

RESPONSES
TO THE
SAN BERNARDINO COUNTY
2021 GRAND JURY FINAL
REPORT



SAN BERNARDINO COUNTY GRAND JURY
351 NORTH ARROWHEAD AVENUE
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**RESPONSES TO
THE SAN BERNARDINO COUNTY
2021 GRAND JURY
FINAL REPORT**

SECTION 1:

- SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT AND DEPARTMENT OF BEHAVIORAL HEALTH

SECTION 2:

- REDLANDS UNIFIED SCHOOL DISTRICT

SECTION 3:

- SAN BERNARDINO COUNTY BOARD OF SUPERVISORS
 - SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT AND DEPARTMENT OF BEHAVIORAL HEALTH
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SECTION 4:

- CITY OF SAN BERNARDINO

SECTION 1

**SAN BERNARDINO COUNTY SHERIFF'S
DEPARTMENT AND DEPARTMENT OF
BEHAVIORAL HEALTH**

San Bernardino County Grand Jury

172 West Third Street, Second Floor
San Bernardino, CA 92415
Contact Phone: (909) 387-9120



2021 CIVIL GRAND JURY FINAL REPORT ACKNOWLEDGEMENT FORM

FEB 17 2022

BY Val Si
VALERIE SILVAS, DEPUTY

The information provided below informs you of your legal responsibilities and requirements concerning your official responses to the Civil Grand Jury Report. **PLEASE NOTE** that you have time sensitive deadlines (a timeline has been produced below for your convenience). You must file your department's responses with the designated Clerk of the Superior Court and also submit a copy to the Clerk of the County Board of Supervisors. Failure to file your responses to the San Bernardino Superior Court and Board of Supervisor's clerk may result in your appearance before the Presiding Judge to show cause for not responding. California Penal Code §933 states as follows:

§933 FINDINGS AND RECOMMENDATIONS; COMMENT OF GOVERNING BODIES; DURATION OF SECTION

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervisors or controls. In any city and county, the mayor shall also comment on the findings and recommendations.

All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency...

(d) As used in this section "agency" includes a department.

§933.05 RESPONSES TO FINDINGS

(a) For purposes of subdivision (b) of §933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of §933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions.
- (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 therefore.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendation affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Completion Criteria and Timeline

The Department/Organization shall have fulfilled its obligations when the following occurs:

- Prepare Official Response Due 60-90 days from the date the final report has been made available to the public. (*Generally made available to the public the last day of the fiscal year 6/30th)
- Send Original to the Presiding Judge/Clerk of San Bernardino County Superior Court, State of California C/O Grand Jury Coordinator, Valerie Silvas
172 West Third Street, Second Floor
San Bernardino, CA 92415-0243
- Send Courtesy Copy to Clerk of the Board of Supervisors Lynna Monell
Clerk of the Board of Supervisors
385 N. Arrowhead Ave., 2nd Floor
San Bernardino, CA 92415-0130

PLEASE CONFIRM RECEIPT OF THIS FORM BY EMAIL.

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.¹

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.

¹ 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.² 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

² 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.³

³ *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 SHERIFFS 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: CA036000	
INCIDENT LOCATION:			CITY:	ZIP CODE:	
LAST NAME:		FIRST NAME:	MIDDLE NAME:	DOB:	
PHYSICAL ADDRESS:			CITY:	CONTACT PHONE (S): <input type="checkbox"/>	
HOMELESS <input type="checkbox"/>	REFER TO M.O.P.E. <input type="checkbox"/>	LOCATION/AREA FREQUENTED:			
HEIGHT:	WEIGHT:	HAIR:	EYES:	SEX: <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Unk	RACE: <input type="checkbox"/> Caucasian <input type="checkbox"/> African American <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"/> Abilify <input type="checkbox"/> Haldol <input type="checkbox"/> Lamictal <input type="checkbox"/> Prokin <input type="checkbox"/> Prozac <input type="checkbox"/> Seroquel <input type="checkbox"/> Wellbutrin <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		
<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., OO, Cutting) <input type="checkbox"/> Signs of intoxication/drug use <input type="checkbox"/> Memory problems <input type="checkbox"/> Other: _____			If yes, where? _____ 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"/> CWC <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"/> Fire/Medical <input type="checkbox"/> TEST (Triage Support) <input type="checkbox"/> Other: _____		
Synopsis:					
Reviewed by:		Date: 8/26/07		Routes To: <input type="checkbox"/> CIT Coordinator <input type="checkbox"/> Other <input type="checkbox"/> Email to Behavioral Health 213.203.8300@sbcsd.org	

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

ATTACHMENT I

2021-22 GRAND JURY REPORT RESPONSE FORM

GROUP Law & Justice DATE 2/16/2022
DEPARTMENT Sheriff-Coroner RECOMMENDATION NO. R21-1 -8
SUBMITTED BY Shannon Dicus, Sheriff-Coroner PAGE 77-78

FINDINGS/RECOMMENDATIONS – AGREE/DISAGREE:

RECOMMENDATION 21-1:

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.

RESPONSE: The Sheriff's Department DISAGREES in part with this recommendation.

The Sheriff's Department will coordinate with the Department of Behavioral Health (DBH) to add additional 40-hour CIT classes to the Department training calendar for the next three years.

Both DBH and the Sheriff's Department will make efforts to train deputies who have not received CIT training, particularly those who are in assignments where the training will be beneficial. Additional 40-hour CIT classes will be open to all safety members regardless of assignment and to certain professional staff members. Commanders will be encouraged to send personnel to this training when possible, given station staffing levels and the availability of backfill funding.

Not every deputy hired prior to 2013 is assigned to a position that would benefit from a 40-hour CIT class. Deputies are required to attend mandatory training on a variety of topics on an ongoing basis. Training all deputies hired prior to 2013 in CIT by June 2022 would severely impact the Sheriff's Department's mandatory training schedule and ability to provide Law Enforcement services.

In June of 2025, the Sheriff's Department will evaluate the progress of its efforts to train deputies who have not yet received CIT training.

RECOMMENDATION 21-2:

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

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2021-22 GRAND JURY REPORT RESPONSE FORM

RESPONSE: The Sheriff's Department and DBH DISAGREE in part and have concluded that this recommendation requires further analysis.

If the analysis reveals that a refresher course is warranted the Sheriff's Department and DBH will need to develop curriculum, analyze the appropriate course length and appropriate method of delivery. After conducting additional analysis, the Sheriff's Department and DBH will make a recommendation as to whether, and under what circumstances, refresher courses may be needed and the method of presentation and length of any needed refresher course. The Sheriff's Department and DBH will complete the analysis no later than June 2022.

RECOMMENDATION 21-3:

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

RESPONSE: The Sheriff's Department and DBH AGREE and have proactively implemented the following measures:

DBH has developed and released virtual/on-line resources and updates. DBH's CIT Community Resource Guide is currently available to all Sheriff's Department members, including patrol deputies who can access the guide on the Mobile Data Consoles (MDC) in their patrol vehicles. The guide is updated annually at a minimum.

DBH will continue to collaborate with and support the Sheriff's Department by, updating the resource material available to deputies in the field and conducting regularly scheduled CIT trainings.

RECOMMENDATION 21-4:

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

RESPONSE: The Sheriff's Department AGREES and has created the Community Service and Reentry Division (CSRD).

The Captain and Lieutenant of the CSRD serve on the CIT Committee and are heavily involved in all aspects of the CIT program. The CSRD command team is in constant contact with DBH on various levels and will be integral to the continuity and continued success of the CIT program.

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2021-22 GRAND JURY REPORT RESPONSE FORM

The Sheriff's Department and DBH will assess whether it would be appropriate to modify the existing MOU to place the CIT deputy under direct supervision of CSRD.

RECOMMENDATION 21-5:

SBCSD to assign a minimum of two CIT Station Coordinators per patrol station. To be implemented immediately.

RESPONSE: The Sheriff's Department AGREES and has implemented a policy requiring a CIT Coordinator (Sergeant) and an alternate (Corporal or higher) at each station. The creation of the CSRD will allow for a coordinated effort between CSRD and CIT Coordinators to ensure that implementation of the policy is consistent across all patrol stations.

RECOMMENDATION 21-6:

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

RESPONSE: The Sheriff's Department AGREES and will implement a tracking system to accurately track attendance.

The Sheriff's Training Center will immediately begin tracking attendance in all future CIT courses. The Training Center will also contact each station/division to create a roster of deputies who have already attended the training.

RECOMMENDATION 21-7:

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.

RESPONSE: The Sheriff's Department and DBH AGREE and have proactively been working to review and revise the CIT form template.

The CIT Committee will continue to work diligently to simplify and reorganize the CIT form to create a more user-friendly form. The new form will be available to deputies immediately upon completion, with a projected completion date of June 2022.

RECOMMENDATION 21-8:

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

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2021-22 GRAND JURY REPORT RESPONSE FORM

processing to DBH. In the case of electronic transmission (email), provide a copy to TEST station person immediately. To be implemented immediately.

RESPONSE: The Sheriff's Department DISAGREES and has decided not to implement this recommendation for the reasons outlined below.

The Sheriff's Department utilizes an automated report writing program. Reverting to a paper form would create unnecessary work for deputies in the field. The Department has a policy requiring the Station CIT Coordinator to email the automated one-page CIT form to DBH within 48 hours. During business hours while TEST personnel are in the office, notifications are often made in person. TEST personnel attend patrol briefings, receiving case information and updates directly from station staff. Most TEST personnel are issued radios and monitor station radio traffic, responding to calls as necessary. The Department will remind Station Coordinators/Alternates of the existing policy and work to enforce reporting timelines.

Responses to Recommendations 21-9 through 21-12 will be answered by DBH.

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

RESPONSE: DBH

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.

RESPONSE: DBH

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.

RESPONSE: DBH

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.

RESPONSE: DBH

SECTION 2

REDLANDS UNIFIED SCHOOL DISTRICT



REDLANDS UNIFIED SCHOOL DISTRICT

Board of Education
Melissa Ayala-Quintero
Patty S. Holohan
Jim O'Neill
Michele Rendler
Alex Vara

March 17, 2022

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

Superintendent
Mauricio Arellano

San Bernardino County Assessor-Recorder-Clerk
222 West Hospitality Lane
San Bernardino, CA 92415

San Bernardino County Grand Jury
172 West Third Street, Second Floor
San Bernardino, CA 92415-0243

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
GRAND JURY

MAR 17 2022

BY Val Si
VALERIE SILVAS, DEPUTY

Re: Response to Grand Jury Report Dated December 17, 2021

Pursuant to Penal Code sections 933(c) and 933.05, the Board of Education of the Redlands Unified School District (“District” or “RUSD”) provides the following response to the findings of the San Bernardino County Grand Jury in its report dated December 17, 2021.

Introduction:

It cannot be overstated that the Redlands Unified School District shares the concerns raised by the Grand Jury related to the harm and ongoing trauma caused to some of our students at the hands of criminals who have made their way into the education industry in past years. This plague has affected many school districts and many students across the state and nation – few as significantly as RUSD.

We thank the Grand Jury for recognizing the “notable changes” that have been adopted and carried out by the District under the current administration to address conditions of the past throughout the industry that were insufficient to prevent the tragedies that have come to light. We are proud of the Grand Jury’s recognition that “much has improved since 2017.” We are pleased with its validation that “RUSD follows the letter of the law in the reporting of suspected abuse of children” and that the District is “commended for increasing training” since 2017. These critical, and effective, improvements were prompted not only by the deplorable conduct of some former RUSD employees but by an industry wide call for reforms in every educational institution. Many school agencies have answered the call – few as significantly as RUSD.

The title of the report includes the question, “Has the School District Learned Its Lesson?” The answer is an emphatic “Yes.” In the last four-plus years, the current administration and Board of Education have enforced a determined and successful mandate to implement new systems, policies, protocols, and trainings to prevent and detect suspected child abuse and to respond quickly and decisively. After implementing the District’s renowned ACT (Actions Create Trust) Now initiative in 2018, there have been no new substantiated instances of sexual abuse and no substantiated instances of failing to report. The ACT Now initiative was a critical part of the District’s success in the recent termination of a tenured school employee for engaging in grooming behaviors prior to any allegations of abuse. The ACT Now initiative is producing the results it was intended to produce – student safety!

The District is nevertheless disappointed with some of the findings. The thoroughness of the Grand Jury’s review is unfortunately not revealed, and the information on which the findings were based lacks the transparency that would make it useful for beneficial discussion. This unfortunately wastes an opportunity for even further cooperative improvement. It appears that many aspects of the District’s efforts were not recognized or were criticized based on a small sampling of information from the Grand Jury’s secret interviews. In the Grand Jury’s process, the District was not given the opportunity to respond to questions or information requests in order to provide clarity on items that may have been overlooked or misunderstood, prior to findings being made.

Nonetheless, the District and this administration strongly believe in continuous review of RUSD’s systems and protocols with the goal of ongoing improvements in this critical area which is central to our mission and our existence – providing a safe and effective learning environment for all of our students. The District appreciates and takes to heart several recommendations provided by the Grand Jury. Certainly, upon a thorough review of the report, the District will take appropriate action to continue to meet the collective goal of all stakeholders in our community, which is to ensure the safety of all students.

Response to Findings:

Finding No. 1(a)-(b):

School personnel do not have a clear understanding of “reasonable suspicion” nor mandated reporting laws. 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.

The District is without sufficient factual information to agree or disagree with this finding. However, in the interests of continued improvement, the District accepts the finding as applied to some personnel.

In fact, the We Tip (and Sprigeio) platforms are supplemental resources for reporting school related misconduct (including bullying, for example) and are intended to enhance parent and student access to methods for reporting complaints. RUSD considers this a more is better approach. These supplemental methods are expressly not intended as a replacement for the mandated reporter system for school staff. Every staff member in the District completes yearly mandated reporter training for the purpose of ensuring their understanding of their

responsibility to report any suspected child abuse and neglect. Further, they are reminded every year at the beginning of the year staff meeting, as well as through receipt of the Handbook of Mandatory Notification, of the explicit legal requirement and method to report suspected abuse to CFS and/or law enforcement.

We note with some frustration the Grand Jury's criticism that the District's policy on uniform complaints creates a "loophole" allowing criminal acts to be treated as sexual harassment complaints. This is an erroneous finding. The Grand Jury seems to have completely overlooked AR 5141.4 on Child Abuse Prevention and Reporting, on which the District's trainings are based. The policy clearly directs any suspected child abuse into the criminal pipeline, including setting forth each employee's individual responsibility for a proper report to law enforcement (and the methods to do so), and the criminal penalties for failure to properly report. There is no loophole in the District's policies.

Finding No. 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.

The District disagrees with this finding to the extent that it does have Title IX language and an Administrative Regulation (AR) that speaks to this. These policies are on the District's website. Moreover, the District must point out that the finding implies a bright line legal (or practical) requirement to make such notifications. The contradiction is the frequent expectation from our law enforcement partners that we do not interfere with a police investigation. Further, some child abuse reports involve allegations against a parent or another person in the home and the notification expectation expressed above is therefore sometimes contrary to the safety of the student. District staff are instructed to immediately notify law enforcement when informed of any potential allegations of serious sexual misconduct, and we leave it to law enforcement to make appropriate notifications.

As a matter of practice, the District's current protocols call for parents to be contacted when District staff or third party investigators intend to interview students for less-serious cases, and the District will look into incorporating language into formal complaint policies.

Finding No. 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.

The District accepts this finding, only to the extent its formal training typically occurs at the beginning of each school year rather than "during" the academic year. However, the District disagrees that the mandated reporter training is inconsistent and we regret that the Grand Jury was not specific, and did not take an opportunity to discuss this with the District prior to rendering a finding. RUSD's mandated reporter training occurs annually for all employees, and the training is consistent for all.

Concerning “ongoing” training “during” the year, the Grand Jury was informed that the District’s intent was to implement micro-trainings on grooming behaviors, boundary violations, etc., and this is now planned to commence at the beginning of the 2022-23 school year. These trainings are to occur during mandatory staff meetings.

Finding No. 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.

The District agrees with the finding that RUSD has not provided training to students or parents on predatory grooming behaviors. We disagree that it “adds” confusion (and we are not clear on what confusion is referred to) but agree that such training, to the extent feasible, could certainly improve understanding for parents and students, and this would be a benefit to the community. The District is currently implementing parent/community trainings in April 2022 (*See* Response to Recommendation No. 4 below), and will follow with student training opportunities as soon as this ground-breaking program can be put together. Diane Cranley has been contracted to create this program.

The District disagrees with the implication that the Parent-Student Handbook “obscures” information to meet legal requirements per the Education Code. The Handbook is required by law to contain information on many subjects beyond how to report sexual misconduct, both in English and Spanish. The Grand Jury has not suggested a practical solution to its perception that the Handbook can be improved in a way that continues to meet legal requirements to provide a large amount of mandatory information.

Nevertheless, the District sees the value in the suggestion for more usable information and is producing a separate pamphlet to focus on the issues raised by the Grand Jury, as discussed further herein.

Finding No. 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 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.

As noted above, the District’s legal responsibility is to provide a great deal of information in its mandatory annual notifications, including the Parent-Student Handbook. The District disputes the speculative finding that the Handbook “is not often read or used.” Indeed, it is the parent’s responsibility to read the information, and the District effectively sees to the fulfilment of this responsibility in the only way it can – which is acknowledged by the Grand Jury as reflecting 100% compliance. The allegation of a “false narrative” relies on a

presumption that parents who sign the acknowledgement do so with intentional dishonestly. The Grand Jury offered no evidence of this. The District is disinclined to make such a presumption, as we have to rely on the cooperation and participation of well-meaning parents in this effort.

While there is no way for the District to police this issue, we will add an additional sentence to acknowledge that the Handbook includes complaint procedures specific to Title IX / sexual misconduct complaints, and the importance that parents review this information. Further, the District feels the separate pamphlet/materials, mentioned above, may serve to achieve greater utilization of the related information.

Finding No. 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.

The District wholeheartedly disagrees with this finding. The Working Smart document clearly communicates the "red flags" that all staff should not only avoid but watch out for in others and is a proven device in establishing standards that allowed for removal of a tenured employee who violated the anti-grooming standards stated in the document. Accordingly, the document and the practices suggested therein demonstrably strengthened the RUSD policies in effect at the time.

However, consistent with the Grand Jury's recommendations, the District has discontinued the use of this document in its previous form. It was created prior to the new/current Board Policy on Boundaries. However, valuable and effective content from the Working Smart document will be included in new policies and in the on-going micro-trainings all staff will be required to attend.

Finding No. 7:

Hall passes that authorize students to leave class, must be issued by the 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.

The Grand Jury did not provide specific facts to support this finding. However, in an abundance of caution the District takes it as substantiated. The Superintendent and Executive Cabinet will collect each school's protocol to review for consistency and enforcement. The protocol will once again be reviewed with Principals for reinforcement at their monthly staff meetings. RUSD will require strict adherence.

The District's approach will focus on the difference between a student request for a bathroom pass, which need not require front-office approval, and teacher requests for a student to leave another classroom. In the latter case, the District's protocol requires either administrator approval or the "third wheel" approach suggested by the Grand Jury. We agree with the Grand Jury that individual teachers must not be able to create one-on-one situations with students and that any hall passes calling a student out of class to see a teacher requires administrative office approval.

Finding No. 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.

This finding is accurate but is based on an apparent misunderstanding by the Grand Jury, which we were not given the opportunity to address. RUSD Principals were directed to create a system for daily monitoring of their campuses based on physical layout, student population movement, and other individual site-related factors. Quadrant monitoring was an example of how one school chose to implement the monitoring, but “quadrant monitoring” was not a directive to all schools.

The District acknowledges the Grand Jury’s call for consistency on this topic and the District will implement a review of this initiative for that purpose.

Finding No. 9:

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

The District does not agree with this general speculative allegation. All of the initiatives implemented in the District with the new administration since 2017 have come from the top-down, starting with the Board of Education and the Superintendent. In particular, the ACT Now program was developed and implemented by the Superintendent and pushed down through the administration (and even outside of the District). The new Board Policy and Regulation language originated at the top and are maintained on the District’s website for employees, parents, and students to access. Employee and student handbooks reference those policies, including the new initiatives.

The District does agree that open communication among all stakeholders is the path to improved and consistent application of RUSD policies on a District-wide basis, and accordingly the District will continue to emphasize transparency and communication in all of these areas.

Finding No. 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 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.

The District is troubled by this finding on two levels. First, it is not clear what factual information led to the speculative allegations that complaint retention is inadequate or that “too few administrators” have access to complaint information. This is another example of

where the Grand Jury missed an opportunity to do an actual review of the District's processes. There are no facts presented that establish complaints were mishandled or mismanaged or that data was lost. RUSD has been fully transparent to the extent permissible by law concerning past allegations of misconduct against our students.

This raises the second concern, which is mandatory confidentiality, not just concerning employee records but also of student information. The Grand Jury seeks transparency for the purpose of ensuring all complaints are investigated properly, victims are protected and perpetrators punished and removed. The District wholeheartedly agrees with this goal and, as lauded by the Grand Jury, has made impressive strides in these areas. In doing so, however, the District is still required to comply with privacy laws and due process requirements. The District cannot overlook these requirements and instead must balance them with the need for transparency and accountability.

With these requirements in mind, the District respectfully takes notice of the good suggestion and will explore options for an electronic complaint management system that achieves the goals stated above while remaining in compliance with privacy laws.

Finding No. 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.

The District acknowledges the desire for a clear understanding of complaint reporting processes. However, the Grand Jury appears not to appreciate the various mandatory complaint procedures dictated by law. There is no single procedure that covers all complaints. For example, Administrative Regulation 1312.3 outlines the steps of the Uniform Complaint Procedures and AR 1312.4 describes the process for Williams Complaints. Title IX requirements are stated in several District policies, including AR 5145.7.

The District disagrees that the emphasis should be on a clear understanding of the whole process, from A-Z, and instead suggests that an emphasis on the various avenues for reporting by students, parents and staff would better achieve the goal stated in this finding. In keeping with the spirit of this finding, RUSD points to the "See Something, Hear Something, Sense Something, Say Something" initiative promoted on the District's website at <https://www.redlandsusd.net/domain/5014>. The page contains numerous avenues for reporting misconduct and supports the District's emphasis on the most important step – reporting.

Finding No. 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, grater 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 specific areas.

While the District agrees with the finding commending the District's ACT Now campaign, and indirectly the immediate and sustained impact it had in virtually eliminating all new instances of alleged sexual misconduct, we disagree with the Grand Jury's overemphasis of the need to define reasonable suspicion. Indeed, it is a complex legal term that the Grand Jury itself is unable to properly define. See Grand Jury Report at p. 86: "Reasonable Suspicion – ...objectively reasonable...suspicion...that could cause a reasonable person...to suspect..."

The ACT Now campaign, in combination with the District's clear policy on mandated reporting (dated 1995), requires action and reporting upon ANY suspicion of sexual abuse or child abuse, without any need to apply a subjective "reasonableness" standard. The District's practices and polices apply a standard more protective for students than the nebulous "reasonable suspicion" standard.

We are proud to be better than that, and we are proud that the Grand Jury has recognized, at least in part, the many advancements made by the District for the benefit of our students that put us head and shoulders above the minimum legal standards and the standards and practices in place in most other school districts. Too many of our students have suffered in the past and they deserve no less.

Finding No. 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.

The District agrees with this finding, and is committed to exploring continued improvement in parent and community engagement on this issue. Indeed, the District has already engaged Diane Cranley to lead two parent/community workshops on April 6 and 13, 2022, in advancement of this initiative. We are hopeful these stakeholders will step forward in a beneficial collaboration.

Finding No. 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.

While this is an accurate statement, it is rooted in a misunderstanding of the privacy laws and collective bargaining requirements that prevent cameras from being installed in many of the spaces outlined in this finding. This is another example of a conclusion reached by the

Grand Jury without taking advantage of the opportunity for discussion with the District on relevant facts and information prior to making its findings. The District will address this issue in its response to Recommendation No. 15.

Finding No. 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.

As noted in the introduction to this response, the District shares the grave concern over the trauma suffered by the victims of the criminal perpetrators and is committed to stopping the violators in their tracks.

Response to Recommendations:

Recommendation No. 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 questions and answer sheet, signed by the employee declaring their comprehension of their legal obligation. This recommendation is to be implemented no later than August 2022.

Each year, every employee undergoes mandated reporter training and is required to take a quiz confirming their understanding of reasonable suspicion, predatory behaviors, grooming behaviors and mandated reporting processes. These records, or a review thereof, can hypothetically be incorporated into the evaluation process. However, evaluation procedures fall within the scope of mandatory collective bargaining, and therefore the District cannot unilaterally implement this recommendation. Furthermore, not all teachers and staff are evaluated on a yearly basis, so this will impede a consistent application of the recommendation.

The District is willing to approach this subject in collective bargaining with a goal of implementing this recommendation to the extent possible. Accordingly, pursuant to Penal Code section 933.05(b), the District responds that to the extent noted above, this recommendation will be implemented in the future through the collective bargaining process.

Recommendation No. 2(a)-(b):

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. Immediate telephonic notification made to the legal guardian followed up by a written copy of notification to the parent/guardian with a

document parent receipt of the notification. This recommendation is to be implemented immediately.

As noted above, the District must balance this recommendation with its commitment to cooperate with law enforcement on criminal investigations of serious sexual misconduct. This requires the District to balance parental notification with law enforcement directives not to interfere with criminal investigations. With these limitations in mind, the parental notification procedure regarding sexual harassment or abuse investigations can be found in the newly adopted Administrative Regulation 5145.71.

Accordingly, pursuant to Penal Code section 933.05(b), the District responds to the extent noted above, this recommendation will be implemented in the future.

Recommendation No. 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.

This will be accomplished with the micro-trainings noted above, due to begin in the 2022-23 school year. The District is in the process of obtaining and assembling suitable materials. These micro-trainings will occur quarterly moving forward. Accordingly, pursuant to Penal Code section 933.05(b), the District responds that this recommendation will be implemented according to the recommended timetable.

Recommendation No. 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.

The District responds that the implementation of this recommendation will take further analysis related to issues of parental consent, determination of appropriate content for TK-12 students. This recommendation infringes on student instructional time as well as staff duty time, which is subject to mandatory collective bargaining.

While we recognize the Grand Jury's emphasis on parent and student training, we are not clear that the Grand Jury has contemplated the impediments to creating a training program appropriate to all these groups in a manner that respects other stakeholder rights and the educational program in the classrooms. RUSD agrees to explore the feasibility of implementing such a program, or something similar. Accordingly, pursuant to Penal Code section 933.05(b), the District responds that this recommendation will not be implemented at this time because it is not warranted and is not reasonable for the reasons stated above.

Recommendation No. 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.

The District has developed some related materials and will focus on developing informational pamphlets as described above. Accordingly, pursuant to Penal Code section 933.05(b), the District responds that this recommendation will be implemented in the future according to the recommended timeline.

Recommendation No. 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.

This document will be eliminated as this information now exists in a Board Policy on Professional Adult/Student Boundaries. Accordingly, pursuant to Penal Code section 933.05(b), the District responds that to the extent noted above, this recommendation has been implemented.

Recommendation No. 7:

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

As discussed above in response to Finding No. 7, the District’s approach will focus on the difference between a student request for a bathroom pass, for example, and teacher requests for an individual student to leave another classroom. The District has implemented a protocol whereby any teacher or staff member calling a student out of another classroom requires administrator knowledge and consent. In some cases, a “third wheel” approach would be applied as suggested by the Grand Jury. Accordingly, pursuant to Penal Code section 933.05(b), the District responds that to the extent noted above, this recommendation has been implemented.

Recommendation No. 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.

As discussed above in response to Finding No. 8, “quadrant monitoring” is not a District-wide standard and instead was the method adopted at one school site in response to the

District's mandate for a physical monitoring system. In response to this recommendation, RUSD will implement a daily logging system for each school's monitoring program. In addition, at the secondary level, campus safety officers may assist with this function. Further, the District is exploring verification of site monitoring using electronic software. Accordingly, pursuant to Penal Code section 933.05(b), the District responds that to the extent noted above, this recommendation is intended to be implemented by the start of the 2022-23 school year.

Recommendation No. 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.

Certain educational functions necessitate being one-on-one with a student (example, psychologist testing a student or confidential counseling), but every space should have at least one window and administration will be informed in advance of such activities.

Subject to the above understanding, BP 4019.1 already outlines rules consistent with this recommendation. Accordingly, pursuant to Penal Code section 933.05(b), the District responds that to the extent noted above, this recommendation has been implemented, and the District will continue to identify any necessary one-on-one circumstances to ensure third-person knowledge and visibility.

Recommendation No. 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.

As discussed above, the District is implementing a schedule of micro-trainings to adopt this recommendation. Whether it is feasible to arrange to record the trainings for inclusion on the website and for check out in the libraries is subject to further study, and the District reserves on this part of the recommendation. However, pursuant to Penal Code section 933.05(b), the District responds that to the extent noted above, this recommendation will be implemented according to the recommended timetable.

Recommendation No. 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 Education Services office at the District Office, both

electronically and in hard copy for consistency, accountability, and transparency. This recommendation is to be implemented immediately.

This recommendation is not clearly stated. The District keeps complaints, which would include allegations of staff sexual abuse/grooming/etc. as permanent records. However, it is not reasonable to expect “files of staff sexual misconduct complaints” to be held in multiple locations and offices. This would have the effect of reducing consistency and transparency, compared to an appropriate central location for all such materials. and personnel files hard copy in the Human Resources division as it is confidential.

Personnel files are kept in one central location as required by law and are kept in physical format to allow for inspection as required. It is not reasonable or appropriate to expect duplication in electronic format of these files, which would include discipline files. Complaint records are not required in a particular format (paper vs. electronic) to avoid limiting or impeding the submission of complaints – we want students, parents and staff to have multiple avenues for bringing complaints. Moving forward, the District will make all complaint files electronic as well as keeping them hard copy. The Superintendent, Title IX Coordinator and Assistant Superintendents of Human Resources and Educational Services, will have access to all such physical or electronic files.

As we understand this recommendation, RUSD believes its practices are in compliance. Accordingly, pursuant to Penal Code section 933.05(b), the District responds that to the extent noted above, this recommendation has been implemented on a move-forward basis. To any further extent, this recommendation will not be implemented because it is not warranted and is not reasonable.

Recommendation No. 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.

In combination with the above responses, a flowchart as suggested will be included in the easy-to-read pamphlet that is being developed. The District disagrees that the confidential Aeries student database is an appropriate or useful location for this information, but will include it on the District’s website for full community access. Accordingly, pursuant to Penal Code section 933.05(b), the District responds that this recommendation will be implemented according to the recommended timeline.

Recommendation No. 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 remain continuously.

The Superintendent will reprise ACT Now in the District and will also continue presenting in the community, when invited. The District will seek such opportunities. Accordingly, pursuant to Penal Code section 933.05(b), the District responds that this recommendation will be implemented according to the recommended timeline.

Recommendation No. 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.

The District will explore forming a committee and working in conjunction with legal counsel on annual policy review on these subjects, separate from the ongoing universal policy review that is already in place otherwise. The District reserves on the reasonableness of this recommendation, depending on the ability to achieve community interest and involvement, and the appropriateness or the extent to which students may be included. This further analysis will occur within the timeline stated above. Accordingly, pursuant to Penal Code section 933.05(b), the District responds that this recommendation will be implemented in the future according to the recommended timeframe.

Recommendation No. 15:

Working cameras to be installed in all locations where teacher and student meet, installations beginning in all classrooms. This recommendation is to be implemented by June 2022.

As discussed above, while this recommendation is certainly well-meaning, the Grand Jury is not fully cognizant of the statutory limitations on installing recording devices in classrooms and has not considered the pupil privacy laws and collective bargaining requirements that are implicated here. Contrary to the Grand Jury's comment, the desire to do the right thing does not override legal requirements covering these subjects. Instead, these sometimes, conflicting interests must be harmonized, and the other protections already in place in RUSD, combined with the additional recommendations of the Grand Jury, provide sufficient preventative measures that would obviate the need for disregarding privacy laws and related rules.

Further, the Grand Jury has not considered the extreme cost of a wall-to-wall camera surveillance program as suggested in the report. Accordingly, for these reasons, pursuant to Penal Code section 933.05(b), the District responds that this recommendation will not be implemented because it is not warranted and is not reasonable. The District remains open to other suggestions that will enhance student safety that take these considerations into account.

Conclusion:

The District is devastated by the underlying student trauma that triggered the Grand Jury investigation. We appreciate both the effort and extent of the Grand Jury's findings and recommendations which are clearly focused on keeping students safe – and we share that critical goal. We also appreciate the Grand Jury's acknowledgement of many of the

significant improvements made in RUSD in the last several years, after the prior abuse allegations came to light.

RUSD is committed to any reasonable reforms that will promote our mission of providing a safe and effective learning environment for our students. We started down that path with incredible focus and attention in 2017, and we will continue into the future with the same determination to protect students.

RUSD appreciates this opportunity to review and respond to the findings and recommendations of the Grand Jury and look forward to a future for the entire educational industry where students are safe and free from abuse, starting now.

Sincerely,

A handwritten signature in black ink, appearing to read "Mauricio V. Arellano". The signature is fluid and cursive, with the first name "Mauricio" being the most prominent part.

Mauricio Arellano, Superintendent
On Behalf and at the Direction of the
Redlands Unified School District Board of Education

cc: Board of Education

SECTION 3

**SAN BERNARDINO COUNTY
BOARD OF SUPERVISORS**

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

LED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
GRAND JURY

APR 18 2022

March 1, 2022

BY Val Si
VALERIE SILVAS, DEPUTY

FROM

LEONARD X. HERNANDEZ, Chief Executive Officer, County Administrative Office

SUBJECT

2021 Grand Jury Final Report – Proposed Response

RECOMMENDATION(S)

Approve the Proposed Response to the 2021 Grand Jury Final Report and direct publication and filing with the Presiding Judge of the Superior Court, the Clerk of the Board of Supervisors, and the County Clerk.

(Presenter: David Wert, Public Information Officer, 387-4842)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this recommendation will not result in the use of additional Discretionary General Funding (Net County Cost) as this item is non-financial in nature.

BACKGROUND INFORMATION

California Penal Code (PC) Section 933(c) requires the Board of Supervisors (Board) to formally adopt and file with the Presiding Judge of the Superior Court a response to the findings and recommendations (Proposed Response) contained in the Grand Jury's Final Report (Final Report) on matters under the Board's purview no later than 90 days after the Final Report is submitted. The 2021 Grand Jury submitted its Final Report on December 17, 2021 (2021 Final Report), giving the Board through March 17, 2022 to adopt and file its Proposed Response.

The 2021 Final Report contains four sections that include findings and recommendations on matters under the Board's purview: "San Bernardino County Sheriff and Department of Behavioral Health Connection: Is the Bridge Strong Enough?", "Food Permits", "A Guardian for the Public Guardians", and "San Bernardino County Lakes". The Proposed Response addresses the pertinent findings and recommendations in compliance with PC Section 933(c).

PROCUREMENT

N/A

**2021 Grand Jury Final Report - Proposed Response
March 1, 2022**

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on February 8, 2022; Finance (Stephenie Shea, Finance Analyst, 387-4919) on February 3, 2022; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on February 11, 2022.

**2021 Grand Jury Final Report - Proposed Response
March 1, 2022**

Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Dawn Rowe
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: March 1, 2022



cc: File - 2020-21 Grand Jury Final Report w/ attachment
JLL 03/7/2022



Board of Supervisors Response to the 2021 San Bernardino County Grand Jury Final Report

Adopted by the Board of Supervisors, March 1, 2022

(NOTE: The original verbatim text from the 2021 Grand Jury Final Report is in *plain italic type*. The Board of Supervisors responses are in **bold non-italic type**.)

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

(Note: The Grand Jury's findings and some of its recommendations in this report were not applicable to matters under the purview of the Board of Supervisors and are therefore not included nor addressed in this response.)

RECOMMENDATIONS

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

This recommendation requires further analysis to determine if a refresher course would be warranted. If so, the Department of Behavioral Health (DBH) and the Sheriff's Department would need to develop curriculum, analyze the appropriate course length and appropriate method of delivery. After conducting additional analysis, DBH and the Sheriff's Department will make a recommendation as to whether, and under what circumstances, refresher courses would be needed and the method of presentation and length of any needed refresher course. This analysis will be completed no later than 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.

This recommendation has been implemented.

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.

This recommendation is being implemented. DBH and the Sheriff's Department are working collaboratively to review and revise the CIT form template. The CIT Committee will continue to work diligently to simplify and reorganize the CIT form to create a more user-friendly form. The new form will be available to deputies immediately upon completion, with a projected completion date of 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.

This recommendation requires further study. DBH will work with the Sheriff's Department to review the concerns raised by the Grand Jury and, if necessary, develop new systems and/or procedures.

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

DBH will make efforts toward implementing this recommendation. DBH has continued to expand the TEST program since its inception and continues to actively pursue co-locating a team of two TEST staff at each Sheriff's station. Staff expansion prioritization is based on geographic need and each station's crisis call volume. Six out of fifteen Sheriff's sites are each currently supported by two TEST staff. Crisis calls in excess of manageable TEST caseload volume are diverted to the DBH Community Crisis Response Team (CCRT).

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.

DBH will make efforts toward implementing this recommendation. DBH's goal is to fully equip programs, including TEST, with adequate vehicle availability, as funding permits. Each law enforcement agency (LEA) has an assigned vehicle for TEST use – either a DBH vehicle or a vehicle provided by the host LEA per the agency's formal agreement with DBH. DBH is preparing a department-wide vehicle utilization analysis to ensure all programs are effectively and efficiently equipped with appropriate transportation resources.

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.

This recommendation will be implemented. DBH will collaborate with the Sheriff's Department to identify and/or develop a system to track recidivism and clinical management of persons with behavioral health concerns and frequent law enforcement contact.

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.

This recommendation is in practice. DBH continues to seek and pursue opportunities to partner with agencies/organizations interested in developing and/or providing acute psychiatric inpatient services for all ages in this region of San Bernardino County.

A GUARDIAN FOR THE PUBLIC GUARDIANS

FINDINGS

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

The County agrees with this finding. As the designated certifying body, the California State Association of Public Administrators, Public Guardians and Public Conservators (CA PA|PG|PC) provides a variety of professional training courses for certification required for designated Office of the Public Guardian (OPG) staff. California Probate Code requires certification of Public Guardians (Effective January 1, 2008, Probate Code section 2923), Public Conservators (Effective January 1, 2010, Probate Code section 1456.2) and Public Administrators (Effective

January 1, 2010, Probate Code section 7605). However, Deputy Public Guardian (DPG) staff receive additional training through the County and OPG.

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.

The County disagrees with this finding. OPG provided the Grand Jury with caseload data on multiple occasions as requested, which included specific court case numbers, type of cases, and dates of appointment. Per County Counsel, state and federal laws prohibited the release of any personal identifiable information to the Grand Jury.

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

The County agrees with this finding.

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).

The County agrees with this finding. Projections did not materialize due to the COVID-19 pandemic, as the primary sources for referrals (the Superior Court, skilled nursing facilities and hospitals) were operating on a limited or restricted basis.

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

The County partially disagrees with this finding. CA PA|PG|PC requires forty (40) hours of mandated training for obtaining certification and maintaining certification. Testing is not required for certification under CA PA|PG|PC regulations.

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

The County disagrees with this finding. Formal complaints may be filed with the Superior Court, County Administrative Office, Clerk of the Board of Supervisors, Board of Supervisors, and/or the Director of the Department of Aging and Adult Services-Public Guardian. Additionally, long-term care residents and hospital patients have the right to file grievances through patient's rights and/or ombudsman programs. A record of all formal complaints received by OPG are logged, investigated, and addressed as appropriate by OPG.

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

The County disagrees with this finding. OPG staff are provided regular weekly training opportunities, including CA PA|PG|PC and County training, which includes core competencies and proficiencies. Efficacy of training is determined through one-on-one discussions, staff surveys, participation in case study sessions, supervisory review and feedback, as well as on-the-job observation, which demonstrates core competencies and proficiencies.

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

The County agrees with this finding. At the end of December 2021, OPG operated at 91% of its funded positions (48 of 53 positions). OPG is actively recruiting and interviewing candidates to fill nine (9) vacancies across all classifications.

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

The County partially disagrees with this finding. During the last year, the County has worked diligently to substantially reduce the backlog of accountings, including significant operational changes and working with the Superior Court to develop and implement new procedures to increase efficiencies in the process.

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

The County partially disagrees with this finding. Amended Ordinance 3936 (2004) appointed and vested authority of the Office of Public Guardian within the Director of the Department of Aging and Adult Services. With this amendment, the Department's official name became Aging and Adult Services-Public Guardian.

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

The County disagrees with this finding. Currently, Work Performance Evaluations (WPEs) include a statement indicating the number of training units completed by OPG staff toward obtaining or maintaining certification. The CA PA|PG|PC statewide computer system was undergoing upgrades during the Grand Jury investigation, which launched in late 2021. The upgraded system now allows OPG Executive Staff to access ad hoc reports, including training transcripts for each member, which are provided to OPG Leadership monthly.

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

The County partially disagrees with this finding. The San Bernardino County Long-Term Care Ombudsman Program (LTCOP) consists of paid coordinators and unpaid volunteers. LTCOP investigates all complaints within long-term care facilities, including those made against Public Guardians and Public Conservators.

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.

This recommendation will not be implemented. The Administrative Services Division does not have the legal background and training to audit OPG accountings. The accounting process is a multi-step process, which includes comprehensive legal review by multiple agencies, including, but not limited to, sworn officers of the Court, County Counsel, and the Superior Court. OPG has seen sweeping improvement in processing all court accountings, including post-death

accounting, with the implementation of the recently established Terminated/Deceased Unit and the Accounting Unit.

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.

This recommendation is in practice. As a result of Human Resources classification studies conducted in 2019/2020, the Board of Supervisors approved twenty-one (21) positions across multiple classifications, including several new classifications. In 2021, OPG created several new units, including the Terminated/Deceased Unit, Accounting Unit and Clerical Support Unit, which facilitated the transition to and implementation of a “functional” model of case management.

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.

This recommendation will not be implemented. Human Services Administrative Services Division personnel cannot be utilized to perform OPG tasks because OPG is a General Fund-supported function. Reduction of reported backlog is currently underway through the increased staffing levels recently approved by the Board of Supervisors to implement the “functional” model of case management.

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.

This recommendation is in practice. As a result of recent CA PA|PG|PC statewide computer system upgrades, OPG Executive Leadership obtains individual training/certification data on a monthly basis, which is provided to OPG Leadership for monitoring and reporting in employee WPEs.

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

This recommendation is in practice. OPG provided multiple in-house accounting trainings prior to and following its interaction with the Grand Jury. This practice will continue as part of the training of new employees and as refresher training when deemed necessary for existing staff. Additionally, CA PA|PG|PC has and continues to provide court accounting training.

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

This recommendation is in practice. OPG is actively recruiting and interviewing eligible candidates for the nine (9) vacant positions across all classifications.

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.

This recommendation will not be implemented. The U.S. Administration on Aging mandates the Long-Term Care Ombudsman Program to investigate all complaints within long-term care facilities including conservatorships in long-term care facilities, and the State Long-Term Care Ombudsman oversees local programs. Additionally, confidentiality laws protect records pertaining to conservatees, specifically prohibiting disclosure of identifying information.

FOOD PERMITS

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.

The County agrees with this finding.

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.

The County partially disagrees with this finding. Street and Sidewalk vendors are identified through public complaints submitted to both County Code Enforcement and Environmental Health Services (EHS). During the period of January through August 2021, the total number of public complaints received by County Code Enforcement and EHS regarding Street and Sidewalk vendors was 50 complaints, with 35 complaints received by EHS, and 15 complaints received by County Code Enforcement.

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.

The County can neither agree nor disagree with this finding as it cannot speak to what the Grand Jury observed nor is it aware of all criteria the public might use to determine the safety of food. Street and Sidewalk vendors that meet current California Health and Safety Code regulations obtain a valid health permit from EHS and are routinely inspected. Inspection reports are posted online for the public to view. In San Bernardino County, high-risk roaming sidewalk vendors (or high-risk mobile food facilities) are issued a grade card when inspected and are required to have it posted to be clearly visible by the public and to patrons.

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.

The County's goal is to implement this recommendation by December 31, 2022. EHS and County Code Enforcement currently provide education to street and sidewalk vendors in the field, in County offices, and via the County website. EHS is committed to the long-term success of street and sidewalk vendors as well as ensuring that food served to the public is safe. It is anticipated that there will be little to no additional cost to develop and implement this specific aspect to the County's online training program as doing so would be within the scope of an existing contract EHS has with a vendor. The addition of a food safety training for sidewalk vending will require EHS to provide the vendor with a scope of work, design, review, and implementation.

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.

This recommendation is in practice. EHS and County Code Enforcement has developed and implemented a tracking mechanism that utilizes mobile phone and GIS applications to not only identify hot spots for street and sidewalk vendors, but also to record information during field observations on vendors, repeat violations, and the intervention provided. This information is currently uploaded to a shareable dashboard that EHS and County Code Enforcement use to develop applicable educational materials and tailor additional interventions.

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.

This recommendation is in practice. Currently, Sidewalk Vending resource materials are available online at <https://wp.sbcounty.gov/dph/programs/ehs/food-facilities/>. EHS will update the website and materials to be more user-friendly and accessible.

SAN BERNARDINO COUNTY LAKES

FINDINGS

F-1: The County Regional Parks Department does not test the fish for mercury contamination.

The County agrees with this finding. However, the County's fish vendor conducts health checks of the fish prior to delivery and monitor the fish daily and weekly, conducting more-intense health checks of their fish, internally and externally.

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.

The County agrees with this finding. However, the County's fish vendor is required via the County's procurement process to provide the County with healthy and vigorous fish. This is stated in Section 3-Pricing Schedule, A-Specification, e-Condition as follows: "Condition: Fish furnished shall be of the trout species and shall be healthy and vigorous." The same statement is listed within the procurement process for catfish.

F-3: The County Regional Parks Department does not make the public aware of the fish consumption advisories that are available.

The County partially disagrees with this finding. County Regional Parks posts notifications regarding fish consumption when algae levels reach a warning level of caution or above.

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.

The County partially disagrees with this finding. County Regional Parks posts notifications regarding fish consumption when algae levels reach a warning level of caution or above.

F-5: The County Regional Parks Department tests the water in the lakes for harmful algae contamination only three times a year.

The County disagrees with this finding. In addition to testing the water before Memorial Day, the Fourth of July, and Labor Day, Regional Parks also tests the water in our lakes for algae when there are algae blooms or discoloration observed by staff. After the initial testing, Regional Parks tests the lakes every 10 to 14 days until the results are within an acceptable range.

RECOMMENDATIONS

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.

Will not implement the recommendation as implementation is not necessary. There is no legal requirement for the testing of fish for mercury. The County's fish vendor conducts health checks of the fish prior to delivery and monitor the fish daily and weekly, conducting more-intense health checks of their fish, internally and externally.

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.

This recommendation has been implemented.

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.

This recommendation has been implemented.

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.

This recommendation has been implemented.

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.

The County will not implement this recommendation as implementation is not necessary. In addition to testing the water before Memorial Day, the Fourth of July, and Labor Day, Regional Parks also tests the water in our lakes for algae when there are algae blooms or discoloration observed by staff. After the initial testing, Regional Parks tests the lakes every 10 to 14 days until the results are within an acceptable range. Regional Parks also works in partnership with the local Water Board to implement our testing program.

SECTION 4

CITY OF SAN BERNARDINO



FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
GRAND JURY

MAY 12 2022

BY Val Silvas
VALERIE SILVAS, DEPUTY

**City of San Bernardino's Response to San Bernardino
County 2021 Civil Grand Jury Final Report
"Doing Business with the City of San Bernardino"**

Positive change takes time. It is often forgotten that the City of San Bernardino entered bankruptcy just ten years ago. The City has spent the better part of the past decade in bankruptcy and only recently exited, resulting in significant staffing shortages and a backlog of infrastructure needs. San Bernardino is getting back on its feet, hiring staff, and completing important projects. In the past twelve months, much has been accomplished.

We appreciate the purpose and intent of the Grand Jury and take its findings and recommendations seriously. That said, with the number of public agencies throughout San Bernardino County, to target the City of San Bernardino four times in four years seems excessive. The prioritization of needs and allocation of fiscal and staffing resources is a challenge that the City is addressing head on. However, some of the findings and recommendations of the Grand Jury, while well intentioned, are extremely broad, lack detail, are incorrect, asks the city to do things it is not permitted to do, and dwells on the very negative perceptions and discontinued practices the city has overcome or is working to overcome.

While we will use the Grand Jury report as constructive criticism that is intended to help improve the city of San Bernardino for its residents, we hope the Grand Jury can use these comments to improve as well.

Grand Jury Findings Responses

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.

Disagree. The City is a large and complex municipal organization with annual general fund revenues and expenses of almost \$200 million. In the last decade, the City has undergone a significant overhaul including the adoption of a new City Charter. The results, so far, are positive. According to the 2020-21 Annual Comprehensive Financial Report, the City's net position increased in the prior year by almost \$40 million. It understandably takes time for political leaders to fully understand the complexity of the City's budget and operations.

At the time of the Grand Jury visit, three members of the City Council had been in office for only a couple of months. As such, none had experience participating in the budget process, which include multiple information workshops.

In addition, Council members are provided extensive training when they take office. The city contracts with the law firm Best, Best, and Krieger to provide the following training sessions: 1) Local Government Survival Guide for Newly Elected Leaders (6 hours); 2) Sexual Harassment Avoidance Training for Supervisors (2 hours); 3) The Brown Act "Open Meetings Law" (1.5 hours); and 4) Ethics Training for Public Agencies (2 hours).

Finally, all Council members are provided a City Council Handbook during a separate training session with the City Manager, Assistant City Manager, City Clerk, and City Attorney. This handbook has two sections that cover the annual budget, the process, and the role of the City Council members. The section "How City Government Works" includes subsections on: The City Charter, San Bernardino Municipal Code, California Codes, Annual Budget, Capital Improvement Plan and General Plan. The section "Financial Management and Budget Process" includes subsections on: City Revenues, Revenue Projections, Budget Process, Mid-year/Year End Budget Review, Budget Control, Funds, Audits, and Additional Information Regarding City Finances.

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.”

Partially Disagree. As noted by the Grand Jury, while political contributions by applicants may give the appearance of “pay-to-play,” such contributions are generally lawful under California law. To the extent the Grand Jury feels that political contributions raise ethical questions, we would encourage the Grand Jury to discuss with state and federal elected officials.

On the City’s part, the City Council recently adopted a far-reaching campaign finance ordinance, which imposes limits on applicants, officials, and candidates for office. In addition, the City contracted with the Fair Political Practices Commission to ensure enforcement of the new rules. To our knowledge, no other City in our region can make both these claims.

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

Partially Disagree. Delays in the planning and permitting process are to a large extent a consequence of a lack of staffing resources. See response to recommendation R21-1. In addition, project delays in the planning/permitting process are often case specific, not systematic, and sometimes due to the project applicant. If the City does not have adequate staffing (a citywide problem following the bankruptcy), approval times would not be improved by simply deciding not to outsource. Outsourcing has been a mechanism through which the City has addressed the problem in the short term, while the City rebuilds the departments involved.

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

Partially Disagree. This statement is too general. The city acknowledges that with its city hall building not currently occupied and city departments currently spread among several buildings, inter-department communications is not operationally

optimal. Further, contrary to the Grand Jury report, the city does have a Development Environmental Review Committee that meets two times a month to review and coordinate development projects. With that said, the City agrees that increased communication will increase operational efficiency.

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

Disagree. It is important to recognize that Commercial Cannabis permitting challenges are not unique to San Bernardino. Jurisdictions that were among the first to permit the sale of cannabis operated under unclear state and federal guidelines and very few best practices to model their programs after. As noted in the Grand Jury report, San Bernardino continues to work to update its cannabis ordinances and policies.

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

Agree. See response to recommendation R21-4

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

Partially Disagree. See response to recommendation R21-10

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

Partially Disagree. The City retains the services of professionals who provide the best quality services for the City and its residents at the best price points. The City has an fiduciary obligation to residents to seek the best value on their behalf. The City would prefer such service providers be located in San Bernardino, but that is not always the case. Further, the City's desire to award contracts to local firms, along with its local preference policies, must remain in compliance with State law, which prescribes specific rules, regulations, and processes for the evaluation and awarding of contracts, including professional services contracts.

F-9: Bonds are disproportionately assessed.

Partially Disagree. The City agrees that assessing the appropriate bonding levels by contractors is an important task and one that should be handled consistently. Many public contract bonding requirements are set by state law for a number of city contracts. Without additional details, it is difficult for the City to respond to this finding. For example, the report refers to an “indemnification requirement ... set at \$1,000,000.” Indemnification is a contractual obligation required by the City to protect it from losses. It is typically coupled with a requirement that the contracting party provide a defense for the City and hold the City harmless. It is not typically set at a monetary level. The \$1,000,000 requirement may have been the insurance level required or the bonding level required.

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

Partially Disagree. Without specifics, it is too difficult to fully agree or disagree with this statement. See response to recommendation R21-6.

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

Partially Disagree. In most cases, unlicensed, illegal Commercial Cannabis businesses are cash only and do not collect taxes. Unlike most city enforcement actions, where the goal is to bring the business into compliance, the standard remedy in unlicensed cannabis cases is to shut the business down. See response to recommendation R21-9.

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

Disagree. This finding does not reflect any content in the Grand Jury report and is too general to provide a detailed response.

That said, in February of 2022, the city council did appropriate \$5 million in funding to specifically assist small businesses in San Bernardino. \$3 million was allocated for small business and non-profit assistance grants of up to \$50,000 for

operating or capital needs to entities of up to 500 employees that are locally owned, have a location in the city, and serve the San Bernardino community. \$1 million was allocated to fund a business education resource center. The final \$1 million was allocated to fund the partnership with the ASPEN Institute initiative to fund policies and programs, that incubate, stabilize and grow Latino-owned/Black-owned businesses in the City of San Bernardino.

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

Disagree. See response to recommendation R21-6. An unfortunate result of the Grand Jury process, which includes an extended time lapse between County Grand Jury inquiry to the issuance of a report to an agency's response, can make a finding at a point in time that a year later, is no longer the case.

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

Disagree. The Grand Jury report specifically recognizes the July 21, 2021, City approved Integrity Standards which specifically prohibit ex-parte communications, prohibit the acceptance of gifts by city Mayor, Council or Staff along with the prohibition of acceptance of campaign contributions or loans to the Mayor or Council person in an amount greater than \$250.00. Further, City elected officials and staff must adhere to many city, state, federal, and integrity policies and laws beyond that what is specifically covered in the Cannabis Integrity Standards. One such law is the City's campaign finance rules, which go beyond what is required elsewhere in the County. They were adopted in June 2021, yet the Grand Jury failed to take note. See response to Recommendation R21-5 and 21-5a.

Grand Jury Recommendation Responses

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

Response: In Fiscal Year 2021-2022 the City moved its plan review & permit services in-house for improved customer service, including efficiency and timeliness (also \$930,000 in annual savings).

The City is also working to procure and implement an Enterprise Resource Planning System (ERP), an integrated software system that integrates financial and document resources across all departments. Current systems do not communicate, causing delays, requiring duplicative record keeping, and opportunities for errors. Replacing these systems will be costly and take approximately 24 months but will enable the City to improve lead times for permitting and licensing, allow online tracking of permits and projects, and will save thousands of hours of staff time annually.

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.

Response: The City's application process for commercial cannabis permits is set forth in Chapter 5.10 of the City's Municipal Code, which was adopted by the City's voters. The voter-approved process anticipates detailed objective review criteria, followed by the scoring and ranking of applications. The Mayor and City Council are required to adopt a resolution governing the application process, consistent with the voter-approved laws. To the extent permissible, the Mayor and Council may in the future choose to exercise their legislative discretion to assess the merits of incorporating a lottery component in the process. Ultimately, this is a policy matter and will be decided by the Mayor and Council consistent with the voter-approved laws.

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

Response: In the past year, the City of San Bernardino has held thirteen public budget, funding allocation, and strategic planning workshops and discussion sessions to provide updates, in depth training and information to the Mayor, Council and members of the public with the intent of educating and informing prior to decisions being made. Further, the City manager has instituted regular meetings with each council member to discuss, educate, and update them on city issues, as well as answer questions.

As mentioned in the Findings section of this response, Council members are provided extensive training when they take office. The city contracts with the law firm Best, Best, and Krieger to provide the following training sessions: 1) Local Government Survival Guide for Newly Elected Leaders (6 hours); 2) Sexual Harassment Avoidance Training for Supervisors (2 hours); 3) The Brown Act “Open Meetings Law” (1.5 hours); 4) Ethics Training for Public Agencies (2 hours).

In addition, all Council members are provided a City Council Handbook during a separate training session with the City Manager, Assistant City Manager, City Clerk, and City Attorney. This handbook has two sections that cover the annual budget, the process, and the role of the City Council members. The section “How City Government Works” includes subsections on: The City Charter, San Bernardino Municipal Code, California Codes, Annual Budget, Capital Improvement Plan and General Plan. The section “Financial Management and Budget Process includes subsections on: City Revenues, Revenue Projections, Budget Process, Mid-year/Year End Budget Review, Budget Control, Funds, Audits, and Additional Information Regarding City Finances.

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.

Response: The City’s website is currently under redevelopment with plans to deploy a new website by June 2022. The new design, in addition to being more

user-friendly in general, will include an improved transparency portal with budget information with real-time data so that the City's financial information and performance may be easily accessed. The data can be viewed in tabular or graphic form, and users will be able to manipulate it to analyze the City as a whole, or drill down to a more granular level to evaluate the performance of a department, division or specific program or project.

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.

Response: In June 2021, the Mayor and City Council adopted Ordinance No. MC-1558, which established local campaign finance regulations. These regulations include restrictions on elected officials, candidates, and applicants. In addition, the City contracted with the Fair Political Practices Commission to assist with enforcement of the new regulations. To our knowledge, no other city in the County has such far reaching rules and utilizes an outside agency for enforcement purposes.

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.

Response: An update to the City's Purchasing Policy and Manual is underway. The update is extensive and requires updates to the Municipal Code, particularly Chapter 3.04, and is anticipated to be fully implemented by summer 2022.

The City is in the process of expanding the Purchasing Department from one to four employees. A Purchasing Manager was hired in May 2021. Prior to the hiring of the Manager, the City had only an Assistant Buyer to support purchasing activities city-wide. The City Council authorized the hiring of a Contract Specialist

in December 2021. The City is adding a Disadvantaged Business Enterprise (DBE) Specialist to the team in the summer of 2022. This will bring the total staffing for the Division to four. This increased staffing, with each individual responsible for specific types of procurement, will work with departments and the City Attorney to ensure that procurement activities are transparent, consistent, and comply with policy and state and federal laws and regulations.

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

Response: An update to the City's Purchasing Policy and Manual is underway. The update is extensive and will require updates to the Municipal Code. It is anticipated to be fully implemented by summer 2022.

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.

Response: Contrary to the Grand Jury report, the City of San Bernardino has a Development Environmental Review Committee (DERC), which meets twice a month on the 2nd and 4th Wednesdays. The DERC includes members from Community and Economic Development, Building & Safety, Land Development, Public Works, Fire, Water, and Engineering. DERC agendas, meeting minutes, and audio recordings dating back to 2014 are available online. A review of the functions and scope of the City's existing Development Environmental Review Committee (DERC), which is established under Title 19 of the City's Municipal Code, will occur in connection with the City's current General Plan Update and review of the City's Development Code.

The City is currently in the process of filling the positions of Community and Economic Development Director and Deputy Director/City Planner. The Community and Economic Development Director is responsible for directing, managing, and integrating the functions, programs, and activities of the Planning Division, Building Division, Code Enforcement, Economic and Housing

Development: The Deputy Director/City Planner plans, organizes, and directs the City's planning programs, services, and staff. The Deputy Director/City Planner also works with the Director to ensure effective and efficient City Planning and Development services.

These positions are expected to be filled by June/July of 2022.

These two positions are charged with evaluating implementing additional recognized best practices to improve the efficiency and effectiveness of the planning and development process in San Bernardino.

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.

Response: Public contract bonding requirements are set by state law for many types of contracts. In other cases, bonds may be required by the City to protect the City from liability. The assessment of when bonds are appropriate will be made by the appropriate department in coordination with the Risk Division and the City Attorney's Office.

The City has upgraded the position of Risk Manager to a Deputy Director level position and will be recruiting for the position in May 2022. The Risk Manager oversees, manages, monitors, and coordinates the City's Risk Division and assists in implementing policies and procedures that minimize City risk while increasing service and effectiveness.

The City is also currently undertaking a comprehensive fee study that will evaluate fees city-wide to determine the appropriate fees for services. This study will enable the City to recover costs where appropriate and will ensure that fees are reasonable in consideration of the service and the community. It is expected that the study and subsequent adoption by the council will be completed in fall 2022.

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

Response: The City contracts with a consulting firm to ensure that cannabis companies that are properly licensed to do business within the City of San Bernardino are remitting the proper tax to the City. In recent months, the City has been able to collect all back taxes due from cannabis businesses operating legally within the City.

The City cannot collect tax from unlicensed, illegally operated businesses, whether these businesses are related to cannabis or other businesses. These are identified by the City's contractor or by Code Enforcement or Business Registration personnel, and depending on the circumstances may be ticketed, fined and/or shut down by law enforcement.

In Spring of 2022, the City Council approved expanding the Code Enforcement Division to 20 officers. It is anticipated that this action, when fully staffed in summer 2022, will enhance the identification of unlicensed and illegal businesses in San Bernardino, along with either shutting the businesses down or bringing them into compliance with applicable codes, permits, fees, and if applicable, taxes.

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.

Response: The City is working to update all policies and procedures. Below are examples of policies and procedures that have been updated since the city was visited by the Grand Jury (this is not a complete list of updated policies and procedures):

- Investment Policy (Reso. 2021-117)
- Cash Handling and Revenue Control Policy (Reso. 2021-246)
- Travel Authority and Expense Policy (Reso. 2021-164)
- Reimbursement Policy (Reso. 2021-202)

- Procedure for Elected Officials to Place Items on the City Council Agenda (Reso. 2021-68)
- Elected Officials Interaction with City Staff and Involvement in Administrative Affairs (Reso. 2021-69)
- Hometown Heroes Military Banner Program Policy (Reso. 2021-114)
- Administrative Policy Regarding Municipal Volunteer Program (Reso. 2021-114)
- Administrative Policy Regarding Use of City Equipment and Resources (Reso. 2021-162)

