

# FINAL REPORT



SAN BERNARDINO COUNTY  
CIVIL GRAND JURY  
2021

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The Editorial Committee acknowledges and thanks the following individuals for their hard work and invaluable assistance in the preparation of the Final Report of the 2021 San Bernardino County Grand Jury:

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Valerie Silvas  
Grand Jury Coordinator



December 17, 2021

Honorable Michael A Sachs, Presiding Judge  
Superior Court of California, County of San Bernardino  
247 West Third Street, 11th Floor  
San Bernardino, CA 92415-0302

Dear Judge Sachs,

It is my honor on behalf of the 2021 San Bernardino County Civil Grand Jury to present to you, the Board of Supervisors, and to the people of the county of San Bernardino this year's Civil Grand Jury Final Report.

This is the first Civil Grand Jury to work entirely under a global pandemic with all its restrictions, mandates, and fears. Along with the rest of the world, we found it challenging to fulfill our responsibilities in an unpredictable global crisis. We were faced with the ongoing changes to the business world as well as our own local government. The Civil Grand Jury experienced a scaled back workforce, office closure, the use of new virtual technologies while under the multiple levels of quarantine.

I would like to salute my fellow jurors who devoted themselves to serve this past year and their commitment is evident in their hard work. Each member utilized their knowledge, experience, and passion to investigate and create possibilities to better our community.

The Grand Jury would like to thank these several public servants: Michelle Blackmore, Penny Alexander-Kelley from the County Counsel's Office, for their legal opinions and important advice. Sheriff John McMahon, Sheriff Shannon Dicus, and Deputy Chief John Ades from the San Bernardino County Sheriff, and numerous other county and cities public employees who gave their time and knowledge. We would also like to thank the private sector who gave us their time and efforts. The Grand Jury was able to satisfy its Penal Code §919b duty. We were able to visit the California Institute for Men as well as the California Institute for Women.

Steve Jobs once commented that his business model was taken from the Beatles "They were four guys who kept each other's kind of negative tendencies in check. They balanced each other and the total was greater than the sum of its parts." Similarly, the Civil Grand Jury only works when it has the support from the other members of the band. We thank those who cooperated with us.

To the Presiding Judge Michael A. Sachs, who was always looking out for the safety and wellbeing of the Jurors during this year. To Eileen Stutson and Kristie Armstead for their assistance, guidance, and patience in the beginning of the year while we waited for our new Coordinator. To the Grand Jury IT Support team who through their knowledge and dedication helped us through the pitfalls of dealing with the new technology and its frequent quirks. Finally, to the two main people who were there for the day to day. Valerie Silvas who came in as the new Grand Jury Coordinator. Her participation was key in keeping this Jury informed and organized and all with a truly pleasant and professional demeanor. To our Legal Advisor Michael Dauber, who through his hard work, knowledge, professionalism, encouragement, and leadership set the stage for our success.

Sincerely,

A handwritten signature in blue ink that reads "B. McGuire".

Bruce McGuire  
Foreperson  
2021 San Bernardino County Civil Grand Jury

# SAN BERNARDINO COUNTY 2021 CIVIL GRAND JURY

## Officers



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Foreperson  
Chino Hills



**Jean Biordi**  
Foreperson Pro Tem  
Highland



**Timothy Steenson**  
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**Margaret Brewster**  
Grand Terrace



**William Chapman**  
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**Elizabeth Garcia**  
Upland



**Karon Roberts**  
Wrightwood



**David Hutson**  
Fontana



**Edward Jabo**  
Mentone



**Lino Martinez**  
Rialto



**Teresa Martinez**  
Rancho Cucamonga



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Resigned 1/6/21

**Howard Reeves**  
Resigned 1/27/21

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Honorable  
**Michael A. Sachs**  
*Presiding Judge*



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## **2021 RESPONSE AND ACCOUNTABILITY**

Review of Grand Jury Recommendations from reports of 2018-2019 and 2019-2020

### **METHODOLOGY**

The 2021 San Bernardino County Civil Grand Jury was tasked with verifying the 2018-2019 and 2019-2020 Grand Jury reports' recommendations directed toward several agencies. The verification was done by in-field visits along with analyzing the responses provided to the Grand Jury.

### **BACKGROUND: RESPONSE AND ACCOUNTABILITY COMMITTEE**

The Civil Grand Jury's primary role, as supported by the evidence, is to evaluate the performance of local government agencies and officials and to publish recommendations in its final report. The responsibility of the Grand Jury is to follow-up on the previous year's recommendations of the Grand Jury Final Reports to evaluate the responses that are received for each listed recommendation. California State Penal Code Section §933.05, government entities identified by any Grand Jury investigation are required to respond to each recommendation made in the Grand Jury Final Report.

The area of focus for the 2021 Grand Jury is on the recommendations and how the responses comply to the (Penal Code) PC § 933.05(b) as noted below:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the



matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

## **SUMMARY**

The 2021 San Bernardino Civil Grand Jury had serious concerns on how the responses were received by two entities from the 2018-2019 Grand Jury Recommendations. In regard to the report, "School Safety", The Civil Grand Jury states its' concerns at the beginning of the "School Safety" section below. With the "Senior Centers", a response was to be received by the Grand Jury office by Sept.26,2019 as noted in the final report. Nothing was received by the Grand Jury until inquiries were made by the 2021 Grand Jury in early 2021 and finally received the response to the recommendations in the spring of 2021. The recommendation to remove the asbestos in the Delmann Senior Center was to be done "immediately" as to not endanger the patrons, employees and the Head Start program held on the premises. An asbestos removal contractor did not enter into a contract until May 4,2021. The Grand Jury did not investigate why there was such a delay in the removal of the asbestos due to the fact the Grand Jury did not receive a copy of the contract till October 2021.

The 2021 San Bernardino County Civil Grand Jury reviewed the following: FY2018-2019 and the FY2019-2020 Grand Jury Final Report.

## **CHILDREN AND FAMILY SERVICES**

Please find below, in every recommendation, the original recommendations given, the responses by Children and Family Services 2018-2019, and the status review:

### **RECOMMENDATION 19-1:**

Mandate that Children and Family Services (CFS) Supervisors monitor and offer assistance to Social Service Practitioners (SSP) in the field as well as the office daily.

### **RESPONSE:**

This recommendation is already in practice. Monitoring of and assistance to Social Service Practitioners in the field as well as the office daily is the core responsibility of Supervising Social Service Practitioners (SSSP). Accordingly, SSSP consistently make themselves available to support social work staff.

Response complies with Penal Code PC § 933.05(b)(1).

### **RECOMMENDATION 19-2:**

Children and Family Services (CFS) continue to hire qualified social workers to keep up with attrition or create a back to work temporary program for retired social workers to fill off and court positions and free up full time employees.

### **RESPONSE:**

This recommendation is already in practice. Since July 2016, the Department has hired a total of 367 SSP Is-IV, and 60 SSP Vs CFS recognizes an ongoing need to hire SSP Is-IVs and Social Service Practitioner Vs (formerly Senior Social Service Practitioner).

In 2018, CFS initiated a Speed Hiring Program, which streamlines the hiring process and brings newly hired SSP on board more quickly. This program has now been fully implemented and CFS, in collaboration with County Human Resources and Human Services Personnel, received an Achievement Award from the National Association of Counties (NACO) in recognition of this initiative.

Response complies with Penal Code PC § 933.05(b)(1).

**RECOMMENDATION 19-3:**

Require all foster parents, social workers, regardless of position, attend Commercial Sexual Exploitation of Children training (CSEC).

**RESPONSE:**

This recommendation is already in practice regarding social workers. Foster parents-known today as “Resource Families”- are provided CSEC training by the agencies that employ them.

Response complies with Penal Code PC § 933.05(b)(1).

**RECOMMENDATION 19-4:**

Given the low morale in CFS offices, it is imperative that upper management develop methods to motivate and create more positive interactions with line workers.

**RESPONSE:**

This recommendation is already in practice. The department agrees that it is important for upper management to continually develop new methods to motivate and create positive interactions with line workers.

Response complies with Penal Code PC § 933.05(b)(1).

**RECOMMENDATION 19-5:**

Additional training is necessary to enhance communications skills between Social Service Practitioners, their clients and management.

**RESPONSE:**

This recommendation is already in practice. CFS continuously strives to ensure that appropriate training is available to enhance communication skills between Social Service Practitioners, their clients and management.

Response complies with Penal Code PC § 933.05(b)(1).

**RECOMMENDATION 19-6:**

Management and Supervisors must be held accountable for the timely completion of employee evaluations and discuss it with the employee within 30 days of the evaluation's due date.

**RESPONSE:**

This recommendation will be implemented. The department will make a concerted effort to ensure that the employee performance evaluations are completed in a timely manner and discussed with the employee within 30 days of the completed evaluations, unless circumstances exist that would prohibit a review with this timeframe.

Response complies with Penal Code PC § 933.05(b)(2).

**RECOMMENDATION 19-7:**

The results of research, findings, and observations by the Grand Jury leads to the conclusion that a complete reorganization of CFS is needed as indicated in the Deloitte Reorganization Project.

**RESPONSE:**

This recommendation is already in practice. The Business Redesign Project was implemented to fulfill CFS desire to continue moving the practice of child welfare in San Bernardino County forward by enabling staff to do their jobs with greater ease and increased efficiencies. In line with the Business Redesign Mission Statement, the department made strides in the five key areas of recommendation on various aspects of redesign, thus furthering the vision and mission statements of CFS.

Response complies with Penal Code PC § 933.05(b)(1).

**RECOMMENDATION 19-8:**

Appoint an independent oversight committee to offer objective viewpoints, opinions, and recommendations.

**RESPONSE:**

This recommendation will not be implemented because it would be redundant. The California Department of Social Services (CDSS) is tasked with the responsibility of monitoring and providing objective recommendations to county child welfare agencies and is statutorily authorized to compel compliance with state laws and regulations. San Bernardino County works closely with the State and implements any recommendations that CDSS may have in this regard.

Response complies with Penal Code PC § 933.05(b)(4).

**RECOMMENDATION 19-9:**

It is necessary that Social Service Practitioners have training in Commercial Sexual Exploitation of Children (CSEC) because most will inevitably be faced with the task of meeting victims of Human Trafficking and possibly managing a case or cases for victims of Human Trafficking.

**RESPONSE:**

Please see the response to Recommendation 19-3

This recommendation is already in practice regarding social workers. Foster parents-known today as “Resource Families” are provided CSEC training by the agencies that employ them.

Response complies with Penal Code PC § 933.05(b)(1).

**CONCLUSION:**

The San Bernardino County 2021 Civil Grand Jury concluded that Children and Family Services Responses 19-1 thru 19-9 comply with PC § 933.05.

## **CITY OF UPLAND 2018-2019**

Please find below the original recommendation given, the response by the Upland City Council and the status of the review:

### **RECOMMENDATION 19-10:**

The City of Upland must develop a formal course of action to reduce their unfunded pension liability and develop a formal plan that funds future pension contributions. Increasing revenue would be from a conceptual perspective the best solution. However, increasing revenue is not an easy task. Decreasing retirement plan costs should be considered via extending retirement dates and pension annuity payout present. A third alternative would be to establish an escrow type account that immediately would set aside funds annually that can be used to adjunct future retiree pension payments. The Grand Jury understands that the pension payment projections are just projections. Irrespective of any projection change, this does not diminish the urgency to develop a formal plan to correct the unfunded pension liability issue.

### **RESPONSE:**

The City of Upland recognizes the need to develop a program to reduce its pension liabilities associated. The City currently has an existing financial model. However, this model requires updating to reflect the current personal data, adjustments to personnel compensation, and most recent California Public Employees' Retirement System (CalPERS) information. This financial model will be a dynamic tool and will require periodic updates to reflect changed conditions.

### **CONCLUSION:**

The San Bernardino County 2021 Civil Grand Jury concludes that the City of Upland San Bernardino Response 19-10 complies with PC § 933.05(b)(1).

## **SAN BERNARDINO COUNTY HOMELESSNESS-THERE IS HOPE**

San Bernardino County Sheriff's Department was given 2018-2019 San Bernardino County Civil Grand Jury's Final Report that was published May 27, 2019.

Please find below in every recommendation, the original recommendation given, the response by San Bernardino County Sheriff's Department and status of review.

### **RECOMMENDATION 19-11:**

The San Bernardino County Sheriff's Department Hope Team be granted additional manpower to allow for increased coverage of the geographic area of San Bernardino County. This would include San Bernardino County Sheriff's Department Hope Team working rotating shifts to cover a 24-hour period Monday through Friday, which would also include two weekends a month.

### **RESPONSE:**

The Sherriff's Department agrees with the recommendation and has proactively implemented programs and measures:

In 2019 San Bernardino County Sheriff's Department partnered with Department of Behavioral Health to add additional deputy to the homeless outreach and Proactive Enforcement Hope Team.

### **CONCLUSION:**

The San Bernardino County 2021 Civil Grand Jury concluded that San Bernardino County Sheriff's Department Response 19-11 complies with PC § 933.05(b)(1).



## **SAN BERNARDINO COUNTY HOMELESSNESS-THERE IS HOPE**

United Way was given 2018-2019 San Bernardino County Civil Grand Jury's Final Report that was published May 27, 2019, and United Way forwarded the report to San Bernardino County Board of Supervisors to respond.

Please find below in every recommendation, the original recommendation given, the response by San Bernardino County Board of Supervisors and status of review.

### **RECOMMENDATION 19-12:**

The 211-call center to develop an outreach program to include one day a week community service within different homeless communities in San Bernardino County.

### **RESPONSE:**

This is already in practice. The Coordinated Entry System is a component of the 211 system and includes a mobile outreach.

The Response complies with PC § 933.05(b)(1).

### **RECOMMENDATION 19-13:**

The 211 Call Center must be more effectively promoted to the homeless and low-income community. This would include better signage and 211 cards displayed within the public areas such as grocery stores, libraries, post office, hospitals, 24-hour clinics, etc.

### **RESPONSE:**

This is already in practice. The 211 markets its services by attending hundreds of outreach events and other gatherings each year. County Office of Homeless Services distributes informational handouts to various agencies throughout the county.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-14:**

A shared database must be developed among the 211 Call Center, Coordinated Entry System, the San Bernardino County Sheriff's Department HOPE Team, and the various service providers so that the homeless and low-income residents can be better served.

**RESPONSE:**

This requires further study. Due to privacy laws, data stored in county databases cannot be shared with other entities.

The Response complies with PC § 933.05(b)(3).

**RECOMMENDATION 19-15:**

The 211 Call Center must add a "Homeless Option" to the pre-recorded call-in menu.

**RESPONSE:**

This requires further study. The county will work with United Way 211 to determine whether this can be implemented.

The Response complies with PC § 933.05(b)(3).

**CONCLUSION:**

The San Bernardino County 2021 Civil Grand Jury finds the Responses comply with PC § 933.05.

## **SAN BERNARDINO COUNTY REGIONAL PARKS 2018-2019**

### **RECOMMENDATION 19-16:**

The Grand Jury recommends that the Regional Park staff rewrite, update, and distribute every section of the San Bernardino County Regional Park policy manual, with a provision for review, revision and re-issue requirement included.

### **RESPONSE:**

The recommendation is being implemented. The revised manual was submitted to the County Administrative Office for review on August 1, 2019, and upon approval, will be distributed to all Regional Parks staff and explained at every new employee training.

The response complies with PC § 933.05(b)(1).

### **RECOMMENDATION 19-17:**

Conduct a safety inspection of all structures in all parks. Also, inspect, repair, refurbish, and maintain the parks. Open all concession stands that are closed. Initiate an intensive maintenance and repair program throughout the parks.

### **RESPONSE:**

Portions of this recommendation are already in practice. Other portions will be implemented by January 2020.

The response complies with PC §§ 933.05(b)(1), 933.05(b)(2).

### **RECOMMENDATION 19-18:**

1) Develop a San Bernardino Regional Parks Chain of Command Organizational Chart.

- 2) Develop an operational procedure for each park.
- 3) Develop a Duty Statement (park specific) for each staff member of each park.
- 4) Include numbers 1-3 in a new manual.

**RESPONSE:**

The recommendation is already in practice. The Organizational Chart has been completed, and the Policy Manual is undergoing review. This manual includes operational procedures and duty statements for each park.

The response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-19:**

Update the job description for every staff position within the San Bernardino County Regional Parks and include this in the manual.

**RESPONSE:**

This recommendation is already in practice. The rough draft of the job descriptions was presented in rough draft form in December 2017. This will be in the manual and will be reviewed with every park employee by 8.30.19.

The response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-20:**

Develop and initiate a training program for every staff member and include the components of the training program in the revised manual.

**RESPONSE:**

A copy of the training program and the training log will be developed by November 2019. The new training program and training log will be included in the new manual.

The response complies with PC § 933.05 (b)(2).

**RECOMMENDATION 19-21:**

Develop and maintain a prescribed daily park-specific maintenance plan and activity schedule for each staff position.

**RESPONSE:**

This recommendation is already in practice. It was fully implemented at Calico in 2016 and will be fully implemented at all parks by July 2018. Also, all staff positions were filled as of May 2019.

The response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-22:**

It is recommended that, by 12.31.19, the Board of Supervisors grant full funding for each of the repairs and/or replacement through the Capital Improvement Projects Program by:

1. San Bernardino County Regional Parks Administration
2. San Bernardino County Regional Parks Supervisory Staff
3. Previously recommended safety inspections
4. Areas listed elsewhere in this report

**RESPONSE:**

This recommendation is still being considered for implementation. The Capital Improvement Projects (C.I.P.s) that have a safety concern are expedited. The C.I. P.s that do not have an immediate safety concern are submitted through the County's 5 Year C.I.P. Process. If funding is available

through the agency, then a C.I.P. can be submitted for Board Approval at any time.

The response complies with PC §§ 933.05(b)(3), 933.05 (b)(4).

**RECOMMENDATION 19-23:**

Improve the manner and method of the Regional Parks Advisory Commission’s communications with the Board of Supervisors and the general public.

**RESPONSE:**

This recommendation is already in practice. The San Bernardino County Regional Parks have posted the approved minutes of the Advisory Commission meetings on the website since March 2019, within the time limits. They are then forwarded to the correct agencies.

The response complies with PC § 933.05 (b)(1).

**RECOMMENDATION 19-24:**

Revise and update the goals, duties, and objectives of the Park Advisory Commission to include:

1. Redefine the park “tour” as a formal annual structured inspection.
2. Form an “Inspection Team”.
3. Hold a minimum of one (1) Parks Advisory Commission meeting per year in each of the five supervisory districts.

**RESPONSE:**

This recommendation is being implemented. An Annual Tour with a formal inspection function will be proposed at the September 2019 Park Advisory Commission Meeting.

The response complies with PC § 933.05 (b)(2).

**RECOMMENDATION 19-25:**

Revise the Regional Parks Manual to include:

1. The Regional Parks Mission Statement (emphasized).
2. Post the Mission Statement at each Park, and in every employee break room.
3. Establish measurable performance objectives for all staff.
4. Incorporate these measurable performance objectives into training, employee probation reports, and annual performance appraisals.

**RESPONSE:**

This recommendation is partially already in practice. Part of it will be implemented. Work on the new Mission Statement rough draft is to begin February of 2019. The new Mission Statement will be posted by June of 2019. It will also be included in the training program as of November 2019. The new performance objectives will be reviewed with each employee by August 30, 2019.

The response complies with PC § 933.05(b)(2).

**RECOMMENDATION 19-26:**

Open all concession stands that have been closed at the San Bernardino Regional Parks. Actively solicit contractors and/or private entities to help operate the concession stands.

**RESPONSE:**

The County Regional Parks has partially implemented this recommendation. The Parks were successful in opening concessions in most Parks. But the Department was not able to finalize concession stands and/or snack bars at Glen Helen Regional Park, and at the Equestrian Program at Mojave Narrows Regional Park. As of June 17, 2019, the Regional Park Department met with County Purchasing to begin using the Continuing Funding Process (C.F.P.) Funding for repairs is also being negotiated. However, the

Department determines that Cost-Sharing Start-Up agreements would be detrimental to revenue generation.

The response complies with PC §§ 933.05 (b)(1), 933.05 (b)(4)

**RECOMMENDATION 19-27:**

The following five recommendations should be completed by: December 31, 2021

1. Provide 24/7 security patrol for each park that has RV/tent camping overnight.
2. Replace the barbed wire fencing with a different material security fencing at each park.
3. Post “No Trespassing” and “No Unauthorized Entry” signs along the perimeter of every fence in every park, as specified in the California Penal Code.
4. Work with the Sheriff’s Department to establish a three-times-per-day or once-a-shift drive through for each park.
5. Require fishing permits to be physically displayed on each person fishing in the lake at each park.

**RESPONSE:**

This recommendation is already in practice and is being implemented. Quotes have been obtained to replace the barbed wire fencing with security fencing by the FY 2020.

The response complies with PC §§ 933.05 (b)(1), 933.05 (b)(2).

**RECOMMENDATION 19-28:**

Develop a procedure that monitors and measures San Bernardino County Regional Parks visitor satisfaction ratings for each Regional Park.



**RESPONSE:**

Park visitors currently use the website to rate the Parks, and to submit comments. Responses to these ratings and comments are usually posted within 72 hours. The website is currently being updated to improve it. Results of visitor ratings and comments from the website are currently being used to propose changes and improvements to Mojave Narrows Regional Park.

The response complies with PC § 933.05(b)(1).

**CONCLUSION:**

The 2021 Civil Grand Jury commends the San Bernardino Regional Parks Department for following through with most of the 2018-2019 recommendations. All dates in the responses above have been taken to be correct and completed as stated. The 2021 San Bernardino Civil Grand Jury urges the Regional Parks Department to continue maintaining the Regional Parks, as they are wonderful places for our community to visit and enjoy.

## **SCHOOL SAFETY KINDERGARTEN - 12TH GRADE SCHOOLS**

### **RECOMMENDATION 19-29:**

Each District School Board and District Superintendent of Schools must ensure all school perimeters in their district are fenced to create a Single Point of Entry. The Single Point of Entry must be electronically locked and monitored.

### **RESPONSE:**

This Recommendation will not be implemented because it is not warranted or is not reasonable. This Recommendation should be directed to local school districts, rather than District Superintendent of Schools, for each of their school sites.

This response satisfies California PC § 933.05(b)(4).

### **RECOMMENDATION 19-30:**

The San Bernardino County Superintendent of Schools, with the collaboration of all 33 local superintendents, must establish a County written policies and procedures manual of Detect, Delay, and Deter “Best Practices” for dissemination to schools within the County.

### **RESPONSE:**

This Recommendation requires further analysis. As set forth above, SBCSS is currently in the process of establishing a School Safety Network which will address, in part, issues identified by the Grand Jury. Thus, while SBCSS is opened to exploring the potential development of a policies and procedures manual related to school safety, the organization hopes to take a more collaborative approach that focuses on peer-to-peer sharing of best practices, and the provision of resources and training to districts across the County. Such resources and training may include elements of DDD, but SBCSS is also open to exploring other processes and programs to address

potential intruders and active shooters on school campuses. In addition, SBCSS would like to consider bringing this issue before the County Chief Business Official (“CBO”) Advisory Committee, which is comprised of the SBCSS Assistant Superintendent of Business Services, as well as CBOs from school districts across the County. 9 Therefore, SBCSS would like to initiate the Network and potentially bring this Recommendation to the CBO Advisory Committee to determine whether such a manual would be beneficial to school districts, or whether there are other measures that would be more practical (e.g. the provision of trainings on the development of School Safety Plans, active shooter drills and procedures, etc.). Given that the Network is anticipated to be launched within the next few months, SBCSS expects to analyze this Recommendation and determine whether and to what extent it will be implemented within six (6) months from the date of this response (by approximately February 2020).

This response satisfies California PC § 933.05(b)(3).

#### **RECOMMENDATION 19-31:**

Individual school principals and the school site councils must adopt Detect, Delay, and Deter “Best Practices” from the written policies, and procedures manual most appropriate to their school environment.

#### **RESPONSE:**

With respect to local district schools, this Recommendation will not be implemented because it is not warranted or is not reasonable. This Recommendation is directed to local school districts, rather than SBCSS. In regard to SBCSS school sites, this Recommendation requires further analysis.

This response satisfies California PC § 933.05(b)(4).

#### **RECOMMENDATION 19-32:**

The San Bernardino County Superintendent of Schools must take a more proactive leadership position by organizing a technological team to include

students and staff from school districts. This team should be directed to research and define a video surveillance and door alarm system to meet the needs of schools across the County.

**RESPONSE:**

This Recommendation requires further analysis. In light of the unique needs, climates, budgetary constraints, and other local factors and influences, SBCSS does not anticipate that it will be feasible to recommend a single video surveillance and door alarm system for use at schools across the County. In addition, SBCSS does not agree that it would be appropriate to include students in these discussions, and therefore does not intend to implement that portion of the Grand Jury's recommendation. SBCSS will, however, consider this Recommendation in conjunction with the School Safety Network that is being organized.

This response satisfies California PC § 933.05(b)(3).

**RECOMMENDATION 19-33:**

The San Bernardino County Superintendent of Schools, in collaboration with all 33 local superintendents, must act on the technological team's recommendation, by researching the most efficient way to install these systems in all schools in San Bernardino County.

**RESPONSE:**

This Recommendation will not be implemented because it is not warranted or is not reasonable.

This response satisfies California PC § 933.05(b)(3).

**RECOMMENDATION 19-34:**

A clear communication chain of command must be established for each school. Schools must practice the chain of command during mandatory emergency drills.

**RESPONSE:**

With respect to district schools, this Recommendation will not be implemented. SBCSS does not have authority to require and enforce a chain of command at schools operated by autonomous school districts. In regard to SBCSS school sites, this recommendation has already been implemented.

This response satisfies California PC § 933.05(b)(4),

**RECOMMENDATION 19-35:**

The San Bernardino County Superintendent of Schools must create an executive safety team to train all local district superintendents and school site councils in the correct use of the CDE, “Compliance Tool for Comprehensive School Safety Plan”.

**RESPONSE:**

SBCSS anticipates implementing this Recommendation within the 2019-2020 school year, preferably prior to March 1, 2020, which is the deadline for district schools to review and update their School Safety Plans.

This response satisfies California PC § 933.05(b)(2).

**RECOMMENDATION 19-36:**

Local school district superintendents must establish written procedures to review individual School Safety Plans in their district as mandated.

**RESPONSE:**

This Recommendation will not be implemented because it is not warranted or is not reasonable. This Recommendation is directed to local school districts, rather than SBCSS.

This response satisfies California PC § 933.05(b)(4).

**RECOMMENDATION 19-37:**

The [San Bernardino] County Superintendent of Schools must require local district superintendents to forward to the San Bernardino County Superintendent updated School Safety Plans for a compliance review as part of the requirement to “superintend” districts.

**RESPONSE:**

This Recommendation will not be implemented because it is not warranted or is not reasonable. This Recommendation is outside of the authority and jurisdiction of the County Superintendent to enforce. Pursuant to Education Code sections 32281(a) and 32288(a)(1), local school districts are responsible for the overall development and approval of School Safety Plans for schools within their district, and the office of the county superintendent is responsible for the development of School Safety Plans for those schools under its direct administration.

This response satisfies California PC § 933.05(b)(4).

**RECOMMENDATION 19-38:**

The San Bernardino County Superintendent of Schools in cooperation with the San Bernardino County Board of Supervisors must establish a School-Centered Mental Health program to provide all principals one (1) or more mental health professionals including a minimum of one (1) Psychiatric Social Workers for each school.

**RESPONSE:**

This Recommendation will not be implemented because it is not warranted or is not reasonable. SBCSS cannot respond to this Recommendation insofar as it is made to the San Bernardino County Board of Supervisors, which is an independent entity over which SBCSS does not have control, and which entity has not been requested to respond to the Grand Jury Report.

This response satisfies California PC § 933.05(b)(4).

**RECOMMENDATION 19-39:**

The County Board of Supervisors must provide funding for a Countywide School-Centered Mental Health program to help troubled students, on campus and in the surrounding communities.

**RESPONSE:**

Board of Supervisors funding is required to hire a sufficient school safety staff to oversee school safety issues across 33 districts and 550 plus public K-12 schools in the County. The recommendation will not be implemented because it is not warranted or is not reasonable. SBCSS cannot respond to this Recommendation insofar as it is directed to the San Bernardino County Board of Supervisors, which is an independent entity over which SBCSS does not have control, and which entity has not been requested to respond to the Grand Jury Report.

This response satisfies California PC § 933.05(b)(4).

**RECOMMENDATION 19-40:**

The San Bernardino County Superintendent of Schools must improve communication throughout the County, local school districts, and 12 schools, by using professional online video conferencing software. All districts and schools in San Bernardino County should use the same software and be able to participate online.

## **RESPONSE:**

This Recommendation will not be implemented because it is not warranted or is not reasonable. While SBCSS does not have the authority to require local school districts to expend funds and utilize particular video conferencing software, SBCSS offers trainings and holds County-wide meetings, the organization generally makes several locations available at its various offices throughout the County, and also offers provides remote telephonic and/or web access to attendees in districts that are distant from the SBCSS offices.

This response satisfies California PC § 933.05(b)(4).

## **CONCLUSION:**

Importantly, as indicated in the original Response, the County Superintendent's Office has very limited control over the decision-making of individual school districts. School districts are autonomous local educational institutions with duly elected school boards and statutorily appointed superintendents. While the County Superintendent does have some statutory oversight responsibilities, decision-making authority is legally afforded to the individual school districts. As such, in this instance, the County Superintendent does not have legal authority to require school districts to make specific decisions, as demonstrated in their responses below:

19-29 and 19-36: This Recommendation will not be implemented because it is not warranted or is not reasonable. This Recommendation should be directed to local school districts, rather than District Superintendent of Schools, for each of their school sites.

19-38 and 19-39: SBCSS cannot respond to this Recommendation insofar as it is made to the San Bernardino County Board of Supervisors, which is an independent entity over which SBCSS does not have control, and which entity has not been requested to respond to the Grand Jury Report.

19-34 and 19-40: With respect to district schools, this Recommendation will not be implemented. SBCSS does not have authority to require and enforce a chain of command at schools operated by autonomous school districts.



Regarding SBCSS school sites, this recommendation has already been implemented.

With that being said, the 2021 Grand Jury Response and Accountability Committee recommends a future Grand Jury open (re-open) the investigation of School Safety and present the recommendations to the correct agency so that a response can be noted.

## **SENIOR SERVICES CENTERS - ON THE HORIZON**

Please find below, in every recommendation, the original recommendations given the responses by the Senior Centers on the Horizon 2018-2019 and the status of the review:

### **RECOMMENDATION 19-41:**

The grounds surrounding each senior center be free of tripping hazards.

### **RESPONSE:**

Implemented. Potential tripping hazards have been mitigated at each senior center through removal and replacement of damaged or displaced sections of sidewalk and concrete.

The Response complies with PC § 933.05(b)(1),

See Exhibit 1

### **RECOMMENDATION 19-42:**

The Senior Services Centers be maintained to a level that does not allow seniors or any visitors harm.

### **RESPONSE:**

This recommendation is already in practice. All deficiencies and potential hazards are immediately reported by site supervisors. Routine inspections are conducted by San Bernardino County Fire and San Bernardino County Department of Public Health on an annual basis as mandated.

The Response complies with PC § 933.05(b)(1).

### **RECOMMENDATION 19-43:**

Each senior center must post, at the front desk, a picture, name and phone number of each supervisor or responsible accountable person of said senior center.

### **RESPONSE:**

Implemented. Posting is now displayed at each senior center consistent with Recommendation No. 19-43.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-44:**

All persons on the premises must be signed in by a staff member.

**RESPONSE:**

This recommendation will not be fully implemented. While every effort is made to sign in senior center visitors, many of the senior center visitors and recipients are unwilling to be signed in or provide personal information. Full Implementation of this Recommendation would be a detriment to the senior citizens that choose to protect their privacy and limit accessibility to vital resources and services.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-45:**

Employee responsibilities must be assigned and documented as to what tasks to be performed during a safety evacuation.

**RESPONSE:**

Implemented. While the assignment of duties and responsibilities during an emergency evacuation are, and have previously been, addressed at each of the senior centers, a more detailed process of documenting individual assignments has been developed and implemented.

The duties and responsibilities during an emergency evacuation are assigned and communicated to staff members as part of the on-boarding process; documented re-visiting of individual staff assignments and responsibilities during an evacuation has been added to evacuation drill procedures.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-46:**

A safety evacuation drill be performed at least twice a year by the supervisor of each senior site.

**RESPONSE:**

Implemented. Emergency evacuation drills are scheduled to be performed twice per year at each senior center. Drills will be performed on the third Thursday of October in conjunction with The Great California Shakeout, and on the third Thursday of April each year.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-47:**

Lunch vans used for intra-center delivery of food and supplies must be kept clean and sterile.

**RESPONSE:**

Implemented. The operator of the vehicle has been assigned responsibility for the organization and cleanliness of the vehicle dedicated for use during meal delivery programs. Daily inspection of the vehicle for cleanliness and overall condition has been assigned to the Senior Nutrition Program Manager. Inclusion of management personnel in the overall process provides for additional levels of responsibility and accountability.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-48:**

Lunch trays that are shipped intra-center must be placed in a sterile and sealed container.

**RESPONSE:**

Implemented. All trays and serving utensils are transported consistent with Recommendation No. 19-48.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-49:**

Immediately remove asbestos that was found and documented in one (1) senior center.

**RESPONSE:**

Implemented. CIP (Capital Improvement Plan) Project No. 8758 (Delmann Heights Community Center Upgrades) provides for complete renovation of all interior finishes at the center. Within the approved scope of work for abatement of all asbestos containing material is to be performed. Contracts for the construction phase of Project No. 8758 have been awarded with full completion projected by June 2021.

The Response complies with PC § 933.05(b)(1).

See Exhibit 2

**RECOMMENDATION 19-50:**

All senior centers be checked for asbestos and removed if found.

**RESPONSE:**

This recommendation is already in practice. Visual inspection of all potential ACM (Asbestos Containing Materials) conducted at regular intervals to help ensure that any ACM damage or deterioration will be proactively detected, and corrective action taken.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-51:**

Billiard tables in need of repair either be repaired, replaced, or removed.

**RESPONSE:**

Implemented. All billiard tables at city-owned facilities have been repaired and restored to full functionality as of July 1, 2020.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-52:**

Billiard tables should not be used for any other purpose.

**RESPONSE:**

Upon completion of billiard table repairs and restoration, staff was directed to refrain from using billiard tables for any purpose other than the intended use.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-53:**

Supervisor must ensure each senior center be cleaned and organized.

**RESPONSE:**

This recommendation is already in practice. Community Service Center Supervisors are responsible for the cleanliness and organization of their perspective centers.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-54:**

All fly fans should be operational.

**RESPONSE:**

Implemented. The air curtain that appeared to be non-operational during the Grand Jury's site visit was found to have been inadvertently placed in the incorrect operational mode. Adjustments were immediately made to correct the settings and no further action was necessary.

The Response complies with PC § 933.05(b)(1).

See Exhibit 3

**RECOMMENDATION 19-55:**

All kitchen doors should function properly.

**RESPONSE:**

This recommendation is already in practice. The functionality of all doors at city owned senior centers is evaluated daily. All concerns related to facility deficiencies or defects are immediately reported to the proper city department and addressed in a timely manner.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-56:**

All dumpsters must be closed and stored in their designated location away from food.

**RESPONSE:**

This recommendation is already in practice. The importance of consistently adhering to existing policies has been communicated to senior center staff. Senior center staff has been directed to be more diligent and attentive regarding placement of the refuse containers. Community Service Center Supervisors have added the areas in and around refuse bin enclosures to their daily inspection routine.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-57:**

The restroom door that opens into the kitchen area be relocated and an appropriate fan or window be installed.

**RESPONSE:**

This recommendation will not be implemented. The current location and orientation of the kitchen restroom door is in full compliance with all applicable codes. The restroom exhaust fan has been inspected and found to be fully operational. The kitchen restroom door is equipped with self-closing hardware, as mandated, which has also been inspected and found to be fully functional.

The Response complies with PC § 933.05(b)(4).

**RECOMMENDATION 19-58:**

A third party be assigned to administer a formal complaint process. This would include a locked complaint box with an initial contact by a third party, with the results provided to the senior center director and the board of supervisors.

**RESPONSE:**

Recommendation No. 19-58 has not yet been implemented. Lockable complaint boxes will be placed at each senior center facility. Complaint boxes

will be collected on a bi-weekly basis and will be delivered to the Director of Parks, Recreation and Community Services. All senior center complaints will be reviewed by the Director of Parks and the Recreation and Community Services Commission. Implementation of this Recommendation will take place on or before May 1, 2021.

The Response complies with PC § 933.05(b)(2).

**RECOMMENDATION 19-59:**

All exit signs must be illuminated at all senior centers.

**RESPONSE:**

Implemented. Upon inspection and immediately following the Grand Jury's site visit, it was determined that two (2) illuminated exit signs were non-functional at the senior centers. The faulty illuminated exit signs were immediately replaced, and full functionality restored. Condition and operation of illuminated exit signs has been added to routine inspection duties.

The Response complies with PC § 933.05(b)(1).

**RECOMMENDATION 19-60:**

Establish a centralized administrative structure to direct and oversee the operation of all Senior Service Centers in San Bernardino County.

**RESPONSE:**

This recommendation cannot be fully implemented. While all Senior Service Centers within the City of San Bernardino are centrally administrated and operated within the Parks, Recreation and Community Services Department; the city has no authority or control over service provisions in the remaining areas of San Bernardino County.

The Response complies with PC § 933.05(b)(4).

**CONCLUSION:**

The San Bernardino County 2021 Civil Grand Jury concludes that Senior Services Center—On the Horizon responses 19-41 thru 19-60 complies with PC §933.05. It must be noted that the responses were not received by the original due date and the parties responsible had to be contacted at that time



so that a response could be received. Afterwards, delays by the administration caused unnecessary obstacles for the Grand Jury's ability to verify said responses. The Microsoft Project management report that was submitted experienced unexplained delays emails, phone calls, and documents requested were not received in a timely manner. Deadlines were not met by the administration in achieving the completion date of July 7, 2021. Upon the Grand Jurys' last visit, significant progress has been made and the senior center is to open by the end of the September 2021.

Overall, the lack of communication, cooperation and slow response times hindered the overall process.

**EXHIBIT ONE**



**BEFORE**

**AFTER**





**BEFORE**

**AFTER**



**EXHIBIT TWO**



**BEFORE**

**AFTER**



**EXHIBIT THREE**



**BEFORE**

**AFTER**



## 2019-2020 GRAND JURY REPORTS

### CITY OF UPLAND 2019-2020

Please find below, in every recommendation, the original recommendations given, the response by the Upland City Council, and the current status of the review:

#### **RECOMMENDATION 20-1:**

The Upland City Council investigate and make public, at an open Council meeting, and on the webpage, that the City staff covered up the notation of the Unfunded Pension Liability made by the City Treasurer on the monthly Treasury Report. To be implemented no later than the end of March 2021.

#### **RESPONSE:**

Requires further analysis and will not be implemented due to it being a personnel matter. An investigation may be discussed.

The response complies with Penal Code (PC) § 933.05(b)(4).

#### **RECOMMENDATION 20-2:**

The Upland City Council investigate and make public what disciplinary action was taken addressing the alteration of the Treasury Report after it was signed by the City Treasurer. To be implemented no later than the end of March 2021.

#### **RESPONSE:**

Requires further analysis because the City Manager, not the City Council, is responsible for disciplining City employees, and because it is a personnel matter. Also, if investigated, the investigation would take at least 3 months.

Does not comply with PC § 933.05(b)(3). Complies with PC § 933.05(b)(4).

**RECOMMENDATION 20-3:**

The Upland City Council make public the actions taken to assure that this type of incident, the altering of a signed report, will not recur. To be implemented no later than the end of March 2021.

**RESPONSE:**

Will be implemented by March 31, 2021. The website and meetings will be updated every month to include the new signatory procedure.

The response complies with PC § 933.05(b)(2).

**RECOMMENDATION 20-4:**

Any changes made to the City Treasury Report, after the document is signed by the City Treasurer and submitted to the City Clerk, must be documented in writing with the City Treasurer, the City Manager, and the Mayor. To be implemented immediately.

**RESPONSE:**

Will be implemented by March 31, 2021.

The response complies with PC § 933.05(b)(2).

**RECOMMENDATION 20-5:**

Reinstate the signature block for the City Treasurer. To be implemented no later than the end of March 2021.

**RESPONSE:**

Was implemented on 1.11.21. Going forward, the City will submit the City Treasury report for signature and approval of the City Treasurer and any objections or addenda will be presented to the City Council under separate cover.

The response complies with PC § 933.05(b)(1).

**RECOMMENDATION 20-6:**

At the monthly City Council meeting, the City Treasurer will present the Treasury report and the submitted financial status including, but not limited to, those responsibilities as outlined by California Government Code Title 4, Chapter 3, Section 41004 and California Code Title 5, Division 2 53646. To be implemented no later than the end of March 2021.

**RESPONSE:**

It will be implemented immediately partially because the City Treasurer can choose to submit monthly reports. If the City Treasurer choose to submit a report, the City Manager will direct the staff to assist in preparation of the report. Section 53646 has already been implemented.

The response complies with PC § 933.05(b)(1), (b)(2).

**RECOMMENDATION 20-7:**

The roles of the City Treasurer must be clearly outlined in accordance with California Government Code Title 4, Chapter 3, Sections 41001-41007 and California Government Codes Title 5, Division 2 53646, and posted to the City's website for full transparency. To be implemented no later than the end of March 2021.

**RESPONSE:**

The recommendation requires further analysis. The role and responsibilities of the Upland City Treasurer are also set forth in several sections of the Upland Municipal Code. To the extent the recommendation only suggests that the City website should reference Sections 41001-41007 of the government code, the city can add a reference to these statutes on the City Treasure's page on the city's website. However, to the extent that 20-7 might be read to suggest that state law requires this action, the City disagrees.



The response does not comply with PC § 933.05(b)(3).

**RECOMMENDATION 20-8:**

Establish a structured orientation process for an elected City Treasurer that defines the duties, responsibilities, authority and the expected interactions as a member of the City of Upland management personnel. To be implemented immediately.

**RESPONSE:**

The recommendation needs further analysis. The City Treasury is elected directly by the voters of the City and is not a member of the City's management personnel. The city will evaluate the possibility of creating a structured orientation process in the future, but they cannot be compelled to attend. There was not time to create a structured orientation process in November 2020, as the new City Treasurer took office just a few days after the GJ report.

The response is not in compliance with PC § 933.05(b)(3).

**RECOMMENDATION 20-9:**

In the best interests of the citizens of Upland, management personnel, both elected and appointed, reinstate all fiduciary duties to the elected City Treasurer, as outlined in CA Government Code Title 4, Chapter 3, Sections 41001-41005 to be implemented immediately.

**RESPONSE:**

The Recommendation has already been implemented insofar as the City Treasurer maintains all duties prescribed by the Municipal Code and state law.

The response complies with PC § 933.05(b)(1).

**RECOMMENDATION 20-10:**

The City establish guidelines and practices which support the appointment of a Deputy City Treasurer by the City Treasurer, should the City Treasurer so desire, for the proper fulfillment of the City Treasurer's financial duties and responsibilities. To be implemented no later than the end of March 2021.

**RESPONSE:**

The recommendation requires further analysis. State law already authorizes the City Treasurer to appoint one or more deputies, but that deputy could not take any action outside the authority of the City Treasurer. However, the authority to appoint a deputy is also not the same as the authority to hire an assistant at public expense. Only the City Council can approve the creation of such a position on City staff and set their compensation. The City Council would need to consider the financial implications of creating such a position, including its impact on the City's UPL, as part of the 2021-2022 budgetary process.

The response complies with PC § 933.05(b)(3).

**RECOMMENDATION 20-11:**

The City establish guidelines/practices and training for management personnel at the City of Upland and elected City Council members of the amount of and a full understanding of the Unfunded Pension Liabilities facing the City. To be implemented no later than the end of June 2021.

**RESPONSE:**

The recommendation will not be implemented. The City Council, City Manager, and all relevant City staff are already aware of the challenges posed by the City's UPL and will continue their work and public outreach on the issue.

The response complies with PC § 933.05(b)(4).

**RECOMMENDATION 20-12:**

The City establish guidelines/practices and training which support the understanding by management personnel at the City of Upland and elected City Council members of their roles and responsibilities on the Finance/Investment Committee. To be implemented no later than the end of March 2021.

**RESPONSE:**

The recommendation requires further analysis. This recommendation may be considered after the newly elected council members have been working a few months and have become more familiar with the financial issues of the City of Upland.

The response does not comply with PC § 933.05(b)(3).

**RECOMMENDATION 20-13:**

Document the defined roles, responsibilities and voting authority of all members of the Finance Committee. To be implemented no later than the end of March 2021.

**RESPONSE:**

The recommendation requires further analysis. The Upland City Council may reconsider the role of the Finance Committee once the new City Council members and the new City Treasurer have had an opportunity to familiarize themselves with the City's financial issues.

The response does not comply with PC § 933.05(b)(3).

**RECOMMENDATION 20-14:**

Annually, City of Upland officials, elected and financial management employees, attend an in-house seminar that reviews in detail the financial

reporting process for a General Law City and the City of Upland Statement of Investment Policy. To be implemented no later than the end of June 2021.

**RESPONSE:**

The recommendation requires further analysis. The City believes that continuing education is a necessary component of effective financial management. Whether a formal requirement for annual training would be the most effective method or could be accomplished in-house is a policy question that requires further analysis.

The response does not comply with PC § 933.05(b)(3).

**RECOMMENDATION 20-15:**

Make available all of the Finance Committee meeting minutes and Investment Report Summaries for the past 3 years to present, on the City website for public access. To be implemented no later than the end of March 2021.

**RESPONSE:**

With respect to the City's Treasury Reports, the recommendation has been implemented. Past Treasury Reports from December 31, 2015 to the present are available on the City's website.

With respect to the minutes of the Finance Committee meetings, the recommendation will be implemented promptly as staff resources allow. Pending implementation, copies of past Finance Committee Meeting minutes and Treasury Reports may be obtained by submitting a public records request to the City Clerk's office.

The response complies with PC § 933.05(b)(1), (b)(2).

**RECOMMENDATION 20-16:**

The City of Upland publish a comprehensive quarterly report on the City website that lists current pension costs, plus a ten-year pension cost projection. This report, in addition to the City's Comprehensive Annual Financial Report, should include the most current Unfunded Pension Liability Information, including the City's comprehensive plan addressing the escalation of the UPL. To be implemented no later than the end of March 2021.

**RESPONSE:**

The recommendation requires further analysis. The City has no objection to publishing information concerning its UPL, as it already does in the CAFR. The UPL is an actuarially determined figure and changes on a continuing basis. The City Finance Committee and City Staff will work on a way to best present this information.

The response is not in compliance with PC § 933.05(b)(3).

**CONCLUSION:**

The 2021 San Bernardino Civil Grand Jury is very concerned that the City of Upland did not comply with so many of the recommendations made by the Civil Grand Jury of 2019-2020. The Grand Jury also concludes that the City of Upland did not implement several of the recommendations and did not give a timeframe or an explanation. Future San Bernardino Civil Grand Juries may find it necessary to open a new investigation into the City of Upland.

## **CITY OF SAN BERNARDINO HOMELESSNESS 2019-2020**

Please find below, in every recommendation, the original recommendations given, the response by the San Bernardino County Board of Supervisors on the Homeless in San Bernardino, and the current status of the review:

### **RECOMMENDATION 20-17:**

The Housing Division should submit a request for additional staffing to monitor and evaluate subrecipients, to facilitate the application and reporting requirements for additional homeless-related grants, and to be more proactive with non-profits. This recommendation is to be implemented no later than the start of Fiscal Year 2021-22.

### **RESPONSE:**

The City of San Bernardino AGREES and acknowledges the inadequacy of staffing levels in the Housing Division, as noted in finding 1. The Housing Division has already received approval in the City's Mid-Year Budget, for additional staff. The Housing Division will recruit three additional staff positions, as noted below:

- Housing Compliance Specialist
- CDBG/Housing Program Assistant – 2 positions.

The response complies with Penal Code (PC) § 933.05(b)(1).

### **RECOMMENDATION: 20-18:**

Establish a City Homeless Committee consisting of Emergency Solutions Grant (ESG) Subrecipients, faith-based organizations and interested residents to support City staff by coordinating services, sharing best practices, pooling resources, and identifying other needed services. The Committee shall meet quarterly at a minimum; attendance and minutes shall be taken and filed with the Housing Division and made accessible to the

public. The recommendation to be implemented no later the start of Fiscal Year 2021-22.

**RESPONSE:**

The City of San Bernardino DISAGREES with recommendation 20-18, relative to the establishment of a City Homeless Committee. Recognizing that the Housing Division has been chronically understaffed, the Housing Division has a considerable backlog of work and clean up that must be undertaken for the near future, even with additional staff. It is staff's experience that committees do not support staff, but conversely it is staff that must dedicate time and work to support a committee: coordinating diverse schedules to setup meetings, transcribing minutes, and 2 becoming arbiter of issues among committee members who often have competing agendas. When subrecipients work in the same geographic areas, e.g. downtown outreach, staff does facilitate collaboration between subrecipients and ensures they have all the resources Housing Division can make available. Establishment and responsibility for a committee would be burdensome and duplicative since there already are numerous regional platforms for the City and subrecipients to interact.

The response complies with PC § 933.05(b)(2).

**RECOMMENDATION 20-19:**

The City should conduct an annual fiscal monitoring site visit for each ESG Subrecipient. The date, time, and participants shall be recorded on a form to be developed the City. Additionally, the City shall document their observations, recommendations, and commendations. One copy shall be given to the subrecipient and one kept on file in the Housing Division's files and made accessible to the public. This recommendation to begin with Fiscal Year 2021-22 ESG performance period.

**RESPONSE:**

The City of San Bernardino DISAGREES with recommendation 20-19, relative to the monitoring of the 2019-20 ESG subrecipients. In September 2019, HUD found that the City's Emergency Solutions Grant Policies and Procedures complied with HUD regulations. Pursuant to 24 CFR Part 576, the City will monitor subrecipients' program administration once every three years or sooner if circumstances dictate a more frequent review. Additionally, as part of the monthly claim reimbursement process, a desk audit is conducted on each claim prior to approval for payment. Site monitoring for fiscal year 2019-20 subrecipients is due to be accomplished in fiscal year 2022-23.

The response complies with PC § 933.05(b)(2).

**RECOMMENDATION 20-20:**

The City Housing Division should conduct an annual evaluation of each subrecipient Scope of Work beginning with the Fiscal Year 2021-2022 ESG performance period. The City shall develop a written instrument to be used for this purpose. This document will compare the numbers promised by the subrecipient with the actual numbers delivered during the performance period. Once copy shall be given to the subrecipient and one kept on file in the Housing Division and made accessible to the public. This recommendation to begin with Fiscal Year 2021-22 ESG performance period.

**RESPONSE:**

The City of San Bernardino AGREES with recommendation 20-20 and staff will prepare a format for evaluation of a subrecipient's performance relative to their scope of work.

The response complies with PC § 933.05(b)(1).



### **RECOMMENDATION 20-21:**

The City Housing Division should amend the ESG Policies and Procedures Manual to reflect that an annual fiscal monitoring site visit will occur beginning with the Fiscal Year 2021-22 ESG performance period. The manual must be revised to reflect the City's current intent. This recommendation to be implemented immediately.

### **RESPONSE:**

The City of San Bernardino DISAGREES with recommendation 20-21. In September 2019, HUD determined that the City of San Bernardino's Emergency Solutions Grant Policies and Procedures complied with HUD regulations. Because HUD funds and monitors the ESG program, the City will follow HUD requirements as specified in the City's HUD-approved Policies and Procedures, and consequently will not amend its Policies and Procedures to address the recommendation.

The response complies with PC § 933.05(b)(2).

### **RECOMMENDATION 20-22:**

In coordination with the City Homelessness Committee, develop a comprehensive City of San Bernardino Homelessness Plan that includes a coordinated vision, services, provided, identification of needed services, a resource list of available facilities/equipment, and a revision timeline to ensure the plan is maintained and current. As suggested by various social service organization, a comprehensive Homeless Plan should serve to:

- Prevent periods of homelessness
- Help eligible individuals and families receive the services they need:
- Empower service providers to improve their response to individuals and families experiencing homelessness
- Develop an approach to track progress to preventing, reducing and ending homelessness in the City

This recommendation to begin at the start of Fiscal Year 2021- 2022.

**RESPONSE:**

The City of San Bernardino DISAGREES with recommendation 20-22. It is not within staff's prerogative to commit to the development of a Homeless Plan without first taking such a recommendation to City Council for approval and designation of financial and staff resources. The recommendation will be moved to management who can determine if the recommendation should be moved forward to City Council.

The response complies with PC § 933.05(b)(2).

**RECOMMENDATION 20-23:**

As a member of the Continuum of Care, the City Housing Division should spearhead an effort to improve the services of United Way/211 in accordance with the recommendations referenced in the San Bernardino Continuum of Care Coordinated Entry Evaluation completed by the Technical Assistance Collaboration in February 2020. The City Housing Division will meet with each subrecipient and record a list of problems they are having with the CES/211 System. The City Housing Division will document the steps taken to address these problems and share these with the subrecipients. This recommendation to begin immediately.

**RESPONSE:**

The City of San Bernardino DISAGREES with recommendation 20-23. The appropriate agency to address problems with the CES/211 System is the County of San Bernardino, who contracts with CES/211. As the funding agency and administrator of the contract, the County, and not the City of San Bernardino, is the appropriate agency to carry out recommendation 20-23 since it has the authority to effect changes at CES/211.

The response complies with PC § 933.05(b)(2).

**CONCLUSION:**

The 2021 Civil Grand Jury acknowledges that all dates in the responses above have been taken to be correct and completed as stated. The 2021

San Bernardino Civil Grand Jury recommends that the City of San Bernardino continue its current fight on homelessness so that it does not continue to be an uphill struggle and a burden for the years to come.

**COUNTY OF SAN BERNADINO ECONOMIC DEVELOPMENT  
DEPARTMENT  
2019-2020**

The 2021 San Bernardino Civil Grand Jury Response and Accountability Committee reviewed the recommendations given in the Grand Jury Final Report published in March 2019-2000. The committee also reviewed the responses received March 2021. Below is the status of the Grand Jury's review of the responses.

**RECOMMENDATIONS 20-24:**

By June 1, 2021, the Economic Development Department should create and complete the first of a regular, annual cycle of 'Economic Impact Surveys' to be sent to Local and potential businesses, to determine and document their current program or incentive needs regarding the retention, attraction or expansion of businesses throughout the county. This recommendation is in practice. Economic Development collaborates with the Workforce Development Department and local community partners to obtain information on current business needs and challenges via business surveys.

**RESPONSE:**

This recommendation is in practice. Economic Development collaborates with the Workforce Development Department and local community partners to obtain information on current business needs and challenges via business surveys.

The response complies with PC § 933.05 (b)(4).

**RECOMMENDATION 20-25:**

By June 1, 2021, in order to maximize both the number of survey responses (Recommendation 20-24) and the quality of response data obtained, the Economic Development Department should follow-up each 'Economic

Impact Survey' sent with an interview in order to collect the business's Survey responses. The Economic Development Department should utilize these on-going interactions to continually maintain their internal database, and to update their comprehensive, Departmental Strategic Plan (Recommendation 20-26).

## **RESPONSE:**

This recommendation is in practice. Based on the business survey results received internally and from other business partners, the department has been able to activate and build relevant business programs and webinars to address the needs of the business community. Additionally, Economic Development has established solid working relationships with many businesses involving contact with the department on a regular basis to assist with their business needs to maximize both the number of survey responses (Recommendation 20- 24) and the quality of response data obtained, the Economic Development Department should follow-up each 'Economic Impact Survey' sent with an interview to collect the business's Survey responses. The Economic Development Department should utilize these on-going interactions to continually maintain their internal database, and to update their comprehensive, Departmental Strategic Plan.

The response complies with PC § 933.05 (b)(4).

## **RECOMMENDATION 20-26:**

January 1, 2022, the Economic Development Department should build upon the foundation left by the consultants in 2017 and construct and populate a comprehensive, overall, 5- or 10-year Departmental Strategic Plan. This comprehensive Strategic Plan would include centralized tracking of all actions planned or taken, dates, timelines for meeting specific goals, and personnel assignments for each recommendation being addressed. Once in place, the comprehensive Departmental Strategic Plan will serve as the singular 'measuring stick' against which to objectively determine this organization's levels of success, productivity, efficiency, and achievement of goals. The Department should incorporate all direct business feedback obtained from 'Economic Impact Survey' follow-up interviews

(Recommendation 20-25) to continually update the comprehensive Strategic Plan to match current County business conditions. The Department's comprehensive Strategic Plan should include these elements:

**RESPONSE:**

This recommendation is being implemented. The department is committed to further refining and consolidating relevant components from the Countywide Competitiveness Strategy conducted by the consultant and assembling an overall updated short-term and long-term Departmental Strategic Plan along with incorporating a Vision Statement and Core Values to its current Mission Statement. The department will also update any necessary analysis pertaining to its current SWOT analyses, short and long-term goals, action plans as well as documenting specific individuals/positions that will be accountable for each strategy. The interim Economic Development Director and interim Economic Development Manager will review and assess the Strategic Plan on an annual basis with staff input.

Currently, the department conducts multiple Work Performance Evaluations (WPEs) on a regular basis with each staff member to ensure department initiatives and objectives are met. The Department also tracks staff activities and projects in its CRM to ensure Performance Measure objectives are met accordingly. The Department also produces an annual report showcasing its accomplishments, Performance Measures and activities that corresponds with its Mission and objectives.

The response 20-26 complies with PC § 933.05(b)(1).

**RECOMMENDATION 20-27:**

Effective immediately, the Economic Development Department should suspend all use of the Economic Development Ordinance incentive until formal, step-by-step operating procedures are published for the standardized application and implementation of the Ordinance incentive, to include:

- Established, documented, and publicized minimum 'Significant Economic Benefit' definitions and thresholds (number of jobs, total value of company

assets, etc.) which companies must meet, to receive consideration as candidates. • Documented, standardized decision criteria for all process steps.

- Documented, standardized Due Diligence process/data requirements and formats.

- A Standard Checklist of data which Economic Development Ordinance candidates must produce and submit for consideration.

- Publicize the Economic Development Ordinance local incentive on the Economic Development Department's website, providing businesses with both awareness of and equal access to this available opportunity (Recommendation 20-7).

### **RESPONSE:**

This recommendation will not be implemented because the Economic Development Ordinance and a Project Summary Report Template utilized to guide the department's due-diligence process contain and constitute step-by-step operating procedures for the standardized application and implementation of the ordinance incentive.

The response 20-27 complies with PC § 933.05(b)(4).

### **RECOMMENDATION 20-28:**

The Economic Development Department should identify new sources of outside revenue to replace those funds formerly provided through Redevelopment Agencies. By June 1, 2021, find and pursue additional Federal-level and State-level economic relief projects, grants, and applications to bring available economic development opportunity dollars into the region to fund incentives.

### **RESPONSE:**

This recommendation is in practice. Prior to July of 2019, the Economic Development Department was sustained financially based on a requirement

that it bring in sufficient one-time sales tax revenue to the County to support its operations. To demonstrate the County's ongoing commitment to the Department and its mission, in 2019-20 the Board of Supervisor's allocated \$3.5 million in ongoing General Fund resources to the Department, which was no longer predicated on sales tax revenue brought in by the Department. Although the pandemic has led to a significant amount of financial uncertainty to the County resulting in hiring slowdowns, the funding change in 2019-20 provides the department with a secure source of funding to ensure it can fill vacant budgeted positions once the financial uncertainty from the pandemic subsides. Also, the department is exploring potential outside revenue sources (e.g., opportunities through the U.S. Economic Development Administration) to develop additional business assistance programs.

Response 20-28 complies with PC § 933.05(b)(1).

#### **RECOMMENDATION 20-29:**

By January 1, 2022, the Economic Development Department should develop and implement multiple new, locally funded incentives to attract, retain and expand local business in San Bernardino County. For example, adopting a more proactive approach to selling unincorporated county land—yielding more land sales—could become a viable source of additional revenue for local incentives.

#### **RESPONSE:**

This recommendation is in practice. Economic Development has taken the proactive approach of offering a sale and use tax sharing agreement to attract and retain businesses that have a significant point-of-sale or sales tax liability in the unincorporated areas of the county. The department will continue to work with the County's Real Estate Services Department, which manages County-owned and -leased properties, to attract new investments and facilitate potential opportunities. 20-30: By April 1, 2022, publicize all existing and newly developed local business incentives on the Economic Development Department's website, providing businesses with both awareness of and equal.



The response 20-29 complies with PC § 933.05(b)(1).

**RECOMMENDATION 20-30:**

By April 1, 2022, publicize all existing and newly developed local business incentives on the Economic Development Department's website, providing businesses with both awareness of and equal access to available opportunities.

**RESPONSE:**

This recommendation is in practice. The Department has all known and available business programs and incentives available on its website and will continue to update as new programs are available internally and from external partners.

The response 20-30 complies with PC § 933.05(b)(1).

**RECOMMENDATION 20-31:**

By June 1, 2021, fill all budgeted Economic Development Department staff vacancies in order to support current department workloads, as well as timely and successful implementation of the 36 consultant-provided Recommendations established as part of the comprehensive, Departmental Strategic Plan (Recommendation 20-26). Consider utilizing the same successful tactics currently being employed by the County's Workforce Development Department to fill staffing vacancies for local businesses. Hire Headhunter agencies or professional search agencies for assistance as needed.

**RESPONSE:**

This recommendation is being implemented. Permanent/regular positions are in the process of being filled no later than the end of the current fiscal year. The department has undertaken several of the recommendations contained in the current Strategic Plan and will continue to assess and

implement recommendations as appropriate as well as assemble an updated comprehensive Strategic Plan.

The response complies with PC § 933.05(b)(4).

**CONCLUSION:**

The final report was received on March 9, 2021 due to the COVID-19 pandemic. The responses were delayed as the Grand Jury was on restriction due to COVID-19.

**TREATMENT OF JUVENILES IN THE DETENTION AND  
ASSESSMENT CENTERS  
2019-2020**

Please find below, in every recommendation, the original recommendations given, the responses by The Treatment of Juveniles in the Detention and Assessment Centers 2019-2020, and the status of the review:

**RECOMMENDATION 20-32:**

Implement Chemical Agents and Tactical Communication training for sixteen hours (eight hours devoted to Chemical Agents Training) to be conducted and completed concurrently during scheduled training sessions, to be implemented by June 30, 2021.

**RESPONSE:**

This recommendation is in practice. Forty hours is the minimum number of hours required by the State of California before someone can provide supervision of a youth in detention. San Bernardino County Probation requires that staff complete Juvenile CORE training, which consists of a total of 212 hours

Response complies with Penal Code PC § 933.05(b)(1).

**RECOMMENDATION 20-33:**

Color-coded wrist bands should be issued to youth with identified underlying health issues, as a visual aid to Probation Correction Officers (PCO) prior to oleoresin capsicum/pepper spray (OC/PS) use, to be implemented by June 30, 2021.

**RESPONSE:**

This recommendation will not be implemented. The San Bernardino County Probation Department has a written procedure in place for staff to review daily those youth on a unit with medical conditions. Colored wristbands would allow people other than staff (including other youth) to identify someone as having a medical condition. This would likely constitute a violation of the federal Health Insurance Portability and Accountability Act (HIPAA).

Response complies with Penal Code PC § 933.05(b)(4).

**RECOMMENDATION 20-34:**

Increase on-site psychiatrist staff to 24/7 coverage, to be implemented by June 30, 2021.

**RESPONSE:**

This recommendation will not be implemented. The youth in detention are asleep from approximately 9:00 p.m. to 6:00 a.m. Probation has an on-call process established for psychiatric coverage in the event of an after-hours crisis. During the past year, activation of this on-call process became necessary on six occasions and was proven to be effective.

Response complies with Penal Code PC § 933.05(b)(4).

**RECOMMENDATION 20-35:**

Family Assessment Service Team (FAST) staff personnel should be available on-site 24/7, to be implemented by June 30, 2021.

**RESPONSE:**

This recommendation will not be implemented. The youth in detention are asleep from approximately 9:00 p.m. to 6:00 a.m. Probation has an on-call process established for psychiatric coverage in the event of an after-hours

crisis. During the past year, activation of this on-call process became necessary on six occasions and was proven to be effective.

Response complies with Penal Code PC § 933.05(b)(4).

**RECOMMENDATION 20-36:**

Minimum training for PCOs should be increased to 80 hours (24 hours devoted to behavioral/ mental health), to be implemented semi-annually, beginning July 1, 2021.

**RESPONSE:**

This recommendation is in practice. Forty hours is the minimum number of hours required by the State of California before someone can provide supervision of a youth in detention. San Bernardino County Probation requires that staff complete Juvenile CORE training, which consists of a total of 212 hours.

Response complies with Penal Code PC § 933.05(b)(1).

**RECOMMENDATION 20-37:**

All canteen item costs should be priced in proportion, not to exceed 3% of the maximum dollar earning potential, to be implemented by June 30, 2021.

**RESPONSE:**

This recommendation will be implemented by June 30, 2021. San Bernardino County Probation will review the cost of the canteen items in relation to the maximum dollar earning potential and make reductions as necessary. However, the reduced cost may not meet the stated 3% of the maximum dollar earning potential as recommended by the grand jury.

Response complies with Penal Code PC § 933.05(b)(1).

**RECOMMENDATION 20-38:**

Implement a checklist with parameters of what are acceptable actions to earn behavior dollars for all PCO's to be consistent in their evaluation of when and how dollars are earned, to be implemented by June 30, 2021.

**RESPONSE:**

This recommendation will not be implemented. There are written guidelines as part of the department's Performance Based Incentive System (PBIS). An issue involving behavior dollars was raised at one of the youth council meetings, the minutes for which were reviewed by the grand jury. The issue was limited in scope and found not to be a widespread issue or concern. However, if a youth believes there is an issue with their behavior dollars, they can file a grievance and it will be reviewed and discussed with staff for resolution.

Response complies with Penal Code PC § 933.05(b)(4).

**RECOMMENDATION 20-39:**

Video visiting should be permanently implemented by January 31, 2021.

**RESPONSE:**

This recommendation is in practice.

Response complies with Penal Code PC § 933.05(b)(1).

**RECOMMENDATION 20-40:**

Additional hand sanitizer stations should be located at closer intervals throughout the facility, and bottles should be replenished twice daily, to be implemented by January 31, 2021.

**RESPONSE:**

This recommendation will not be implemented. There are 80 hand-sanitizer stations throughout the detention facility. Hand sanitizer contains alcohol and cannot be placed within the unsupervised reach of youth.

Response complies with Penal Code PC § 933.05(b)(4)

**CONCLUSION:**

The San Bernardino County 2021 Civil Grand Jury concluded that The Treatment of Juveniles in the Detention and Assessment Centers Response 20-32 thru 20-40 complies with Penal Code PC § 933.05.

## COMPLAINTS

The San Bernardino County Civil Grand Jury receives numerous citizen complaints throughout the year. The 2021 Grand Jury received a total of 41 complaints. Every complaint is carefully reviewed by the Grand Jury for issues regarding appropriate jurisdiction and importance of the complaint topic.

After completion of the initial review of a citizen complaint, the Grand Jury may approve the complaint and assign it to an appropriate committee. The committee will conduct an investigation with appropriate oversight by the full Grand Jury. A written report of the committee's findings and recommendations regarding a specific complaint may or may not be included in the year-end Grand Jury's Final Report.

The process of submitting a citizen complaint is to obtain a Confidential Citizen Complaint form from either the Grand Jury's website or by calling the Grand Jury's office at (909) 387-9120. The website is <http://wp.sbcounty.gov/grandjury/file-a-complaint/>. Once the complaint form has been completed and signed, it can be returned to the Grand Jury's office for processing. Although the Grand Jury usually does not investigate anonymous complaints, it may conduct an investigation depending on the issue.



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# SAN BERNARDINO COUNTY SHERIFF AND DEPARTMENT OF BEHAVIORAL HEALTH CONNECTION: IS THE BRIDGE STRONG ENOUGH?

## SUMMARY

Policing the mentally ill has become a major focus in society today. On March 24, 2020, the San Bernardino County Sheriff (Sheriff) addressed the social problem of mental illness and its impact on public safety. The 2021 San Bernardino County Civil Grand Jury (Grand Jury) began to investigate and concurred that the county recognized the importance of this issue and a working relationship was in place between the San Bernardino County Sheriff's Department (SBCSD) and the Department of Behavioral Health (DBH). Awareness, training, reporting, and resources were areas focused on by both County Departments. The Grand Jury investigated the areas of focus to determine if the efforts taken by the County were having a positive impact on policing and helping the mentally ill.

The Grand Jury collected information and reviewed the partnership that was formed and currently exists between SBCSD and DBH. The information collected included the existing, but expired (June 2021), Crisis Intervention Training Program Memorandum of Understanding (MOU) between the two organizations that guides this collaboration. Training, policies, procedures, and available resources were examined and evaluated for their effectiveness and impact.

## Glossary

**5150 Welfare and Institution Code** – Allows a person with a mental challenge to be involuntarily detained for a 72-hour psychiatric hospitalization. A person on a 5150 can be held in the psychiatric hospital against their will for up to 72 hours. This is also known as a 5150 hold.

**5585.50 Welfare and Institution Code** – When any minor, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely

disabled and authorization for voluntary treatment is not available, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or cause, take, or cause to be taken, the minor into custody and place him or her in a facility designated by the county and approved by the State Department of Health Care Services as a facility for 72-hour treatment and evaluation of minors.

**Community Crisis Response Team (CCRT)** – Teams of multi-disciplinary health professionals, that provide crisis intervention services where individuals are located. Staff conducts risk assessments, clinical consultations, referrals and case management services for clients and families in an effort to avoid hospitalization.

**Crisis Intervention Manual** – Instructional book that contains information about the roles, responsibilities, policies, processes and procedures related to Crisis Intervention Training.

**Crisis Intervention Team (CIT)** – Community partnership between law enforcement and DBH to work with mental health consumers and family members.

**Crisis Intervention Team Report Form (CIT form)** – A form used by SBCSD personnel for documenting all calls for service related to mental health crisis intervention. (Exhibit 1.)

**Crisis Intervention Training (CIT)** – Educational training on signs and symptoms of mental health illness and substance use disorders, stigma, recovery, psychiatric medication, communication, and de-escalation skills.

**Crisis Intervention Station Coordinator/Alternate** – SBCSD personnel who are responsible for oversight of the Crisis Intervention program for their respective station.

**Crisis Walk-in Center (CWIC)** – Urgent mental health centers for individuals of all ages. Deputies are able to walk someone in who is in crisis that is not

violently acting out and requests a risk assessment. Upon assessment, clinic will write 5150/5585.50 hold if necessary and provide transportation if safe to do so. If not safe, they may request the Officer assist with transport and send CWIC staff to assist with a hospital admission also known as a “sit.”

**Department of Behavioral Health (DBH)** – San Bernardino County Department which provides mental health and substance use disorder service to county residents who are experiencing major mental illness, substance abuse issues or behavioral health crisis.

**Memorandum of Understanding (MOU)** – An agreement between two or more parties outlined in a formal document, indicating parties have reached an understanding and are moving forward with a contract.

**Police Officers Standards and Training (POST)** – A board or council of people appointed by the Governor to set the minimum educational requirements for police officers. POST is responsible for the competency level of law enforcement officers in California.

**Recidivism** – The tendency to require repeat services.

**San Bernardino County Sheriff’s Department (SBCSD)** – Law enforcement agency for the largest geographical county in the nation.

**Triage, Engagement and Support Team (TEST)** – Program which provides intensive crisis case management services and support to partnering agencies in which staff are co-located. TEST staff responds in the field with law enforcement personnel in managing behavioral health crises and provides follow-up services.

## BACKGROUND

The 2021 Grand Jury read several incidents in the news concerning the problems inherent in policing people who are in a mental health crisis. On March 24, 2020, the Sheriff presented to the President's Commission on Law Enforcement and the Administration of Justice Board on Mental Health the following statistics for 2019:

- SBCSD handled 5,812 mental health calls in 2019;
- of the above calls, 2,692 resulted in deputies taking a police report;
- many mental health calls were received as other types of calls such as disturbances, welfare checks and transient calls; and
- reports of associated criminal acts are also written rather than solely mental health issues.<sup>1</sup>

As the above statistics indicate, a high volume of calls for service received by the Sheriff's Department is a result of mental illness. The Grand Jury began to investigate the way the Sheriff's Department handles these calls. The Grand Jury found that the Sheriff's Department works closely with DBH. The Grand Jury became interested in the Crisis Intervention Training going on in the County. This led the Grand Jury to investigate the bridge between the Sheriff's Department and the Department of Behavioral Health. The Grand Jury examined the Memorandum of Understanding between the Sheriff's Department and DBH. The information contained in the documents led the Grand Jury to also seek understanding of several DBH programs, including Triage, Engagement and Support Team and the Community Crisis Response Team.

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<sup>1</sup> John McMahon, Former San Bernardino County Sheriff, *President's Commission on Law Enforcement and the Administration of Justice*, <https://www.justice.gov/ag/page/file/1269421/download>

## **METHODOLOGY**

The San Bernardino County Civil Grand Jury interviewed personnel from both the San Bernardino County Sheriff's Department and the Department of Behavioral Health.

Documents related to policing, training, reporting, policies, procedures, and resources were reviewed. Observations of training curriculum, classes, virtual and in-person scenarios were attended by Grand Jury members.

Several attempts to distribute surveys to sheriff deputies for field deputies' perspectives were made. However, after holding them each time for several days, SBCSD Administration declined to distribute the surveys to their deputies.

## **DISCUSSION**

### **The San Bernardino County Sheriff's Department**

One side of the bridge in the issue of policing and mental illness is the San Bernardino County Sheriff's Department. The Grand Jury began its investigation by reading hundreds of police reports from 2019, (the last "normal" year before the pandemic) related to how San Bernardino Deputies responded to calls involving the mentally ill in the county. The Grand Jury found that the police reports were often accompanied by CIT forms, as required per the CIT manual, and later sent to DBH. The Grand Jury noted that many calls resulted in the mentally ill person being placed on either a "5150 hold," receiving follow-up care by CCRT or TEST personnel, referred or transported to a "walk-in clinic," or arrested and taken into custody.<sup>2</sup> As the investigation unfolded, the Grand Jury had many questions about what these DBH programs were and how they worked. Also, the Grand Jury was interested in the type and quality of mental illness training the deputies

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<sup>2</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawcode=WIC&Sectionnum=5150](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawcode=WIC&Sectionnum=5150)

received and how the bridge between DBH and the Sheriff was constructed and truly operated. Some of the questions that came to light because of the investigation were as follows:

- Is every deputy in San Bernardino County CIT trained? Is the CIT training mandatory? Is there a list of identified deputies trained in CIT as indicated per the Crisis Intervention Manual?
- What is the deputy's point of view when it comes to policing the mentally ill? Do they have the resources to do their job effectively?
- What does the CIT training consist of and when do deputies receive the training? What is the duration and how often is the training provided?
- Why are many CIT forms, which are mandatory on every mental crisis call for service, not completely filled out by deputies or missing from police reports?
- Why is there a delay, at times up to months, in sending these forms to DBH for follow-up, which then impacts timely care for the mentally ill?
- What is a CIT Station Coordinator? How many are at each station? What are his/her duties?
- What is the specific role of CCRT and TEST personnel? How many TEST personnel are assigned to each station? Has TEST's involvement had a positive impact on law enforcement's response to a person in a mental health crisis?
- Are there enough vehicles for the TEST social workers at each station to do their job effectively?

- Are mental illness calls for service tracked for recidivism? Has recidivism decreased since some of these programs such as CIT, CCRT, and TEST were put into place?
- Who writes the MOU that formalizes the working agreement between the Sheriff's Department and DBH? What are the terms of this agreement?

The Grand Jury found that every deputy hired after 2013 is mandated to be trained in CIT. The training takes place after academy training and before the deputy is assigned to work in the jail. It was a 32-hour course, but recently extended to 40 hours. At one time an 8-hour CIT “refresher course” existed but was suspended. Since the 8-hour CIT “refresher course” has not been reinstated, there is currently no additional CIT training update required after completion of the 40-hour CIT training. Deputies hired before 2013 may never receive any CIT training. Those hired after 2013 do not receive any continued CIT education.

The Sheriff's Department and DBH collaborate to develop and present CIT training. It includes class instruction, presentations, hands-on and virtual scenarios in mental health training. The Grand Jury members attended some of the training sessions, which were informative and commendable for their content and quality. It came to the attention of the Grand Jury that deputies hired before 2013 are not mandated to take CIT Training. Therefore, many seasoned and/or higher-level department sworn personnel are not CIT trained as compared to the recently hired deputies who are fully CIT trained (at least once). Furthermore, no CIT roster exists to identify sworn personnel who are CIT trained within the Sheriff's Department, as required by the CIT Manual.<sup>3</sup>

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<sup>3</sup> *Crisis Intervention Team Manual: Department Manual/Instruction Guide*, p.14, San Bernardino County Sheriff's Department, May 2020.



More than once the Grand Jury sought the perspective of both CIT and non-CIT trained deputies through written surveys which were presented to the Sheriff's Department for dissemination. (Exhibit 2.) The Sheriff's Department declined to distribute and returned all written surveys unfilled to the Grand Jury each time. As a result, the Grand Jury's ability to conduct a thorough investigation of all bridge stakeholders involved was severely restricted.

The Grand Jury's investigation uncovered the fact that a significant number of CIT forms are incomplete or never completed. It was not uncommon for those which were filled out incompletely to experience long delays in being sent to DBH for review and follow-up. The average documented processing time for December 2019 CIT forms was 20 days. This far exceeds the goal of 48 hours as indicated in the CIT Training Manual. The Grand Jury's investigation found the reasons for CIT forms and/or follow-up care being delayed are:

- The majority of stations have only one TEST person. Some stations hold on to CIT reports for weeks or months and then send them to DBH all at once.
- There may be a TEST or CIT Coordinator, or Station Supervisor ill, on leave, or on vacation and the flow of paperwork is inhibited.
- The CIT form is not sent immediately to DBH but only after the police report has been reviewed and approved by a station supervisor.
- The TEST person may be bogged down in paperwork.

During the investigation, the Grand Jury was concerned after finding there was a shortage of "beds" (places where the mentally ill can get services) in the county. There are no hospitals in the high desert area that will accept patients for a 5150 hold, those who are a danger to themselves or others.

The Grand Jury continued its investigation with a look at the other side of the bridge: The San Bernardino County Department of Behavioral Health.

## **San Bernardino County Department of Behavioral Health**

While the Grand Jury investigated the Sheriff's Department, the issues above led the members of the investigation to look into the San Bernardino County Department of Behavioral Health (DBH). The Grand Jury investigated the CIT forms and their path to DBH for follow-up with the mentally ill person. There were long delays in the forms getting to DBH which in turn impacted follow-up care for their clients.

The Grand Jury also looked at the fact that DBH has a Memorandum of Understanding (MOU) with the Sheriff's Department. This document is a necessary component that outlines the cooperative agreement between the two departments. The July 1, 2018 – June 30, 2021 Crisis Intervention Training MOU has expired. Currently, the new MOU is in draft form awaiting review and signature with the Sheriff's Department. At the time of this report there was no signed and finalized MOU in place. It was also noted during the investigation that there is a CIT Deputy who works at a DBH Office but their work performance is evaluated by the Sheriff's Department. The CIT Deputy is assigned to the Training Division of the Sheriff's Department and is not under the direct supervision of the CIT Lieutenant.

The CIT training encompasses both DBH and the Sheriff's Department, and the CIT Deputy oversees the training on behalf of the Sheriff's Department. It was also noted that DBH has a severe shortage of workers and a huge turnover, especially in the area of Crisis Intervention. DBH documents were reviewed and witnesses were interviewed. The Grand Jury found that ongoing meetings between the Sheriff's Department and DBH are held every other month where Mental Health issues and training are discussed. The Grand Jury perused the minutes of these meetings and found that some of the above issues have been addressed in these meetings.

The Grand Jury found during their investigation that there is generally one TEST person assigned to each Sheriff's station. The City of Needles did not have a TEST person located in their station. Due to the large volume of paperwork and case management, they are not able to assist deputies on all

mental illness field calls. Also, there are not enough vehicles for the TEST personnel to go out on every mental health call. More DBH vehicles are needed at every station.

The Grand Jury found during the investigation that there is not a system in place to track recidivism (repeat service request). Currently recidivism is noted through DBH personnel who receive the CIT form from the Sheriff's Department and recognize a repeat name on a CIT form. Reliance on personal recollection yields insufficient data collection and client services. DBH and SBCSD record keeping is kept separate and tracking is different. SBCSD tracks recidivism by conducting a name search on their computer files if they are looking for repeat calls on a subject. Several witnesses agreed that putting a formal procedure in place to track recidivism is possible and would be beneficial.

The Grand Jury learned from both Department of Behavioral Health and the Sheriff's Department interviews that there are currently no hospitals in the high desert area that accept 5150 holds. DBH has no control over the lack of contracts for 5150 services with a high desert hospital and no land to procure for this purpose. According to DBH, due to the stigma related to mental health, the public does not want a psychiatric facility in their community. This poses a concern for a person in need of psychiatric treatment from the high desert area. Two deputies are potentially taken out of service for an extended period of time to transport the person in crisis to receive mental health services. Once they arrive, there may be another extended period of time to actually be seen by a mental health specialist. This is a community safety issue due to a patrol deputy being taken out of service and creates a crisis management issue for the County of San Bernardino.

## **FINDINGS**

**F-1:** The lack of mandatory CIT training for those hired prior to 2013 prevents a buy-in philosophy and fully trained department, and an inconsistent understanding and unified response in policing of the mentally ill.

**F-2:** There is no dedicated CIT refresher course for San Bernardino County Sheriff's Department personnel.

**F-3:** There is no updated training for new laws and resources after jail and prior to patrol assignment for deputies.

**F-4:** The CIT Deputy and CIT Lieutenant are not assigned to the same division which impedes effectiveness, communication, authority, and unification of SBCSD CIT personnel.

**F-5:** One CIT Station Coordinator per station is not sufficient.

**F-6:** No CIT trained roster for sheriff personnel is maintained and accessible.

**F-7:** CIT forms are full of extraneous DBH questions which make the forms cumbersome to complete for patrol deputies on calls. The result is incomplete CIT forms or CIT forms not submitted at all.

**F-8:** Routing of CIT Forms is not meeting the required 48-hour turnaround to DBH. Delays cause a lack of mental health services and follow-up case management services.

**F-9:** One Test personnel assigned to patrol stations is not sufficient. Ability to assist patrol deputies in the field is restricted/limited due to case management paperwork.

**F-10:** More DBH vehicles are needed for TEST personnel to perform duties.

**F-11:** Tracking mental illness calls for service recidivism needs to be formalized.

**F-12:** Lack of services and beds for the mentally ill in the high desert results in excessive use of time and resources.

## **RECOMMENDATIONS**

**R21-1:** Sheriff's Department to CIT train all deputies hired prior to 2013 who have not received the 40-hour CIT training. To be implemented by June 2022.

**R21-2:** SBCSD and DBH institute a full 8-hour CIT focused refresher course every 3 – 5 years. To be implemented by June 2022.

**R21-3:** SBCSD and DBH develop virtual mental health/resource updates for deputies leaving the jail and entering patrol assignment. To be implemented by June 2022.

**R21-4:** SBCSD to unify all CIT personnel under the same division for the continuity of CIT chain-of-command. To be implemented by June 2022.

**R21-5:** SBCSD to assign a minimum of two CIT Station Coordinators per patrol station. To be implemented immediately.

**R21-6:** SBCSD to develop an accessible and continually updated CIT trained sheriff personnel roster. To be implemented by June 2022.

**R21-7:** SBCSD and DBH to revise and simplify the CIT form to be more deputy user-friendly to facilitate completion by law enforcement in the field. To be implemented by June 2022.

**R21-8:** SBCSD and DBH to make the CIT form a duplicate tear-off form with the tear-off portion given to TEST staff at patrol station for immediate follow-up. This alerts and allows immediate notification to station TEST personnel

of clients without interrupting original CIT form processing to DBH. In the case of electronic transmission (email), provide a copy to TEST station person immediately. To be implemented immediately.

**R21-9:** DBH to assign two or more TEST personnel per station. To be implemented by October 2022.

**R21-10:** DBH to provide more vehicles for TEST personnel (preferably one per TEST person) at each patrol station. To be implemented by October 2022.

**R21-11:** SBCSD and DBH to develop a formal and accessible system to track recidivism of the mentally ill. To be implemented by June 2022.

**R21-12:** DBH to develop a collaboration among stakeholders for high desert accessible mentally ill hospital and/or procurement of land for a facility. To be implemented by October 2022.

**EXHIBITS:**

**E-1: Current CIT form (sample)**

**Crisis Intervention Report Form**

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT CRISIS INTERVENTION REPORT					
CIT CERTIFIED(32 HOUR COURSE): YES <input type="checkbox"/> NO <input type="checkbox"/>					
DATE:	OFFICER:	EMP #:	CASE #:		
DISPATCH TIME:	ARRIVAL TIME:	DISPOSITION TIME:	RD:	JUR:	CA0340000
INCIDENT LOCATION:			CITY:	ZIP CODE:	
LAST NAME:		FIRST NAME:	MIDDLE NAME:	JOB:	
PHYSICAL ADDRESS:			CITY:	CONTACT PHONE (S): <input type="checkbox"/>	
HOMELESS <input type="checkbox"/>	REFER TO R.O.P.E. <input type="checkbox"/>	LOCATION/AREA FREQUENTED:			
HEIGHT:	WEIGHT:	HAIR:	EYES:	SEX:	RACE: <input type="checkbox"/> Caucasian <input type="checkbox"/> African American <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Unk <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> Other
CLOTHING AND OTHER IDENTIFYING MARKS/CHARACTERISTICS:					
LIVING ARRANGEMENTS? <input type="checkbox"/> Family <input type="checkbox"/> Friend <input type="checkbox"/> Motel <input type="checkbox"/> Board & Care <input type="checkbox"/> Open <input type="checkbox"/> Locked <input type="checkbox"/> Independent <input type="checkbox"/> Unknown	CURRENTLY TAKING MEDS FOR MENTAL ILLNESS? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Supposed to	TYPE: <input type="checkbox"/> Ability <input type="checkbox"/> Halluc <input type="checkbox"/> Laminal <input type="checkbox"/> Paran <input type="checkbox"/> Paran <input type="checkbox"/> Samqu <input type="checkbox"/> Wellbutr <input type="checkbox"/> Zyprexa <input type="checkbox"/> Other Type	PRIOR MENTAL HEALTH HOSPITALIZATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Location: _____		
			PRIOR MENTAL HEALTH TREATMENT? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN Location: _____		
			CURRENT MENTAL HEALTH TREATMENT? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Location: _____		
DID YOU OBSERVE THE FOLLOWING? (CHECK all that apply)			MEDICAL CLEARANCE REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, where? _____		
<input type="checkbox"/> Nothing unusual <input type="checkbox"/> Absurb, illogical thinking/speech <input type="checkbox"/> Beliefs with no basis in reality <input type="checkbox"/> Bizarre Behavior <input type="checkbox"/> Hearing Voices <input type="checkbox"/> Overly elated mood <input type="checkbox"/> Paranoia or suspiciousness <input type="checkbox"/> Hostility <input type="checkbox"/> Agitation <input type="checkbox"/> Anxiety <input type="checkbox"/> Withdrawn <input type="checkbox"/> Severe, depressed mood <input type="checkbox"/> Suicidal Talk <input type="checkbox"/> Suicidal gestures/actions (E.G., OD, Cutting) <input type="checkbox"/> Signs of intoxication/drug use <input type="checkbox"/> Memory problems <input type="checkbox"/> Other: _____			SUBJECT INJURIES? <input type="checkbox"/> None <input type="checkbox"/> Unknown <input type="checkbox"/> Yes If Yes, <input type="checkbox"/> Prior to <input type="checkbox"/> Witness by Officer Self inflicted? <input type="checkbox"/> Yes <input type="checkbox"/> No Injury: _____		
			WEAPONS INVOLVED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Types of Weapon(s) Used: _____		
			<input type="checkbox"/> KNOWN VIOLENCE TOWARDS OFFICERS		
			PRIOR LAW ENFORCEMENT CONTACT (Related to Mental Health): <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		
			DISPOSITION OF SUBJECT: <input type="checkbox"/> Contact Only <input type="checkbox"/> Jailed <input type="checkbox"/> 5150 <input type="checkbox"/> CWIC <input type="checkbox"/> CSU (Crisis Stabilization) <input type="checkbox"/> CRT (Crisis Residential Treatment) <input type="checkbox"/> Other: _____		
			DISPOSITION BY: <input type="checkbox"/> CCRT (Crisis Response Team) <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Family/Friend <input type="checkbox"/> Pre/Medical <input type="checkbox"/> TEST (Triage Support) <input type="checkbox"/> Other: _____		
Synopsis: _____					
REPORTED BY:	DATE:	ROUTED TO: <input type="checkbox"/> CIT Coordinator <input type="checkbox"/> Other	Email to Bernardino Health ID@sbcounty.gov		

## E-2: Cover sheet and Survey

The San Bernardino County Civil Grand Jury is asking for your assistance to better understand the perception of law enforcement personnel.

The attached survey seeks only your opinion as it relates to your field experience with mental health encounters.

*Your response will remain confidential*

Please complete survey and return sealed in the attached envelope via Inter-department county mail by

July 16, 2021

Your participation is greatly appreciated



**Please indicate to what extent you agree with each of the statements listed below:**  
**(Please circle your responses)**

	Strongly Agree	Agree	Disagree	Strongly Disagree
1. Basic Academy Recruit Training provides adequate training for responding to calls involving mentally ill people in crisis	1	2	3	4
2. The Department provides adequate specialized training for responding to calls involving mentally ill people in crisis	1	2	3	4
3. Overall, I feel well-prepared to handle situations involving mentally ill persons who may be in crisis	1	2	3	4
4. Overall, patrol deputies are well-prepared to handle situations involving mentally ill persons in crisis	1	2	3	4
5. Relative to other problems facing patrol deputies, responding to persons with mental illness is not a significant concern	1	2	3	4
6. Calls for service relating to mental illness are increasing	1	2	3	4
7. Deputies do a good job responding to those with mental illness	1	2	3	4
8. Our department has a good working relationship with the San Bernardino County Department of Behavioral Health	1	2	3	4
9. Verbal de-escalation techniques are effective with subjects who have a mental illness	1	2	3	4
10. The department should provide additional training in verbal de-escalation techniques	1	2	3	4
11. I have the less-than-lethal equipment necessary to resolve calls involving persons with mental illness without deadly force	1	2	3	4
12. CIT has been helpful in assisting deputies with individuals who are mentally ill and in crisis	1	2	3	4
13. CIT training should be mandatory for all sworn personnel	1	2	3	4
14. I know the CIT-trained deputies are on my shift (other than self if CIT-trained)	1	2	3	4

**Overall, I feel the department response to handling people with mental illness in crisis is:**

	Strongly Agree	Agree	Strongly Disagree	Disagree
15. .... Meeting the needs of people with mental illness	1	2	3	4
16. .... Keeping people with mental illness out of jail	1	2	3	4
17. .... Helping in guiding people with mental illness toward needed medical care and social services	1	2	3	4
18. .... Minimizing the amount of time spent on these calls	1	2	3	4
19. .... Decreasing the potential of having an encounter escalate into a use-of-force incident	1	2	3	4
20. .... Maintaining community safety	1	2	3	4

**Overall, how difficult are the following in handling calls involving people with mental illness in crisis**

	Not Difficult At All	Not Very Difficult	Somewhat Difficult	Very Difficult
21. .... Communicating with them in a field encounter	1	2	3	4
22. .... Managing their potential for violence	1	2	3	4
23. .... Identifying and securing an appropriate outcome	1	2	3	4
24. .... Efficiently processing a 5150 hold	1	2	3	4
25. .... Receiving cooperation from outside agencies (mental health facilities, hospitals etc. DBH)	1	2	3	4

**Which of the following would be most effective in helping you (Please check one only)**

- Field access to telephone consultations with a mental health clinician
- On-scene response from a mental health clinician
- On-scene response from a CIT-trained deputy
- No outside assistance is necessary in responding to calls of mentally ill persons in crisis

26. Currently there is a CIT-trained deputy on my shift Yes  No  Unknown

27. In the last year, have you handled a repeat call with the same mentally ill person more than:  
 1 – 2 times  3 – 4 times  5 – 6 times  7 or more times

28. What is the average amount of time spent on a mental illness crisis call from time call received and cleared  
 Less than 1 hour  2 – 3 hours  4 – 6 hours  More than 7 hours

29. What recommendations do you have to improve the department's response to handling people with mental illness who are in crisis? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Gender: F  M  Years in Law Enforcement \_\_\_\_\_ 40 hours CIT-trained: Yes  No

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# **PREDATORY BEHAVIORS AND IGNORANCE WITHIN REDLANDS UNIFIED SCHOOL DISTRICT: HAS THE SCHOOL DISTRICT LEARNED ITS LESSON?**

## **SUMMARY**

All educators have a responsibility to ensure the academic success and well-being of their students.<sup>1</sup> However, years of scandals, allegations, and criminal cases filed against Redlands Unified School District (RUSD/District) over sexual misconduct by staff and teachers involved with students, has caused adherence to this responsibility to be called into question. As a result of numerous criminal and civil cases filed against RUSD, the District has been under scrutiny for not intervening appropriately to allegations of staff sexual misconduct involving students. This failure has resulted in millions of dollars paid out in settlements, which continues to this day and as recently as the writing of this report.

The 2021 Civil Grand Jury (Grand Jury) unfolded many concerns which plagued the District in the past that enabled these sex abusers to conduct their crimes amid other staff and students without fear of retribution. Although this investigation had its primary focus on high schools, the Grand Jury has viewed this equally applicable to all schools within RUSD. Many of the concerns placed a spotlight on the lack of training for staff, students, and parents; the inability to recognize grooming behaviors; the crossing of staff and student boundaries; failure of staff to comply with mandated reporter statutes; and the lack of accountability and poor investigative practices on behalf of RUSD. Hence, the District could no longer deny the need for reform, starting from top-down.

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<sup>1</sup> Commission on Teacher Credentialing, Ensuring Educator Excellence, California Professional Standards for Education Leaders (2014), from <https://www.ctc.ca.gov/docs/default-source/educator-prep/standards/cpsel-booklet-2014.pdf>.

To ensure reformation occurred, the District’s practices and policies were reviewed in the areas of prevention, reporting, and accountability. The Grand Jury scrutinized the District with California’s legislation, school policies and procedures, training materials, and security measures, to ensure consistency, safety, and transparency for all involved. Interviews were conducted of various stakeholders to include, but not limited to, law enforcement, school administration, school staff, witnesses, and victims, as well as on-site campus observations.

This investigative report consists of facts, detailed findings, and recommendations that are designed to improve the professional practices of RUSD in the areas of prevention, reporting, and accountability of sexual misconduct.

## **Glossary**

**Actions Create Trust (ACT Now) Initiative** – “See Something? Hear Something? Sense Something? Say Something. Together, we can keep our children safe.”<sup>2</sup> RUSD’s Call to Action Initiative. The purpose of the initiative is to enhance student safety and raise RUSD employee awareness.

**Boundary** – Acceptable professional behavior by employees while interacting with students.

**California Abuse and Neglect Reporting Act (CANRA)** – California law requires certain professionals, known as Mandated Reporters, to report known or suspected instances of child abuse or neglect to law enforcement.

**Grooming** – Building a relationship, trust and emotional connection with a child or young person so a predator can manipulate, exploit, and abuse them.

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<sup>2</sup> Redlands USD, Home Page, from [See Something, Say Something / Call to Action, redlandsusd.net](https://www.redlandsusd.net) (last visited Sept. 1, 2021).

**Inappropriate Teacher-Student Relationship** – The crossing of certain boundaries by teachers, administrators, coaches, and their students. Violation of these boundaries can result in an emotional, physical, or sexual relationship.

**Keenan Online Training** – Overview of laws regarding mandated reporting of child abuse, including child abuse and neglect detection, mandated reporter obligations and procedures according to CANRA, and information on the consequences for failure to report.

**Mandated Reporter** – All persons, required by law, to report all known or suspected cases of child abuse or neglect. California Penal Code § 11165.7 provides a list of persons whose profession qualifies them as “mandated reporters.”

**Predatory Behaviors** – Any conduct evidencing egregious, habitual, or continuing attempt to misuse power, authority, position, or situation to abuse or exploit others, as well as deliberate attempts to entrap or entice to commit sexual misconduct.

**Reasonable Suspicion** – When it is objectively reasonable for a person to entertain a suspicion, based upon facts, that could cause a reasonable person in a like position, to suspect child abuse or neglect. It does not require certainty that child abuse or neglect has occurred.<sup>3</sup>

**Redlands Police Department (RPD)** – Local law enforcement agency which provides public safety services to the community of Redlands, which resides in the County of San Bernardino.

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<sup>3</sup> Cal. Pen Code § 11166, Child Abuse and Neglect Reporting Act (2019), from [http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawcode=pen&division=&title=1.&part=4.&chapter=2.&article=2.511166Law section \(ca.gov\).](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawcode=pen&division=&title=1.&part=4.&chapter=2.&article=2.511166Law section (ca.gov).)

**Redlands Unified School District (RUSD)** – School District which serves the City of Redlands, and the surrounding communities of the eastern half of Highland, Loma Linda, and Mentone in San Bernardino County.

**San Bernardino Children and Family Services (CFS)** – Social Service agency dedicated to the protection of abused, neglected, and dependent children. Receives and reviews allegations of child abuse and neglect made within San Bernardino County.

**School Policy** – Rules and regulations established often by the school board, to guide acceptable behavior and ensure that the school environment is safe for students, teachers, and school staff.

**School Resource Officer (SRO)** – Sworn Law Enforcement Officers responsible for safety and crime prevention in schools.

**We Tip Anonymous Tips (We Tip)** – Anonymous crime-reporting hotline for citizens. Information may be received online or telephonically.

## **BACKGROUND**

### **The Problem**

In February of 2021, the Grand Jury read an article entitled, “Another Alleged Victim of Former Redlands High School Teacher Laura Whitehurst Sues District.”<sup>4</sup> As a result, the Grand Jury researched incidents of sexual abuse that occurred between RUSD staff and students between 2006 and 2017. The Grand Jury delved into California’s legislation, as well as the culture, practices, and written policies of RUSD, to determine the circumstances that allowed this type of behavior to exist. As the investigation unfolded, the

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<sup>4</sup> Joe Nelson, *Another Alleged Victim of Former California Teacher Laura Whitehurst Sues District*, East Bay Times, Feb. 3, 2021, from <https://www.eastbaytimes.com/2021/02/03>.

Grand Jury found various factors that provided opportunities for these disturbing behaviors.

These factors included a lack of clear understanding of mandated reporting, failure of training in recognizing grooming behaviors, ignoring “red flag” conduct by staff, inadequate student interviews by school personnel, and a culture of failed administration and staff accountability. Parental rights were another area of concern. The Grand Jury found that parents were not notified before student interviews and/or interrogations that were conducted by School District personnel.

The District faced many accusations of turning a “blind-eye” to reported incidences of sexual improprieties and faced allegations of destroying evidence to protect the image of their close-knit District. As mounting sexual abuse allegations and cases were filed in criminal court, and an increase in cash settlements in civil cases occurred, RUSD administrators could no longer deny the District’s deficiencies. In 2017, the District began to make notable changes from the top-down to address these deficiencies, by implementing the following:

- Detailed training in mandated reporting, “reasonable suspicion,” and when and how to report.
- Publicized ACT Now initiative (Actions Create Trust).
- Training of recognizing “grooming” and “red flag” behaviors and predatory behaviors on the part of the abusers.
- Reliability on trained professionals to conduct interviews and/or investigations.
- Security measures to ensure students’ safety while on campus.
- Culture shift to accountability and a zero tolerance of inappropriate staff/student relationships.

The Grand Jury sought to examine and conduct a thorough investigation of these implemented practices, to ensure the prior deficiencies were effectively addressed. The methodology listed below was utilized to gain a better understanding of where the RUSD culture was then, and if the



implemented practices have had a positive impact on the culture of the District now.

## **METHODOLOGY**

The Grand Jury researched California Education and Penal Codes related to the requirements of mandated reporting of child abuse laws. The Grand Jury also interviewed Redlands Police Department personnel, Redlands Unified School District employees, third party contract investigators, parents, and former student-victims.

To further the investigation, the Grand Jury reviewed Redlands' Police Department investigative reports; current RUSD School Board Policies; the District Administrative Regulations; the District's ACT Now Initiative; Keenan Training for mandated reporters and other school district documents pertaining to complaint procedures and "red flag" behaviors.

This Grand Jury issued a press release to the public requesting information about past or present inappropriate contact and/or behaviors between student and staff. The responses received were used for this report.

To obtain a full perspective of the subject matter, the Grand Jury conducted an observation of various schools and participated in the Keenan Training online.

## **DISCUSSION**

### **The Law**

Teachers and school administrators within the State of California have been commissioned under the Child Abuse and Child Neglect Act to report

“reasonable suspicion” or actual knowledge of child abuse and neglect.<sup>5</sup> According to this statute, teachers are Mandated Reporters and are obligated to notify law enforcement or a designated county welfare department.<sup>6</sup> According to San Bernardino County policy, “certain professionals are Mandated Reporters and are to fulfill their obligation by notifying the Department of Children and Family Services of suspected child abuse and neglect.”<sup>7</sup>

## **District Board Policies and Administrative Regulations**

The District has created Board Policies (BP) for staff to follow, to ensure compliance to the rules and regulations, as maintained in the BP’s Professional Standards. The District requires their employees to always demonstrate professionalism. The written rules provide all staff, students, volunteers, and community members with knowledge, to increase their understanding of their role in protecting children from inappropriate conduct from an adult.<sup>8</sup> The professional standards explain the appearance of impropriety, boundary violations, and improper interactions with students that erodes professional adult and student relationships.<sup>9</sup>

The District has also devised a Uniform Complaint Procedure for students, under the Administrative Regulations (AR) 5145.7, that enables investigations and to resolve complaints on behalf of the student.<sup>10</sup> After reviewing this AR, the Grand Jury has learned that there is a loophole in the District’s written rules and regulations concerning sexual abuse and sexual

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<sup>5</sup> Cal. Pen Code § 11165.9 (2006), from [http://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawcode=pen&division=&title=1.&part=4.&chapter=2.&article=2.5](http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawcode=pen&division=&title=1.&part=4.&chapter=2.&article=2.5).

<sup>6</sup> Ibid

<sup>7</sup> San Bernardino County Children and Family Services, Report Child Abuse or Neglect, from [http://hs.sbcounty.gov/cfs/aboutus/pages/How\\_to\\_report\\_child\\_abuse.aspx](http://hs.sbcounty.gov/cfs/aboutus/pages/How_to_report_child_abuse.aspx) (last visited Sept. 1, 2021).

<sup>8</sup> Redlands USD, BP 4019.1 Personnel, Professional Adult/Student Boundaries (2018), from <http://www.gamutonline.net/displaypolicy/1124197/4>.

<sup>9</sup> Ibid

<sup>10</sup> Redlands USD, AR 1312.3 Community Relations, Uniform Complaint Procedures (2017), from <http://www.gamutonline.net/displaypolicy/475089/1>

harassment. The policy states, "...[a]ny student who believes they have been subjected to sexual harassment by... an employee... is strongly encouraged to report the incident to at least one school official, and the school official is instructed to report to the principal or district's compliance officer."<sup>11</sup> The same language of this policy is also found in (BP) 5145.7. The problem is that the District has not made a distinction between sexual abuse by an employee who is an adult, and sexual harassment of a peer; therefore, creating a loophole to route criminal sexual abuse allegations as a civil matter of sexual harassment.

According to CANRA, educators are Mandated Reporters and must notify immediately of reasonable suspicion, or as soon as practically possible, by phone, and submit a written report within 36 hours of receiving the information,<sup>12</sup> to the Children and Family Services Department of San Bernardino County.<sup>13</sup> In short, Mandated Reporters do not have leeway, nor discretion, when it comes to making notifications. Therefore, it is imperative for RUSD staff to adhere to the law and CFS and the Redlands Police Department to investigate the allegations.

## **RUSD Training**

The Grand Jury investigated the training (or lack thereof) provided to administrators, staff, school volunteers, parents, and students of Redlands Unified School District. After a careful study of the California Penal Code as it relates to mandated reporting training of school personnel, the Grand Jury concluded that RUSD follows the letter of the law in the reporting of suspected abuse of children. Personnel are responsible for going online and taking the Keenan Training, which provides the basics of mandated reporting

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<sup>11</sup> Redlands USD, AR 5145.7 Students, Sexual Harassment (2017), from <http://www.gamutonline.net/displaypolicy/1091411/5>.

<sup>12</sup> Cal. Pen Code § 11166, Child Abuse and Neglect Reporting Act (2019), from [http://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawcode=pen&division=&title=1.&part=4.&chapter=2.&article=2.5](http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawcode=pen&division=&title=1.&part=4.&chapter=2.&article=2.5)  
11166Law section (ca.gov).

<sup>13</sup> San Bernardino County Children and Family Services, Report Child Abuse or Neglect, from [http://hs.sbcounty.gov/cfs/aboutus/pages/How\\_to\\_report\\_child\\_abuse.aspx](http://hs.sbcounty.gov/cfs/aboutus/pages/How_to_report_child_abuse.aspx) (last visited Sept. 1, 2021).

and signs of abuse. The Grand Jury also found that RUSD principals provide training at their individual schools at the beginning of each school year. Sign-in sheets are used to prove attendance. In addition, the District has in the past, invited speaker Diane Cranley, an expert on “grooming” and predatory behavior towards children, to speak to the staff of RUSD. (Cranley is the author of *8 Ways to Create Their Fate: Protecting the Sexual Innocence of Children in Youth-Serving Organizations*.) Ms. Cranley has spoken once to the entire District at an assembly and had helped the administration update and implement school policies.

However, even with these training measures in place, the Grand Jury found many areas of concern. There is inconsistent implementation of the training, according to interviews conducted with several witnesses from the District. Some administrators and teachers, and many parents and students did not understand the meaning of mandated reporting, grooming behaviors, predatory behaviors of adults toward children, and boundary violations. Some administrators and some teachers misunderstood the mandated reporting law as it relates to whom and in what form the reporting must occur. For example, the Grand Jury found that some teachers are relying on the “WE TIP” anonymous hotline to report suspected abuse. This practice is not in accordance with the statute governing Mandated Reporters, as required in California Penal Code § 11165.7.<sup>14</sup> Some staff report to administrators, and some never turn in a written report to Children and Family Services. Therefore, even though the RUSD personnel participate in the Keenan online training, they are not learning some of the essential lessons.

Furthermore, the Grand Jury investigation found that the Redlands Unified School District has no training for students, parents, school volunteers, and other adults who work with children in the District in the areas of 1) identifying predatory and grooming behaviors, 2) boundary violations, 3) mandated

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<sup>14</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaysection.xhtml?lawcode=pen&sectionnum=11165.7](https://leginfo.legislature.ca.gov/faces/codes_displaysection.xhtml?lawcode=pen&sectionnum=11165.7)

reporting, and 4) reporting process (how and to whom to report). This leads to confusion for students and their guardians. The district handbook does touch on the subject, but the handbook is complex in size, not user-friendly (size 8 font, single-spaced, 137 pages double-sided), and full of legalese that many people have trouble wading through. Several administrators and teachers interviewed by the Grand Jury agreed that training is essential for these groups. Multiple witnesses felt that student assemblies on these subjects would be beneficial for students, volunteers, teachers, and parents alike. Administrators agreed that RUSD could benefit from the assemblies.

Teachers and other personnel in the District have also been trained to ensure that all hall passes are issued by office staff only, thus protecting students from adults who would call them to their classrooms for inappropriate reasons (sexual misconduct). However, some administrators and teachers are not following through with this rule. More effective training is needed in this area.

Administrators at each school (principals and assistant principals), have limited understanding of the essential need to increase supervision at their site. They have been trained to do “quadrant monitoring,” where they walk and observe every area of the school daily. However, the implementation lacks consistency. Witnesses interviewed stated that the monitoring takes place at the beginning of the school year but falls off considerably as the school year progresses. There is also no evidence of the monitoring in the form of a common check-off list or clipboard in the front office.

Redlands Unified School District is to be commended for increasing training in adult to student sexual abuse from 2017 to the present. Keenan's online training is implemented and documented well. Each principal teaches mandated reporting laws to their staff at the beginning of the school year. A special assembly featuring an expert speaker on grooming and abuse has once been presented to the District as a whole. The ACT Now Initiative, “See something? Hear something? Sense something? Say something,” was rolled out in 2018. The purpose of the initiative was to enhance student

safety. It will need to be reintroduced to the District and the community, as the pandemic interrupted instruction.

Despite these efforts, however, training needs significant improvement. Training is needed for students and parents alike, to identify and report misconduct and sexual abuse. Administration and staff need a clearer understanding of how and to whom to report. The most important aspect that needs improvement is better communication from the top-down in how to implement and ensure the instructed training given is practiced.

The Grand Jury recommends that more “hands-on” and role-playing of different scenarios would be a more effective way to train the educators, students, and parents. The training should be given in “small bites,” on many occasions during the school year; people learn and retain information better with periodic and scheduled reminders. Video options may need to be explored. Also, the California Department of Social Services - School Personnel Child Abuse Mandated Reporter Training ([mandatedreporter.ca.com](http://mandatedreporter.ca.com)) is highly encouraged. The Redlands Police Department may also be a good source as a training option, especially for parents.

In review, it is noted that much has improved in training for the Redlands Unified School District from approximately 2017 to the present. The Grand Jury is confident that the District, partnering with the community, can work towards making the training more effective in the future so that our most important resource, our children, can be protected.

### **Preventive Measures: Camera Monitoring and “Third Wheel” Rule**

RUSD needs improvement in preventive measures. One area is supervision, including increased and operable camera monitoring and consistent daily “quadrant monitoring” throughout the school year. The Grand Jury found that sexual misconduct occurred when students were alone with adults and/or in unsupervised areas. Another way to protect students would be to institute a “third wheel” rule, which states an adult witness is always present

when a student and staff member meet, both in person and through electronic means. In the school environment, student safety and the devastating effects of lifelong trauma because of staff sexual misconduct and abuse outweigh the “right to privacy.” Sometimes it comes down to simply doing the right thing.

### **RUSD Victims: Lifelong Devastating Impact on Victims**

The interviews of victims and family members persuaded the Grand Jury that the devastating impact of staff sexual misconduct is a lifelong wound still experienced to this day by those abused. As adults, the trauma inflicted upon the victims by a trusted teacher cannot be excused or denied. Those who were fortunate enough to receive early counseling thrive to live normal lives with an understanding that what occurred was not their fault. Those who have not, suffer significant consequences including depression, guilt, and serious life issues which impact their ability to live as happy functioning adults.

Many of the victims who were preyed upon in a school setting state in most instances that they were alone with their abusers both before, during and after school hours. It is alarming to find that those instances which occurred during school hours commonly took place within the classroom itself. These children did not understand the “grooming” process or boundaries being crossed by adults who used these to their advantage. At a time when most children should be enjoying their years of school, sporting events, proms, and graduation, these children fell victim to the desires of sexual predators using their trust and authority as teachers.

Once the crimes came to light, these children experienced confusion, shame, and isolation. They were left to feel as if they were to blame for the actions of the adults. The Grand Jury recognizes the victims that endured and still endure a past that should have never happened to them - especially in a place and by a person where they should have felt the safest and most secure - their school and teacher. Doing the right thing can also include

providing victim advocacy during the abuse investigation and RUSD should provide lifelong counseling for traumatized students.

## **FINDINGS**

**F-1(a):** School personnel do not have a clear understanding of “reasonable suspicion” nor mandated reporting laws.

**F1(b):** The Grand Jury found that some Mandated Reporters are electing to notify “WE TIP” or RUSD administrators, instead of Child and Family Services or local law enforcement, as mandated by law.<sup>15</sup>

**F-2:** RUSD lacks a formal written policy instructing staff to immediately notify respective parents that their student will be interviewed or is the subject of an investigation by administration, law enforcement, or a third-party investigator for any serious sexual misconduct type allegations.

**F-3:** There is inconsistent implementation of training and a lack of ongoing training, for RUSD personnel during the academic year, regarding mandated reporting, identifying grooming behaviors, and boundary violations, etc.

**F-4:** The District lacks training for students and parents in identifying predatory grooming behaviors, which adds confusion to students and their parents by not being well-informed. Although the subject is touched on in the Parent-Student Handbook, the information is obscured to meet legal requirements of extensive unrelated procedures and processes, rather than precise educative information on these subjects.

**F-5:** The Parent-Student Handbook is large-scale, arduous, and not parent/student user-friendly. Therefore, it is not often read or used. Although a signed receipt acknowledging the handbook and its contents by students and parents is at 100%, the reality is without this signed acknowledgement

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<sup>15</sup> [https://hs.sbcounty.gov/cfs/AboutUs/pages/How\\_to\\_report\\_child\\_abuse.aspx](https://hs.sbcounty.gov/cfs/AboutUs/pages/How_to_report_child_abuse.aspx)



a student cannot register for classes within RUSD. This mandatory signed acknowledgement creates the false narrative that all parents and students have read and understood the contents of the handbook.

**F-6:** The Grand Jury has identified RUSD “Working Smart” tips as “red flags” for grooming behaviors. These suggested practices do not strengthen RUSD school policies.

**F-7:** Hall passes that authorize students to leave class, must be issued by office staff every time. Currently, there is a lack of adherence to this policy, which, in the past, has led to teachers calling students to their rooms for inappropriate and sexual purposes.

**F-8:** Principals and district administrators are not consistent with “quadrant monitoring” which was set up to ensure that staff and students are supervised daily throughout the school year. There is no checklist to validate the task has been completed.

**F-9:** There is a lack of communication from the top-down in RUSD, causing a difference in policy expectations versus daily practices.

**F-10:** Current staff misconduct complaint retention is inadequate, as it is not kept electronically and is accessible to too few administrators. This causes the perception of a lack of transparency and possible cover-ups. Poor complaint handling and mismanagement of same attributed to the community’s perception of cover-ups. An electronic complaint management system increases efficiency, establishes documentation, confirms corrective actions, avoids miscommunication, and the possibility of lost data. It also ensures easy, trackable, transparent, and immediate access for administrative review.

**F-11:** There is a lack of clear understanding, which inhibits a culture of reporting of the inappropriate conduct complaint process from complaint initiation to complaint conclusion within the District. The distinct steps that a

complaint or allegation should go through is not clear in the eyes of RUSD personnel, students, and parents. There is also no written step-by-step plan outlining the process.

**F-12:** RUSD is to be commended for the roll out of the ACT Now campaign initiative in 2018. The administration has also taken steps to better define what is “reasonable suspicion.” It is evident that a lack of knowledge, training and understanding of reasonable suspicion had created the conditions that allowed inappropriate sexual relationships between staff and students to have occurred.

RUSD has taken a proactive response to address the past reputation that plagued the District. These proactive measures include physical changes on campuses, new processes and procedures to ensure student safety, greater staff accountability, acknowledging flaws and issues with honesty, and sending a clear message that this type of behavior will no longer be tolerated. The Grand Jury found some progress in addition to the need for improvement in specified areas.

**F-13:** There is no ongoing unified collaboration among RUSD, parents, and the community to work together to ensure proper protocols are in place for prevention of staff sexual misconduct and abuse.

**F-14:** There are not always cameras in classrooms, hallways, small rooms, offices, etc., which in the past has led to staff being able to engage in inappropriate sexual and criminal conduct with students.

**F-15:** The Grand Jury found that the extensive trauma experienced by the victims is lifelong and continues to have a devastating impact on their lives. Many of these victims were alone with teachers, unsupervised, which allowed the egregious acts to occur. The Grand Jury acknowledges the severe difficulties that victims continue to experience, even today.

## **RECOMMENDATIONS:**

(All following recommendations are directed to Redlands Unified School District.)

**R21-1:** During an employee's performance evaluation, District supervisors are to verify each employee's understanding of "reasonable suspicion," mandated reporting laws, predatory behaviors, grooming behaviors, and complaint processes. This information can be obtained via a written question and answer sheet, signed by the employee declaring their comprehension of their legal obligations. This recommendation is to be implemented no later than August 2022.

**R21-2(a):** The District is to create an Administrative Regulation explaining the procedure for immediate mandatory parental notifications before interviewing or investigating students regarding possible suspected sexual abuse by staff. This recommendation is to be implemented no later than June 2022.

**R21-2(b):** Immediate telephonic notification made to the legal guardian followed up by a written copy of notification to the parent/guardian with a documented parent receipt of the notification. This recommendation is to be implemented immediately.

**R21-3:** Each school is to conduct training in conjunction with staff meetings throughout the school year, including but not limited to role-play scenarios. This will begin with the District Superintendent training school administrators, on a quarterly basis. This recommendation is to be implemented no later than August 2022.

**R21-4:** Provide school assemblies at least twice a year in these areas and invite teachers, staff, students, school volunteers, and parents/guardians. Videotape these assemblies and make them available on the RUSD website

for those unable to attend in person. Show the recordings in the students' homerooms twice a semester as student reminders. This recommendation is to be implemented no later than October 2022.

**R21-5:** In addition to the Parent-Student Handbook, develop easy-to-read and user-friendly reference sources, with information explaining prohibited behaviors, reasonable suspicion of sexual abuse and grooming, mandated reporting, and the complaint process. This information can be incorporated into smaller pamphlets that are available in the District and school offices, and online. It is also recommended that the English and Spanish versions be separate. This recommendation is to be implemented no later than November 2022.

**R21-6:** Revise the "Working Smart" tips to read, "Prohibited Behaviors," and "Red Flags" to read, "Boundary Violations." These listed "red flags" simply identify the past behaviors of staff that permitted the sexual abuse of students to thrive. Therefore, these behaviors should not be "red flagged" but expressly prohibited, to protect the students. These recommendations are to be implemented immediately.

**R21-7:** Ensure that all students receive hall passes from office staff, not the teacher. This recommendation is to be implemented immediately.

**R21-8:** Ensure that "quadrant monitoring" is being completed daily and documented by school administrators throughout the school year, via a sign-in clipboard in each school's front office for completion verification. This recommendation is to be implemented immediately.

**R21-9:** A "Third Wheel" rule to be instituted whereby an adult third party is always present when a student meets with staff and/or included in any electronic communication. This "Third Wheel" rule ensures the safety of students and staff against misconduct and/or allegations of misconduct due to a witness always being present and/or included. This recommendation is to be implemented immediately.

**R21-10:** The Superintendent is to perform short virtual training updates concerning staff sexual misconduct, mandated reporting, grooming, reasonable suspicion, the complaint process, etc., on a quarterly basis to all administrators and school personnel. These trainings are to be available on the RUSD website and available for check-out in all school libraries. This recommendation is to be implemented no later than October 2022.

**R21-11:** Electronic and hard-copy complaints and/or allegations of staff sexual abuse, grooming, etc. retained for a minimum of 10 years. Files of staff sexual misconduct complaints retained in the Superintendent's office, the Assistant Superintendent of Human Resources office, and the Assistant Superintendent of Educational Services office at the District Office, both electronically and in hard copy for consistency, accountability, and transparency. This recommendation is to be implemented immediately.

**R21-12:** Develop and implement a visual flowchart of the complaint procedures and process, from receipt of complaint to conclusion. Flowchart to be distributed to every school front office in hard copies, put on the RUSD website and "Aeries," in one of the handbook pamphlets, and placed in staff rooms, classrooms, assembly areas, etc. This recommendation is to be implemented no later than June 2022.

**R21-13:** **ACT Now** initiative rolled out again by the Superintendent to the District and the communities it serves by April 2022. To be presented to staff meetings, churches, school assemblies, teachers of English classes in Middle and High schools, elementary classrooms, Parent Teachers Association (PTA) or other parent meetings, and other community meetings. This implementation to be done annually and to remain continuously.

**R21-14:** Conduct an annual review of all board policies and administrative policies in these areas, preferably done by a task force headed by the Superintendent, and including, but not limited to, students, parents, staff, school volunteers, and community members. This recommendation is to be implemented no later than October 2022.

**R21-15:** Working cameras to be installed in all locations where teachers and students meet, installations beginning in all classrooms. This recommendation is to be implemented by June 2022

**EXHIBITS:**

**E-1:** RUSD “Working Smart” tips



# Redlands Unified School District

## Tips for Working Smart

### **Student Interactions, Social Media and Electronic Communication**

*Teachers, staff, and coaches should interact and communicate with students for educational purposes in a professional manner at all times. Further, courteous and professional relationships with students are expected at all times. All employees are expected to establish and maintain appropriate boundaries in their interactions with students inside and outside of the classroom. Below, please find tips for working with students as related to physical and emotional boundaries, social media and electronic communication. More than ever, employees are being scrutinized in their daily interactions with students; therefore, it is imperative that employees are cognizant of their actions in the performance of their professional duties.*

#### **Behaviors that Raise Red Flags Regarding Professional Boundaries**

- When employees are alone with a student behind closed/locked doors.
- When employees ask students to run their personal errands.
- When employees transport students without proper authorization/district approval.
- Even when approved to transport, when employees do not have another adult in their vehicle when transporting students.
- When employees share their personal problems/stories/information with or in the presence of students.
- When employees invite students to their home, unless it is a school sponsored extracurricular activity that is appropriately supervised.
- When employees meet students in off-site locations without a parent/guardian being present.
- When employees exhibit behaviors, which may be viewed as favoring one student over others.
- When employees use innuendos that may be suggestively interpreted when talking with students.
- When employees tell inappropriate jokes or make inappropriate comments about others to students.

#### **Strategies for Social Media (Facebook, Twitter, Instagram, etc.)**

- Use privacy settings to control access and keep personal accounts private.
- "Friending" students/parents on social media sites is strongly discouraged.
- Keep personal accounts separate. Creating class/team accounts on school approved websites (School Wires) is strongly encouraged.
- Be cognizant of your own online identity. Personal posts/pictures may not be appropriate for students to see.
- Anything posted on the internet could be subject to public viewing and republication by third parties without your knowledge.
- Be careful about pictures you post. Think about the image you wish to present of yourself to colleagues, parents, and students.
- Be cognizant about the language and topics you use on social media sites. Never discuss student information or any other confidential matters.
- Behavior on social media should mimic daily professional communication.

## Tips for Working Smart

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### Texting with Students

- Cell phone numbers should only be provided if absolutely necessary to accomplish a District related or school related purpose.
- Consider whether sending a text message is absolutely necessary.
- Keep texting communication related to educational purposes, class matters or school activities.
- Be respectful of the timing of electronic communications. Texting after 8:00 p.m. or before 6:00 a.m. should be information based, absolutely necessary, and should include another adult as a recipient.
- Whenever possible, avoid texting students one on one.
- Consider using group text messages or including another adult (parent, club advisor, assistant coach, etc.) as a recipient.
- Be aware of innuendo, casual or informal language (nickname, inside jokes, etc.).
- Consider how something (context) sent could be perceived as inappropriate.
  - Example #1: *You looked really good yesterday (sent by a coach at 10:00 p.m.)*. While the coach may have been talking about a student's shot/swing/form, a parent or fellow student could interpret that message very differently.
  - Example #2: *Meet me at 11:00 behind the gym (sent by a teacher during a school dance)*. While the ASB advisor may be simply telling a student where to meet her to put signs and dance decorations in her car, a parent or fellow student could interpret that message very differently.

### Absolute Prohibitions

*The following are examples of interactions between employees and students that are absolutely prohibited:*

- Inappropriate physical contact with students.
- Engaging in a sexual or dating relationship with students.
- Developing intimate emotional relationships with students.
- Planning or discussing a future romantic relationship with a student.
- Engaging in any conduct that violates Board Policies, Regulations, Education Code, or constitutes criminal behavior.

### Resources

BP/AR 3541.1

BP 4019.1

Employee Handbook of Mandated Notification Handbook

Acceptable Computer Use Policy

Redlands Unified School District Coaches Handbook

**If you have further questions regarding interactions with students or working with social media and electronic communication, please contact your site administrator.**



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## DOING BUSINESS WITH THE CITY OF SAN BERNARDINO

### SUMMARY

The City of San Bernardino urgently needs to update, develop, and adopt policy, procedures, and codes of integrity and conduct that will systematically protect it from the past systemic failures in governance. The City of San Bernardino (City) was once a thriving city that won the prestigious All-American City Award in 1977. In the following years, the City's financial situation grew increasingly dire. By the time the City filed for bankruptcy in 2012, it had accumulated nearly \$300 million in unfunded liabilities (i.e., pension funds), there was an estimated \$45 million budget deficit, and the General Fund was completely depleted. The City endured a five-year struggle to recover from bankruptcy, which was finally completed in 2017.

In subsequent years, the City continued to struggle with declining revenues and increased expenditures. The City made drastic cuts to regular employees and as a result, embraced the practice of outsourcing the services to businesses without a commitment to the success of the City. The quality and timeliness of services provided to the community suffered with little hope or possibility of remedy.

Per the proposed 2021/2022 budget, the City has experienced strong revenue growth which is expected to continue over the course of the coming year. The City is in a position to begin to restore the decimated service levels and invest in the City's infrastructural needs, but the City is by no means out of the woods yet.

The City is plagued by media claiming unfair business practices including pay-to-play and rampant accusations of corruption and harassment. These claims were also lodged publicly and during City Council meetings severely impacting the effectiveness of the elected officials. Many of the issues surrounding doing business with the City resulted in numerous lawsuits some of which have been settled at enormous cost to the City. These settlements and losses further reduce the City's ability to provide necessary services to the residents. The Grand Jury received numerous reports that the persistent cloud of negativity, nepotism, and allegations of corruption,

directly and indirectly, impacted the ability of the City to recruit and retain long-term employees committed to the success of the City.

The overwhelming amount of negative information and community concern over the governance of the City caused the Grand Jury to investigate the City's management and operations. The City of San Bernardino, its dedicated employees, and its residents deserve better than a continued legacy of failure.

## **Glossary**

**Charter City** – A city which operates under the laws contained in the Charter adopted by voters of the City of San Bernardino and laws and rules established by the State of California. The Charter is the basic document that defines the organization, powers, and functions of the city.

**City** – The City of San Bernardino

**CCB** – Commercial Cannabis Business

**Commercial Cannabis** – The legal cultivation, manufacturing, processing, transporting, dispensing, distribution or sale of marijuana.

**Development Review Committee (DRC)** – Is a multi-department committee which reviews development projects prior to and during the permitting process.

**Ex Parte** – The act or activity done with the consideration of only one party or without consideration of all the parties.

**Pay-to-Play** – Politically relates to a situation in which payment is demanded, often illegally, from those wishing to take part in a particular business activity.

**Procurement** – Securing goods and services used for the efficient operation of City departments.

**RFP** – Request for Proposal is a document that announces a project or service need and solicits proposals from interested individuals and/or agencies.

## **METHODOLOGY**

The Grand Jury determined that the City of San Bernardino is a Charter City operated pursuant to the Council-Manager form of government. The Grand Jury reviewed the City Charter that defines the city's government and gives the City control over its municipal affairs.

The Grand Jury focused extensive research in three primary areas: procurement, permits, and applications/business licenses. The research included a review of the City Code of Conduct, organizational structure, policies and procedures, publicly available websites, City website, City Council meetings, media reports, and the City Development Code.

The Grand Jurors interviewed current and former staff, including but not limited to department heads and elected officials, and individuals involved in the City application process as applicants.

## **BACKGROUND**

The Grand Jury has the responsibility to investigate the Cities, and County organizations in the county by the authority of the California Penal Code § 925a which cites:

§ 925a. The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint

powers agency and make such recommendations as it may deem proper and fit.

The purpose of the Grand Jury is to make recommendations where the operations and efficiencies of the organization can improve overall service or save taxpayer's money. The citizens of the City of San Bernardino are not happy with the governance of their city. The accusations of pay-to-play and unfair business practices has worn the City down and caused a large number of legal actions. Citizens are bone tired of incompetence and unfair bias. During the period of bankruptcy, the budget and staffing in the City were cut to a minimal number. City functions were either assumed by the County of San Bernardino (i.e., fire and protection and emergency medical response services), or were outsourced to Professional Service Providers and Advisors, most of which do not have a presence in the city or county.

The City was severely weakened after bankruptcy. The remaining opportunities were limited and resulted in marginal economic stability and growth for the City's residents. Significant income for the Contracted Professionals and Developers is still being extracted from the City and local resources. Quality-of-life issues of the general population of the City are not the central focus in the current management of the economy.

## **City Website**

During the course of the investigation, the first challenge the Grand Jury encountered was the City's website. The website was not user-friendly and lacked current information. An inadequate website causes many issues for the residents and businesses trying to do business with the City. The homepage visual design was cluttered, confusing and outdated. The format of data is not organized in a logical progression and navigation is difficult. Citizens' confidence and pride are diminished in their city when the City's website appears unprofessional, not purposeful and lacks adequate security.

Since the beginning of Grand Jury's use of the City website, the City's Information Technology (IT) system received Department of Justice Security Certification in September 2021. This Certification validates the procedures

taken to protect from unauthorized access and abuse of the website. This is a very positive step for the City. In addition, it should be noted that considerable financial investment was included in the 2021/2022 budget and some changes and improvements are already underway.

The Grand Jury did find several webpages that should be enhanced to improve transparency and information-gathering which would greatly aid the residents and local business community:

- The Agenda Web Portal is antiquated, difficult to navigate, and has very limited search capabilities. The agenda is extremely difficult to read and conduct research on, resulting in a public that may not be well-informed on City Council actions.
- The City uses PlanetBids for “Bids and RFPs.” PlanetBids is a web-based procurement application that allows staff to manage bids, contracts, insurance certificates and emergency operations. PlanetBids includes all the information related to the City’s procurement activities but requires vendor pre-registration to gain full access. PlanetBids could be used as a dual-purpose site that would inform and update the public and businesses as to procurement opportunities thus improving transparency and openings to doing business with the City.
- The Business License page should have the dual-purpose of identifying the licensed business and the nature of those businesses within the City. Enhancing the Business License webpage to allow for multiple search categories would help consumers and businesses connect within the City. Keeping the dollars in the City is beneficial to all.
- The Online Permits Search webpage lacks explanation/guidance and has very limited search options which often yield inaccurate results.

## **LICENSES - The appearance of “pay-to-play”**

The Grand Jury’s review of the California Secretary of State Campaign Finance website (Cal-Access) revealed that contractors and business applicants contributed to candidates and elected officials during the period

in which they were either engaged or hoped to be engaged in doing business with the City. This review also revealed that elected officials received donations from persons and businesses over which they are called upon to make decisions. The acceptance and timing of contributions appear in nearly all areas of Licenses, Permits, and Procurement. Public complaints and admissions of applicants participating in this practice were noted during public City Council Meetings and during Grand Jury Interviews.

The most extreme example that opened the door for potential pay-to-play activities was the Commercial Cannabis Business Permit Application/License process. The City was navigating uncharted waters so missteps should have been expected and dealt with in a transparent manner. The original Application/License included requirements that were confusing and not consistently applied. Changes made by staff in response to the appeals and challenges were filled with oversights, inconsistencies, and often were unfair to the applicants. Not all changes to the process were formally communicated to the applicants, elected officials, or the public.

The Grand Jury received reports that during the Application/License process, private meetings between applicants and elected officials took place and that applicants provided gifts, and direct and indirect campaign contributions to elected officials.

In an effort to prevent the potential for pay-to-play activities on future Commercial Cannabis Permits, on July 21, 2021, the City approved Integrity Standards (RESOLUTION NO. 2021-166, INTEGRITY STANDARDS FOR COMMERCIAL CANNABIS PERMIT APPLICANTS), which included:

1. No Ex-Parte Contacts: An applicant and its representatives shall not attempt to contact or initiate contact, in person, by phone, by mail or by electronic means, with the Mayor or any City Council Member.
2. No Gifts: An applicant and its representatives shall not directly or through any agent or intermediary make, or arrange for the making of, any gift to the Mayor, City Council Member or staff person, twelve (12) months immediately preceding the date of the CCB Permit application, while the CCB application is pending and for at least twelve (12)

months after a CCB permit is awarded. Gift shall have the same meaning as it is defined to have in the California Political Reform Act.

3. No Campaign Contributions: An applicant and its representatives shall not make a campaign contribution or loan of more than two hundred and fifty dollars (\$250.00) to the Mayor or any City Council Member while an application is pending. Applicants shall disclose as part of their applications the amount of and the recipient of campaign contributions made in the twenty-four (24) months after the date the application is filed.

The Grand Jury applauds this initial effort and recognizes the City's effort to prevent corruption opportunities in the Commercial Cannabis Permit process. Unfortunately, the Integrity Standards places the burden of "integrity" only on the applicant and not on the elected officials who are the potential recipients of the contact, gift, or campaign contribution. Additionally, the Integrity Standards apply only to the Commercial Cannabis Permit process and not all other business activities within the City.

The City has dedicated a huge amount of time and resources on implementing a Commercial Cannabis program that would benefit the City and the residents. Staff, applicants, and the public have suggested that a lottery-type system would be a more fair, transparent, and efficient mechanism to approve future Cannabis businesses. With the many lessons learned from the initial process, the Grand Jury fully supports this suggested change.

## **Cannabis Tax Collection**

The City carved out a percentage of the Commercial Cannabis revenue to be used for the enforcement of Commercial Cannabis licensing. The licensing process allows the City to monitor compliance and collect the required Cannabis Tax. At the time of the Grand Jury review, more unlicensed than licensed Cannabis businesses existed within the City. The Grand Jury was able to easily identify numerous unlicensed Cannabis businesses. However, the Grand Jury was not able to identify specific law enforcement actions taken in regard to unlicensed Cannabis businesses.



Beyond the drain on public safety resources, unlicensed businesses do not pay the Cannabis Tax. This tax is necessary to offset the cost to administer the Commercial Cannabis program as well as generate revenue for the General Fund. Increased enforcement costs attributed to unlicensed and untaxed businesses account for significant costs and loss of revenue.

## **Procurement**

Procurement is the common term used to refer to the process of obtaining services or goods for the City. Procurement activities are conducted by the Purchasing Department which is overseen by the Finance Department. A review of the organizational chart and interviews with staff revealed that the Purchasing Department (Purchasing) included only 1 full time employee. In addition, the Purchasing Guidelines and Procedures Manual, and other written and unwritten practices were incomplete and outdated and were not adhered to by employees involved in securing goods and services. As a result, procurement activities for services often occurred without the necessary oversight to ensure open and fair competition. Non-compliance of the Purchasing Guidelines and Procedures negatively impacted the acquisition of goods and services and the best and most cost-effective product was often not considered or selected.

In the absence of ethical and practical oversight, several major procurements were flawed, inconsistent, and lacked transparency. Many of the procurements remain mired in problems, excessive costs, lawsuits, and interrupted services. The true status of these contracts is unknown. The ongoing efforts to pursue resolution have not been conducted in a public and transparent manner.

The City website states that it will extend a bidding advantage to local businesses, but it also has a long list of exemptions including: Public Works contracts, Grant Funded contracts or purchases, emergency procurements, sole source contracts and purchases made under a cooperative agreement. The Grand Jury reviewed many of the recent and past professional service contracts issued by the City and found that most of these contracts were made to individuals and firms outside the city and county.

As noted previously in this report, access to procurement documents is limited and lacks transparency but the documents that were reviewed demonstrate that efforts to engage local businesses through a bidding advantage have not been successful. Securing contractual relationships with local individuals and businesses is crucial to the success of the community and creates a positive cycle of fiscal and emotional engagement.

Inadequate staffing, outdated policies, non-compliance to policies, and a lack of oversight and transparency all contribute to the City's inability to resolve ongoing procurement issues and prevent future failures. The Purchasing department has commenced an effort to update the procurement policies and the Grand Jury commends this very difficult project. The current budget includes some limited filling of positions with Purchasing, but more staff is necessary to ensure ethical, sound, and transparent procurement activities.

## **Permits and Planning**

General problems in the permitting process include that the consumer of these services, be they the common citizen or large developer, must navigate through a maze of different City functions: Planning, Development, National Pollutant Discharge Elimination System (NPDES), Fire, Code Enforcement, Health Department, and state and federal regulations and permits. The City's portion of the process is done without full coordination amongst functions. Under these conditions, conflicts, confusion, and poor decision making is to be expected as the norm rather than the exception.

The Grand Jury investigated the details behind a development which has garnered wide public comment and news coverage. Our investigational goal was to discover at what point in the process there were failures that created the stalemate and suspended the development project. The investigation included an extensive number of interviews, reading of documents provided by the City and permit research of the accessible City Permit website. The Grand Jury concluded after the review of the permit process that the major fiscal and legal problems would have been avoided if there had been coordinated communications.

Prior to issuing additional permits to an ongoing project or development, all permits (e.g., city, state, and federal, etc.), should be confirmed as current and in compliance. If those requirements were met and the activity requested is not in violation of State or Federal rules and regulations, a permit issued shall remain viable and not changed or be restricted by future City Council actions.

The City should honor the original approved permits and allow the developers to work in accordance with the municipal codes and state and federal laws under which the process began. It is improper for the City to take back a permit under use because of political pressure. It is proper to make code changes that would be enforced from that point forward on new developments, but improper to apply new requirements on already issued permits.

Further complicating the navigation of the requirements to obtain development permits is that much of the City's Planning and Development and Public Works tasks are completed by outside contracted professionals. Outside service providers are not integrated into the daily operation of the permits counter where the public begins the process resulting in time delays, missed requirements and errors in identifying all needs for a project or development. The Grand Jury recommends moving to a One-Stop type of service where the applicant receives information from multiple permitting departments and is provided a clear list of all permits required for the entire proposed project. The Grand Jury also recommends the City enhance its current Development Review Committee process to include all impacted departments and develop an electronic approval process in which all departments must sign off prior to issuing all but the most routine, simple permits.

In addition to the internal system failures, Permit/Planning review credibility is harmed by the appearance of pay-to-play when applicants make campaign contributions at strategic times in the applicable process. The very appearance of pay-to-play entering the Permitting/Planning Process has led to distrust in the process and potential legal liabilities to the City. It is important that the adopted CCB Integrity Standards apply to all facets of doing business with the City (especially Permits and Planning), so that the

public and businesses gain confidence in the health and operations of the City.

The Grand Jury also suggests, as part of the City's current financial planning, to return to in-house professional staffing rather than contracted professional services. The Grand Jury recognizes the dedicated City employees who strive to do the best job possible for the customers, but they are at the mercy of contracted service providers who do not share a long term vested interest in the success of the City.

While investigating development permits, the issue of bonding came to the attention of the Grand Jury. In the review of Business Licenses and Building and Development Permits, a variety of bonding requirements were discovered. Bond, Insurance, and Indemnification levels are intended to protect the City from risk and liability. Currently, bond requirements are not assessed proportionate to the actual risk to the City. Bonds are not a means to recover costs of permit process, City Council approved fees are collected for that purpose. Bonds should only be used to cover real risk to the City. Non-performance bonds should be applied to only City Public Work Projects, not businesses failing to open on a projected timeline.

For example, a recent bonding requirement for an improperly permitted "construction yard" was a deposit of \$1,000. The resulting cost to the City to clean up a construction yard can and in this case, likely will, greatly exceed that bond.

On the other hand, the bond for a Commercial Cannabis license holder to ensure that licensee opens a business within 12 months is \$200,000. This requirement is intended to ensure the City recovers the exceptional costs associated with preparing for a Commercial Cannabis business. If the Cannabis business encounters lengthy delays or fails to open, the City needs a mechanism to recover the cost of staff time, document preparation, etc. However, the City controls the many required processes (such as permits and inspections) which can impact the opening date. In light of the current system failures within the permitting process, the business could potentially be penalized for not opening as required when the City is also responsible for the failure. The Grand Jury was not able to determine real-time risk

justification for a \$200,000 bond and finds the amount excessive, unfairly punitive and a detriment to all businesses.

Another example is the indemnification requirement for a Snow Cone or Fruit vendor which is set at \$1,000,000. Evidence established that there is a disconnect between the purpose and use of the bonds and indemnification levels. The Grand Jury finds that such practices do not protect the City from large risks and negatively impacts small businesses. The City should consider a public review of their bonding and indemnification requirements and the methodology used for calculating the amounts levied.

On the other hand, the fees charged for Permits and Licenses are calculated based on recovering the cost of processing that permit. The current fee schedule was publicly presented and approved in July 2020. The Grand Jury fully supports this transparent business practice and recommends a similar process be used for all charges applied to customers doing business with the City.

## **City Leadership**

Lack of documented systems and processes, policies and procedures leave elected officials and employees without clear direction or rules to follow. All aspects of City operations and governance are hampered by inconsistent communications. There is also a department-wide lack of policies and procedures, and very limited written guidelines which leave employees without clear direction or rules to follow. Absent clear direction, employees do not have the tools they need to successfully perform their duties, and interacting with elected officials, management, and the public is unnecessarily difficult.

In addition to financial and operational challenges, the City is forced to function in the midst of a dysfunctional and uninformed legislative body. Despite a change to the Charter in 2016 and several elections, relations between the elected officials (especially during public meetings) are strained and contentious. Elected officials report a lack of clear understanding of the budget, how the City operates, and their defined roles as policy makers. The

Grand Jury supports the expressed desire of staff and elected officials to be informed and educated through concise and specific training. Training should be in easily accessible and multiple formats such as managed tutorials, video training, and department-specific training. Creative use of low-cost media such as YouTube presentations or Recorded Limited Access Teams Presentations could all be part of a curriculum specific to the City of San Bernardino, allowing for the accommodation of different schedule demands and learning styles.

## **FINDINGS**

**F-1:** There is a lack of understanding of the defined roles and responsibilities for City Council members in the subject of budget and operations.

**F-2:** Although legal, business and permit applicants made political contributions to elected officials during the application process giving the appearance of “pay-to-play.”

**F-3:** Much of the planning/permit process is outsourced which has resulted in extensive delays for approval.

**F-4:** Lack of communication between development project departments creates adverse legal, fiscal and community outcomes and failed projects.

**F-5:** Commercial Cannabis Application process was flawed, inconsistent, and lacked transparency.

**F-6:** City website is not user-friendly and lacks current information.

**F-7:** Most departments lack a Policy and Procedure/Operations Manual (Manual) or the existing Manual requires significant modification.

**F-8:** Many of the Professional Services and Contracts are awarded to companies outside the city and county.

**F-9:** Bonds are disproportionately assessed.

**F-10:** Several procurements for service were flawed, inconsistent, and lacked transparency.

**F-11:** City lacks a mechanism to collect taxes from unlicensed Commercial Cannabis businesses.

**F-12:** Support for small businesses in the City is limited and underfunded.

**F-13:** There is inadequate Purchasing staff to perform efficient and appropriate procurement activities.

**F-14:** The current Commercial Cannabis Integrity Standards are one-sided and place the responsibility of integrity on the applicant.

## **RECOMMENDATIONS**

**R21-1:** Routine City permits should be handled in-house for efficiency and timeliness. To be implemented by January 31, 2023.

**R21-2:** After the current Commercial Cannabis licensing process is complete, a lottery-type system should be utilized by the City to ensure transparency and fairness. To be implemented by April 30, 2022.

A lottery-type process should be considered in the City whenever a limited number of opportunities would be available as part of an application/permit process.

**R21-3:** The City should develop strategies to increase operational knowledge and understanding for elected officials through training. To be implemented immediately.

**R21-4:** The City should reconstruct its website to be user-friendly with current and regularly updated information. To be implemented by June 30, 2022.

**R21-5:** The City should apply the current Commercial Cannabis Integrity Standards to all City application processes for the sake of integrity and

transparency. The Integrity Standards should be posted in public view in all City facilities and on the City website. To be implemented by March 31, 2022.

**R21-5a:** Amend Integrity Standards so they apply to elected City officials as well as the applicants. To be implemented by March 31, 2022.

**R21-6:** The Purchasing Department should complete the current update to the Purchasing Manual to ensure staff adheres to clearly defined policies for all procurement activities. To be implemented by March 31, 2022.

**R21-6a:** The Purchasing Department should continue to review and update the Purchasing Manual periodically (with most current revision date noted).

**R21-7:** The City should require a Development Review Committee meeting for all commercial development projects in which all involved departments participate with written acknowledgement of all project requirements. To be implemented immediately.

**R21-8:** The City should establish a public method of risk assessment that protects the City from undue liability but does not unfairly overcharge or burden businesses or citizens with inappropriate bonding requirements. To be implemented by June 30, 2022.

**R21-9:** The City should develop a process for collecting required taxes from all unlicensed businesses. To be implemented by September 30, 2022.

**R21-10:** The City should develop policies and procedures for all departments and continue to review and update periodically with revision dates noted. To be implemented by June 30, 2022.



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# A GUARDIAN FOR THE PUBLIC GUARDIANS

## SUMMARY

The Public Guardian (Public Guardian) needs to be the focus of attention and reform. It urgently needs assistance from the Human Services Department, specifically the Administrative Services Division. The Public Guardian needs to restructure its operations from an Individually (Sole) Managed Caseload to a Functional Case management model. In addition to this systematic change, the backlog of Final Accountings and Accounting Reports should be completed so that the reformed Public Guardian is no longer burdened by a backlog of cases which also burdens the court system.

The Public Guardian does not have a customer complaint process leaving the most vulnerable population without recourse. In addition, without a formal complaint process, tracking, data collection and reporting is not possible. An additional reform should be a paid Ombudsman program dedicated exclusively to the Public Guardian. The Public Guardian Ombudsman shall respond to service-related complaints made by conservatee, conservatees' family, friends, and others who have intimate knowledge of the individual's situation and shall produce quarterly and annual summary reports.

## Glossary

**Conservatee/Client** – A conservatee is a person who needs a court appointed conservator to handle the conservatees' financial and/or other daily life affairs because the conservatee is incompetent. The role of conservator and conservatee follow from the legal concept of conservatorship which is similar to legal guardianship.

**Conservator** – A conservator of the person cares for and protects a person when the judge decides that the person cannot manage their own affairs.

The conservator is responsible for making sure that the conservatee has proper food, clothing, shelter, and health care.

**Conservatorship** – A conservatorship is a court case where a judge appoints a responsible person or organization to care for another person who cannot care for themselves or manage their own finances.

**Deputy Public Guardian** – Deputy Public Guardian is the conservatees' direct contact and case manager.

**DAAS** – Department of Aging and Adult Services

**Fiduciary Obligation** – is a legal obligation to put their client's interest ahead of their own, with a duty to preserve good faith and trust. Having a fiduciary obligation requires being bound both legally and ethically to act in the best interest of others. The Court defines the scope of the Fiduciary Obligation. The obligation may include the responsibility for the general well-being of another and/or case management of a person's finances.

**Functional Model of Case Management** – Specific case management responsibilities are assigned to a specialized unit.

**Inventory and Appraisal (I&A)** – After formal request of the Court is made, the Public Guardian Investigator provides a full inventory and appraisal of assets, conditions, and identifies options for a particular case. The Public Guardian then makes recommendations to the court regarding the necessity for Guardianship and possible alternatives for Guardianship.

**Lanterman-Petris-Short (LPS) Act** – LPS conservatorships re-established under the LPS Act are governed by the California Welfare and Institutions Code instead of the Probate Code. In this kind of conservatorship, a conservator is appointed to represent a person who is gravely disabled.

**Long-Term Care Ombudsman/Ombudsman** – Current Ombudsmen under DAAS are independent, trained, and certified volunteer advocates for residents living in long-term care facilities. Certified Ombudsmen are authorized by federal and state law to receive, investigate, and resolve complaints made by or on behalf of residents living in skilled nursing or assisted living facilities for the elderly. Ombudsmen work with licensing and other regulatory agencies to support Resident Rights and to achieve the best possible quality of life for all long-term care residents. Ombudsman services are confidential and free of charge.

## **Office of the Public Guardian – Public Guardian**

**PANO Software** – Panoramic Software (PANO) is the case management software used by the Public Guardian. It is the standard software for this type of case management.

**Probate** – When someone is no longer able to handle his or her own financial and/or personal affairs, the court may appoint an individual as the conservator to act on behalf of the incapacitated person, the conservatee.

**Sole or Individual Model of Case Management** – All aspects of case management are assigned to an individual Deputy Public Guardian.

**Trustee** – An individual who takes legal ownership of the assets held by a trust and assumes fiduciary responsibility for managing those assets and carrying out the purposes of the trust.

## **BACKGROUND**

The Public Guardian is under the auspices of Department of Aging and Adult Services. The Superior Court of California appoints the Public Guardian, to act as conservator for individuals who require conservatorship as defined by law and where no other viable option exists. The Public Guardian may be appointed conservator of the Person, the Estate, the Person and the Estate or the Trustee. The San Bernardino County Counsel provides legal advice to the Public Guardian.

Requirements for the Public Guardian Staff vary by position. The Public Guardian staff who are sworn officers of the Superior Court of the State of California include: Managers, Supervising Deputy Public Guardians, and Deputy Public Guardians.

The Public Guardian ensures the physical and financial safety of persons unable to do so on their own and when there are no viable alternatives to a public conservatorship. As conservatorship is only established as a last resort through a formal hearing, the Superior Court can appoint the Public Guardian as a conservator of the person only, estate only, both the person and the estate, or successor trustee.

The Public Guardian provides a public conservatorship. The Public Guardian is the conservator of last resort. According to statute, family, friends, and other interested parties are given priority in the selection of a conservator. In San Bernardino County the Conservatorship Investigator makes a recommendation to the Court regarding the suitability of any party interested in serving as a private conservator. The Court may appoint the Public Guardian as conservator for a Person, an Estate or both.

The Public Guardian reported extreme caseload challenges. Caseloads have grown significantly over the years. Per the Public Guardian, the staffing levels have not kept up with the total number of cases, resulting in higher caseloads. The Public Guardian provided three different organization charts showing, as many as 16 of their approved staff positions being vacant. They reported ongoing difficulty with recruitment and retention.

## **METHODOLOGY**

Documentation was requested from the Public Guardian, Court, Human Resources, and the County Administrative Office. The Grand Jury reviewed their two handbooks: Office of the Public Guardian Handbook and the Lanterman-Petris-Short (LPS) Handbook. The Public Guardian also uses The California Association of Public Administrator, Public Guardians, and Public Conservators (CAPAPGPC) Handbook. The Grand Jury reviewed the March 10, 2020, Board of Supervisors Agenda Item No. 5 and extensively looked for the back-up documentation to support the statements and data presented to the Board of Supervisors.

The Grand Jury interviewed Public Guardian administration, supervisors, and line staff. Initial requests for information from the Public Guardian were met with minimal cooperation. Despite considerable efforts on the part of the Grand Jury and many commitments from the Public Guardian, requested information was not received. The Grand Jury used the subpoena process for information and interviews, but ultimately minimal information was provided, and the information provided, proved to be of limited value.

## DISCUSSION

### Case Management Challenges

The Grand Jury found there to be several areas of concern regarding the Public Guardian. The most urgent need is to change from the individual or sole style of case management to the functional style of case management. The Deputy Public Guardians in San Bernardino County have the sole responsibility of managing all aspects of their caseload, for each conservatee. In other counties, the caseloads are managed “functionally” (i.e., specific case management responsibilities are assigned to a specialized worker unit). For example, many counties using a functional case management model have an accounting unit to process all court accountings, a legal unit to prepare filings and make appearances in court, and a separate unit with staff who focus solely on placement and site visits.

The case management model currently used by the Public Guardian assigns a single Deputy Public Guardian to manage many individual cases. The Deputy Public Guardian duties include everything from plannable events to managing the unexpected. The plannable activities include quarterly visits, review of assets, attending medical consultations and court appointments. The Deputy Public Guardian also oversees purchasing sundry items, such as slippers, socks, or personal clothing. The Deputy Public Guardian frequently must interrupt their planned activities to oversee and deal with medical emergencies, housing problems or other urgent calls which often leads to delays in other planned and mandated tasks.

To illustrate how poorly the current case management model is working, evidence showed that the Public Guardian continues to face difficulties in meeting court and program mandates including the following compliance failures:

Requirement to file Inventory and Appraisal (I&A) within 90 days (Probate Code § 2610)

25 - I&A's due within 90-days

42 - I&A's out of compliance:

- 9 = 30 days overdue
- 33 = 31+ days overdue

Annual accounting (Probate Code § 2620)

74 - Accountings due within 90 days

525 - Accountings overdue

- 121 = 6 months overdue
- 405 = 1+ year overdue

Face-to-face visit requirements (30 days within appointment; once every quarter)

201 - Visits due within 90-days

351 - Visits overdue

- 137 = 30 days overdue
- 214 = 31+ days overdue

Due to the nature of caring for the elderly, mentally ill or frail individuals, and the time needed to resolve immediate crises, there is not sufficient time to manage critical tasks like accounting. In the surrounding counties, specialized Deputy Public Guardians aid one another in meeting the needs of a single client. For example, the Deputy Public Guardian that deals with client visits is not also responsible for the case-specific accounting tasks.

Evidence established that Staff were not trained sufficiently and did not feel skilled enough to meet their fiduciary obligation. The ripple effect of this is not limited to non-compliance; these deficiencies impact all areas of operations (that is, additional court appearances to request additional time to complete mandated tasks and financial impact to the conservatees).

In addition to the challenges that come with a sole case management model, the Deputy Public Guardians are faced with the challenge associated with serving the largest geographic county in California. Beyond serving the County's 20,000 square miles, a caseload may include clients who live

outside the County such as San Diego and Los Angeles. A “functional” caseload could potentially reduce the impact of this caseload challenge.

The Public Guardian included in their own reporting how the Individual and Functional model of case management works in other counties. Evidence established that the Public Guardian was not considering implementing the Functional case management methodology.

## **Statistical Challenges**

The Grand Jury encountered statistical inconsistencies at every turn. For example:

- Active cases reported by the Public Guardian range between 870 and 976.
- The Public Guardian reported to the Grand Jury that as of May 2021, they had 899 active cases (which included 117 Persons who are deceased).
- In July 2021, the Public Guardian reported to CAPAPGPC a total of 870 cases. The Public Guardian reported in a different document they had 972 (of which 117 were deceased cases). The discrepancy may be attributed to deceased cases, but the Grand Jury was unable to reconcile the data and no explanation was provided.
- A Department of Behavioral Health document shows they are associated with 739 cases for the most recent time period during which the Public Guardian reports 117 deceased cases. That would total 856 cases not the 899 or 879 reported in different documents.

The Public Guardian was reluctant from the onset of the investigation to disclose the number of cases or provide statistical reporting to the Grand Jury. When data was eventually released, it was done in such a way that the variances between reports were not explained sufficiently to assure accuracy of the representations.

Further example of the issue, the Public Guardian reported on May 25, 2021, that as of February 2020, there were 152 deceased cases in the total



caseload of 969. Unfortunately, there was no way to associate the number of 152 cases with a particular case or date of the death. The Public Guardian later provided information that revealed 62 of deceased clients reported in 2020 were still counted in the total caseload numbers. In addition, 26 deaths from 2019 (that were included in the total of 88 of the 976-cases) were carried over into 2020. There were several totals provided with no clear dates when the data was tallied or an explanation as to the variances between reports.

The inability to substantiate and/or reconcile the numbers made the task of documenting problems very difficult. It is critical to understand which areas need improvement and why. This is especially true in the category of deceased clients. The Public Guardian cannot meet its fiduciary obligations, if the Public Guardian does not perform timely updates of deceased clients. Absent appropriate action when a client is deceased, active case management activities continue including charging the “open” case, not closing the case, and releasing remaining assets. Information provided by the Public Guardian demonstrated that the delay in closing deceased cases averaged 12 months, some taking as long as 30 months.

It is possible that the report differences are explainable, but no explanation was provided, and the data provided could not be reconciled. The Grand Jury requested the information several times and even though the Public Guardian agreed to provide it, ultimately, they did not. Data is not just a number; data represents a real person being served by the Public Guardian. The client’s location, condition, and financial wellbeing should be traceable and auditable by the Grand Jury and the Public Guardian impeded this effort.

## **Staffing Requests**

In the March 10, 2020 request to the Board of Supervisors, the Public Guardian asked for and was approved for approximately \$1.7 million for additional staff. The Office the Public Guardian reported caseloads had grown significantly over the years. They represented staffing levels had not kept up with the total number of cases, resulting in higher caseloads per Deputy.

The Public Guardian projected a growth rate (based on +/- 5 years) of 12% in LPS and 21% in Probate cases. The projected caseload increases did not

materialize. In May 2021, the Public Guardian reported caseloads fell by 2% between 2019 and 2020, and an additional 18% between 2020 and 2021. Rather than the growth projected, the Public Guardian experienced a 1% decrease in LPS cases and 19% decrease in Probate cases since 2019.

According to the Public Guardian, some of the decrease caseload could be attributed to the outbreak of COVID-19. Face-to-face visits were limited to phone calls and limited travel time was expended. Fewer people were admitted into guardianship and most long-term living facilities were under lock-down for a significant period. Under these conditions, the staff could have focused on the reported backlog of accounting and final accounting tasks.

The request made to the Board of Supervisors for additional staff and reclassification of some of the current staff included minimal documentation. The statistics cited could not be substantiated by the Grand Jury. In addition, because of interviews and subsequent document requests, the evidence indicates that beyond the failure to substantiate the statistics, some of the statements were not supportable at the time or in hindsight. It appears the Public Guardian has not filled all the approved vacancies (although the reclassifications were completed). The Grand Jury applauds the Public Guardian’s reported efforts to fill the vacancies, but their efforts are negated by the continuing loss of regular employees.

The Public Guardian reported the following numbers to the Board of Supervisors:

**Average Caseload Size by County**

	San Bernardino	Los Angeles	Orange	Riverside
LPS	103-137	60	95	90
Probate	114-82	50	69	60

Los Angeles, Orange, and Riverside counties utilized the Functional model of case management. This information demonstrates the average caseloads based on the different case management methodologies. Due to the ongoing delays in receiving information from the Public Guardian, the Grand Jury was not able to conduct an in-depth comparison of staffing levels. The San Bernardino County Public Guardian has 71 budgeted positions, and the

Riverside Public Guardian has 44 budgeted positions, demonstrating efficiency gained with a Functional case management structure.

Based on the evidence established, the Grand Jury supports staffing the Public Guardian to a level which will bring the caseloads closer to the CAPAGPC recommended standards. It should be noted though that the Public Guardian has not been successful in the efforts to recruit and retain employees in a large part because of the high number of cases and the heavy responsibility that comes with sole responsibility for case management. For this as well as the many reasons stated in this report, the Grand Jury strongly encourages adopting the Functional approach to case management.

### **Inadequate Training**

The Deputy Public Guardian's training consists of two workbooks within the San Bernardino County: the Office of the Public Guardian and the CAPAGPC handbook. Deputy Public Guardians work with a training checklist, but the checklist has little to do with case management, so it has minimal value as a training tool. In addition, evidence showed a lack of internal initial and ongoing training resulting in insufficient skills to accomplish critical activities. Evidence revealed backlogs in several areas including quarterly and final accounting.

The delay in accomplishing court mandated reporting requires additional court appearances to request a deferral or extension. As well as being a disservice to the custodian and conservatee, the constant delays are consuming resources in the Court and thereby costing the taxpayer beyond those costs associated directly to the Public Guardian. As noted earlier in this report, in a Functional case management model, the accounting task is assigned to Deputy Guardians with that specialty.

Newly hired Deputy Public Guardians are considered uncertified until they have completed 40 hours of coursework and four years' work experience. Continuing education of approximately 10 hours per year is required, again with 40 total hours in a four-year period, in order to maintain certification. Prior to COVID-19, CAPAGPC training was conducted via live conferences, now they are online. Based on evidence, both oral and written,

the Grand Jury determined that direct-line management does not actively track the Deputy Public Guardians' progress in their training nor is it included in their work performance evaluations.

## **Ombudsman**

Late in the investigation, an additional client resource was identified as an Ombudsman. Evidence revealed that the Deputy Public Guardians and management lacked a thorough understanding of the function and authorities of the Ombudsman, or how the conservatee might benefit from the advocacy provided through Ombudsman program. This may be a result of the organizational structure as the Public Guardian is under the auspices of Department of Aging and Adult Services (DAAS), and the DAAS Ombudsman program is not a direct program of the Public Guardian. The DAAS Long-term Care Ombudsman Program serves all County residents in long-term care facilities. They are trained, unpaid volunteers.

Evidence revealed that the Public Guardian does not have a formal complaint process.

An Ombudsman program dedicated to the Public Guardian would improve the overall service provided to the conservatee. A Public Guardian Ombudsman would be an asset that could bridge the needs of the conservatee and the reality of the Public Guardian system which is from the conservatees' perspective rather than from the Courts. In addition, a dedicated Ombudsman program could assist in the Public Guardian's effort to appropriately collect and maintain accurate conservatee complaints, and other information and data.

## **Conclusion**

The need for the Public Guardian is real and evidence showed that those who are serving in the San Bernardino County Office of the Public Guardian have true empathy for their conservatees. The Grand Jury applauds their individual efforts. These employees should be provided the training they need to perform their duties. In addition, these front-line heroes should be

recognized and provided a more efficient and effective method for case management.

The process of the State declaring an individual to be in need of custodial care, whether it is LPS or Probate, is a serious one which should not be left unchecked, unaudited, and not attended to as required by the Court. This report addresses a limited number of the issues within the Public Guardian. The Grand Jury endeavored to make meaningful recommendations that will immediately improve Public Guardian operations.

## **FINDINGS**

**F-1:** The California Association of Public Administrator, Public Guardians, and Public Conservators (CAPAPGPC) provide mandated training and certification of the Public Guardian staff.

**F-2:** When asked for caseload numbers, the Public Guardian resisted throughout the investigation. Data and reports that were eventually received, could not be confirmed as accurate because the reporting had no accompanying description or explanation for the variances between reporting events.

**F-3:** There are two models for handling cases; Sole or Individual case management and Functionalized case management.

**F-4:** The Public Guardian projected to the Board of Supervisors a growth rate of (based on +/- 5 years) 12% in LPS cases and 21% in Probate cases. Those projections did not materialize (likely for several reasons including COVID-19 striking the most vulnerable population).

**F-5:** CAPAPGPC requires 40 hours of mandated training and testing for certification. New hires are working towards their CAPAPGPC certification.

**F-6:** The Public Guardian does not have a documented complaint system.

**F-7:** The Public Guardian training is not effective.

**F-8:** The Public Guardian organization chart indicates that the organization is operating without a full contingent of their approved staffing levels.

**F-9:** Accounting of clients' funds is severely backlogged.

**F-10:** The Public Guardian operates under the auspices of Department of Aging and Adult Services.

**F-11:** The Public Guardian does not track the status of mandated training.

**F-12:** The Long-Term Care Ombudsman is an unpaid volunteer service, not specifically focused on the Public Guardian clients.

## **RECOMMENDATIONS**

**R21-1:** The Human Services Department, specifically the Administrative Services Division shall audit the entire Public Guardian organization with specific focus on Conservatees post-death accounting. To be completed by June 30, 2022.

**R21-2:** The Human Services Department, specifically the Administrative Services Division shall oversee the restructuring of the Public Guardian to a Functional model of case management. To begin by April 1, 2022.

**R21-3:** If a backlog of any function, accounting or visitation occurs beyond a deficiency of 5% under the Functional model of case management, temporary additional manpower needs to be requested from the Human Services Department (specifically the Administrative Services Division), to resolve the issue. To be implemented immediately upon occurrence.

**R21-4:** The Public Guardian shall begin tracking the California Association of Public Administrator, Public Guardians, and Public Conservators

(CAPAPGPC) Association training and continuing education units acquired. To be implemented by April 1, 2022 and continue on a quarterly basis.

**R21-5:** The Public Guardian shall provide training specifically on accounting duties. Training to begin by April 1, 2022.

**R21-6:** The Public Guardian shall hire additional Deputy Public Guardians and other budgeted support staff. To be fulfilled by June 30, 2022.

**R21-7:** The Public Guardian is directed to implement a Public Guardian specific Ombudsman program to provide advocacy services to conservatees. The Ombudsman shall maintain records of conservatees complaints and resolutions. This program to be implemented immediately.



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# FOOD PERMITS

## SUMMARY

The 2021 San Bernardino County (SBC) Grand Jury investigated the Environmental Health Service (EHS) Department and the County Code Enforcement Department examined their duties with eating locations (i.e., Food Facilities, Franchises, Food Trucks, Street and Sidewalk vendors) throughout SBC. This investigation was done pursuant to California Penal Code § 925.

The SBC Department of Public Health, and EHS are dedicated to ensuring public health and safety and preventing environmental hazards for all residents and visitors through innovation, education, surveillance, enforcement, and community service.

Through evidence and observations of the routine inspections of the brick-and-mortar facilities, the Grand Jury concludes that inspections are being completed in a timely manner.

Preventing food related illness remains a major public health challenge. EHS inspects food facilities within SBC to ensure safe food handling, but there is little or no focus on the growing amount of Street and Sidewalk vendors in SBC, San Bernardino proper and surrounding cities and unincorporated parts of SBC.

EHS and the County Code Enforcement Department have failed in their responsibilities to identify, educate, and supervise the Street and Sidewalk vendors. This leaves the public in danger from food related illness and the lost revenue from uncollected county taxes and fees. With the increase in Street and Sidewalk food vendors, EHS and the County Code Enforcement Department must identify and inspect all Street and Sidewalk vendors to ensure proper food handling rules are being followed.

## METHODOLOGY

The Grand Jury reviewed policy and procedures manuals from and conducted interviews with EHS and the County Code Enforcement

Department. The Grand Jury visited selected brick-and-mortar sites, food trucks, and Street and Sidewalk vendor sites.

## **DISCUSSION**

The Grand Jury discovered through the EHS website that the SBC EHS currently oversees 10,761 food permits, which are inspected by a staff of 32 inspectors. Some facilities may have four to five food permits at one facility and one inspector inspects all food permits at that location on a single visit. A multi-permitted facility such as a meat department, bakery, or deli each require their own permit. The inspectors do not have a set daily quota of inspections to complete. The number of inspections completed may vary due to the number of permits per location.

In SBC, the EHS and the County Code Enforcement Department work together in the unincorporated areas of the county. Within the cities the same level of cooperation exists among the local police, EHS, and local Code Enforcement, who also enforce the same state codes. Evidence revealed that Street and Sidewalk vendors are initially identified through complaints to the County Code Enforcement Department. The County Code Enforcement has received 15 complaints this year through August. This would identify a previously unknown vendor. However, through our research and observation, the Grand Jury realized there are many more unidentified Street and Sidewalk vendors. The Grand Jury visited Street and Sidewalk vendors on Highland Avenue and State Street in San Bernardino. The Grand Jury also visited Street and Sidewalk vendors on Highway 18 and Phantom Lane in Lucerne Valley. The following observations pertain to these locations:

Food handlers were seen touching ready-to-eat food with bare hands.

Food handlers wearing gloves were observed touching different foods with the same gloves cross contaminating foods.

The Grand Jury observed food handlers who did not wash their hands.

The Grand Jury did not observe any type of sink to wash hands or utensils used to prepare food and did not observe permits, grade cards or food handlers' certificate.

The Grand Jury observed foods in tubs that were not covered or properly labeled as to the contents inside the tub.

The names of businesses were not displayed on the Sidewalk vendors' tables; therefore, the Grand Jury was unable to determine which counties the business belonged to. Food trucks did display business information.

Food was being cooked and prepared against the Food Cart General Requirement Checklist that states they could only serve pre-packaged food, whole fruits, and vegetables.



### **Exhibit 1**

This picture represents how vendors will set up in any available area with:  
No running water available  
No restrooms available  
No proper storage for the food that is to be prepared



## Exhibit 2

No sink to wash hands or utensils was observed  
Workers touching multiple foods without changing gloves  
Food exposed to the elements  
No name of business, or food handler permits were visible



### **Exhibit 3**

Food in open unlabeled containers  
Open trash can near food  
Food containers on the ground  
Food not being covered

According to the Food Cart General Requirement Checklist, the Grand Jury observed mobile vendors having the following infractions:

EHS requires valid permits posted in a conspicuous location on the food carts or coolers. None were observed by the Grand Jury.

EHS requires SBC food handler cards to be posted on carts or coolers. None were observed by the Grand Jury.

EHS requires food handling to be prepared inside an approved food compartment. None were observed by the Grand Jury.

EHS requires food to be stored in an approved labeled cart or cooler. The Grand Jury observed food not being stored in an approved labeled cart nor cooler.

EHS requires an accurate thermometer to be placed in refrigeration units. None were observed by the Grand Jury.

EHS requires washing sinks to wash, rinse and sanitize utensils when open foods are prepared. None were observed by the Grand Jury.

EHS requires current decal stickers and SBC food handlers' cards to be posted on food carts or coolers. None were observed by the Grand Jury.

EHS requires portable water tanks, portable restrooms, single use paper towels, hand washing sinks, soap, warm running water, gloves, and an approved sanitizing auxiliary unit. None were observed by the Grand Jury.

EHS requires wastewater generated by the cart, to be emptied in an approved commissary or approved facility. None were observed by the Grand Jury.

## **FINDINGS**

**F-1:** Currently there are 10,761 food permits in SBC and growing. EHS works with County Code Enforcement to help identify Street and Sidewalk vendors without permits which is prevalent in SBC.

**F-2:** Street and Sidewalk vendors are mainly identified through complaints directed at County Code Enforcement. During the period of January through August 2021, there were 15 complaints received by County Code Enforcement regarding Street and Sidewalk vendors.

**F-3:** The Grand Jury observed Street and Sidewalk vendors did not display valid permits nor a grade card. Without permits and a grade card the public is unable to determine the safety of the food served.

## **RECOMMENDATIONS**

**R21-1:** EHS to develop an online program to help Street and Sidewalk vendors learn how to obtain licenses, permits, and certifications. This service would help to prevent future violations. The online program would ensure their success along with increasing the safety of foods served to the general public. To be implemented by July 1, 2022.

**R21-2:** EHS /County Code Enforcement Department to develop a joint program to identify Street and Sidewalk vendors. This shall include a task force patrolling the county to identify and track Street and Sidewalk vendors through the creation of a central database. To be implemented by July 1, 2022.

**R21-3:** EHS to provide Street and Sidewalk vendors with resource materials (bulletins, flyers, websites) regarding mandated requirements. To be implemented by July 1, 2022.



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## SAN BERNARDINO COUNTY LAKES

### SUMMARY

According to the California Office of Health Hazard Assessment (OHHA), fish in California lakes may contain dangerous levels of mercury. Additionally, the Grand Jury learned from OHHA that certain segments of our society are more susceptible to the effects of mercury consumption than others. Consumption recommendations are different for women 18-49 years and children 1-17 years than for men. (<https://www.oehha.ca.gov>)

According to the California Department of Water Resources Control Board, while some algae are harmless, other types of algae produce toxins that can make people and animals sick. There is no way to tell if an algal bloom is toxic just by looking at it. (<https://www.waterboards.ca.gov>)

### Glossary

**California Office of Environmental Health Hazard Assessment (OEHHA)** – The lead state agency for the assessment of health risks posed by environmental contaminants.

**U.S. Centers for Disease Control and Prevention (CDC)** – Federal agency to protect America from health, safety, and security threats, both foreign and in the U.S.

**U.S. Environmental Protection Agency (EPA)** – Federal agency focused on protecting human health and the environment.

**U.S. Food and Drug Administration (FDA)** – Federal Agency that oversees the safety of domestic and imported foods.

**Methylmercury** – The form of mercury found in fish and shellfish. Methylmercury is used in fluorescent lights, batteries, and polyvinyl chloride. It is a common pollutant of air and water.

**Cyanobacterial Harmful Algae Bloom (cHAB)** – a rapid increase or accumulation in the population of cyanobacterial algae in freshwater, also referred to as blue-green algae.

## **BACKGROUND**

The San Bernardino County Grand Jury became concerned with the issue of mercury contaminated fish after reading numerous articles in newspapers and on websites. While investigating the issue of mercury contamination of fish, the Grand Jury also found that algae bloom can be a hazard to both the public and the fish.

This investigation was conducted under the authority of California Penal Code § 925.

## **METHODOLOGY**

The Grand Jury examined the information on fish contamination available from The United States Environmental Protection Agency and The United States Food and Drug Administration.

The Grand Jury reviewed reports and test data from the State of California Office of Environmental Health Hazard Assessment. The Grand Jury obtained and reviewed the “Statewide Health Advisory and Guidelines for Eating Fish from California’s Lakes and Reservoirs without Site-Specific Advice” and the “Health Advisory and Guidelines for Eating Fish from Lake Gregory” report from the OEHHA that recommends limiting consumption of fish caught from Lake Gregory.

The Grand Jury visited each of the San Bernardino County Regional Parks that have lakes for fishing: Mojave Narrows Regional Park - (Victorville), Glen Helen Regional Park - (San Bernardino), Prado Regional Park - (Chino), Cucamonga-Guasti Regional Park - (Ontario), Yucaipa Regional Park - (Yucaipa) and Lake Gregory - (Crestline).

The Grand Jury also visited Moabi Regional Park - (Needles), however this park consists of rental camping sites, camp housing and a marina. Fishing is provided in the Colorado River. Since this park is located on the Colorado River bordering Arizona, the Grand Jury determined that this park did not fall within the scope of our investigation.

The Grand Jury interviewed San Bernardino County Regional Park Employees.

## **DISCUSSION**

Evidence established the County generates in excess of \$600,000 in revenue annually from fees charged for fishing at Glen Helen, Cucamonga-Guasti, Mojave Narrows, Prado and Yucaipa Regional Parks. Evidence established the County does not test the fish provided in the County Regional Parks Lakes. The County does not require a report or certification of the health of the fish that are stocked into the regional parks' lakes.

On the Grand Jury's visits to the County Regional Parks Lakes, it was observed that the County does not make the public aware of the fish consumption advisory - "Statewide Health Advisory and Guidelines for Eating Fish from California's Lakes and Reservoirs without Site-Specific Advice" - published by the California Office of Environmental Health Hazard Assessment. On the visit to Lake Gregory, the Grand Jury did not observe the fish consumption advisory specific to Lake Gregory published by the OEHHA.

Evidence established that the County tests the water in the lakes for harmful algae "bloom" contamination three times a year before three major holiday weekends (Memorial Day, Fourth of July, and Labor Day).

## **FINDINGS**

**F-1:** The County Regional Parks Department does not test the fish for mercury contamination.

**F-2:** The County Regional Parks Department does not require reports or certification of the health of the fish that are stocked into the regional parks' lakes.

**F-3:** The County Regional Parks Department does not make the public aware of the fish consumption advisories that are available.

**F-4:** The County Regional Parks Department does not make the public aware of the fish consumption advisories that are available specific to Lake Gregory Regional Park.

**F-5:** The County Regional Parks Department tests the water in the lakes for harmful algae contamination only three times a year.

## **RECOMMENDATIONS**

The following recommendations are directed to the San Bernardino County Regional Parks Department for implementation.

**21-1:** The Grand Jury recommends that San Bernardino County establish a bi-annual testing program to test the fish for mercury contamination that are available in the lakes at the County Regional Parks that have public fishing lakes. The results of these tests should be posted to the San Bernardino County Regional Parks website. These test results should also be handed-out at the Regional Parks when the fishing fee is paid. To be implemented by May 2022.

**21-2:** The Grand Jury recommends that San Bernardino County post the following fish consumption advisory, in a prominent location, on the San Bernardino County Regional Parks website (<https://parks.sbcounty.gov/activity/fishing>) and on webpages where San Bernardino County Regional Parks lake fishing information is obtained. The fish consumption advisories to be posted are “Statewide Health Advisory and Guidelines for Eating Fish from California’s Lakes and Reservoirs without Site-Specific Advice” and the “Statewide Health Advisory and Guidelines for Eating Fish from Lake Gregory (San Bernardino County)” published by the California Office of Environmental Health Hazard Assessment. To be implemented immediately.

**21-3:** The Grand Jury recommends that San Bernardino County post, on every informational board at each of the County Regional Parks' Lakes that provide recreational fishing, the - "A GUIDE TO EATING FISH from CALIFORNIA LAKES AND RESERVOIRS" poster, published by the California Office of Environmental Health Hazard Assessment. (Exhibit 1). To be implemented immediately.

**21-4:** The Grand Jury recommends that San Bernardino County post on every informational board at Lake Gregory the - "A GUIDE TO EATING FISH from LAKE GREGORY (SAN BERNARDINO COUNTY)" poster, published by the California Office of Environmental Health Hazard Assessment. (Exhibit 2). To be implemented immediately.

**21-5:** The Grand Jury recommends that San Bernardino County test the water in the lakes of the Regional Parks on a monthly basis, during the months of May through October, for harmful algae bloom. To be implemented by May 2022.

**EXHIBITS:**

**E-1:**

### A GUIDE TO EATING FISH from CALIFORNIA LAKES AND RESERVOIRS WITHOUT SITE-SPECIFIC ADVICE

WOMEN 50 YEARS AND OLDER AND MEN 18 YEARS AND OLDER

**Women (50+ Years)**

**Men (18+ Years)**

**4 TOTAL SERVINGS A WEEK**

OR

**3 TOTAL SERVINGS A WEEK**

OR


**2 TOTAL SERVINGS A WEEK**

OR


**1 TOTAL SERVING A WEEK**

**0 DO NOT EAT**


















**Eat the Good Fish**  
Eating fish that are low in chemicals may provide health benefits to children and adults.




**Avoid the Bad Fish**  
Eating fish with higher levels of chemicals like mercury or PCBs may cause health problems in children and adults.




**Choose the Right Fish**  
Chemicals may be more harmful to unborn babies and children.


**Serving Size**  
A serving of fish is about the size and thickness of your hand. Give children smaller servings.




**For Adults**



**For Children**




**Eat only the skinless fillet**



Some chemicals are higher in the skin, fat, and guts.

**Eat only the meat**



Updated 7/6/2024

California Office of Environmental Health Hazard Assessment  
[www.oehha.ca.gov/fish](http://www.oehha.ca.gov/fish)  
[fish@oehha.ca.gov](mailto:fish@oehha.ca.gov)  
 (916) 324-7372

E-2:

## A GUIDE TO EATING FISH from LAKE GREGORY (SAN BERNARDINO COUNTY)

**Women (18-49 Years)**

**Children (1-17 Years)**

**7** TOTAL SERVINGS A WEEK

OR

**6** TOTAL SERVINGS A WEEK

OR

**2** TOTAL SERVINGS A WEEK

OR

**1** TOTAL SERVING A WEEK

OR

**1** TOTAL SERVING A WEEK

**Women (50+ Years)**

**Men (18+ Years)**

**7** TOTAL SERVINGS A WEEK

OR

**7** TOTAL SERVINGS A WEEK

OR

**5** TOTAL SERVINGS A WEEK

OR

**3** TOTAL SERVINGS A WEEK


OR

**2** TOTAL SERVINGS A WEEK


**Eat the Good Fish**  
Eating fish that are low in chemicals may provide health benefits to children and adults.

**Avoid the Bad Fish**  
Eating fish with higher levels of chemicals like mercury or PCBs may cause health problems in children and adults.


**Choose the Right Fish**  
Chemicals may be more harmful to unborn babies and children.




**Common Carp**




**Bullhead**



**Tail Perch**




**Crayfish**




**Black Bass Species**  
♥ High in mercury.

**Serving Size**  
A serving of fish is about the size and thickness of your hand. Give children smaller servings.

For Adults



For Children




California Office of Environmental Health Hazard Assessment

[www.oehha.ca.gov/fish](http://www.oehha.ca.gov/fish)

[fish@oehha.ca.gov](mailto:fish@oehha.ca.gov)


(916) 324-7572

**Eat only the skinless fillet**



(Some chemicals are higher in the skin, fat, and guts.)

**Eat only the meat**





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