchasing Department. The Purchasing Department was responsible for the process from the announcement to the awarding of the contract. The Purchasing Department assigned a Buyer to this specific RFP whose duties included:

- Review the RFP to make sure it was completed correctly and met the policies and procedures of the department
- Set up the bidding process (included the posting online and mailing of letters)
- Verify the bid packets were completed as required
- Work closely with the assigned analyst from the CAO in the selection of the evaluation panel members
- Compile the evaluation scores into a spreadsheet
- Contact all RFP proposers with the decision regarding the contract award
- Issue the Intent to Award which allows appeals to be filed before the actual contract has been approved and awarded
- Attach contract to the Board of Supervisor's agenda and forward to CAO for submission to the Board of Supervisors for final approval

The Grand Jury conducted the investigation under the authority of California Penal Code Section 925. The Grand Jury's Legal Advisor recused himself from providing any legal advice and attending any meetings in which this investigation was discussed. All advice and directions were provided by County Counsel.

## METHODOLOGY

The Grand Jury conducted interviews with management and staff from the following groups: Purchasing Department, County Administrative Office, County Counsel, a former County employee, and a proposer involved in this process. The Grand Jury reviewed policies, procedures, internal emails, bid proposals and additional documents related to the process.

## FACTS

**Purpose:** At the time the RFP was issued in September 2013, under "Purpose" it stated: "The current contracts, effective 2008, were awarded to private law firm administrators, and are set up by four non-overlapping regions that cover the entirety of San Bernardino County..."

- West Valley (Rancho Court District and the court district formerly serviced by the closed Chino Courthouse)
- East Valley (San Bernardino and Fontana Court Districts)
- North Desert (Victorville Court District and the court districts formerly serviced by the limited use Barstow Courthouse and the closed Needles Courthouse)
- East Desert (Joshua Tree Court District)

Historically, this type of contract had been awarded by region within the County of San Bernardino.<sup>3</sup> Interviews of those directly involved with this bid process were under the impression that the contract would continue to be awarded as it had been in the past, as four separate contracts. When the Notice of Intent to Award was issued, it was to one proposer and it included all four regions. After the Notice of Intent was issued, the Purchasing Department received two appeal letters from two of the six proposers. After analyzing the appeal letters, the Purchasing Department determined that there was no basis for the appeals and denied them.

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<sup>3</sup>RFP Page 3 Section A

The Grand Jury's interviews revealed inconsistencies as to what defines changes within this RFP that would have required a re-issue of a new RFP. If an appeal is filed and affirmed, then the Purchasing Department would go back and void the RFP and re-issue a new one. Those interviewed indicated that they were under the impression that the contract would continue to be awarded, as in the past, as four separate contracts.

**Overview of Selection Process:** A review panel composed of two judges from the San Bernardino County Superior Court, two attorneys from County Counsel and a representative from the CAO. They were responsible for the reviewing and scoring of the qualified proposals in all five categories (Capability and Resources, Company Reliability and/or Financial Resources, Professional References, Workplan and the Cost Evaluations). Prior to the panel members meeting, the representative from the CAO had withdrawn due to unavailability.

All proposers must provide the number of years they have been operating under the present business or law firm name, as well as prior business or law firm names.<sup>4</sup> Based upon the Grand Jury's interviews, it was stated that one of the proposers was not a legal entity based upon the information provided in its bid proposal. The Purchasing Department does not have any policies or procedures in place to validate that any businesses submitting a proposal is a legal entity.

**Payment Provisions:** The contractor shall be paid on a flat fee basis per case, per hearing, or per proceeding. Although the contract was awarded for \$8,000,000 annually, any funds remaining and not billed are returned to the County General Fund.

**Evaluation Criteria:** Proposals were subject to a review/evaluation process developed by the County's Purchasing Department. Proposers must meet the mandatory requirements as specified in the RFP. As stated in the RFP, "Failure to meet all these requirements will result in a non-responsive proposal that will be rejected with no further evaluation or consideration."<sup>5</sup>

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<sup>4</sup> RFP Page 3 Section D #2

<sup>5</sup> RFP Page 29 Section B #16

The Grand Jury was assured during interviews that the panel members' identities were kept confidential during this process. Prior to the panel members meeting as a group they had already reviewed the proposals and completed their portion of the scoring. As a group, they met behind closed doors for a portion of one day to review and discuss their scoring. After the panel members' meeting, all documents and notes were collected from the panel members by the facilitator to maintain the integrity of the process.

The evaluation members were provided with instructions on the scoring process that discussed wide variations in individual scoring. The purpose of these instructions was to avoid wide variations of scoring within the same categories.

The scoring was broken down into three categories with two of the categories assigned points <sup>6</sup>:

1. Initial Review: Pass/Fail  
This review was completed by the Purchasing Department.
2. Technical Review: 70 points  
This scoring was completed by the evaluation panel.
3. Cost Evaluation: 30 points  
This portion was initially reviewed and scored by the evaluation panel. When the Purchasing Department reviewed the scoring, they decided to utilize a set formula for all the proposers to obtain a more consistent scoring than that of the evaluation panel. The completed panel evaluations along with their suggested formula costs were forwarded to the CAO for final review and approval. The CAO also looked at different cost formulas and a decision was made to consolidate and award the contract to only one proposer to better meet the needs of the County of San Bernardino.

The Technical Review was broken down into four sub-categories and assigned individual points to equal 70 points:

1. Capability and resources to provide the required contract administration, fiscal recordkeeping, and audit compliance services, including credentials and experience of the proposed program administrator and job descriptions and qualifications of key administrative and fiscal personnel (10 points)

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<sup>6</sup> RFP Page 29-30, Section VII, B1-3

2. Company reliability and/or financial resources (5 points)
3. Strength of professional references that support the proposer's ability to administer a contract of this nature and scope (5 points)
4. The strength of proposer's workplan (50 points)

Documentation received indicated that the evaluation panel had completed and scored all the above categories including the Cost Evaluation. Based upon the Grand Jury's interviews it was stated that the contacting of the references was not completed by the evaluation panel members that this would have been completed by the Purchasing Department. The Grand Jury was not to obtain any supporting documentations as to who contacted the references or how the scoring of the references was reached by the evaluation panel or the Purchasing Department.

In reviewing the scoring completed by the evaluation panel, those interviewed were unable to explain to the Grand Jury why there were wide variations among the evaluators.

This chart provides only the areas in which the Grand Jury questioned the variations of scoring within the evaluation panel members:

	<b>Maximum Points</b>	<b>Evaluator A</b>	<b>Evaluator B</b>	<b>Evaluator C</b>	<b>Evaluator D</b>
<b>Proposer #1</b>					
Cost Evaluation	<b>30</b>	25	27	27	22
<b>Proposer #2</b>					
Capability and Resources	<b>10</b>	10	6	9	8
Company Reliability and/or Financial Resources	<b>5</b>	5	3	3	4
Professional References	<b>5</b>	5	3	4	4
Workplan	<b>50</b>	40	35	46	40
Cost Evaluation	<b>30</b>	20	21	25	25
<b>Proposer #3</b>					
Capability and Resources	<b>10</b>	2	8	7	8

Professional References	<b>5</b>	1	3	4	4
Workplan	<b>50</b>	15	40	40	30
Cost Evaluation	<b>30</b>	10	21	20	15
<b>Proposer #4</b>					
Capability and Resources	<b>10</b>	9	7	6	5
Company Reliability and/or Financial Resources	<b>5</b>	5	2	3	2
Professional References	<b>5</b>	4	3	3	3
Workplan	<b>50</b>	45	37	45	30
Cost Evaluation	<b>30</b>	25	22	28	25
<b>Proposer #5</b>					
Capability and Resources	<b>10</b>	8	7	9	7
Professional References	<b>5</b>	3	3	4	3
Workplan	<b>50</b>	40	36	45	25
Cost Evaluation	<b>30</b>	24	25	28	25
<b>Proposer #6</b>					
Professional References	<b>5</b>	2	2	3	2
Workplan	<b>50</b>	25	25	42	20
Cost Evaluation	<b>30</b>	20	16	28	25

Source: Summary Spreadsheet provided by the Purchasing Department.<sup>7</sup>

Concerns were expressed in regards to the potential conflict of interest since the County Counsel represents the county agencies by providing legal assistance and advice. When contracts are presented to the Board of Supervisors issues may arise with respect to the process in which they would seek guidance from County Counsel with the possibility they may have participated on that evaluation panel. Written policies of the Purchasing Department provides guidelines in determining the use of members from the County Counsel and the State of California's Superior Court Judges.<sup>8</sup>

<sup>7</sup>California Public Record Act

<sup>8</sup> Purchasing Department's Procurement Manual Page 15

During the Grand Jury's interviews, it was stated that the Purchasing Department is working on developing new training modules specifically for the RFP process.

## **FINDINGS**

F1: When the contract was awarded in March 2014, a decision was made to issue the contract to only one proposer to cover all four regions. The Grand Jury was informed that there was a catch-all statement within the RFP that authorized the proposal to be issued to either one region or to all four regions. When the interviewees were asked to locate this statement in the RFP, they were unable to do so.

F2: The Grand Jury determined that based upon interviews and the terms used within the purpose of this RFP, the proposers were led to believe that the contract would be awarded based upon past practices.

F3: The Grand Jury found that the statement including one or more regions, up to all four regions, was omitted from this RFP.

F4: Based upon the Grand Jury's interviews and documentation received, the Purchasing Department had no guidelines to define when a RFP should be re-issued.

F5: When the Grand Jury inquired why State's Superior Court Judges were included, it was stated that they would be in the best position to know the reputations of the attorneys submitting the bid proposals.

F6: The Grand Jury does not have jurisdiction to request interviews or obtain any documentation from the State's Superior Court Judges who served as two members of the panel.

F7: Two attorney from County Counsel served as members of this panel.

F8: No process was in place to validate the legal entity of the proposer.

F9: In reviewing the appeal letters, it was discovered by the Purchasing Department that one of the proposers was not a legal entity at the time the proposal was submitted.

F10: The justification of the scoring of references could not be validated as no documentation could be located.

F11: The Grand Jury noted that there were wide variations among the evaluators' scores within the same categories.

F12: The Purchasing Department is currently working on training modules that will include specific guidelines for issuing of RFPs.

## **RECOMMENDATIONS**

17-36: Clearly state on the RFP whether one region or all four regions will be considered for awarding a contract.

17-37: Follow written guidelines from the Purchasing Department when choosing panel members who evaluate proposals for RFPs.

17-38: Assemble stakeholders to determine who would best serve as evaluation panel members. Explore using representatives from other counties as potential panel members.

17-39: Require that each proposer submit a copy of a valid business license with its bid proposal.

17-40: Create a permanent tracking log that lists each step in the process, including who is responsible for each step and the date it was completed.

17-41: Use the median score to lessen the effect of the highest and lowest scores on the final score.

17-42: Implement training modules specific to the RFP process.

<b><u>AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DUE DATE</u></b>
Purchasing Department	17-36 through 17-42	10/1/2017

## **SAN BERNARDINO COUNTY FACILITIES, SITE SECURITY AND PUBLIC SAFETY**

### **BACKGROUND**

The Waterman Incident at the Inland Regional Center at 1365 South Waterman Avenue in San Bernardino on December 2, 2015, created an emergency under Public Contract Code Section 22050 (a) (1) which states: "In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, or supplies for those purposes, without giving notice for bids to let contracts."

The San Bernardino County Board of Supervisors (BOS) on December 7, 2015, in closed session, unanimously approved the use of County Code Section 14.0106, County Policy 11-04, and County Policy 11-05 to permit the Purchasing Agent to procure any goods, services, and equipment needed for the continued operation of the County, including but not limited to, contracts with other public agencies to provide aid.

### **METHODOLOGY**

The Grand Jury interviewed many County officials from Facilities Management-Real Estate Services and the Sheriff's Department. Documents were requested and reviewed from several sources to clarify the full scope of the BOS Emergency Proclamation 2015-228.

### **FACTS**

County officials realized the security and public safety of its citizens must be in the forefront of the County. This realization required immediate action to prevent and/or mitigate the loss or impairment of life, health, property, and essential services to the public. In response, on December 4 and December 7, 2015, the BOS issued an Emergency Proclamation determining the Waterman Incident to be an emergency with recommendations outlining the necessity of remodeling/renovating of four County buildings and facilities. Pursuant to Government Code

Section 8630 (c) "The governing body shall review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency." The Emergency Proclamation by the BOS included a criteria of security measures through assessments of the following County owned and/or leased buildings:

- County Government Center, 385 N. Arrowhead Ave., San Bernardino
- Old Hall of Records, 172 W. 3<sup>rd</sup> St., San Bernardino
- County Office Building, 8575 Haven Ave., Rancho Cucamonga
- Rancho Cucamonga Court House, 8303 Haven Ave., Rancho Cucamonga

The initial scope of the 2016-2017 Grand Jury was to investigate the four County owned/leased buildings. The Grand Jury learned that Phase One of the remodeling/renovating included eight buildings, so the Grand Jury expanded its focus from the initial four buildings to include all eight buildings.

The BOS aided in providing the needed funds to proceed with this project. The County allocated approximately \$10.2 million in funds toward improving security at County facilities. This allocation included \$8.2 million in immediate improvements to facilities, such as expanded security services, upgraded security cameras, key card access installations, and \$2.0 million to conduct a security assessment of all County facilities. Funds were allocated by the County Administrative Office from Discretionary General Funds included in the Capital Improvement Program to procure the equipment, services and supplies to advance the project. On February 12, 2016, a Request for Proposal (RFP) was released to secure on-call consultant services. On March 18, 2016, six responses were received to the RFP. The responses were reviewed by a Selection Committee comprised of a total of seven members from County Real Estate Services, the Sheriff's Department, Facilities Management, Risk Management and Information Services Department. Four of the six potential security consultants were invited to give oral presentations to the Selection Committee.

On May 24, 2016, the BOS approved agreements with both TRC Engineers and Guidepost Solutions not-to-exceed the amount of \$500,000 each. TRC Engineers, based in Irvine, was selected to conduct facility assessments and propose physical improvements to County facilities. TRC Engineers had experience in conducting facility assessments that would allow the County to plan its security needs. These assessments would cover physical security, interior/exterior security, access control, motion detectors, Closed Circuit Television (CCTV) surveillance, communications, and the placement of uniformed security personnel at the eight selected facilities. Guidepost Solutions, with an office in Los Angeles, was selected because it demonstrated the technical ability in employee training programs, project management, and specific physical improvement documentation to assist the County in executing the project.

On July 25, 2016, a Notice to Proceed was issued to TRC Engineers for initial assessments of the eight buildings. These buildings were selected as representative of typical County facilities.

- County Government Center, 385 N. Arrowhead Ave., San Bernardino
- Arrowhead Regional Medical Center – Medical Office Building, 400 N. Pepper Ave., San Bernardino
- Senior Center & Library, 1331 Opal Ave., Mentone
- High Desert Government Center, 15900 Smoke Tree St., Hesperia
- Transitional Assistance Department, 265 E. 4<sup>th</sup> St., San Bernardino
- San Bernardino County – Probation, 150 W. 5<sup>th</sup> St., San Bernardino
- Public Health – Annex, 340 N. Mt. View Ave., San Bernardino
- Ontario Preschool Services Department, 555 W. Maple, Ontario

The County formed an Internal Security Subcommittee to oversee all phases of the project. It is comprised of individuals from the Sheriff's Department, Information Services, and Real Estate Services. This Subcommittee is using methodology developed by the Department of Homeland Security (DHS) and the Interagency Security Committee for federal facility security assessments.

DHS standards establish baseline requirements for the protection of people and property at all County owned and/or leased facilities. This methodology includes six areas:

- Determine the Facility Security Level
- Identify the baseline Level of Protection and countermeasures (armed guards, screening, cameras and access cards as needed)
- Identify and assess risks
- Conduct a gap analysis of needs to determine the Level of Protection required to address the risk or the highest Level of Protection
- Implement countermeasures
- Measure performance and monitor compliance

For Phase One of the assessment project, the High Desert Government Center was selected to be the initial pilot site. On August 15, 2016, TRC Engineers issued a draft of the Facility and Site Security Assessment for the High Desert Government Center. The additional seven sites were assessed within a 12-week period that began on July 16, 2016. Phase Two consists of assessing the master planning and security needs for the remaining 190 County owned and/or leased facilities which was to be completed over a 38-week period. Phase Three consists of Physical Improvement Solutions, Training Programs and Program Management. It was to be completed over a 52-week period beginning concurrently when the Phase Two assessments were completed. Phase Four is the final phase comprising Construction and Project Development. It began in December 2016 as Phase Three was in the process of completion.

A preliminary kick-off meeting was held with Guidepost Solutions on October 11, 2016. Training programs began in December 2016. Separately from the Guidepost Solutions training, the Sheriff's Department – Office of Safety and Security produced a PowerPoint presentation on workplace safety dealing with work-related crime prevention, workplace safety and workplace violence. The presentation advises employees how to deal with an active shooter situation and is given upon request of County Departments.

To quickly communicate information on impending dangers, the San Bernardino County Sheriff and Fire Departments can now send high speed mass notifications via telephone and text messages. This system is called the Telephone Emergency Notification System (TENS). The County uses a database of landline telephone numbers for County offices, which is updated every six months, to send emergency messages to the landline phone numbers in the database. TENS alerts are rarely sent to all County offices and employees; they are targeted only to affected areas. The Sheriff's Information Technology staff is overseeing the initial installation of the TENS equipment and security configurations. Residents can receive emergency text messages on their cell phones and devices using Voice Over Internet Protocol (VOIP) and can manage their own account using a valid email address. County Information Services Department is responsible for the installation, maintenance, and administration of the VOIP system. The Web site to register for this service is <http://www.sbcounty.gov/SBCFire/Tens/TENScontact.aspx>. Those without Internet access can sign up by calling 2-1-1 or (888) 435-7565. The County of San Bernardino utilizes multiple ways to notify residents of impending danger, but warns residents not to wait for, or rely exclusively on, a single notification system.

## **CURRENT STATUS**

On March 3, 2017, the Grand Jury received from Real Estate Services a progress report regarding the status of the buildings mentioned in the BOS proclamation and the eight buildings included in Phase One of the RFP.

- (1) Of the four buildings mentioned in the Emergency Proclamation, only one, the County Government Center in San Bernardino, completed a full security assessment on August 16, 2016. Also new security access devices were installed on all County department access doors. The County Sheriff handles security guards through a contract with Allied Barton which requires contractor compliance with all State and Federal laws and regulations pertaining to privacy and security of confidential information. These guards remain on site. The three remaining buildings have not completed full assessments, but some improvements have already been made.
- (2) The Old Hall of Records, 172 W. Third Street, San Bernardino, had security access devices previously installed at key points throughout the building. Security guard services were added to and their presence was increased at this building.

- (3) County Office Building, 8575 Haven Avenue, Rancho Cucamonga, has been completed and previous user groups have re-occupied the updated offices.
- (4) The Rancho Cucamonga Courthouse, 8303 Haven Avenue, has existing security devices to screen the public seeking access to the Courts. Security protocols and access are in the process of being upgraded.

All eight buildings included in Phase One completed security assessments in January 2017. As of March 3, 2017, the cost incurred for Phase One was \$5,666,720.

TRC Engineers submitted its executive summary findings and recommendations to the County's Internal Security Sub-Committee. The Sub-Committee is reviewing these documents as the start of Phase Two. The next step includes a recommended Plan of Action be submitted to the Chief Executive Officer for implementation. The Plan of Action is projected to proceed in a systematic fashion, assessing the remaining County owned and/or leased buildings and facilities by obtaining approval for the scope of work, funding for the assessed properties, and scheduling the approved work for construction and completion.

## **FINDINGS**

F1 The County Security Sub-Committee is using best practice standards as outlined by Department of Homeland Security and Interagency Security Committee standards when assessing the buildings mentioned.

F2 Employee training on security procedures and best methods is an important component to overall safety.

F3 Remodeling, renovations and training for enhanced security come at a considerable financial cost.

## RECOMMENDATIONS

17-43 Best practice standards as outlined by Department of Homeland Security and Interagency Security Committee be continued in all phases of this project.

17-44 All future new construction should incorporate Department of Homeland Security and Interagency Security Committee standards.

17-45 Training by the Sheriff's Department regarding Safety and Security be scheduled regularly for all County departments.

17-46 Regular training, such as that provided by Guidepost Solutions, be made a priority for all County employees.

**\*Note: Some information/documentation given to the Grand Jury was not for public disclosure and it is not discussed in this report.**

<b><u>AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DUE DATE</u></b>
Facilities Management and Real Estate Services	17-43 through 17-46	10/1/2017

## VETERANS AFFAIRS

**"The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their nation." --President George Washington**

### BACKGROUND

The San Bernardino County Department of Veterans Affairs (SBC VA) was the first in California and one of the first in the nation. The mission of the SBC VA is to assist all County veterans who served honorably in the armed services with filing claims for all eligible benefits. This mission includes claims for veterans, dependents and survivors. Benefits and eligibility guidelines are constantly changing, presenting increasing challenges for the County's Veteran Service Representatives (VSRs) who provide the front-line service to the veterans and their families. The Grand Jury has concerns whether the staffing levels are adequate to meet the needs of approximately 113,725 veterans (as of 2016) throughout San Bernardino County. This number does not include spouses, dependents and survivors of veterans.

The Grand Jury conducted the investigation under the authority of California Penal Code Section 925.

### METHODOLOGY

The Grand Jury conducted its investigation by collecting information through research, interviews, and documents requested from both State and the SBC VA.

### FACTS

Through the efforts of the SBC VA, in the fiscal year 2014-2015 new benefit claims for veterans totaled over \$51 million which is the highest in the State. These efforts bring the total annual benefit claims for San Bernardino County veterans to over \$398 million. These benefits come from both State and Federal programs. Seventy-two percent of the SBC VA budget comes from

the San Bernardino County General Fund. In 2016 SBC VA received \$1,570,326 from the \$2,994,500,000 total County General Fund. This amount represents .000524 of the budget. In 2011 it received \$1,643,547 from the \$2,209,900,000 total County General Fund; more than was contributed in 2016. The SBC VA stated there are plans for increased veteran services which are dependent on the County increasing their budget. Currently, the SBC VA is unable to proceed with these plans, as they are unfunded.

State and Federal funds are distributed by the State on a pro-rata basis, using the workload unit to determine how much is allocated to each county. A workload unit, as defined by the California Department of Veterans Affairs (CALVET) State Manual, is a claim that has a reasonable chance of obtaining a monetary or medical benefit (United States Department of Veterans, Department of Defense or State) for a veteran, dependent(s), widow/widower or survivors. A workload unit is also the completion of any form from the approved list of auditable forms also found in the CALVET Manual. These forms must be initiated, completed and submitted by a County Veteran Service Office. The more claims filed, the more funding a county receives from the State.

There are technically four levels of a VSR: the VSR Trainee, VSR I, VSR II and SVSR (supervising). The VSR Trainee studies several State and Federal claim manuals and learns laws and procedures. The general progression is to take the certification exam after six months, and then complete six months' probation before becoming a VSR I. Currently there are no VSRs in training. A VSR Trainee is only hired when a VSR I position becomes available and has one year to complete the program or be terminated.

The duties of a VSR I may include but are not limited to the following:

- Interviews and advises veterans, veterans' widows, orphans, and dependents concerning entitlement to benefits under Federal, State and local provisions
- Explains applicable laws and regulations
- Assists applicants in obtaining benefits, such as pension, compensation, education, insurance, medical care, housing and burial

- Assists applicants in completing necessary documents
- Counsels applicants regarding financial, medical, educational and vocational benefits
- Searches, analyzes, and screens all supporting evidence bearing on entitlement under the law
- Advises applicants in the filing of appeals when appropriate
- Secures affidavits, military discharge certificates, birth certificates, death certificates, certificates of naturalization, marital documentation and other types of supporting evidence
- Contacts lawyers, physicians, clergyman, and various officials and private parties to obtain supporting evidence for claims
- Prepares briefs of claims and letters of transmittal
- Makes home and hospital visits when necessary
- Trains new personnel in the processing of claims
- Supervises clerical staff when needed
- Prepares necessary correspondence and reports, maintains records
- Provides vacation and temporary relief as required

The duties of a VSR II are the same as a VSR I with additional responsibilities:

- Handles the most difficult or complex cases involving interaction with executive, administrative, professional and medical staff and/or military personnel to determine eligibility for benefits
- Acts in a lead capacity in training, guiding, reviewing and checking the work of a VSR I
- Assists staff on the most difficult cases
- Gives presentations to large groups of individuals

Although SVSRs process claims and work directly with veterans, their primary job description is supervising, training and administrative duties.

The current staffing level is seven VSR Is, four VSR IIs and two SVSRs. Currently all thirteen VSR positions are filled. These VSRs staff four full-time offices (San Bernardino, Rancho Cucamonga, Hesperia and Loma Linda VA Ambulatory Care Center); also three part-time satellite offices (Yucca Valley, Twentynine Palms and Fort Irwin). These part-time offices are only open one day a week. In addition to these locations, the need for an office in Barstow has become evident and is in the planning stage. The staff works nine hours Monday through Thursday, eight hours on Friday, and off work every other Friday (9/80 schedule).

Week 1					
Location	Monday	Tuesday	Wednesday	Thursday	Friday
San Bernardino	A - Supervisor VSR				
	C - VSR II	G - VSR I	G - VSR I	C - VSR II	C - VSR II
	G - VSR I	H - VSR I	H - VSR I	G - VSR I	F - VSR II
	H - VSR I	I - VSR I	I - VSR I	H - VSR I	I - VSR I
	L - VSR Trainee				
Hesperia	B - Supervisor VSR	Office Closed			
	E - VSR II				
	J - VSR I				
	K - VSR I				
Rancho Cucamonga	F - VSR II	Office Closed			
	I - VSR I			I - VSR I	
Loma Linda VA ACC	D - VSR II	Office Closed			
Yucca Valley		C - VSR II			
Twenty Nine Palms			C - VSR II		
Fort Irwin*		E - VSR II *			

\* 1st and 3rd week of each month

Week 2					
Location	Monday	Tuesday	Wednesday	Thursday	Friday
San Bernardino	A - Supervisor VSR	D - VSR II			
	C - VSR II	G - VSR I	G - VSR I	C - VSR II	G - VSR I
	G - VSR I	H - VSR I	H - VSR I	G - VSR I	H - VSR I
	H - VSR I	I - VSR I	I - VSR I	H - VSR I	
	L - VSR Trainee				
Hesperia	B - Supervisor VSR				
	E - VSR II				
	J - VSR I				
	K - VSR I				
Rancho Cucamonga	F - VSR II	Office Closed			
	I - VSR I			I - VSR I	
Loma Linda VA ACC	D - VSR II	Office Closed			
Yucca Valley		C - VSR II			
Twenty Nine Palms			C - VSR II		
Fort Irwin*		E - VSR II *			

\* 1st and 3rd week of each month

A challenge for the SBC VA is to retain trained and experienced VSR Is to staff all the full-time and satellite facilities. The approximate cost to the SBC VA for the training and certification of a VSR Trainee is \$10,000 (which does not include their salary and benefits). A VSR Trainee is promoted to a VSR I after passing the certification exam and meeting the time requirement and is qualified to perform the same duties as a VSR II in reference to filing claims. The requirement for a VSR I to promote to a VSR II is two years of full-time experience developing and processing veterans' claims for an accredited national veterans service organization, or a federal, state or county veterans service office. The SBC VA stated to the Grand Jury that within 24 months, working under the supervision of a VSR II or a SVSR, a VSR I gains the experience needed, and is ready to be promoted to a VSR II.

However, it is the policy of the SBC VA that a VSR I cannot advance to a VSR II position until there is a VSR II vacancy. It was stated to the Grand Jury this obstacle was both an experience and funding issue. This policy has led to a turnover rate for VSR Is of 71 percent in the last five years. Five out of seven left after approximately 20 months taking with them valuable training and vital experience. Of the five that left, four left for promotional (career) opportunities with other departments or agencies. In comparison, the SBC VA only lost two of the four VSR IIs, both to retirement. It was stated to the Grand Jury that the reasons for the VSR Is leaving was salary and a chance for upward mobility. The mean difference in the salary range of a VSR I and a VSR II is \$3,484 annually or approximately \$290 per month.

VSRs face more challenges every day to provide the best possible service to a veteran with state and federal VAs constantly changing procedures and eligibility requirements, the increase in PTSD cases and the present increase of female veterans to name a few. The staff interviewed stated that one of the major concerns was the longer wait to see a service representative as the office became busy. The VSRs felt they could not take as much time as they would like with each client. SBC VA had to minimize discussing options with the veterans and focus on the one issue at hand. There was no time to cover other benefits they may be eligible for such as food stamps, Save Your House California, or other programs that would enhance the quality of life for the veteran and his/her family.

The time required to serve a veteran visiting the county office can vary from a few minutes to pick up a form or get a signature, to over an hour to file a new claim or an appeal. Offices, particularly those with only one VSR, can fill up with veterans very quickly. They are told that they could not be seen that day and would need to return another day. The offices do not track the veterans that may leave due to extended wait times, but the service representatives are aware it does happen. The Grand Jury was informed some veterans return for assistance, and others do not return.

Through interviews conducted and documentation received, it is evident to the Grand Jury that the SBC VA is putting forth a valiant effort to provide the best possible service to the veterans of San Bernardino County. Veteran benefits enhance a County veteran's quality of life. Many times it may make the difference in a veteran's ability to buy or keep a home. Sufficient staffing and resources are not available to reach out to each and every veteran in the County in order to make sure benefits are received.

## **FINDINGS**

F1: There are limited promotional opportunities from the VSR I classification to the VSR II classification as one can only be promoted when a VSR II position becomes vacant.

F2: VSR Is are leaving their job to pursue positions with better advancement, taking valuable training and experience with them.

F3: The County General Fund contributed \$1,570,326 in 2016. The 2016 allotment was less than the amount received in 2011.

F4: The State and Federal Departments of Veteran's Affairs are constantly changing the procedures and eligibility requirements for claims and benefits.

F5: Because the State funding is distributed to counties on a pro-rata basis, the more claims filed by a county with a reasonable chance of approval result in more funding that the county receives.

F6: The current staffing numbers of experienced VSRs does not allow adequate staffing of satellite facilities and contributes to long wait times for veterans.

## **RECOMMENDATIONS**

17-47: Increase staffing to reduce veterans wait times and relieve the current workload on the VSRs. Allow the SBC VA to staff satellite offices more than one day a week. Open the full time offices five days a week and allow staffing for additional locations as identified while maintaining the 9/80 employee work schedule.

17-48: Create an upward mobility track that would allow a qualified VSR I to promote to VSR II when requirements are met and he/she can demonstrate the ability to perform the duties of a VSR II.

17-49: Revisit the County's funding to allow for additional VSR II positions to meet the needs of veterans in the County.

<b><u>AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DUE DATE</u></b>
Veterans Affairs	17-47 through 17-49	10/1/2017

# RESPONSE ACCOUNTABILITY



## **RESPONSE ACCOUNTABILTY**

The Grand Jury is required by Penal Code §933(c) to submit a Final report to the Presiding Judge of the Superior Court with appropriate recommendations and results from investigations conducted by the Grand Jury.

The Grand Jury chose to include a section of the Final Report this year to an investigation which reviewed two prior Grand Jury reports, recommendations and responses. A Response Accountability Report contains follow-up interviews and information gathered to determine if the agencies and/or departments are complying with the recommendations and responses given to these prior reports.

This section of the Final Report contains an update on the Bullying and San Bernardino International Airport investigations contained in the 2014-2015 San Bernardino County Grand Jury Final Report.

## **RESPONSE ACCOUNTABILITY BULLYING**

### **BACKGROUND**

The 2014-2015 Grand Jury investigated bullying in two school districts; the Fontana Unified School District (FUSD) and the Victor Valley Union High School District (VVUHSD). The 2014-2015 Grand Jury investigation resulted in three specific recommendations presented to each District. The charge of the 2016-2017 Grand Jury was to undertake a Response Accountability Report. The purpose of this Response Accountability Report is two-fold: examine the initial responses each District submitted to the Grand Jury in 2015 pertaining to each recommendation and report on the present status of each recommendation within each District as reported by the Districts.

### **THE FONTANA UNIFIED SCHOOL DISTRICT**

#### **RECOMMENDATION 15-04: MAINTAINING A POSITIVE SCHOOL CLIMATE:**

**Stated:** All Administration, staff, and parents must consider bullying and maintaining a positive school climate as serious issues.

#### **RESPONSE TO RECOMMENDATION 15-04 FOR THE FUSD:**

The recommendation has been in progress as the data collected from previous California Healthy Kids Survey, the California School Climate Staff Survey, and Local Control Accountability Plan (LCAP). Parent input collections have indicated that bullying is a concern that needs to be addressed. All sites have been provided with training and information to post informing students on whom to contact in case they are bullied. The District has written in the LCAP that Positive Behavior Intervention Support (PBIS) will be the focus for the following three years to combat negative and toxic environments where bullying tends to thrive. Also, the District is in the

process of developing a district-wide Code of Conduct to properly address the behaviors of students as well as adults in the Fontana Educational Community. The Code of Conduct was a two-year process developed by a committee comprised of parents, teachers, students, administrators and community members at large.

**CURRENT STATUS OF RECOMMENDATION 15-04 FOR FUSD:**

Data collected indicated that bullying was a concern. The Office of School Culture and Social Emotional Learning Supports (OSCSELS) was created to focus on a culture shift at all levels to combat negative and toxic environments where bullying tends to thrive and provide trainings in restorative practices. The creation of the OSCSELS was to address bullying, as well as positive climates, restorative practices, and youth mental health. This Office is composed of the Coordinator of Positive Culture and Climate, Coordinator of Social Emotional Support, two Social Emotional Specialists, and an At-Risk Counselor. Leading this team is the Executive Director of Student Services whose task is to lead the process of providing training and services regarding PBIS, Restorative Practices, Anti-Bullying, and Youth Mental Health district-wide through partnerships with community and outside agencies.

**RECOMMENDATION 15-05: IMPROVING PROGRAM WITHOUT GRANT FUNDS:**

**Stated:** Continue to improve a positive school climate and anti-bullying programs following the termination of the grant funds, and include the community and families in that effort.

**RESPONSE TO RECOMMENDATION 15-05 FOR THE FUSD:**

The recommendation is in progress as site funds and LCAP funds will continue to be allocated for programs such as PBIS, providing a Coordinator for Positive Culture and Climate as well as an At-Risk Counselor. Individual sites are currently implementing programs such as Character Counts and No Excuses University using site allocated funding whose focus is to provide students with positive attitude and behavioral skills to continue progress through their academic careers.

### **CURRENT STATUS OF RECOMMENDATION 15-05 FOR FUSD:**

Goal 5 of the LCAP will continue to focus on engaging students in school to maintain their interest in education and to graduate from school. Funds are allocated for programs such as PBIS, Restorative Practices, Youth Mental Health, and LGBTQ Awareness and staff for the Office of School Culture and Social Emotional Learning Support.

### **RECOMMENDATION 15-06: PROGRAMS INCLUDE PARENTS AND STAFF:**

**Stated:** Promote and maintain programs that include parents, caregivers, and staff to combat bullying behavior.

### **RESPONSE TO RECOMMENDATION 15-06 FOR THE FUSD:**

The recommendation is in progress as the LCAP has provided for a Family and Community Engagement (FACE) Coordinator whose focus is to work with parent training seminars which include workshops on anti-bullying. This training focuses on how parents can help their children become academically and socially successful.

## **THE VICTOR VALLEY UNION HIGH SCHOOL DISTRICT**

### **RECOMMENDATIONS**

**Stated:** 15-04 All Administration, staff, and parents must consider bullying and maintaining a positive school climate as serious issues.

**Stated:** 15-05 Continue to improve a positive school climate and anti-bullying programs following the termination of the grant funds and include the community and families in that effort.

**Stated:** 15.06 Promote and maintain programs that include parents, caregivers, and staff to combat bullying behavior.

**RESPONSE TO RECOMMENDATIONS 15-04, 15-05, AND 15-06:**

PBIS – The PBIS initiative, a three-year rollout in the District, began in the 2013-2014 school year. For the 2015-2016 school year, Cobalt Institute of Mathematics and Science joined the cohort and University Preparatory joined later. PBIS is a systematic approach to proactive, school-wide behavior based on a Response to Intervention (RTI) model. PBIS applies evidence-based programs, practices, and strategies for all students designed to increase academic performances, improve safety, decrease problem behavior, and establish a positive school culture. In addition, district schools such as Silverado High School are beginning to implement the PLUS [Peer Leaders Uniting Students] program as part of their PBIS efforts. The PLUS program allows students to have an active role in the PBIS process. PLUS teams are made up of student leaders who serve as a liaison group to the student body to impact the behavior change in their peers. These student leaders work alongside PBIS coaches (staff members) to analyze data and create action steps. The purpose of the PLUS Team is to create a culture on campus and the community where inclusion is a reality for everyone. Within the PLUS Program are also PLUS Forums that are led by PLUS student leaders. The PLUS Program activities include student surveys, interactive activities, and small group events that provide insight into what kinds of issues are prevalent on campus thus allowing corrective actions to take place. This program also supports the District’s anti-bullying measures.

Counselor Training – There are greater efforts to provide training for all VVUHSD counselors, particularly the District’s Intervention Counselors who were hired in 2014-2015. All counselors were afforded two days of in-service prior to the start of the 2015-2016 school year with more training planned throughout the school year. The focus of the training was on self-harm vs. suicide. Counselors were also trained to support students who are victims of bullying and harassment from their peers. Desert Mountain Children’s Center representatives facilitated the training and continue to be a great resource for the District.

Improved Data Collection - This year is the first year that districts are mandated to complete the Civil Rights Data Collection (CRDC). As part of this process, VVUHSD began the process to not only ensure student equity and access, but to also began to create procedures to collect accurate data and reporting. Four new items were added to the student information system: stalking, bullying, mobbing, and harassment. Discipline administrators, such as Assistant Principals and Deans were trained on the new features in the system and scenario-based training incorporated topics of bullying, mobbing, and harassment. In addition, discipline secretaries were also trained in the process of data inputting.

National Bullying Prevention Month – For the 2015-2016 school year, VVUHSD began a district-wide campaign called "Band Against Bullying." All sites developed a Bullying Prevention Plan highlighting activities to bring about awareness of the effects that bullying has on students. In addition, the district ordered plastic wristbands featuring the “Band Against Bullying” slogan for all students and staff in the District along with banners to be hung at the District and each school site. This effort is part of the National Bullying Prevention Month in October. Lakeview Leadership Academy has adopted their slogan “Be a buddy, not a bully” as part of the school’s 7 Habits of Highly Effective Teens leadership focus.

Bullying Prevention Grants – VVUHSD applied for anti-bullying grants as a collaborative effort between the Education Services division and transportation department accomplish three things: install updated cameras in school buses, develop an essay contest on bullying prevention, and purchase plastic wristbands and other items that bring awareness to anti-bullying measures. As research has shown, it is only when “bullying interventions are developmentally based, gender and culturally sensitive, and addresses all types of bullying” will schools reduce the problem of bullying (2014-2015 San Bernardino County Grand Jury – Bullying). VVUHSD will continue to make every effort to reduce the cases of bullying in schools and encourage parents and community leaders to get involved in this effort to decrease bullying.

**CURRENT STATUS OF RECOMMENDATIONS:**

VVUHSD is committed to continuing the good work that was begun as a result of the original findings. To that end, the district made great strides in the implementation of many measures to ensure both equity and safety for students.

VVUHSD has continued to be proactive in improving the culture and climate of the district in an effort to increase student achievement. School Climate and Student Engagement are two of eight state priorities being addressed in the district's LCAP. The district improved data retrieval, data analysis and its monitoring system and thus are in an improved place to study issues and promote change for students. The district has made a commitment to assist staff members to reach cultural proficiency.

VVUHSD has partnered with Association of California School Administrators for the past two years to provide an Equity Institute. Approximately forty administrators and staff have spent forty hours reflecting on equitable practices in schools. One of the institute's goal is the creation of a plan that challenges adults and students to be conscious of one's biases.

**CURRENT STATUS**

Each comprehensive high school and parent choice school utilizes a program called Link Crew as an additional intervention and support program. Link Crew is a high school transition program that welcomes freshmen and makes them feel comfortable throughout the first year of their high school experience. Built on the belief that students can help students succeed, Boomerang Project's proven high school transition program trains mentors from grades 11 and 12 to be Link Crew Leaders. As positive role models, Link Crew Leaders are mentors and student leaders who guide the freshmen to discover what it takes to be successful during the transition to high school and help facilitate their well-being and social-emotional support.

The comprehensive high schools also encourage attendance and positive behavior through the use of ProScan or HERO, which are both versions of behavior tracking software that works in conjunction with student information systems to better manage and collect data regarding students' behaviors. The programs send immediate feedback to parents regarding attendance, grades, etc. Both programs also afford each school site the ability to create a positive behavior incentive system through a points system that encourages the positive behavior expectations on school campus. The points may be redeemed for a variety of students rewards. Current feedback from parents indicates that they are pleased to receive immediate attendance information regarding issues before they become problems. Parent involvement in the area of bullying is a priority for school sites. As part of the LCAP, school sites agree to the hiring of a Family Engagement Liaison (FEL) which is a new resource for parents to receive support and information about helping their children with bullying and harassment. The FELs have attended training at the county level through the Family Engagement Network and the Family Engagement Leadership Academy. Each training has areas of support to provide the FELs skills which support parents with such concerns. Technology has taken a place in anonymous reporting of bullying behavior as well, with some sites choosing to replace "bully boxes" (where students could report incidents of bullying) with a button on the school website where students, parents and others can report incidents of bullying and cyberbullying.

Adelanto High School is also pleased to offer a variety of life skills courses including anger management and drug and alcohol resistance education through the coordination of their School Resource Officer. These social-emotional support classes require parent permission in order for students to be involved. Students are referred to the programs by counselors, administrators and teachers based on recurring student behaviors including bullying or harassing. Adelanto is also proud to offer an Extracurricular Club Faire at the beginning each school year, offering their students opportunities to be engaged in a number of positive social activities to increase school connectedness.

Silverado High School's Do Something Club organizes a Special Ed Prom for severely handicapped, profoundly intellectually challenged students at the comprehensive high schools; Gay Straight Alliance recognizes a Day of Silence for students without a voice; Black Student

Union supports increased awareness of positive behaviors and academics to benefit the school and community. Other programs creating a significant impact on student culture are Hawks for Christ, Mom's Mob and Men's Mob, as well as Gentlemen of Quality. Programs such as these include a partnership with adults in the community in a mentoring capacity.

Two middle schools in VVUHSD are using one of two different models to make connections within peer groups. Hook Junior High School is using Rachel's Challenge during a school-wide advisory period to bring attention to the issue of bullying, and provide support. Lakeview Leadership Academy is using Sean Covey's 7 Habits of Highly Effective Teens to instill leadership qualities during a LIM or Leader in Me course taught for 7th graders on their campus. The Lakeview Leadership Academy is also investigating the possibility of providing a Peer Counseling course for the next school year.

Staff Professional Development – As VVUHSD continues to focus on supporting the skills and efforts to provide additional support and other means of correction training to all staff, focus is on counselors, particularly the district's Intervention Counselors who were hired in 2014-2015. The district has continued to support these positions in the Strategic Plan and the LCAP in an effort to reduce suspensions and bullying. All counselors were afforded two days of in-service prior to the start of the 2015-16 and 2016-2017 school years with more training planned throughout the school year. Counselors were trained to support students who are victims of bullying and harassment from their peers. Interventions and student academic needs are supported throughout the year with monthly Counselor Collaborative Meetings. The efforts to provide teachers and other school staff with additional training and skills when dealing with bullying and student social-emotional issues have been prevalent through the summer professional development days. During August 2016, two specific courses for certificated staff were offered; *Emotional Well Being of Students* and *Student Emotional Health*. In addition, a workshop called *Gun Fire in the Hallway* was also offered which also addressed the concerns of bullying and harassment and how it may lead to violence on school campuses. The district has also contracted with WestEd and offered training during the 2016-2017 school year for Multi-Tiered Systems of Support. The training offers insights to reduce bullying and harassment and creates other means of support for students who are victims of bullying or engaging in types of

bullying behaviors. The August 2017 summer professional development is planning to include a unique strand for teachers to access The Medal of Honor Character Development Program created by the Congressional Medal of Honor Foundation to provide teachers access to multimedia, interactive lessons. The lessons provide middle and high school students with opportunities to explore the important concepts of courage, commitment, sacrifice, patriotism, integrity and citizenship and how these values can be exemplified on campus and help prevent incidents of bullying and harassment.

Improved Data Collection – VVUHSD continues to complete the CRDC. The District has greatly improved data entry, data analysis, and data monitoring. Suspension data is monitored monthly at district LCAP meetings. In 2015-2016 VVUHSD saw an 8.3 percent reduction district-wide in the rate of suspension. Discipline training will occur monthly provided by the Child Welfare and Attendance Department. Garnett and Associates spent three hours working with Assistant Principals to ensure that suspension and expulsion procedures are fair and equitable across the district. To guarantee that VVUHSD is meeting the new California Dashboard requirements for School Climate and Parent Engagement, VVUHSD has administered the California Healthy Kids Survey, California School Parent Survey and California School Staff Survey both in 2015-2016 and 2016-2017. Since the original submission we had six student forums at each of our sites to gauge the social emotional well-being of district students. The findings of the student forums and surveys have led district administration to make some changes and begin reflective practices, such as the Equity Institute. Sites have begun to use the student data to inform each high school's Western Association of Schools and Colleges self-studies.

National Bullying Prevention Month – For the 2015-2016 school year, Victor Valley Union High School District began a district-wide campaign "Band Against Bullying." All sites developed a Bullying Prevention Plan highlighting activities to bring about awareness of the effects that bullying has on students.

During the beginning of each school year, each school offers anti-bullying assemblies. These assemblies are tailored to meet the needs of each school community. Whether it was Kaiser, Rachel's Challenge, Armando Quitano, or another speaker, presentations were matched to grade spans and reinforced through the school year.

## **RESPONSE ACCOUNTABILITY**

### **SAN BERNARDINO INTERNATIONAL AIRPORT**

#### **BACKGROUND**

The 2010-2011 Grand Jury investigated the operations of the San Bernardino International Airport (SBD) and made several recommendations in its final report. The 2016-2017 Grand Jury followed up on a sampling of the recommendations, responses and the current status of those recommendations.

#### **RECOMMENDATION 1.2 - INTERNAL CONTROLS**

Direct management to refine processes for ensuring the comprehensive documentation of business processes and transactions.

#### **RESPONSE**

Agree. SBIAA [San Bernardino International Airport Authority] efforts in the document production process for the San Bernardino County Grand Jury enabled SBIAA staff to determine areas where business processes and transactions could potentially be improved. This will be an ongoing effort to be presented to the SBIAA Commission to continually refine processes by and through the SBIAA Finance and Budget Committee and establishment of other SBIAA Commission formed committees as appropriate for formal submission to the SBIAA Commission. Timeline for completion: Within 12 months

#### **CURRENT STATUS**

Has been completed. The SBIAA Commission continues to implement and refine this practice in its adopted policies and procedures which require annual review and update every October. That continued process has led to implementation of industry best practices, adoption of a new

Strategic Plan, as well as several process enhancements such as implementation of new Finance and Accounting software, property management and compliance systems, and electronic records management systems.

#### **RECOMMENDATION 1.4 - INTERNAL CONTROLS**

Adopt a policy to rotate financial auditing firm every five years.

#### **RESPONSE**

Agree. The SBIAA Commission will develop such a policy within the current fiscal year.

Timeline for completion: Within 12 months

#### **CURRENT STATUS**

Has been completed. The SBIAA Commission continues to implement this practice as it is included in its adopted policies and procedures. The current financial audit firm was contracted in 2013. A procurement process is currently being initiated for the forthcoming audit year and will be completed by July 2017.

#### **RECOMMENDATION 2.1c - CONSTRUCTION MANAGEMENT**

Enforcing all provisions in the Terminal and Fixed Base Operator (FBO) leases requiring the developer to provide detailed monthly progress reports. The Commission should also require the developer to provide and present such reports at all Commission meetings.

#### **RESPONSE**

Agree. The SBIAA Commission will require the Chief Financial Officer to submit copies of detailed First American Fund Control reports and other documentation on the Terminal and FBO

projects to the SBIAA Commission on a monthly basis at its regularly scheduled public meetings as an adjunct to its Register of Demands information. At the discretion of the SBIAA Commission, the developer may be required to provide additional information upon demand.  
Timeline for completion: 1 month

## **CURRENT STATUS**

Has been completed. The Terminal and FBO leases, as well as related contracts, were terminated in their entirety in 2012. The most recent construction policies and procedures document was last updated on October 26, 2016, and requires traditional design-bid-build construction contracts.

## **RECOMMENDATION 2.1d - CONSTRUCTION MANAGEMENT**

Engage the services of a reputable, independent auditing firm to examine all expenses incurred as a result of the Terminal Development and FBO Projects. The scope of such an audit should include a review of the construction meeting minutes to determine if the developer purposely inflated costs.

## **RESPONSE**

Agree. On February 10, 2010, a Special Compliance Audit Report of the San Bernardino Airport Terminal Renovation Project, covering the period July 1, 2008 through June 30, 2009, was filed with the SBIAA Commission, and an additional compliance audit covering the period July 1, 2009 through December 31, 2010, for the other aspects of (i) the Terminal Development and (ii) the FBO and Customs building are currently in progress. Upon completion, additional independent reviews will be conducted as requested by the SBIAA Commission pursuant to the conditions precedent under the existing development, and prior to consideration of acceptance of any ownership interest in any improvements by the SBIAA Commission. Timeline for completion: Within 12 months

**CURRENT STATUS**

Has been completed. The Terminal and FBO projects were completed. All related contracts were terminated in their entirety in 2012 via court order. All such capital assets are now 100% owned and operated by SBIAA.

**RECOMMENDATION 3.3 - EQUIPMENT ACQUISITION**

Set a regular schedule for reviewing, revising and formally approving updates to the purchase policy.

**RESPONSE**

Agree. All current SBIAA policies and procedures, including the Strategic Plan, include a provision requiring annual evaluations and/or update. Many of these coincide with the annual SBIAA budget approval process. All proposed and future updated SBIAA policies and procedures will include such annual evaluations and/or update provisions. Timeline for completion: Within 12 months

**CURRENT STATUS**

Has been completed. The SBIAA Commission continues to implement this practice as it is included in its adopted policies and procedures. All policies and procedures, including the purchasing policy, are reviewed and updated in October of every year. The most recent update was approved by the SBIAA Commission on October 26, 2016.

**RECOMMENDATION 4.1 - LAWSUIT SETTLEMENT**

Engage the services of a reputable, independent auditing firm to examine the representations and warranties made by Norton Aircraft Maintenance Services (NAMS) and SBD management in connection with the *Settlement and Mutual Release Agreement* and, if found to be false or untrue, demand immediate repayment of the Insurance Loan, Rent Credit and Temporary Aircraft Rehabilitation Loan balance.

**RESPONSE**

Agree. The SBIAA Commission will seek proposals from independent legal experts to review the referenced documents and to provide recommendations to the SBIAA Commission accordingly. Timeline for completion: Within 12 months

**CURRENT STATUS**

Has been completed. The contracts with NAMS and SBD were terminated in their entirety in 2012 via court order.

**RECOMMENDATION 5.1 - CONTRACTOR RELATIONS**

Direct staff to review current contracts for construction services and Airport operations to identify modifications that may be necessary to protect Inland Valley Development Agency and SBIAA from potential future risk.

**RESPONSE**

Agree. On July 27, 2011, the SBIAA Commission received the memorandum of a noted aviation attorney specializing in U.S. Department of Transportation (DOT) and Federal Aviation Administration (FAA) regulatory matters. The SBIAA Commission will seek proposals from

other independent legal experts to review the referenced agreements. Timeline for completion:  
12 months

### **CURRENT STATUS**

All contracts with such entities were terminated in their entirety in 2012 via court order. Current adopted policies and procedures include industry best practices and protective provisions.



Information regarding the  
San Bernardino County Grand Jury  
or an application to serve on the Grand Jury  
can be obtained by contacting the

**Office of the Grand Jury**  
**172 West Third Street, Second Floor**  
**San Bernardino, CA 92415-0243**

Office: (909) 387-9120

Information is also provided on the website at <http://cms.sbcounty.gov/grandjury/Home.aspx>