

RESPONSES
TO THE
SAN BERNARDINO COUNTY
2017-2018 GRAND JURY
FINAL REPORT



SAN BERNARDINO COUNTY GRAND JURY
172 WEST THIRD STREET, SECOND FLOOR
SAN BERNARDINO, CA 92415-0243
(909) 387-9120

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**RESPONSES TO
THE SAN BERNARDINO COUNTY
2017-2018 GRAND JURY
FINAL REPORT**

SECTION 1:

- SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

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- INLAND COUNTIES EMERGENCY MEDICAL AGENCY
 - SAN BERNARDINO COUNTY EMERGENCY GROUND AMBULANCE
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- CITY OF SAN BERNARDINO
 - SAN BERNARDINO MUNICIPAL WATER DEPARTMENT
 - SAN BERNARDINO CODE ENFORCEMENT

SECTION 1

**SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT**



JOHN McMAHON, SHERIFF - CORONER

July 24, 2018

Honorable John P. Vander Feer
Presiding Judge Superior Court
San Bernardino County
247 West Third Street, 11th Floor
San Bernardino, CA 92415

RECEIVED
JUL 25 2018
San Bernardino County Grand Jury

Dear Honorable Judge Vander Feer:

Pursuant to California Penal Code Section 933.05, please accept the following responses to the findings and recommendations for the 2017-18 San Bernardino County Grand Jury's Final Report that was presented to your office on or about July 1st, 2018.

As you know, the Grand Jury's Law & Justice subcommittee listed findings and made recommendations for change. My staff has reviewed their Final Report and offer our responses to the recommendations made for the following operational areas:

- 18-15 through 18-21: *Inmate Welfare Fund*

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

Best Regards,

John McMahon, Sheriff-Coroner/Public Administrator

cc: County Board of Supervisors
County Administrative Office

ATTACHMENT I

2017-18 GRAND JURY REPORT RESPONSE FORM

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
GRAND JURY

JUL 25 2018

BY NORMA GROSJEAN
NORMA GROSJEAN, DEPUTY

GROUP Law & Justice
DEPARTMENT Sheriff-Coroner
SUBMITTED BY John McMahon, Sheriff-Coroner

DATE 8/1/2018
RECOMMENDATION NO. 18-15 – 18-21
PAGE 41

FINDINGS/RECOMMENDATIONS – AGREE/DISAGREE:

RECOMMENDATION 18-15:

Revise the Sheriff's Department public website to indicate the existence of the Inmate Welfare Fund and Inmate Welfare Trust Fund Committee to increase public awareness.

RESPONSE: The Sheriff's Department **AGREES** and acknowledges the lack of content on our website related to the Inmate Welfare Fund and Inmate Welfare Trust Fund Committee. We have incorporated that material onto our website and will keep it updated moving forward.

RECOMMENDATION 18-16:

Review regularly (e.g. every two years) and update (as needed) the Inmate Welfare Trust Fund Committee Guidelines.

RESPONSE: The Sheriff's Department **AGREES** with this recommendation and has placed measures to review and update the Inmate Welfare Trust Fund Committee Guidelines biannually. The guidelines were last updated in 2014 and are nearing update completion for acceptance at the July 30th, 2018, Inmate Welfare Board Meeting.

ATTACHMENT I

2017-18 GRAND JURY REPORT RESPONSE FORM

RECOMMENDATION 18-17:

Establish and update a strategic master plan of spending that will guide the Inmate Welfare Trust Fund Committee when considering spending requests.

RESPONSE: The Sheriff's Department **AGREES** and acknowledges the lack of a strategic master plan for the Inmate Welfare Trust Fund Committee. A strategic plan was drafted in January of 2018 and will be used to guide the Inmate Welfare Trust Fund Committee on future goals within the Division. This is considered a draft simply because a detailed strategic business plan is applicable and in development. The goal of the strategic business plan is to guide the Inmate Welfare Trust Fund Committee in consideration of spending requests and future goals to enhance inmate successes and needs. The strategic business plan will be presented to the Inmate Welfare Trust Fund Committee for approval in September of 2018 and updated annually.

RECOMMENDATION 18-18:

Establish and maintain an inventory of assets available to inmates for their benefit to assist the Inmate Welfare Trust Fund Committee in implementation of the master plan of spending (e.g. the remaining life of assets).

RESPONSE: The Sheriff's Department **AGREES** and recognizes the need to maintain an inventory of assets and their depreciative value. The County currently conducts an annual inventory of all fixed assets purchased with an initial purchase value over \$5,000, which includes assets from the Inmate Services Unit. The Department recognizes the need to inventory assets purchased under the \$5,000 amount. To do so, the Inmate Services Unit purchased Microsoft Dynamics 365 Business Software on July 13th, 2018, that can accurately track current inventory of assets, expenditures, project management, and provide real-time financial analytics.

ATTACHMENT I

2017-18 GRAND JURY REPORT RESPONSE FORM

RECOMMENDATION 18-19:

Conduct an assessment of inmate needs (education, training, counseling etc.) for use in guiding expenditures of the Inmate Welfare Fund.

RESPONSE: The Sheriff's Department AGREES with the need to continuously assess the needs of inmate programs that guide expenditures of the Inmate Welfare Fund. Because of the fluctuating inmate population and reduced sentencing, trying to identify individual inmate programming needs is a complicated manually administered process, which is difficult with over 1,700 countywide inmates currently involved in programming. The Inmate Services Unit is considering an automated process to identify programs specific to individual inmate needs that will be incorporated into the educational tablets currently in early trial stages. However, the programs currently offered by the Inmate Services Unit are in line with successful programming offered by other agencies.

RECOMMENDATION 18-20:

Establish a mechanism for tracking the progress of inmates with regard to education, training and counseling for use in guiding expenditures of the Inmate Welfare Fund.

RESPONSE: The Sheriff's Department AGREES and recognizes the need to track inmate's progress as it pertains to inmate programs. Currently, such tracking is a labor intensive manual process to derive statistical data on the effectiveness of programming. The addition of a Staff Analyst II (approved by Inmate Welfare Trust Fund Committee in November 2017 and the County Board of Supervisors on June 12th, 2018) to the Inmate Services Unit will be a catalyst for tracking the progress of inmates in respective programs. Those statistics can then be used as guide for the Inmate Welfare Committee in steering expenditures in hopes to reduce recidivism and improve the quality of life of those formerly incarcerated.

ATTACHMENT I

2017-18 GRAND JURY REPORT RESPONSE FORM

RECOMMENDATION 18-21:

Establish a practice that will ensure a financial report shall be submitted to the Board of Supervisor's each year as required in PC§4025.

RESPONSE: The Sheriff's Department AGREES with the importance of keeping the San Bernardino County Board of Supervisors informed about the Inmate Welfare Fund. Calendar reminders have been implemented by the Sheriff's Bureau of Administration Division and the Inmate Services Unit to prevent oversight and/or delay of submitting annual itemized expenditure reports to the County Board of Supervisors.

SECTION 2

INLAND COUNTIES EMERGENCY MEDICAL AGENCY



FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
GRAND JURY

SEP 12 2018

BY *Norma Grosjean*
NORMA GROSJEAN, DEPUTY

**Inland Counties Emergency Medical Agency
Board of Directors
Response to the
2017-18 San Bernardino County Grand Jury Final Report**

Approved by the ICEMA Board, September 11, 2018

(NOTE: The original verbatim text from the 2017-18 Grand Jury Final Report is in *plain italic type*. The responses from the ICEMA Board of Directors are in **bold non-italic type**.)

SAN BERNARDINO COUNTY EMERGENCY GROUND AMBULANCE CONTRACT #12-254

FINDINGS

F1: The County issues five year contracts and can extend at its discretion. Three of the six extensions were limited to six months or shorter not allowing the time needed for a Request for Proposal (18-24 months). Modifying boundaries of existing contracted EOA's would warrant for the complete bidding process of the contract. The Health and Safety Code 1797.224 states if the EOAs are amended, the entire contract must go out for bid.

ICEMA partially disagrees with this finding. Contracts are not all for five-year terms but rather vary in duration. The services in these contracts should not be compared to other types of services for which ICEMA contracts. Ambulance services are specialized and are governed by specific state statutory provisions.

F2: The primary service provider currently services eleven EOAs of the twenty-seven EOAs within the County. This represents nine (9) percent of the geographic area and 80 percent of the total population.

ICEMA partially disagrees with this finding. There are 26 Operating Areas in the county, five of which are non-exclusive.

RECOMMENDATIONS

18-12: Create one Exclusive Operating Area (EOA) that covers the entire County. This would allow one provider to cover the County and require the provider to service populated and rural areas. If one EOA were created to encompass the remaining sixteen EOAs, the current provider could retain grandfathering protection.

State law prohibits grandfathering protection as described by the grand jury, therefore ICEMA cannot create one EOA that covers the entire county in the foreseeable future as certain contract providers have contractual rights to provide services in their respective areas for varying lengths of time. As these contracts head toward expiration, ICEMA will consider moving toward creating one EOA that covers the entire county.

18-13: Create a Request for Proposal (RFP) for a new service provider contract.

As the process moves forward, ICEMA will work to identify the approach that best serves the public.

18-14: Present a new contract to the Board of Supervisors.

A contract would not be presented to the Board of Supervisors but rather the ICEMA Board of Directors. This would occur following a resolution to the issues outlined in the responses to recommendations 18-12 and 18-13.

SECTION 3

HESPERIA UNIFIED SCHOOL DISTRICT



HESPERIA UNIFIED SCHOOL DISTRICT
ADMINISTRATION & EDUCATIONAL SUPPORT CENTER
 15576 MAIN STREET • HESPERIA, CA 92345
 Phone (760) 244-4411 • Fax (760) 244-2806

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN BERNARDINO
 GRAND JURY
 OCT 03 2018
 BY NORMA GROSJEAN
 NORMA GROSJEAN, DEPUTY

David Olney
 Superintendent

Jovy Yankaskas
 Deputy Superintendent
 Educational Services

Karen Kelly-Pelays
 Assistant Superintendent
 Personnel Services

Dr. George Landon
 Assistant Superintendent
 Business Services

Robert McCollum
 Assistant Superintendent
 Innovative Technology and
 Communication

Steve Hinojos
 Chief
 School Police

Board of Trustees
 Niccole Childs Petersen
 Cody C. Gregg
 Marcy Kittinger
 Ella "Lee" Rogers
 Eric Swanson

Elementary Schools
 Carmel•947-3188
 Cottonwood•949-1390
 Cypress•949-2596
 Eucalyptus•949-0815
 Hollyvale•947-3484
 Joshua Circle•244-6133
 Juniper•244-6161
 Kingston•244-8869
 Krystal•948-3611
 Lime Street•244-0512
 Maple•244-3096
 Mesa Grande•244-3709
 Mesquite Trails•949-3149
 Mission Crest•949-8265
 Topaz•244-4622

Secondary Schools
 AEC, ROP•244-1771
 Canyon Ridge•244-6530
 Cedar Middle•244-6093
 Community Day•244-5751
 Hesperia High•244-9898
 Hesperia Jr. High•244-9386
 Mojave High•948-3999
 Oak Hills High•244-2283
 Rancho Middle•948-0175
 Shadow Ridge ISP & Home
 Programs•949-8267
 Sultana High•947-6777

September 24, 2018

Presiding Judge/Clerk of San Bernardino County Superior Court, State of California
 c/o Grand Jury Assistant, Norma Grosjean
 172 West Third Street, Second Floor
 San Bernardino, CA 92415-0243

**RESPONSE OF HESPERIA UNIFIED SCHOOL DISTRICT
 TO GRAND JURY'S FINAL REPORT RE:
 SEXUAL HARASSMENT POLICY AND PROCEDURES**

INTRODUCTION:

On behalf of the Hesperia Unified School District, we would like to thank you for your review of our policies and procedures. It is our goal to constantly improve and to provide a learning environment that is as safe as possible. Your valuable and objective input will be utilized toward this end. We offer the following response as provided by Penal Code §933.05. In some instances, we are in full agreement with the findings and recommendations. In others, we respectfully disagree and believe that further analysis is warranted.

BACKGROUND:

From the onset, we must emphasize that no written complaint was ever filed with either the school site or district office staff in the underlying matter. The student in question did not come forward to report an incident. Rather, site administration was advised by another student that the young lady in question may have been sexually harassed. Alertly, administration called the student into the office and interviewed her. Her initial response was that nothing had happened, and that she had only been given a hug by a friend.

Nevertheless, site administration diligently took the initiative to review additional camera footage and found a possible incident in which a different young man had slapped this young lady on the back side according to video evidence. The young lady was re-interviewed and advised that another boy had indeed slapped her behind. She responded that she was unaware that he had done that. Once it was brought to her attention, however, the student did state that it made her feel uncomfortable. The offending student was then questioned. He admitted his actions and was suspended. Site administration notified our school police department of the incident. The young lady's mother was contacted by school administration about the incident and she expressed gratitude that school officials had contacted her about what had occurred.

The above constitutes the operative facts which resulted in the Grand Jury's investigation.

FINDINGS

F-1: HUSD has a narrower definition of sexual battery than law enforcement.

We disagree.

Penal Code §243.4 is a lengthy and complex statute which has undergone many historical changes over the last several decades. The courts have adopted the rule that sexual battery is a specific intent crime, consisting of touching an intimate part of another against the victim's will, committed for the purposes of sexual arousal, gratification or abuse [People v. Chavez (2000) 100 Cal. Rptr. 2d 680, 84 Cal. App.4th 25]. Other courts have found that sexual battery or abuse may include touching of an intimate body part for the purpose of insulting, humiliating, or intimidating the victim, even if the touching does not result in actual physical injury [In re Shannon T., (2006) 50 Cal. Rptr. 3d 564, 144 Cal. App.4th 618].

As a District, we fully recognize and adhere to these and other descriptions of sexual battery under Penal Code §243.4. In our mandated reporter training pertaining to child abuse and neglect, we are governed by Penal Code §11166 et. seq. These statutes outline our reporting requirements when a reasonable suspicion arises with respect to child abuse or neglect, including sexual abuse. "Sexual Conduct" is defined differently here than in Penal Code §243.4. It would be optimal if our legislature would reconcile these statutes so that our reporting requirements are better defined and consistent.

F-2: HUSD officials and staff have had sexual harassment training, but are not trained in the elements of sexual battery.

Quite frankly, we do speak with our administrators and teachers about this on a regular basis. Whenever a sexual harassment complaint is filed, a full investigation is conducted consistent with our sexual harassment policies. It should be noted that site administrators are not, nor can they be expected to be, experts in the Penal Code. In this matter, we did not believe that there was a sexual component involved in what transpired. It should be highlighted that the victim in our case initially denied any inappropriate touching, and then when confronted with evidence we developed, indicated she was not aware of the action of the other student at the time it occurred. Without a formal written complaint, we took appropriate action as soon as possible while protecting the due process rights of those involved. Moreover, the events involved in an alleged "slap ass Friday" do not rise to the level of sexual misconduct as defined by Penal Code §11166 since this requires sexual penetration or other similar inappropriate conduct which was nonexistent in our situation.

F-3: The Grand Jury interviews found inconsistencies regarding the retention of video recordings from surveillance cameras on campuses.

It should be highlighted that video recording devices are not required on our campuses. Moreover, there is no discrete funding allocated by our legislature for this purpose. Notwithstanding these issues, we are determining the capabilities of our video recording system with respect to retention of information. We have verified that video clips can be bookmarked, and retained indefinitely, so long as we are aware in a timely fashion of the need to secure them. Within the investigation, our personnel spent many hours reviewing video recordings. We will confirm, and update the Grand Jury, when we have revised policies in place as to retaining data for as long as possible, given the capabilities of our system. There are no statutes, to our knowledge, which govern practices along these lines.

F-4: District officials' explanation of the complaint/grievance procedures differs from what parents told the Grand Jury they and their children experienced.

Our uniform complaint and sexual harassment/grievance procedures are published online, and are contained in our Student/Parent Handbook. We fully agree that parents and students should be made aware of their rights in filing a complaint or grievance and how to do so. It is our intent to provide training as to the complaint process at an upcoming Parent/Teacher Association meeting, and continue to do so on an annual basis. We likewise will make certain that all students receive this training annually in a homeroom or other similar educational setting. In this fashion, we can be assured that parents and their children will have access to the associated procedures, as already contained in our handbook.

F-5: AR 5145.7 Investigative procedures have not been followed.

As noted above, there was no written sexual harassment complaint presented as to an alleged “slap ass Friday.” There nevertheless were issues brought to our attention worthy of investigation and we did so even without a formal complaint. Through our investigation, we were able to confirm that inappropriate touching did occur. District officials spent many hours reviewing YouTube video, surveillance camera video, District chrome books/data, and interviewed potential witnesses. As noted earlier, the victim in this case initially denied that anything happened; and even after confronted with evidence, denied knowing about the touching when it occurred. Without a claim and no complaining victim, we do not believe that criticism is warranted that District personnel should have done more. As you are aware, District police and site administrators did what they could under the circumstances, and the victim was not fully forthcoming. District employees took appropriate action with respect to the offending student. Since student disciplinary matters are highly confidential under the Education Code and established case law, the victim and her parents could not be advised as to exactly what action was taken by the District. We must be mindful that confidentiality of student disciplinary action must be maintained at all times (see *Rim of the World v. Superior Court* (2003) 105 Cal. App.4th 773, interpreting Government Code §49076).

F-6: Students have been interviewed by school officials who are of the opposite gender:

In both interviews that were conducted by a male administrator, a female employee was present to provide reassurance and support to the student. During the second interview, it was the principal of the school who was the female support person. It has always been our practice to be gender sensitive and to pair students and staff of the same gender when sensitive issues arise and when the pairing is feasible. When an administrator of the same gender pairing isn’t possible, a counselor or other employee of the same gender is asked to be present and/or to initially talk to the student to gain the truth. We are reviewing our procedures in this regard and do intend to require, where possible, that school officials of the same gender perform interviews of sexual assault/sexual harassment victims.

F-7: Neither the complainants nor the parents were provided a copy of the investigative report in accordance with AR 5145.7, or advised of their appeal rights.

As noted above, there was no written complaint that required a written reply in this matter. The family was informed by administration of what could be shared under the law (FERPA, student’s right to privacy). Unfortunately, the family wanted more information than what could be shared legally. Nevertheless, complainants and their parents will be advised in the future, to the extent permissible, the outcome of an investigation, appeal rights, and what action was taken. In this matter, even though the involved female student initially denied that anything inappropriate took place, our investigation continued and timely action was taken with respect to the offending student after we had evidence of touching. Since investigative reports are generally confidential, they may not be released to the complaining party. We will review our regulations in this regard and amend them if they are not in compliance with the law.

F-8: There is limited training for students regarding offensive student-on-student touching.

The school involved in the investigation has historically strived to create and maintain a safe campus, one that fosters students who are both academically and morally conscious. This has been achieved through various formal tolerance awareness programs, and instruction that promotes fairness, respect, and acceptance of diversity among all school stakeholders. The programs that are available for student involvement are counseling conflict resolution, Rachel’s Challenge, and Teen Truth.

Additionally, our clubs are another form of student involvement that maintain the same moral standards and these include, but are not limited to: “WEB,” “ASB,” and “Junior Interact Club.” WEB is a middle school peer mentoring, transition, and orientation program that focuses on character development and acts as an anti-bullying program for schools by intentionally welcoming 7th graders with the goal of making them feel comfortable throughout the first year of their middle school experience. A cadre of 8th grade student leaders who look for bullying behavior and help stop it is developed annually [currently, there are

over 50 students who are WEB leaders]. ASB is our Associated Student Body and this represents the interests and goals of the entire student body through our ASB leadership instruction. This process develops skills among our school student leaders who are both elected and appointed. The Junior Interact Club brings together people ages 12 - 18 to develop leadership skills while discovering the power of service above self, which is associated with Rotary International.

We are currently weighing our options as to what additional training is available. There are a number of programs offered through our insurance authority, Southern California Schools Risk Management, and other outside vendors. Once the best approach is selected by our trustees, additional training will be offered to all students.

F-9: Board Policy 5145.7 (Intervention) needs to be rewritten as the phrase “as appropriate” indicates that contacting parents is optional instead of required.

We are reviewing this policy and intend to recommend to our trustees’ revisions in board policy. Most board policy in California is derived from recommendations offered through the California School Board Association. Our past policies have been written in compliance with the recommendations of this organization. We must be mindful of confidentiality rights of all students, both victims and perpetrators. There are actions taken in these situations that are not subject to disclosure. It is our understanding that this is the reason that the words “as appropriate” were earlier recommended by the CSBA for inclusion. We will update the Grand Jury when a further decision has been made.

RECOMMENDATIONS

18-4: Provide all District personnel with training on sexual harassment, sexual assault and sexual battery, defining the elements of each in accordance with Penal Code §243.4. Training should include a third party expert such as personnel from the Crimes Against Children Unit, San Bernardino County Sheriff’s Department.

We are currently exploring the available training to include the elements of Penal Code §243.4 and mandated reporting requirements under Penal Code §11166. We hope to have a training schedule in place within the next 60 days.

18-5: Follow a consistent policy regarding the use of campus surveillance cameras, the length of time recordings are kept, and the location of stored recordings.

As noted above, we are verifying the capabilities of our camera system and intend to retain recordings as long as feasible, while establishing guidelines for bookmarking discrete events to be kept as long as needed.

18-6: Develop a checklist of the steps to be taken when a complaint of sexual harassment, discrimination or bullying is received in order that all requirements of AR 5145.7(b) School-Level Complaint Process/Grievance Procedure are met.

A checklist is being developed and appropriate training will be provided to our administrative staff consistent with the policies we develop.

18-7: Recruit and hire a female officer for the Hesperia Unified School District Police Force.

We are currently interviewing for an open law enforcement position and hope to have a female officer on our staff in the very near future.

18-8: Amend Administrative Regulation 5145.7 to include that complainants shall be interviewed by an administrator of the same gender.

It is not believed that an amendment of our current Administrative Regulations is needed in that there are no mandates, of which we are aware, that require complainants be interviewed by an administrator of the same gender. Nevertheless, it will be our District’s stated preference to have an individual interviewed

by a District employee of the same gender whenever possible. It has always been our practice to be gender sensitive and to pair students and staff of the same gender when sensitive issues arise and when the pairing is feasible. When an administrator of the same gender pairing isn't possible, a counselor or other employee of the same gender is asked to be present and/or to initially talk to the student to gain the truth.

18-9: Amend Administrative Regulation 5145.7 (Written Report and Findings and Follow-up) to include parent/guardian receipt of all written investigative reports.

Under current statutory and case law, school districts are not permitted to release confidential information as may be contained in investigative reports to those who are not entitled to the information. When we do receive written complaints that fall within our uniform complaint, sexual harassment or anti-bullying policies, a written reply will be provided to the parent/guardian of the complaining student. We will indicate in our reply if, and when, our investigation has been completed, provide a brief summary of our findings to the extent we are permitted to release information, and assure that appropriate action has been taken to prevent any future similar occurrences. We understand the importance of communicating in writing in instances of formal complaints.

18-10: Develop age-appropriate training specific to Hesperia Unified School District students regarding student-on-student offensive touching behavior and conduct training sessions for the entire student body.

As discussed herein, training will be provided to parents and students with information being disseminated at PTA meetings, homeroom or other similar setting during the instructional day, and emphasized in each school's Parent/Student Handbook.

18-11: Amend Board Policy 5145.7 (Intervention) to specifically require notification of parents/guardians of both complainants and other involved students of sexual harassment, assault and/or battery, and obtain written confirmation from the parents/guardians of report notifications.

Again, it should be noted that no complaint was ever filed with the school or district. When we are responding to a complaint, it is our current practice to send our formal written response to the complainant via certified mail to verify that they have received it. With all due respect, our current response to complaints works very well when we receive a written complaint to which to respond.

CONCLUSION

Once again, the Hesperia Unified School District thanks you for your involvement in reviewing our policies and procedures. It is our goal to foster a safe environment for our students and staff. If you have any questions, do not hesitate to contact the undersigned. We look forward to working with you toward an amicable resolution of the findings and recommendations contained within the Grand Jury's report.

Sincerely,


David Olney
Superintendent

cc: Clerk of the Board of Supervisors, Laura Welch
385 N. Arrowhead Avenue, Second Floor
San Bernardino CA 92415-0130

SECTION 4

CITY OF SAN BERNARDINO



City of
San Bernardino

Office of the City Manager | Andrea M. Miller, City

December 18, 2018

Honorable John P. Vander Feer, Presiding Judge
Superior Court of California, County of San Bernardino
247 West Third Street, 11th Floor
San Bernardino, CA 92415-0302

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
GRAND JURY

DEC 20 2018

BY Norma Grosjean
NORMA GROSJEAN, DEPUTY

**Re: City Response to the Final Report of the Grand Jury (June 29, 2018)
— San Bernardino Municipal Water Department**

Honorable Judge Vander Feer:

Enclosed herewith please find the above-referenced response to the Final Report of the 2017-2018 San Bernardino County Civil Grand Jury as it pertains to the San Bernardino Municipal Water Department.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Andrea M. Miller
City Manager
City of San Bernardino

Enclosure

cc: Nancy CS Eberhardt, Chief Executive Officer, Superior Court, County of San Bernardino
Rosie Hinojos, Foreman, 2017-2018 San Bernardino County Civil Grand Jury

**City Response to the
Final Report of the Grand Jury (June 29, 2018)
San Bernardino Municipal Water Department**

The following is the City's response to the above-referenced Final Report of the 2017-2018 San Bernardino County Civil Grand Jury as it pertains to the San Bernardino Municipal Water Department:

Finding No. 1.

"The Memorandum of Understanding has expired; therefore, there is no agreement in place regarding terms and conditions of employment."

City Response: Partially disagree. While this may have been the case at the time the Grand Jury completed its investigation, a valid Memorandum of Understanding was in place as of May 2018, prior to the publication of the Final Report.

Finding No. 2.

"The Policy and Procedures are not reviewed and updated on an annual basis; therefore, employees may not be conducting themselves in accordance with policies."

City Response: Partially disagree. While this may have been the case at the time the Grand Jury completed its investigation, the Municipal Water Department updated and added twenty-four (24) Policies and Procedures in May 2018, prior to the publication of the Final Report.

Recommendation No. 18-2.

"Approve and maintain a current Memorandum of Understanding."

City Response: Implemented. As noted above, a valid Memorandum of Understanding was entered into in May 2018. This Memorandum will remain in place until 2023. The City intends to ensure that a valid Memorandum of Understanding is negotiated and finalized prior to the expiration of the current Memorandum.

Recommendation No. 18-3.

"Review all Department policies and the Memorandum of Understanding on an annual basis with employees. Employees should acknowledge receipt of this review."

City Response: Implemented. As noted above, the Municipal Water Department updated and added twenty-four (24) Policies and Procedures in May 2018. Each of such Policies and Procedures was reviewed and acknowledged by each Department employee. Additionally, since then, at least forty-one (41) Policies and Procedures have been updated and reviewed. This is an ongoing effort and the Water Department will continue to review and update the remaining Policies and Procedures as recommended by the Grand Jury. Moreover, the Department is adding an annual review policy of all Policies and Procedures, with employee acknowledgment, as further recommended by the Grand Jury.



City of
San Bernardino

Office of the City Manager | Andrea M. Miller, City

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
GRAND JURY

DEC 20 2018

December 18, 2018 BY

Norma Grosjean
NORMA GROSJEAN, DEPUTY

Honorable John P. Vander Feer, Presiding Judge
Superior Court of California, County of San Bernardino
247 West Third Street, 11th Floor
San Bernardino, CA 92415-0302

**Re: City Response to the Final Report of the Grand Jury (June 29, 2018)
— San Bernardino Code Enforcement**

Honorable Judge Vander Feer:

Enclosed herewith please find the above-referenced response to the Final Report of the 2017-2018 San Bernardino County Civil Grand Jury as it pertains to San Bernardino Code Enforcement.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Andrea M. Miller
City Manager
City of San Bernardino

Enclosure

cc: Nancy CS Eberhardt, Chief Executive Officer, Superior Court, County of San Bernardino
Rosie Hinojos, Foreman, 2017-2018 San Bernardino County Civil Grand Jury

**City Response to the
Final Report of the Grand Jury (June 29, 2018)
San Bernardino Code Enforcement**

The following is the City's response to the above-reference Final Report of the 2017-2018 San Bernardino County Civil Grand Jury as it pertains to San Bernardino Code Enforcement:

Finding No. 1.

"Code Enforcement response to citizen complaints has been ineffective prior to January 2018 resulting in a substantial backlog of complaints to which there has not been a response."

City Response: **Agree.**

Finding No. 2.

"Code Enforcement has been reorganized (since January 1, 2018) to be entirely within the Police Department in an effort to improve responsiveness and code compliance."

City Response: **Agree.**

Recommendation No. 18-1.

"Prepare a quarterly report of code enforcement complaints received, code enforcement complaints investigated, the number of violations resolved, and the number of unresolved violations. Submit the report to the City Manager for presentation to the City Council and Mayor."

City Response: **To be implemented.** The City appreciates this recommendation and expects to implement it in the coming months.