

SAN JOAQUIN COUNTY GRAND JURY



FINAL REPORT 2016-2017

Contents

Section I:	Introduction.....	3
Section II:	Investigation.....	14
Section III:	Law and Justice.....	118
Section IV:	Follow-Up.....	128
Section V:	Tours and Presentations.....	164
Section VI:	Grand Jury Process and Organization.....	168

Table of Contents

Section 1

Letter from Hon. George J. Abdallah, Jr.....	4
Letter from Grand Jury Foreperson	5
Roster of Grand Jurors.....	7
Photograph of Grand Jurors	8
Grand Juror Quotes	9

Introduction



Grand Jury
County of San Joaquin
Courthouse
222 East Weber Avenue-Room 303
Stockton, California 95202
(209)468-3855

June 6, 2017

Honorable José L. Alva
Presiding Judge
San Joaquin County Superior Court
P. O. Box 201022
Stockton, CA 95201

Honorable George J. Abdallah Jr.
Judge of the Superior Court and San Joaquin County
Advisor to the San Joaquin County Grand Juries
P. O. Box 201022
Stockton, CA 95201

Dear Judge Alva and Judge Abdallah:

We, the members of the 2016-2017 San Joaquin County Civil Grand Jury, are honored to present to you and the citizens of San Joaquin County our Final Report.

The Grand Jury opened a number of investigations after determining the merits of citizen complaints as defined by California state law and guidelines. In addition, other investigations were initiated after the Grand Jury determined deficiencies in governmental agencies within the county. In all cases, the Grand Jury reported findings along with recommendations for improvements. During the investigations, the Grand Jury reviewed applicable documents, conducted interviews and visited pertinent sites. The Grand Jury also followed up on the findings and recommendations made by previous Grand Juries and issued a report on those. A committee was assigned to each investigation and follow up. Where there appeared to be a conflict of interest, Jurors were recused from those investigations entirely.

I want to commend the members of the 2016-2017 Grand Jury for taking their oath and commitment seriously. They worked diligently both in the meetings and outside of the courthouse when doing ride-alongs with law enforcement personnel, attending site visits or board meetings, or reviewing and writing reports at home. These reports are borne out of a process of sifting and distillation of all information gathered and we believe them to be consensus of facts, not opinions. All of the Grand Jurors contributed and served San Joaquin County well. Over the past twelve months there was some disagreement amongst the Jurors of course, but no one was disagreeable.

We want to call special attention to the outstanding support received from Judicial and Staff Secretary Trisa Martinez as well as from a recent addition to the support staff, Shelly Haynes. Without them our jobs as Grand Jurors would have been extremely difficult. We also thank Assistant District Attorney Scott Fichtner, County Counsel Mark Myles and Judge Abdallah. Their invaluable advice contributed greatly to the investigations and reports.

Lastly, it has been my honor and pleasure to serve as foreperson of this Grand Jury. It has been a remarkable experience serving the Court and the citizens of San Joaquin County.

Respectfully,

A handwritten signature in cursive script that reads "Bert Brown". The letters are fluid and connected, with a prominent loop on the 'B' and a long, sweeping underline for the 'n'.

Bert Brown, Foreperson
2016-2017 San Joaquin County Civil Grand Jury

2016 2017 Grand Jurors

Executive Committee

Bert Brown, Foreperson	Manteca	Retired Lab Technician
Carla Cole, Vice Foreperson	Lodi	Retired Law Enforcement
Connie Stephens, Secretary	Stockton	Retired Bookkeeper

Karen Anderson	Stockton	Retired Educator
Bill Aragon	Tracy	Retired Social Services
Stephen Beckham	Woodbridge	Retired Businessman
Carwin Richard, Sgt-at-Arms	Manteca	Retired U.S. Army
Ward Downs	Stockton	Retired Educator
Robert Emmer	Lodi	Retired Businessman
Ryan Gresham	Stockton	Realtor
Loreen Huey	Stockton	Retired Admin Assistant
Lynnette Lucaccini	Stockton	El Concilio
Carolyn "Sue" Mow	Stockton	Retired Educator
Norman Mowery	Lodi	Retired Pastor
Nagaraja Rao	Stockton	Retired PG&E
Denise Sullivan	Stockton	Retired Financial Advisor



2016-2017 CIVIL GRAND JURY

Back row (left to right): Robert Emmer, Bert Brown, Nagarajah Rao, Bill Aragon, Norman Mowery, Carwin Richard

Middle row (left to right): Ward Downs, Connie Stephens, Carla Cole, Denise Sullivan, Ryan Gresham

Front row (left to right): Karen Anderson, Lynnette Lucaccini, Sue Mow, Loreen Huey, Steve Beckham

2016-2017 Grand Jury Lessons Learned, Experiences, Suggestions, Thoughts and Observations

As the 2016-2017 year comes to an end, we offer to you the lessons learned, the experiences we will never forget, suggestions for next year and our final thoughts of what it is like to be a San Joaquin County Civil Grand Juror. Quotes were random and anonymous. Enjoy!

1. Why did you get involved with the Grand Jury?

“Interested in providing a service to the community and learning more about the community.”

“A strong desire to serve our citizens of San Joaquin and making sure all governmental agencies are doing their job.”

“It was something I had been interested in for quite some time; I thought it would be a way to give back in a way I knew I was qualified for.”

“I wanted to give back to my community after 23 years in the military service by volunteering in my community.”

“I retired and a former colleague nominated me.”

“I wanted to give back to my community by providing meaningful service.”

“I believed it would be a great way to end my 35 years of public service.”

2. In what way did you think you might contribute?

“Experience as a former grand juror.”

“Working for a non-profit agency serving an at-risk community, I thought I could bring a different perspective.”

“I brought my military experience as well as personal experience to the table for all members to hear.”

“I read and write fairly well. I have had to do significant research in the past and have spent lots of time analyzing data, developing spreadsheets and making recommendations based upon data. I felt that I could leverage my background in potential service to the grand jury.”

“Having spent many years working in the public/government sector I have a solid understanding of government work and public needs.”

“I knew how to do research and how to dig below the surface to find underlying issues.”

“Providing a different perspective because of my age and profession.”

3. Which aspects of jury service did you find interesting?

“Research and investigations.”

“I liked working in different groups doing research and developing a common report to communicate our findings and recommendations.”

“I felt honored to participate as a group in saluting the flag and reciting the pledge of allegiance every week.”

“I found the investigative, analytical and reporting process the most interesting and the discussions were enlightening.”

“Tours and county agency presentations, as well as member bonding...”

“I love the fact that jurors have vast knowledge in the fields they have worked in, which gives first-hand experience to topics that are discussed. This allows the jury to ask informed questions of witnesses and to explore areas that may not have been considered otherwise.”

“Presentations and visits to county departments, making new friends and working together.”

“Tours of facilities, debating, deliberating and voting on issues that came up in the form of complaints to the Grand Jury was interesting. Being on the complaint committee we researched whether the complaint falls under our jurisdiction for an investigation.”

“Meeting a wide variety of community members and working together.”

4. What are your memories/observations of the ride along?

“They drive faster than I do!”

“The police department is getting treated like a “cab service” by repeat offenders.”

“Putting one in someone else’s shoes certainly provides an opportunity to see exactly what each “job” entails.”

“I enjoyed going on ride-along with the police and fire departments and observing the good work they do.”

“The dedication that our first responders have to keeping us safe. Being in law enforcement or the fire service is a challenging job. Most folks don’t realize just how difficult their job is.”

5. *What should other jury members know before they start their term?*

“Write your reports EARLY!”

“Be flexible and commit enough time to fully participate. Don’t sign up if you are not willing to invest time and effort. Others are counting on you”

“To participate fully requires total commitment of time, energy and above all the desire to produce a top notch report that reflects that commitment.”

“Information and communication is a key component for this job.”

“This is a greater time requirement than you may expect and family members may find it hard to be excluded in the work you are doing. Don’t join too many committees – make time for yourself and your family.”

“It is a commitment not to be taken lightly and if you are selected, be fully engaged and proactive in the process. Listen and be dedicated to work collectively as a COMMITTEE.”

“Time they need to devote in service of the grand jury is at least 20 hours a week. Regular attendance is a must for quorum purposes. Having members with good editing skills and good comprehension of issues is essential.”

“Don’t plan vacations in May!”

“Buy into the process, become engaged and be prepared to write.”

6. *If starting over, what would you do differently?*

“Find time for ride-a-longs. I invested in time for our investigations, not ride-a-longs.”

“As an alternate selected a month into the term, I missed the orientation process. It took me longer to come up to speed with the other members.”

“I would speak up sooner – there were investigations that I was interested in but didn’t join, because I thought there may be too many on the committee.”

“I don’t think I would do anything differently.”

“Try to do more, earlier.”

“Read up on punctuation rules.”

7. *Your best memory of your grand jury service?*

“How some jurors work hard to finish the reports and produce a final report the county can be proud of.”

“The friends that I have made and the amazing respect I have for those who committed the effort and followed through by getting fully involved.”

“My fellow members. Their humor, their ability to work productively with each other and their commitment to do the work required.”

“I made life-long friends with all members. A bond that will never be broken.”

“There are two sides to every story!”

“I really enjoyed getting to know other people serving on the jury. I learned things about my community and the county government that I found interesting and valuable. This has made me want to become more involved in serving on county board and committees. I believe that the investigations make our county agencies and special districts more accountable.”

“Working with the returning grand jurors and the judicial secretary was so educational and made me want to do more and give more to the group. They were a great group of leaders and I thoroughly enjoyed their guidance.”

“Camaraderie, friendship, acquiring knowledge and sharing knowledge from all members.”

“The tours and presentations. This is just so much about this county that most folks don’t know about. It has been amazing.”

“Meeting people I would never met otherwise and making new friends.”

8. *With one word describe your grand jury experience.*

“Educational”

“Gratitude”

“Challenging”

“Awesome”

“Invaluable”

“Illuminating”

“Inexplicable”

“Rewarding”

“Enlightening”



Section II

Housing Authority of the County of San Joaquin

Progressing from Caretaker to Developer

Case No. 0216.....15

San Joaquin County Property Rooms

Missing or Messy?

Case No. 0316.....32

San Joaquin County Self-Governing Special Districts

Who's Watching the Cookie Jar?

Case No. 0416.....73

Manteca Unified School District

Meeting the After-school Needs of Weston Ranch High School Students

Case No. 0516.....84

County Wide Dispatch for Fire

Two Are Not Always Better Than One

Case No. 0616.....97

French Camp Fire District

Case No. 0716.....112

Investigations

San Joaquin County Civil Grand Jury



The Housing Authority of the County of San Joaquin *Progressing from Caretaker to Developer* 2016-2017 Case No. 0216

Summary

The San Joaquin County Civil Grand Jury (Grand Jury) has investigated the Housing Authority of the County of San Joaquin (Housing Authority) through initial and follow-up investigations nine of the past 16 years. A complaint brought the Grand Jury to once again investigate the Housing Authority. The Grand Jury reviewed events occurring from 2009, to the present. The Executive Director, hired in 2009, made positive changes to the struggling organization. New challenges began a few years after the change of leadership. In 2015, another change in leadership occurred with the hiring of the current Executive Director (ED).

Effective leadership, starting with the Board of Commissioners, is critical for the success of the Housing Authority. These volunteers, selected by the San Joaquin County Board of Supervisors (BOS), set the policies which guide the organization. Equally important, they select the executive director to lead the Housing Authority.

The Grand Jury found there is no written procedure or succession policy for the replacement of executive positions at the Housing Authority. There have been periods of time when this has caused disruption.

Among the findings:

- Communication between the Housing Authority Board of Commissioners and the current Executive Director has improved, resulting in less confusion between leadership and staff;

- An aggressive approach by the agency has resulted in the submission of a grant application to begin the process of Sierra Vista Homes redevelopment; and
- The process for selecting commissioners may be improved if the full San Joaquin
- County Board of Supervisors interviewed the candidates for commission vacancies.

A better understanding of the duties and expectations serving as a commissioner along with a thorough vetting of candidates will benefit the agency.

Glossary

Asset Manager	Serves as property manager of public housing projects in Stockton and Tracy.
Conway Homes	Subsidized public housing located in south Stockton.
HCVP	The Housing Choice Voucher Program (formerly Section 8) provides rental assistance and homeownership subsidy assistance to extremely low, very low and low income households.
HUD	The U.S. Department of Housing and Urban Development is a Cabinet Department in the Executive Branch of the United States Federal government. HUD provides funds and oversees local housing authorities.
LIHTC	The Low-Income Housing Tax Credit is the federal government's primary program for encouraging the investment of private equity in the development of affordable rental housing for low-income households.
OIG	The HUD Office of Inspector General is established to detect and prevent fraud, waste and abuse and to promote the effectiveness and efficiency of government operations throughout the U.S.
Sierra Vista Homes	Subsidized public housing located in southeast Stockton.
STAND	A non-profit community organization that buys single-family, blighted houses, fully rehabilitates them and sells them to low and moderately-low income families.
Unlawful Detainer	A court proceeding used to evict someone from the place where they live.
VASH	Veteran Affairs Supportive Housing is a program designed to address the needs of homeless veterans by providing a rental subsidy.

Background

The Housing Authority (HA) was established by the San Joaquin County Board of Supervisors in 1942, and provides housing assistance for more than 19,000 low-income residents per year.

The Housing Authority's Mission Statement reads:

"The Housing Authority of the County of San Joaquin is dedicated to providing and advocating for affordable and attractive living environments for those of modest means and to give individuals and families opportunity to continuously improve themselves and achieve self-sufficiency."

The Housing Authority's annual budget is almost \$50 million, 90 percent of which is received from Federal Housing and Urban Development (HUD) Department programs. This funding enables the Housing Authority to distribute approximately 5,000 Housing Choice Vouchers (HCV) and manage 1,139 public housing units in various communities in the county. The Housing Authority manages other programs, including 31 subsidized units for migrant workers and 201 vouchers for Veterans Affairs Supportive Housing (VASH). The Housing Authority also owns and manages numerous properties in San Joaquin County.



Claremont Manor Apartments has 52 units, and is owned by the Housing Authority. Located in central Stockton, it is occupied by senior citizens.

The governing Board of Commissioners (Board) consists of seven members appointed by the BOS. Five of the Housing Authority's Board Members serve a four-year term and two tenant commissioners are appointed to a two-year term. One of the tenant positions has been vacant since February 2015. The Housing Authority employs approximately 90 personnel. The Executive Director and the General Counsel (GC) are hired by and report to the Board. Other administrative staff includes five directors who oversee the departments of Rental Assistance, Finance, Information Technology, Business and Capital Development.

Over the last 16 years the Housing Authority has had its share of controversy. There have been nine investigations by the San Joaquin County Grand Jury, uncovering a variety of issues.

The previous ED had resigned in 2008. Since the Deputy Director position had been eliminated, there was no immediate replacement for the ED. As a result, there was a lack of leadership which led to poor morale and confusion. The ED hired in 2009, came with 30 years of

experience and encountered numerous challenges at the agency. Subsequently, many necessary changes including the reinstatement of a Deputy Director, were made. Morale and operational efficacy improved.

When the former ED arrived at the Housing Authority in 2009:

- The physical appearance of the administration property was atrocious. Graffiti had to be removed. A homeless population sleeping in the parking lot created garbage and unsanitary conditions. The homeless population was relocated and the parking lot was cleaned.
- The Capital Fund, which is used for capital improvements and maintenance, had been placed in “high-risk” status by HUD who also advised that if it wasn’t remedied, the fund would be designated “troubled status.” Many millions of dollars were stagnant within the Capital Fund. The Capital Fund was placed in “high-risk” status, because monies were not being spent in a timely manner and were at risk of being taken back by HUD.
- The relationship with HUD was adversarial. The former ED worked with HUD to receive a waiver, saving \$9 million which was then set aside for the renovation of the Sierra Vista Homes. Over time the relationship with HUD improved, and the Capital Fund was re-designated “low-risk” status.
- The agency was the subject of two Office of the Inspector General (OIG) audits, one from 2004, and one from 2008. In the spring of 2009, the Housing Authority, led by the former ED, resolved the OIG findings and implemented the recommendations within the required deadlines.
- Morale was described by many as “horrible.” This was partly due to the effects of the recession, especially in the area of housing. The Housing Authority was able to move through this difficult period without laying off employees. By not filling vacant positions, employee workload increased. Other problems, including a lapse in leadership as described in the 2008-2009, Grand Jury Final Report, and the lack of union contracts contributed to the Housing Authority’s malaise. Ultimately, a four-year labor contract was successfully negotiated, though the workload remained high. Morale improved due to the changes made by the former Executive Director.

The former Executive Director was hired at the time the Board of Commissioners was in the process of changing the relationship with the attorney. Previously, an attorney from a local Stockton law firm provided contracted legal services to the Housing Authority. As of February 2009, the Board changed the attorney’s role to General Counsel (GC), reporting directly to the board. The Board hired the GC as a contracted, salaried employee.

As time went on, the positive relationship between the GC and the former ED deteriorated and serious conflict ensued. Misunderstandings increased and effective communication became almost impossible. The turmoil spilled over into the Board of Commissioners where discord

affected the interaction between members of that body. These conflicts were serious and detrimental to the Housing Authority.

The responsibilities of the former Executive Director and the General Counsel were not well-defined, and it was reported that employees weren't sure who was in charge. The General Counsel took over responsibilities that should have been handled by the former Executive Director. The former ED, at times, was hesitant to take on certain tasks. The Board appointed the General Counsel as the Public Information Officer, a job usually handled by an executive director.

The Board bears some responsibility for the contentious relationship between the former Executive Director and the General Counsel by allowing the General Counsel to become involved in the day-to-day operations of the Housing Authority. As the relationship between the former ED and the GC worsened, the Board let it fester. Confusion was the order of the day and morale at the Housing Authority began to plummet. As this atmosphere worsened over the next few years, employees began to look for work elsewhere. The former ED resigned in February 2015.

The former Deputy Director filled the position of Interim Executive Director until November 2015, when the current Executive Director was hired. The former Deputy ED left the Authority in 2016.

Reason for Investigation

The 2015-2016 San Joaquin County Grand Jury received a complaint about problems at the Housing Authority of the County of San Joaquin. The issues, all regarding the General Counsel, included excessive costs for services, conflicts with one or more board members and abuse of authority. Because of time constraints the 2015-2016 Grand Jury was unable to complete the investigation and referred the complaint to the current grand jury. Due to the enormity of issues and additional information a further investigation was required. A new investigation was initiated.

Method of Investigation

Materials Reviewed

- Previous San Joaquin County Grand Jury reports;
- Housing Authority by-laws and policies;
- Housing Authority agendas and minutes;
- Housing Authority financial documents;
- Employment contracts;
- Legal billing practices and time cards; and
- Unlawful detainer summaries.

Interviews Conducted

- Former and current Housing Authority staff;
- Former and all current commissioners;
- Members of the San Joaquin County Board of Supervisors;
- Housing Authority tenants; and
- San Joaquin County community leaders.

Sites Visited:

- Housing Authority administrative offices;
- Attended several Housing Authority board meetings;
- Conway Homes and Sierra Vista Homes;
- Claremont Manor Apartments; and
- STAND Affordable Housing.

Discussions, Findings and Recommendations

1.0 Leadership is changed.

At the Mar. 10, 2015, board meeting Bob Murray & Associates was selected to conduct a national search for the executive director position. The Board of Directors and Bob Murray and Associates developed a list of qualifications that met the needs of the Housing Authority. Among them:

“The new Executive Director must be a strong leader who believes in quality services, strategic cooperation/partnership, and is eager to assume challenge and implement positive change. ... This position requires significant experience in real estate development process...”

A former deputy executive director from Albany, New York, was hired by the Board in November of the same year. This Executive Director’s approach to management differed from past executive directors. Those differences were welcomed by most, though a period of adjustment was sometimes difficult. This change period was normal, adjusting to the current executive director took time. However, as the staff came to know the current ED, trust developed and staff appreciated the autonomy they were given. Eventually, the administration began working well together.

A. Challenges abound.

On arrival, the current Executive Director (hired in November 2015) also noticed challenges at the HA headquarters and enacted changes which made the office more comfortable and efficient. There was only one person working in the office reception area, creating a potential safety risk and a lower level of service to clients. A second person was added to improve security and provide better customer service. Bullet proof glass was also added to the receptionists’ work stations. New software was purchased and new maintenance trucks replaced outdated ones.

Boxes of outdated files had piled up and were taking a huge amount of the administration building's space. Truckloads of paperwork were appropriately destroyed.

B. A Low-income Housing Tax Credit Program effort is underway.

The current Executive Director came to the Housing Authority with an extensive background in technology and public housing development. The current ED had served almost 20 years with the Albany Housing Authority, and was familiar with many methods of development, including the Low-Income Housing Tax Credit program (LIHTC). This complex program had not yet been utilized by the Housing Authority. In order to meet growing, affordable housing demands, the current Executive Director has identified the need for developing private-public partnerships through the LIHTC.

The Housing Authority applied for a LIHTC grant with HUD in time for the March 2017, deadline. It was subsequently revealed that the Public Housing Assessment System (PHAS) Score Report for Interim Rule rated the organization as a "High Performer." This score placed them at the top of the area's grants and is a positive indicator for success.

If this \$2,430,801 grant is received, it will be used to begin the redevelopment of 115 Sierra Vista Homes. These rental homes are more than 50 years old, and they are past their useful life for this type of housing. Maintenance costs have increased substantially. It is time to demolish and replace them. This project, if funded, will be one of the most ambitious in the history of the Housing Authority.

C. The Housing Choice Voucher Program is an award winner.

The Board of Commissioners revised its by-laws to give the current Executive Director discretion to reorganize the staff. Previously the Rental Assistance Director, whose responsibility it is to run the Housing Choice Voucher Program (HCVP) program, did not report directly to the Executive Director. This person reported to the Deputy Director, creating a buffer, which slowed work progress. The HCVP program has the most employees and utilizes \$30 million of the Housing Authority budget. The director of this program now reports directly to the current Executive Director. In March 2016, HUD was holding approximately \$5.3 million for the HCVP. Funds not utilized would be taken back by HUD. Working directly with the Rental Assistance Director on outreach to clients, the Housing Authority reduced that amount to \$2.8 million by December 2016. This greatly reduced the risk of losing these funds.

The Housing Authority was under-utilizing more than 600 rental vouchers. They developed a strategy to increase the use of the vouchers. Those efforts included the following:

- Contracted out inspections to assist with lease up response time;
- Held leasing fairs on Saturdays and involved more staff to expedite eligibility determination;
- Utilized mail screening instead of face-to-face appointments to allow more administrative time for case work-up;

- As more vouchers were utilized and earning more administration fees, three more leasing specialists were hired for continued occupancy;
- Increased Project-Based Vouchers (PBV); and
- Applied for more Veterans Affairs Supportive Housing vouchers and contracted a VASH Leasing Coordinator to assist with VASH leasing.

Utilizing these strategies, the Housing Authority assisted nearly 500 new low-income families with a voucher subsidy.

During a recent HUD Regional Conference the Housing Authority of the County of San Joaquin was given a prestigious award for being the region's most-improved Housing Authority in the Housing Choice Voucher program. This shows the above strategies are succeeding.

D. Organizational changes led to timely unlawful detainers.

A similar shift in personnel was implemented in the handling of unlawful detainers (evictions). When public housing tenant contracts are violated (unpaid rent, upkeep rules or criminal behavior) ultimately the tenant can be evicted by the courts. The legal department at the Housing Authority processes evictions. Previously, the Asset Manager sent the notices to the Deputy Director who ultimately sent them to the legal department. This process took a long time. Now the paperwork goes directly to the legal department. Since this change was instituted by the current Executive Director, monthly unlawful detainers have increased by 200 to 300 percent.

E. Personnel are comfortable with expectations.

Other changes, included the hiring of more employees to reduce the caseload, where warranted. Employees are given clear expectations and the authority to do their job. They are expected to own their position. Communication is clear. The current Executive Director's door is always open and employees are allowed to express their views. When all is said and done, he makes the final decisions. Relationships have improved and employees now feel that the Housing Authority is where they belong. Staff are enthusiastic about achieving the Housing Authority's ambitious goals.

F. The Executive Director and the General Counsel roles are clarified.

Another positive change noted by employees and commissioners alike, is the relationship between the current Executive Director and the General Counsel. The staff and board of commissioners' relationships with the GC have also "greatly improved." The negative atmosphere, caused at least in part by the contentious relationship between the GC and the former Executive Director no longer exist. Commissioners have made it clear the current Executive Director is in charge of the Housing Agency. There is a team atmosphere. The current Executive Director brought the General Counsel into the Executive team. The General Counsel is much more involved as part of the team.

This Grand Jury assessed numerous housing authorities around the state to determine what legal arrangements were made and what monies were spent on legal services. As a result of this

research, it was determined that the expenses for legal services were in line with common practices. The board's decision to have the General Counsel report to them rather than to the Executive Director is not an unusual arrangement. Equally important, the Grand Jury discovered that this arrangement is also preferred by the current Executive Director.

Though positive changes have been made there remains an area of concern. The contract between the General Counsel and the Housing Authority details guidelines that address completion of time cards. The contract states:

“At a minimum the invoice shall detail the following information .brief description of services rendered, including applicable time frame, total hours being billed for each service and at the approved rate.”

The General Counsel's time cards reviewed by the Grand Jury showed little to no information.

The public information officer's duties also changed. Commissioners acknowledged that the GC was asked to do this job, but now they feel comfortable with the current ED. He is now considered to be the spokesperson for the Housing Authority.

G. Board communication improves.

Communication between the Executive Director and the Board is vital. Board members are pleased with the quality and quantity of information they are receiving and feel sufficiently informed to make appropriate decisions.

H. Community relationships are strengthened.

The Grand Jury interviewed numerous community leaders from both governmental and non-governmental agencies. Several were keenly aware of the Housing Authority's difficulties which caused some local funders to decline to work with the Housing Authority.

Positive changes have occurred. Since taking the leadership position, the current ED has interacted with numerous community and governmental organizations and is a participating member of the San Joaquin County Homelessness Task Force. The current ED frequently attends various Stockton City Council and Board of Supervisor meetings which are related to housing. These meetings have concentrated on bringing funding opportunities to the county to increase the pool of low-income housing. For example, the current ED has reinvigorated the Housing Authority's relationship with STAND Affordable Housing. STAND is a nonprofit organization helping to renovate south Stockton through the development of affordable housing. Another example is the potential partnering project being discussed with the San Joaquin County Behavioral Services Department which will provide housing for some of their clients.

In the summer of 2015, the Progressive Community Church proposed a partnership with the Housing Authority for an after-school and summer program at Sierra Vista Homes. It is operational and staffed with volunteers from the church. The facility has a computer lab with 26 computers and a refurbished gymnasium.

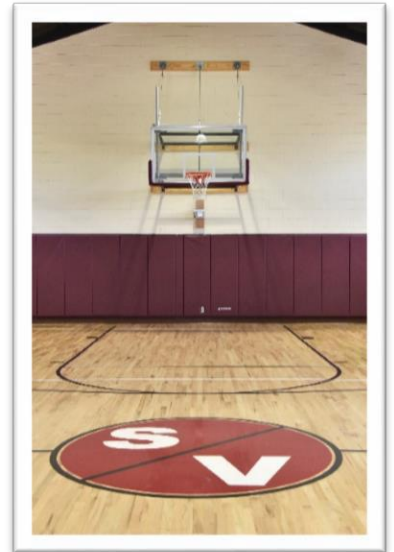
I. Tenants voice opinions.

The Grand Jury visited Conway Homes and Sierra Vista Homes. After touring these neighborhoods, interviews were arranged with residents of both. The voices of these remarkable tenants were unified. Each tenant expressed:

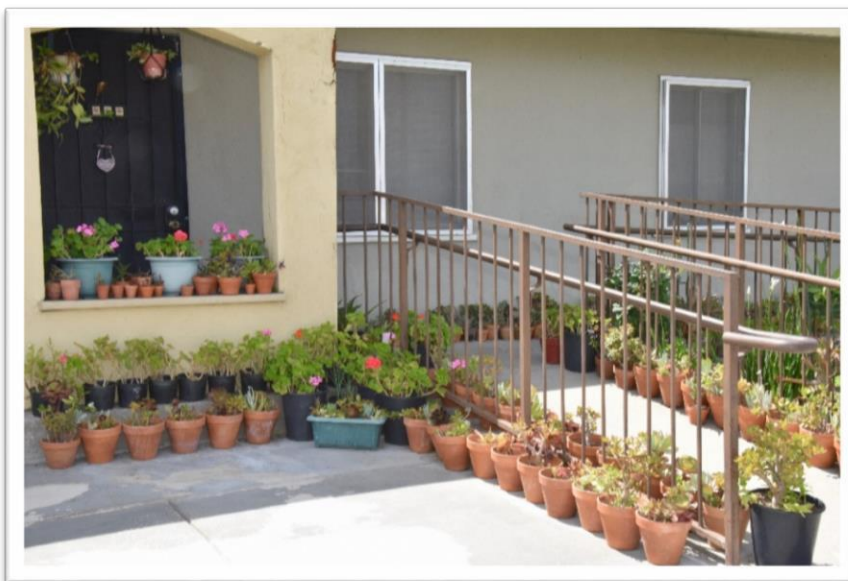
- Pride in their community;
- Appreciation that the HA has made clear that tenants are responsible for their actions; and
- Enforcement of consequences if lease agreements are not met.

Given a choice they would strongly prefer to live in these homes rather than utilize housing choice vouchers for rentals outside of the public housing. The Grand Jury interviewed long-term and short-term residents. The negative reputation of public housing is undeserved. Tenants feel safer in their neighborhood rather than outside of it. Each tenant had a compelling story, including having struggled through the morass of homelessness while raising five children.

Positive changes in the last 18 months have been noticed. The neighborhoods are a lot cleaner and quieter. The reasons given were: an increase in lease enforcement by the asset managers who they feel are tough but fair, and a new maintenance worker who responds quickly to their problems.



Sierra Vista Gymnasium



Sierra Vista Homes Unit

Resident councils act as liaisons representing the tenants. Sierra Vista Homes has had an active resident council for some time. Conway Homes has recently restarted their council with the help of the Asset Manager. The leaders of both councils are enthusiastic about the services they provide to the residents. They hold regular resident meetings and sponsor several high-profile events each year, helping to build community pride and encourage positive engagement.

Findings

F 1.1 Personnel and procedural changes have improved the efficiency and quality of services provided by the Housing Authority.

F1.2 Morale among employees of the Housing Authority has improved, increasing employee satisfaction.

F1.3 An aggressive approach to development has resulted in the submission of a grant application to begin the process of Sierra Vista Homes redevelopment.

F1.4 The current Executive Director is now the spokesperson for the Housing Authority, resulting in a clarification of roles.

F1.5 Communication between the Housing Authority Board of Commissioners and the current Executive Director has improved, resulting in less confusion between leadership and staff.

F1.6 The Housing Authority has improved relationships with public and private community organizations, which creates opportunities for public and private partnerships.

F1.7 Lease agreements are being enforced rigorously, leading to increased tenant pride and safety.

F1.8 The General Counsel's time cards do not include sufficient detail, as required by the contract.

Recommendation

R1.1 By September 30, 2017, the Board of Commissioners assures the General Counsel's time cards are completed in compliance with the requirements of the General Counsel's contract.

2.0 A succession plan would help to ensure stability.

The Housing Authority has no succession plan for the Executive Director position. If, the current Executive Director were to suddenly leave, who would lead the agency until another director was hired? The Deputy Executive Director position was vacant for 10 months. Recently a new Deputy Director has been appointed. Even though that position has been reinstated, there appears to be no written, board-approved procedure for filling executive vacancies. The Grand Jury notes that steady, strong leadership is essential for successful operations at the Housing Authority. Persons with the administrative skill set for accomplishing the complex tasks at the Housing Authority are not easy to find. To maintain stability and continued progress, consistent leadership is essential. History has shown that any gap in strong leadership at the Housing Authority creates difficulties and jeopardizes operations.

Finding

F2.1 There is no written succession plan or procedure for the replacement of executive staff.

Recommendation

R2.1 By December 31, 2017, the Board of Commissioners for the Housing Authority of the County of San Joaquin develop, adopt and implement a succession plan for executive staff.

3.0 Board selection.

A. The commissioner selection process can be strengthened.

The San Joaquin County Board of Supervisors is responsible for the appointment of more than 115 persons to boards and commissions each year.

https://www.sjgov.org/uploadedfiles/sjc/departments/board/boards_commissions/local_appointments_list.pdf

The 2016-2017 Grand Jury interviewed members of the Board of Supervisors and county personnel. The quality of boards and commissions directly affects the quality of county agencies. The BOS process for selection was explored. The vice-chair of the board is usually the point person for the appointment process, although many appointments are apportioned in specific supervisorial districts. The supervisor of that district recommends a person to fill the position in these cases, sometimes after interviewing the candidates. In all cases, the full board votes to approve the appointment. Appointees oversee a wide variety of agencies. Some are small, some are large. Some oversee small budgets and some, like the Housing Authority, oversee multi-million dollar budgets.

B. Full-board interviews strengthen the selection of commissioners.

In the selection of the most recent appointment to the Port Commission, the entire Board of Supervisors interviewed candidates. The rationale had to do with the substantial size of the organization, budget and political and financial impact on the entire community. It would not be possible for the supervisors to interview over 100 candidates. The supervisors, however, are positive about exploring the expanded interview process for some appointments, such as the Housing Authority.

C. Agency “Fact Sheet” provides minimal expectations.

The following link to the Fact Sheet details the position of Housing Authority Commissioner: <https://www.sjgov.org/WorkArea/DownloadAsset.aspx?id=6689> . The description of the commissioner’s duties only states the following; *“To establish policy and provide general direction for the operation of the District.”* “Fact Sheets” on the county website vary in the amount of detail included in the *“Duties”* section. The “Fact Sheet” for the Council for Quality Education and Care of Children has two pages of listed duties.

Findings

F3.1 The quality of boards and commissions directly affects the quality of agencies in San Joaquin County.

F3.2 The full Board of Supervisors interviewed the candidates for the Port Commission, strengthening that selection process.

F3.3 With a budget of nearly \$50 million, the Housing Authority of the County of San Joaquin is one of the largest and most impactful agencies in the county, requiring a more thorough candidate selection process.

F3.4 The “Fact Sheet” for the Housing Authority provides minimal details about the duties, and does not allow potential commissioner candidates to fully understand the requirements of the position.

Recommendations

R3.1 By September 30, 2017, the San Joaquin County Board of Supervisors develop, adopt and implement a policy that requires the full board interview final candidates for the Board of Commissioners of the Housing Authority of the County of San Joaquin.

R3.2 By September 30, 2017, the Board of Commissioners of the Housing Authority of the County of San Joaquin develop a thorough list of duties for the appointments “Fact Sheet.”

4.0 Board training is not mandated.

Grand Jurors attended Housing Authority Board meetings which are held on the third Thursday of each month. At these meetings some commissioners appeared confused about the Ralph M. Brown Act, as it applied to the Commission. The ability to insert items into the agenda as the meeting was underway is not allowed, though this was unclear to at least one commissioner. The General Counsel and the current Executive Director, along with the chairperson, were able to clarify this at the time, and no Brown Act violation occurred. Some commissioners were unfamiliar with Robert’s Rules of Order, which is used to organize and facilitate meetings.

Understanding the issues of housing, specifically in San Joaquin County, is a complex and time-consuming task. San Joaquin County is one of the most impoverished counties in the state, and the need is great. Commissioners make decisions about how to spend large amounts of public money. They must understand the policies and proposals in order to decide whether to approve complicated recommendations. This requires training. There are ample opportunities for the commissioners to obtain this training, but there is no requirement to do so. If the San Joaquin County Board of Supervisors includes questions in the interview process regarding the candidates’ commitment to attend the necessary training, it would make it more likely that the selected commissioners attend.

Finding

F4.1 Members of the Board of Commissioners of the Housing Authority of the County of San Joaquin are not required to attend a thorough orientation or ongoing training.

Recommendation

R4.1 The San Joaquin County Board of Supervisors seek a commitment to receive necessary training from each candidate for the Board of Commissioners of the Housing Authority of the County of San Joaquin.

Conclusion

The need for affordable housing in San Joaquin County is great. The history of the Housing Authority is marked by controversy and has at times created chaos. This is at least a part of the reason that no tenant has stepped up to fill the tenant commissioner vacancy on the Commission.

A chart of the agency's morale over time would look like a roller coaster. Currently morale is on the upswing. Many employees are pleased with the new positive direction of the Housing Authority. Staff are excited about the move from caretaking to developing. They understand it is needed to meet the challenges for providing affordable housing needs in San Joaquin County. Relationships among employees have improved and those who were once looking for other jobs have now found the Housing Authority is the place they want to work.

Relationships with the residents have improved, thanks to an attentive and respectful administration. Residents understand the need for accountability. Community organizations are now willing to work with the Housing Authority, and there should be many opportunities for future projects.

The key to sustaining this progress is found in a stable environment with positive leadership and employee engagement. Leadership starts at the top, and the quality of the Board of Commissioners correlates with the success of the organization. The person the commissioners choose to lead the Housing Authority is critical to the success of the enterprise. This is the reason the Grand Jury recommends strengthening the process for the selection of commissioners and assuring that commissioners receive the necessary training.

The development of a succession plan is also critical for the Housing Authority to continue moving toward reaching its ambitious goals. Change can happen suddenly, but if properly prepared, the Housing Authority need not fall back into past difficulties.

It is important the Housing Authority continues to move toward reaching the goal of providing affordable housing for residents most in need. The citizens of San Joaquin County deserve no less.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code sections 924.2 and 929).

Response Requirements

California Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The Board of Supervisors shall respond to the following findings and recommendations within 90 days of receipt:

F3.1, F3.2, F3.4, and F4.1
R3.1, R4.1

The Board of Commissioners of the Housing Authority of the County of San Joaquin shall respond to all other findings and recommendations within 90 days of receipt.

Mail or hand deliver a hard copy of the response to:

Honorable José L. Alva, Presiding Judge
Superior Court of California, County of San Joaquin
180 E. Weber Avenue, Suite 1306
Stockton, CA 95202

Also, please email the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury at grandjury@sjcourts.org

Appendix

Asset Manager	http://www.hacsj.com/home/depart/public-housing.html
Conway Homes	http://hacsj.com/housing/conway-homes.html
HCVP	http://www.hacsj.com/home/depart/hcvp.html
HUD	https://portal.hud.gov/hudportal/HUD
LIHTC	https://www.occ.gov/topics/community-affairs/publications/insights/insights-low-income-housing-tax-credits.pdf
OIG	https://www.hudoig.gov/
Sierra Vista Homes	http://hacsj.com/housing/sierra-homes.html
STAND	http://standaffordablehousing.org/
Housing Authority	www.hacsj.com/home/about.html
2009 Final Grand Jury Report	https://www.sjcourts.org/grandjury/2009/Final_Report_-_SJCGJ-0809_-_0808_Housing_Auth_Report.pdf
2008 OIG audit	https://www.hudoig.gov/sites/default/files/documents/audit-reports/ig0891008.pdf
ED search brochure	http://executivesearchneher.com/pdf/HACSJExecDirBrochure.pdf
Boards and appointments list	
https://www.sjgov.org/uploadedfiles/sjc/departments/board/boards_commissions/local_appointmentslist.pdf	
HA Fact sheet	https://www.sjgov.org/WorkArea/DownloadAsset.aspx?id=6689
CQECC Fact sheet	https://www.sjgov.org/WorkArea/DownloadAsset.aspx?id=25018

Photographs



Fourplex in Sierra Vista Homes



Duplex in Conway Homes

San Joaquin County Civil Grand Jury



San Joaquin County Property Rooms *Missing or Messy* **2016-2017 Case No. 0316**

Summary

The San Joaquin County Civil Grand Jury (Grand Jury) received a complaint alleging the San Joaquin County Sheriff's Department (Sheriff's Department) was "missing" and "hiding" over 10,000 items from its property room and within the evidence tracking system software.

The collection and safekeeping of evidence obtained from a crime scene is a vital component of the judicial process. Proper handling, packaging, testing, disposal and tracking of evidence can lead to the effective prosecution of criminal offenders or confirmation of innocence. Victims may find truth and closure as justice is served.

The Grand Jury reviewed 11 county law enforcement agencies' property rooms to determine compliance with their own policies and procedures along with the recommended policies and best practices of California Peace Officer Standards and Training (POST) and Lexipol.

The Grand Jury could not substantiate that any property is missing from the Sheriff's Department Property Room. In review of the Sheriff's Department and other property rooms in the county, the Grand Jury discovered other findings and made several recommendations.

The findings were varied and some include:

- Lack of storage space;
- Lack of personnel to review cases for disposition;
- Lack of consistency in auditing/inspections;
- Lack of inventory controls; and
- Lack of training for staff/supervisors relative to the accountability of the property and evidence room.

Grand Jury recommends agencies:

- Develop authorized policies and procedures;
- Implement annual audits and monthly inspections of the property/evidence rooms; and
- Develop a training plan for property clerks and supervisors who are responsible for the management of the property/evidence room and staff.

Glossary

Adjudicated	The legal process of resolving a dispute. The formal giving or pronouncing of a judgment or decree in a court proceeding; also the judgment or decision given. The entry of a decree by a court with respect to the parties in a case.
Audits	The process of reviewing and evaluating the systems used to locate, track and account for items of evidence/property in the agencies' custody.
CALEA	The Commission on Accreditation for Law Enforcement Agencies. CALEA is a nationally recognized accreditation body for law enforcement.
CAPE	California Association for Property and Evidence, an organization that promotes professionalism in property and evidence gathering, processing and retention through information sharing.
CJIS	Criminal Justice Information System.
Chain of Custody	A formal written procedure to record all individuals who have taken custody of evidence/property from the time it is received to its final disposition.
Computer File Migration	The transfer of data files from one computer to another.
Disposition of Property	Authorized and approved method of purging evidence and property by returning to owner, destroying or sale.
Evidence	Property which may be related to a crime, or which may implicate or exonerate a person of a criminal charge.
Evidence Custodian	Employee responsible for the intake, submission, disposal and/or retrieval of evidence in a property room.
Evidence Technician	A person who responds to crime scenes to collect and process evidence.

FCE	Full Court Enterprise is San Joaquin Superior Court's Case Management Program. It is used by the courts and law enforcement agencies for access to court information.
Found Property	Non-evidentiary property determined to be lost or abandoned, that is not known to be connected to, or suspected with any criminal offense.
IAPE	The International Association of Property and Evidence is an organization created to provide education and training for all aspects of handling, storage, maintenance and disposal of property and evidence.
IBIS	Integrated Ballistics Imaging System that stores the digital images of bullets and casings from crime guns. The system assists law enforcement in making identifications for investigations and court proceedings.
Inspection	A procedure to check for safety, cleanliness, functionality and efficiency related to an agency's property/evidence room.
Inventory	An accounting of all items of evidence and property in the custody of the agency.
Lexipol	An organization that provides state-specific, customizable public safety policy content and integrated policy training.
Non-sworn Officer	A civilian employee.
POST	California Commission on Peace Officer Standards and Training.
Property/Evidence Room	A location dedicated to housing property/evidence for the purpose of criminal and civil investigations. Can be located in a law enforcement facility, district attorney's office, crime lab or court.
Property Officer	An employee responsible for the intake, submission, disposal and/or retrieval of evidence in a property room.
Safekeeping Property	Non-evidentiary property placed into the custody of a law enforcement agency for temporary storage on behalf of the owner.
Sworn Police Officer	Persons formally trained and authorized to make arrests while acting within the scope of explicit legal authority.

Background

The primary focus of this investigation is the Sheriff's Department property room functions. The following information is a brief overview of the Grand Jury's focus areas followed by the results of its review of the 11 county property rooms.

The Grand Jury's focus was:

- Training/Staffing;
- Audits/Inventory/Inspections;
- Purging/Disposition of Property; and
- Facilities/Safety

Training/Staffing

In order to maintain the highest standards and integrity, adequate personnel needs to be assigned to the property room functions. To ensure the integrity of evidence presented in court, best practices concerning training need to be followed or adopted as part of the agencies' policies and procedures. Several organizations offer courses for property and evidence training such as: Peace Officer Standards and Training (POST), International Association of Property and Evidence (IAPE), Commission on Accreditation for Law Enforcement Agencies (CALEA), California Association of Property and Evidence (CAPE) and Lexipol. Nine of the 11 agencies reviewed currently use Lexipol guidelines as part of their policies and procedures.

Staff in special assignments in law enforcement agencies, such as, SWAT, K-9, Bomb Squad and Hostage Negotiations, attend continuous training, as special assignments are a high priority. Agencies find it difficult to send property room personnel to training for several reasons: understaffing, budgetary issues or the low administrative priority given to the property and evidence room.

Currently, the salaries in the county of the property/evidence staff total approximately \$1,600,000 per year. Each law enforcement agency operates its own property and evidence room with a variety of staffing practices. Some are staffed with full-time and part-time staff, while others utilize only part-time staff.

This chart presents salary costs for staff assigned to the property room over the last three fiscal years. Some agencies include supervisor positions.

PROPERTY ROOM SALARIES	2013-14	2014-15	2015-16
Escalon Police Department Three part-time positions <i>Includes benefits</i>	\$26,650	\$27,345	\$22,998
Lodi Police Department One full-time position <i>Includes benefits</i>	\$111,609	\$104,628	\$110,974
Manteca Police Department One full-time position <i>Includes benefits</i>	\$108,638	\$115,092	\$105,638
Ripon Police Department Two part-time positions averaged over three years <i>Unknown benefits</i>	\$4,327	\$4,327	\$4,327
San Joaquin County District Attorney Three part-time positions <i>Salary Only</i>	\$7,639	\$4,846	\$8,299
San Joaquin Delta College One full-time sergeant, assigned part-time in property <i>Benefit package unknown</i>	\$98,000	\$98,000	\$98,000
San Joaquin County Sheriff's Department One full-time custodian; two, full-time technicians; Two full-time supervisors and one sergeant) <i>Includes benefits</i>	\$530,245	\$525,410	\$435,135
Stockton Police Department Four full-time positions <i>Includes benefits</i>	\$310,398	\$266,235	\$366,851
Stockton Unified Police Department Two part-time positions <i>Benefit package unknown</i>	\$20,538	\$49,287	\$27,870
Tracy Police Department Five full-time positions <i>Includes benefits</i>	\$401,545	\$399,517	\$374,903
University of the Pacific One part-time position <i>Benefits not offered</i>	\$6,400	\$6,400	\$6,400
TOTALS	\$1,625,989	\$1,601,087	\$1,562,029

Audits/Inventory/Inspections

Audits are performed to verify compliance and identify areas needing improvement. To maintain a high degree of evidentiary integrity, annual audits and monthly inspections need to be performed to ensure the safekeeping of all items, preserve the chain of custody and assure public confidence. Some agencies conduct audits quarterly, some annually and many not at all.

POST's Property and Evidence System Audit Guide states:

"It is the responsibility of management to see that a sound system of internal control is developed and implemented. Audits and inventories should be conducted to ensure the continuity of the custody of property and evidence."

Lexipol is a company that provides customizable, reliable and regularly updated online policy manuals which work in conjunction with each agency policies and procedures. Lexipol's best practices state:

"1. On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures."

"2. Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police [or Sheriff]."

"3. An annual audit of the evidence held by the department shall be conducted by a Division Commander [as appointed by the Chief or Sheriff] not routinely or directly connected with evidence control."

"4. Whenever change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence is accounted for."

Inspections are conducted to determine whether:

- Property/evidence rooms are clean and orderly;
- Integrity of the property and evidence is being maintained;
- Departmental provisions and policies are being followed;
- Property/evidence is being protected from damage or deterioration;
- Employee health and safety is protected;
- Property/evidence accountability procedures are being followed; and
- Property having no further value as evidence is being promptly disposed.

Purging/Disposal

It is imperative each case involving evidence is reviewed for proper release. Failure to thoroughly review a case may result in a subject being incorrectly released from custody. The process of determining if evidence, found property or safekeeping property can be returned to the owner or destroyed is a critical function of the property room.

Law enforcement agencies are responsible for reviewing the status of their cases and communicating with the District Attorney's Office to determine if evidence can be returned or destroyed. The process of property disposal is time consuming, complicated and cumbersome for an agency to complete in a timely manner. Law enforcement officers rely heavily on the Criminal Justice Information System (CJIS) to research case information, co-defendant status, probation status, bail information, defendant information and court disposition. Law enforcement agencies reported CJIS was easy to navigate for essential information on a particular case or defendant.

In October 2015, the San Joaquin Superior Court's Executive Officer chose to change the court's software program from CJIS to Full Court Enterprise (FCE). FCE was purchased and installed without input from the District Attorney, Police Chiefs, Sheriff or Chief Probation Officer. Agencies are forced to navigate through the new system without proper training and technical support, adding to the already overburdened review process for the disposition of evidence. Information previously available through CJIS, such as co-defendants and agency case numbers, is no longer accessible in FCE.

Agencies emphasized the following major obstacles regarding purging property:

- Lack of time for case review;
- Shortage of staff to review cases for disposition;
- Overabundance of found and safekeeping property filling property rooms;
- Lack of property room space;
- Lack of communication with the District Attorney's Office regarding case dispositions; and
- Frustration navigating through FCE.

Facility/Safety

Another important aspect of the property/evidence function is the safety of the employees and the security and storage of the property and evidence items. The size and layout of the facility is dependent on the size of the department. The evidence storage facility should be secured and alarmed. Additional security measures must be taken for the high-risk items such as firearms, narcotics and currency/high-value items. A few of POST's best practices are:

- Facilities should be equipped with high-density shelving.
- Separate storage location for long-term storage of homicide cases.
- Bicycles and bulk items stored in a separate locked and secured area.
- Found and safekeeping property should be stored separately for easy retrieval.

- Hazardous materials should be stored away from all other evidence and preferably in an open-air environment or secured in a ventilated fireproof cabinet located outside.
- A refrigerator/freezer for the storage of biological evidence.
- Narcotics storage area should be ventilated to the outside with an air exchange that meets OSHA requirements.
- Agencies should have a first aid kit and evacuation plan.

Reason for Investigation

The Grand Jury received a complaint alleging the Sheriff's Department was "missing" and "hiding" over 10,000 items from the property room and within the evidence tracking system while contending the evidence room as perfectly maintained.

The collection and safe keeping of evidence obtained from a crime scene is a vital component of the judicial process. Proper handling, packaging, testing and tracking of evidence can lead to the successful prosecution of criminal offenders while exonerating an innocent individual. Victims may find truth and closure as justice is served. Due to the severity of the allegations, the Grand Jury elected to investigate the complaint to ensure compliance with policies and procedures and to determine if best practices are being followed and enforced.

The investigation was expanded to include the following law enforcement agencies in the county:

- Escalon Police Department;
- Lodi Police Department;
- Manteca Police Department;
- Ripon Police Department;
- San Joaquin Delta College Police Department;
- San Joaquin County District Attorney;
- Stockton Police Department;
- Stockton Unified School District Police Department;
- Tracy Police Department; and
- University of the Pacific Police Department.

Method of Investigation

The Grand Jury entered and viewed property and evidence rooms in San Joaquin County with the exception of Lodi, which did not allow jurors to enter its property room. Jurors reviewed the policies and procedures and general orders of all property and evidence rooms.

Materials Reviewed

- Butte County Property Retention Policy, Appendix A
- California Civil Code section 2080.4
- POST- Law Enforcement Evidence and Property Management Guide
- Property Room Policies and Procedures of 11 agencies
- Fitzgerald, Michael, “Vendor alleges sheriff lost slew of evidence,” *The Record* [Stockton] Sept. 6, 2016.

Interviews Conducted

- San Joaquin County
 - Sheriff
 - Staff
 - Command Staff
 - Retired personnel
- Staff from Lodi, Manteca, Tracy, Stockton, Ripon and Escalon Police Departments
- Staff from University of the Pacific Police Department, San Joaquin Delta College Police Department and Stockton Unified School District Police Department
- Complainant
- State of California Commission on Peace Officer Standards and Training, Bureau Chief, Management Counseling and Leadership Development

Site Tours/Visits

- California POST Property and Evidence – Sacramento, California
- Escalon Police Department Property Room
- Lodi Police Department Jail
- Manteca Police Department Property Room
- Ripon Police Department Property Room
- San Joaquin County District Attorney’s Office Property Room
- San Joaquin County Sheriff’s Property Room, including observation of intake procedures
- San Joaquin Delta College Property Room
- Stockton Police Department Property Room
- Stockton Unified School District Police Department Property Room
- Tracy Police Department Property Room
- University of the Pacific Property Room

Discussions, Findings and Recommendations

San Joaquin County Sheriff's Department

1.0 Staffing

The Sheriff's Department serves a population of approximately 170,000 unincorporated area residents. In 2016, there were 22,576 items booked into the property room resulting in an average of 1,881 items booked per month.

The property room staff budget includes two, full-time evidence custodians and two offsite supervisors who oversee the property room and staff. The property room is the responsibility of the Investigations Division. The direct line supervisors are the Evidence Technician III and Deputy Sergeant. The Lieutenant and Captain in Investigations are responsible for the direct line supervisors.

A fully staffed property room prior to 2009 operated with two, full-time evidence custodians, one part-time and an administrative sergeant. The budget at that time also supported four retired deputy sheriffs, on a per diem basis, to review cases for evidence disposition.

Severe cutbacks in 2009, led to only one evidence custodian staffing the property room until 2013. During that period, the evidence custodian advised the direct supervisor of plans to retire in two years. Though a request was made to bring in a replacement in time for adequate training, an evidence technician with prior property room experience was reassigned just before the position was vacated and received minimal training on the new program software.

Two additional evidence custodians were hired, one in 2013 and one in 2014. In April 2016, an incident occurred in the property room and the two custodians were transferred to other areas within the Sheriff's Department and two evidence technicians have again been temporarily reassigned to work the property room, until further notice.

The first-level supervisor is the Evidence Technician III, as defined by San Joaquin County Human Resources (RP4013) as:

"This is a supervisory level class in the Evidence Technician Series. An employee in this class is responsible for the supervision of a unit of Evidence Technicians and Evidence Custodians."

Typical duties are: "Train and evaluate the work of a unit of Evidence Technicians and Evidence Custodians' schedules and assigns technicians to various schedules; advises staff of complex problems. Develops, reviews and insures that all evidence collection, storage methods and procedures are followed completely and accurately...."

General supervision of the property and evidence room does not occur on a regular, consistent manner. The Grand Jury reviewed the property and evidence room logs covering a five-year

period, from November 2010 through November 2015, which revealed the first-level supervisor entered the property and evidence room 95 times. During a span of seven months there were no log-ins verifying the supervisor's visit.

In summary, there was no pattern of consistent and general supervision of the property and evidence room personnel to ensure the integrity of all evidence handled.

Findings

F1.1 The property room does not currently have the minimum staffing level to ensure that property room functions are carried out with the highest standards and integrity.

F1.2 There was no pattern of consistency in general supervision of the property and evidence room personnel to ensure policies and procedures are being followed.

Recommendations

R1.1 By December 31, 2017, develop, adopt and implement a minimum staffing level to carry out the functions of the property room to ensure the highest standards and integrity.

R1.2 By December 31, 2017, assign a full-time, onsite supervisor for general supervision to assure the property room functions are being performed according to department policies and procedures.

2.0 Training

To better manage agency risk and reduce liability, all property/evidence personnel need to complete either POST's Evidence and Property Management course or International Association Property and Evidence (IAPE) course. This relevant training should be completed in a timely manner. Continuing education and training courses should be encouraged. They are available through organizations such as CAPE.

Ideally, newly hired evidence custodians are assigned to work with experienced personnel for on-the-job training before attending additional outside education.

The evidence custodians that were hired in 2013 and 2014, were not scheduled to attend the POST Property and Evidence Management course until January 2016, more than two years after they were hired.

Law enforcement personnel, on all levels, fail to understand or appreciate the necessity and nature of the property and evidence room functions and its contribution to the success of the agency. Understanding the rationale behind the establishment of the POST property/evidence guidelines related to intake, handling, storage and disposal within their facilities enables staff to effectively manage property/evidence room functions, thus reducing the exposure of liability to their agencies.

The POST course is designed to educate staff on best practices regarding property and evidence function, specifically in the areas of:

- Organization;
- Documentation;
- Security;
- Storage and handling;
- Audits/Inventories/Inspections; and
- Disposition/Purging.

The supervisors in the Investigations Division have not completed any courses in property and evidence management. Staff is not routinely sent to outside courses in a timely manner. Training is not a priority for the Sheriff's Department's property room.

Finding

F2.1 There are no policies or timelines for the training of staff and supervisors assigned to the property room.

Recommendation

R2.1 By December 31, 2017, develop, adopt and implement a policy and a timeline for training of custodians, technicians and supervisors working or supervising in the property room.

3.0 Evidence/Bar-code Tracking System

Prior to 2009, a bar-code software system called Evidence Tracker was used by the Sheriff's Department for evidence tracking. It became difficult for staff to communicate with the vendor from Evidence Tracker on issues concerning the system. The supervisor in Investigations or the IT Department could only initiate contact. Upon the vendor's death, support of Evidence Tracker ceased, which prompted the department to look for a new software system.

Revolution was selected to replace Evidence Tracker. It contains many different programs, one being the evidence bar-code tracking component. In 2009, prior to installation, the property room clerk received approximately four hours of training, which was the contracted amount. Before the system was installed, the Sheriff's Department was given two options for the implementation of the new labels:

Option one - going forward, all new property coming in on the day of installation would be labeled and scanned with the new bar-code.

Option two - going backward, all property currently in the property room would be relabeled and scanned with the new bar-code.

Administration chose option two and several employees began the relabeling process. The migration process resulted in some minor glitches. Due to an old server and weak wireless connection in the property warehouse, the vendor developed a software enhancement to assist with the relabeling of property room items and to alleviate the issues.

The vendor visited and observed the progress of relabeling and claims to have seen “excess” labels thrown away in a 55-gallon drum. The vendor allegedly reported the observation to the evidence custodian but did not feel it was his responsibility to speak with the supervisor. The vendor based the 10,000 “missing” and “hidden” pieces of evidence by the estimated number of disposed labels. The Grand Jury could not confirm or deny the existence of excess disposed labels.

4.0 Audits, Inventories and Inspections

The Sheriff’s Department Policy and Procedures 804.8 - Inspection of the Evidence Room states:

“(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.”

This practice was not followed and was the responsibility of the Evidence Technician III.

“(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.”

This practice was done in combination with the annual audits.

“(c) An annual audit of evidence held by the department shall be conducted by a Division Captain (as appointed by the Sheriff) not routinely or directly connected with evidence control.”

Audits were completed in February 2013, August 2015 and October 2016.

The 2014 annual audit, was delayed because the Investigations Division was in the process of conducting a full inventory. The inventory and audit were not completed because:

- Conducting a full inventory was labor-intensive;
- Deputies assigned were not trained in the property room procedure creating a learning curve;
- Wi-Fi was inadequate in the building;
- Items uploaded and downloaded slowly;
- Scanners were slow and had limited storage;
- Sole custodian had day-to-day operations to maintain; and
- Detectives and other staff were occupied with their own caseloads and staffing shortages.

Similar observations and recommendations were made following the 2013, 2015 and 2016 audits.

- Property was overflowing in the property room;
- The property room is running out of space;
- Found property and safekeeping property from inmates had to be stored on the floor;
- The found and safekeeping property is not being disposed of in a timely manner;
- Backlog of guns for Integrated Ballistics Identification System (IBIS) testing;
- Recommended hiring extra staff to review cases for disposition;
- Recommended assigning additional staff to assist with the backlog of guns to be IBIS tested; and
- Recommended hiring additional staff in the property room.

As part of the 2016 audit, a list of items was randomly chosen for inspection from different areas in the property room. Custodians printed a list of property by case number, shelf, box and door designation and the safe. A search was conducted for the items listed, all were located. During the search, additional property was located that was not on the list generated by the custodian.

A search for these items was completed using the bar-code affixed to the evidence package. Some items were found to be stored in the wrong location and the rest were located on a computer-generated list. This list was placed in a folder which was created and arbitrarily marked “missing” by an evidence custodian. All property was located, accounted for and packaged according to the department’s policies and procedure. The Grand Jury requested a status report on five random items from the “missing” list.

All items were accounted for and listed below:

1. Case rejected by the District Attorney, property released back to the jail;
2. Property released to owner;
3. Court order - property destroyed except firearm for IBIS testing;
4. Firearm released to owner, remaining property destroyed; and
5. Court order for property destruction.

Command staff was aware of the issues outlined in the audit reports but were slow to address them.

The Sheriff’s Department is in the process of doing a full inventory. It is a time-consuming and labor-intensive process. A retired deputy was hired to oversee the inventory. The Sheriff’s Department acquired an extra warehouse bay next to the existing property room. All evidence collected from Jan. 1, 2017, forward is being processed and stored in the warehouse until the inventory is done.

As of this writing, 60 percent of the inventory is complete and the Grand Jury cannot substantiate the complainant’s allegations of missing evidence.

Finding

F4.1 The Grand Jury cannot substantiate evidence missing from the property room or hidden in the software system at this time.

Recommendation

R4.1 By December 31, 2017, complete a full inventory of the property room and provide a report to the Grand Jury.

5.0 Purging and Disposition of Property

Maintaining the chain of custody of all evidence in the Sheriff's possession is imperative, as its integrity may come under scrutiny in the courtroom. The retrieval, booking, packaging, storing and disposition of property must be well regulated and is a tedious process.

The Sheriff's Department has approximately 175,000 items, including property held for safekeeping and found property. Last year alone 22,576 items were booked, averaging 1,881 items a month.

The space in the Sheriff's property room is overflowing with found property and property held for safekeeping. There is a backlog of firearms needing IBIS testing and review for return to owner or destruction. The purging and disposition of property is not done in a timely and efficient manner, causing an overwhelming inventory of items.

It is difficult for the evidence custodians to manage and maintain a neat facility. Due to overcrowded conditions, evidence has been placed on the floor, on top of a vault and stacked on top of one another. This has been a constant complaint and frustration of the evidence custodians.

A recommendation was made in the 2013 audit, to have a notification system from the District Attorney's Office directly to investigations when cases are adjudicated. This would start the process of disposition. Currently, the disposition of property is in the hands of sworn officers who have been assigned to review the cases. The recommended notification system would benefit all agencies countywide. Agencies find it very difficult to navigate through FCE for information. The previous case management system, CJIS, provided greater access to the information needed.

Delays have been reported by agencies waiting for disposition authorization from the District Attorney's Office for evidence held in their property/evidence rooms. The District Attorney in several counties have established Property Retention Policy Agreements with law enforcement agencies within their counties.

See attached Appendix I, Butte County Property Retention Policy.

Findings

F5.1 There is an insufficient number of staff to consistently and efficiently review cases to purge items from inventory.

F5.2 There are delays and difficulties in obtaining disposition and authorization information from the District Attorney's Office.

F5.3 Full Court Enterprise has been a barrier to the efficient and effective disposition of evidence in the county.

Recommendations

R5.1 By December 31, 2017, assign sworn staff to actively and consistently review cases for disposition.

R5.2 By December 31, 2017, the Sheriff collaborate with other local law enforcement agencies and the District Attorney to develop a countywide Property Retention Policy Agreement.

R5.3 By December 31, 2017, the Sheriff collaborate with other local law enforcement group to ensure all agencies' needs are being met.

6.0 Facility/Safety

The property/evidence room has three specific areas: office/booking, main property/evidence room and an exterior evidence yard including metal storage containers. All areas are secure and have alarm systems. The room has numerous steel-shelving units. Evidence is stored in banker's boxes, in paper bags and in bulk. There are locked, wire-mesh, steel cabinets containing firearms that have been or are awaiting IBIS testing. Backpacks, duffle bags and other property are being stored on the floor, due to lack of storage space.

The evidence room has two commercial refrigerators, two commercial freezers and a residential style refrigerator/freezer combo. These are used for evidence, including biological evidence, requiring cold storage. The vault is located within the main storage area, locked and secured at all times. Cold case and old homicide evidence is stored upstairs in a locked, storage area.

Best practices suggest that all persons (other than the assigned employees of the property room) entering and leaving the property room must sign in and out on a designated log. The log identifies the individual, date and time of entry and exit and the purpose for entering the property room. All visitors need to be in the immediate physical presence of property room personnel. The Sheriff's Department requires that anyone entering the property room must sign in and out.

The supervisor's office is separate from the property room and located in the Administration Building, which is across the complex. The property room itself is located within the Honor Farm grounds. Evidence custodians have the ability to communicate with their supervisor through email, phone calls or a visit to the administration building.

The Sheriff's Department has several issues regarding safety in the property room. A first-aid kit is not available, respirators and defibrillator are not supplied and safety and updated policies and procedure manuals are not provided. There is an emergency evacuation plan.

Finding

F6.1 The Sheriff's Department property room does not have a first-aid kit and up-to-date safety manuals and policies and procedures.

Recommendations

R6.1.1 By December 31, 2017, provide the property room with a first-aid kit.

R6.1.2 By December 31, 2017, update the policies and procedures manuals relating to the property room.

San Joaquin County Sheriff's Site Map



Escalon Police Department

Staffing and Training: The Escalon Police Department serves a population of approximately 7,200 residents. The property and evidence room is operated by a Police Services manager and two, part-time property clerks. The Police Services Manager has the primary responsibility of the property room as well as collateral duties in records, serving subpoenas, working warrants, registering sex offenders and other duties, as assigned. Officers on average work two to three hours a week in the property room. All clerks have attended POST or IAPE Property and Evidence Management training and attend CAPE for additional training update and networking.

Audits/Inventory/Inspections: Audits, inspections and inventories have not been a priority. Recently, Escalon changed from manual evidence tracking to the Records Information Management System (RIMS) Bar-Code System. The process of converting all evidence, property and safekeeping, with new bar codes will enable them to complete an audit. The only inventory conducted was in 2010. There are 10,000 items in the property room.

Purging/Disposition of Property: Escalon is actively purging their evidence.

Facility/Safety Equipment: Escalon does not have a space problem. There is no secured vault for the safekeeping of currency and valuables booked in the property room.

POST Property and Management Guidelines 4.5 state:

“Currency/high-value items must be stored separately in a safe or vault, and should NOT be mixed with general items of evidence/property...”

Property room officers have the basic safety equipment. There is no respirator or defibrillator onsite. They have an emergency evacuation plan.

Findings

Escalon F1.1 Escalon does not conduct monthly inspections of evidence storage facilities, as outlined in Escalon Police Department Policy Manual 804.8 (a).

Escalon F1.2 Escalon does not conduct annual audits of the evidence room, as outlined in Escalon Police Department Policy Manual 804.8 (c).

Escalon F1.3 Escalon does not have a secured vault or safe for the storage of currency and valuables.

Recommendations

Escalon R1.1 By December 31, 2017, the supervisor of the evidence custodian conduct an inspection of the evidence storage facilities as outlined in the Escalon Police Department Policy Manual 804.8 (a).

Escalon R1.2 By December 31, 2017, a sergeant, as appointed by the chief, conduct an audit of the property and evidence room, as outlined in the Escalon Police Department Policy Manual 804.8 (c).

Escalon R1.3 By December 31, 2018, install a safe or vault for the storage of currency and valuables booked into evidence.

Lodi Police Department

The Grand Jurors were not permitted to enter the property room, citing “the chain of custody.” The Lodi Police Department was the only agency to refuse this access to the jurors.

Staffing/Training: Lodi Police Department serves a population of approximately 63,950 residents. Lodi operates with one, full-time property clerk and is currently in the process of training dispatchers to work part-time for shift coverage and vacations. The property room is supervised by the dispatch supervisor and a lieutenant of the Support Services Division. The property officer, supervisor and lieutenant have not taken a course in property room management. The property officer attends CAPE for training updates and networking.

Audits/Inventory/Inspections: Within the last eight months, Lodi has implemented Lexipol guidelines as its property room policies and procedures. An inventory has never been conducted and monthly inspections have not been made on a regular basis by the property room supervisor. In September 2016, the first inspection was completed in accordance with the newly implemented Lexipol policy. The last three audits were in 2000, 2006 and 2008.

Purging/Disposition of Property: Lodi actively purges property to make room for incoming property and evidence. There is a minimum of 10,000 items in the property room.

Facility/Safety Equipment: The facility was built in 2004, space is becoming an issue. Lodi Police Department stores currency and valuables in the narcotics vault.

POST Property and Management Guidelines 4.5 state:

“Currency/high-value items must be stored separately in a safe or vault, and should NOT be mixed with general items of evidence/property...”

There is no respirator or defibrillator onsite. They have safety manuals, first-aid kit and an emergency evacuation plan. POST materials and guidelines are available for reference.

Findings

Lodi F1.1 Lodi does not perform annual audits and monthly inspections, as outlined in the Lodi Police Department Policy Manual 802.8 (a) and (c).

Lodi F1.2 The property clerk and supervisors have not attended formal property and evidence management training.

Lodi F1.3 Lodi does not have a safe to store currency and valuables. They are stored inside the narcotics vault.

Recommendations

Lodi R1.1 By December 31, 2017, develop, adopt and implement an audit and inspection schedule, as outlined in the Lodi Police Department Policy Manual 802.8 (a) and (c).

Lodi R1.2 By December 31, 2017, develop, adopt and implement a schedule for training of property room staff at a POST course in property and evidence management.

Lodi R1.3 By December 31, 2018, install a safe or vault for the storage of currency and valuables booked into evidence.

Manteca Police Department

Staffing/Training: Manteca Police Department serves a population of approximately 67,100 residents. One Community Service Officer (CSO) is assigned to the property/evidence room. This officer has additional duties of payroll and telephone reports. A detective CSO is the alternate when the primary CSO is unavailable. The CSOs have attended the POST \Property and Management Course and attend CAPE for training updates and networking. The supervisors have not had training in Property and Evidence Management.

Audits/Inventory/Inspections: Manteca Police Department has never conducted an audit, inventory or inspection. Their Lexipol guidelines state that unannounced inspections of evidence storage areas may be conducted periodically as directed by the Chief of Police or Services Division Commander. There are no policies and procedures for an annual audit or monthly inspections.

Purging/Disposition of Property: There are approximately 20,000 items in the property room. Property is actively being purged. The FCE system makes it difficult to find information for disposition. A detective sergeant and two detectives help with the disposition of firearms. Found and safekeeping property is returned or disposed of within the allotted time.

Facility/Safety Equipment: The property/evidence room is a self-contained building within a fenced yard behind the Manteca Police Department. While the building is clean and organized, it is filled to capacity and lacked proper ventilation. The smell of marijuana is very strong throughout the building.

A new 2,800 square foot property room will be completed in spring 2017. There will be a state-of-the-art drying room, a firearms vault and an adequate ventilation system for narcotics. The new facility will enable officers to package, label and deposit evidence into lockers. Homicide and sexual assault evidence will be separated and stored in the older facility.

A first-aid kit, respirator and safety policies and procedure manuals are available in the property/evidence room. There will not be a defibrillator in the new building.

An article in the Manteca Bulletin on April 27, 2017, highlighted the new facility and its features. <http://www.mantecabulletin.com/section/1/article/143265/>

Findings

Manteca F1.1 There are no policies and procedures for annual audits of the property room.

Manteca F1.2 Manteca Police Department has never conducted an audit, inventory or inspection, as outlined in the Manteca Police Department Policy Manual 803.8 (a).

Manteca F1.3 The supervisors never attended formal property and evidence management training.

Recommendations

Manteca R1.1 By December 31, 2017, develop, adopt and implement policies and procedures for annual audits of the property room.

Manteca R1.2 By December 31, 2017, develop, adopt and implement policies to conduct monthly inspections of the property and evidence room, more frequently than what is outlined in the Manteca Police Department Policy Manual 803.8 (a).

Manteca R1.3 By December 31, 2017, develop, adopt and implement a schedule for training of the property supervisor at a POST course in property and evidence management.

Ripon Police Department

Staffing/Training: Ripon Police Department serves a population of approximately 14,300 residents. A full-time CSO's time is divided performing animal control services, field evidence technician duties and property functions. The clerk dedicates approximately one hour per day and one full day per week to property room functions. Another CSO fills in as needed. Both CSO's have attended the POST property and management course, the Property CSO attends CAPE for training updates and networking. The property room supervisor has never attended any property and evidence management courses.

Audits/Inventory/Inspections: Ripon incorporated Lexipol guidelines as part of its property and evidence policies and procedures. Ripon uses RIMS for property and evidence tracking. According to policy, monthly inspections and annual audits are required. The last audit was conducted in late 2016.

Purging/Disposition of Property: Firearms booked over eight years ago have been purged. The CSO is working on purging items from adjudicated cases from 2007. Ripon has 8,669 items stored in their facility. Found and safekeeping property are stored in a separate location from the evidence.

Facility/Safety Equipment: The Ripon Police Facility is fairly new, they are not concerned about running out of room. Ripon has no safety or reference manuals in the property room. During the Grand Jury tour of this facility the jurors inquired about a safe to secure currency and valuables. Jurors were advised they did not have one. Several weeks later, the Grand Jury was notified that a safe was installed.

Findings

Ripon F1.1 Ripon Police Department does not conduct monthly inspections or annual audits, as outlined in the Ripon Police Department Policy Manual 802.8 (a) and (c).

Ripon F1.2 Property room supervisor has not attended any property and evidence management course.

Recommendations

Ripon R1.1 By December 31, 2017, develop, adopt and implement a schedule for monthly inspections and annual audits, as outlined in the Ripon Police Department Policy Manual 802.8 (a) and (c).

Ripon R1.2 By December 31, 2017, develop, adopt and implement a schedule for training of the property room supervisor at a POST course in property and evidence.

San Joaquin County District Attorney's Office

Staffing/Training: The District Attorney's Office is responsible for the prosecution of all criminal offenses and some civil matters in San Joaquin County. They employ a division consisting of 47 sworn investigators and non-sworn investigative assistants who do follow-up on pending cases and sometimes initiate original investigations. Two investigative assistants share the responsibilities of the small property and evidence room on a part-time basis. The investigative assistants are supervised by a lieutenant and chief of investigations. One day a week is spent working on property functions and purging. The two investigative assistants and the Chief Investigator have completed property and evidence room training. One supervisor has not completed training but is scheduled to do so. Training updates for all property and evidence room staff will be scheduled.

Audits/Inventory/Inspections: The last audit was conducted in 2013 by the previous property and evidence staff. The audit indicated that some exhibits from three court cases could not be located. Several items from one of the cases were located with other evidence and were properly disposed of in January 2017. The current staff will continue to attempt to locate the remaining items in the upcoming audit scheduled in 2017. Monthly inspections and annual audits are not conducted consistently. There are no directives pertaining to audits and inspections in the policy manual.

The Grand Jury requested the status of five random items from the 2013 audit/inventory records. All items were accounted for.

Purging/Disposition of Property: While most evidence remains in the custody of the originating agency, evidence obtained by the District Attorney Investigators is booked, stored and tracked. The District Attorney's Office prohibits the booking of firearms and narcotics into its property room. There are 807 items in the property room. The District Attorney's Office is continuing to purge items from the property room

Facility/Safety Equipment: The District Attorney's Office maintains a small, neat, organized and secured property room to process and store evidence needed for prosecution. There is no respirator or defibrillator. A first-aid kit is onsite.

Findings

DA F1.1 The District Attorney's Office policies and procedures do not address audits and inspections.

DA F1.2 The District Attorney's Office has not located two court exhibits as identified in the 2013 audit, leading to a break down in the chain of custody by previous staff.

Recommendations

DA R1.1 By December 31, 2017, develops, adopt and implement policies and procedures regarding annual audits and monthly inspections of the property room, according to best practices.

DA R1.2 By December 31, 2017, complete an inventory of the property room and report findings to the Grand Jury.

DA R1.2.1 By December 31, 2017, Develop a policy that requires an inventory of all evidence and property whenever a change is made in personnel who have access to the evidence room.

San Joaquin Delta College

San Joaquin Delta College (SJDC) is a community college located in Stockton with an offsite campus in Mountain House that serves approximately 20,000 students.

Staffing/Training: Staffing consists of a sergeant in charge of the property and evidence room. The property room sergeant attended the POST Property and Management course in the early 1990's, when assuming the responsibility of the property room. SJDC is in the process of sending another officer to training. The sergeant attends continuing education classes, when possible.

Audits/Inventory/Inspections: SJDC hired an outside consultant in 2015, to review all property and evidence policies and procedures and to offer recommendations to remain in compliance with best practices. All recommendations from the review have been implemented.

To maintain the integrity of its property and evidence, Delta College will have an outside consultant return to conduct additional reviews and inspections. SJDC uses Lexipol as part of its policies and procedures.

Purging/Disposition of Property: During the fiscal year 2013/2014, officers and non-sworn personnel booked 217 pieces of evidence and 1,314 items of found property. The majority of found property consisted of backpacks and books. Found property with no evidentiary value, is released by on-duty dispatchers. Clothing and other unclaimed items are given to the Children's Home, and unclaimed books are donated to the bookstore.

Facility/Safety Equipment: Property and evidence is located in a small corner of the police facility. The property room is equipped with standard safety equipment, but has no respirator. Delta College Police Department has an emergency evacuation plan. The only person with a key to the property room is the property room sergeant. If the property room sergeant is not available and immediate access to the property room is needed, a lock smith would have to be called.

Finding

SJDC F1.1 The property room sergeant is the only personnel that has a key to the property room, resulting in a lack of access.

Recommendation

SJDC R1.1 By December 31, 2017, assign a property room key to an additional, authorized staff.

Stockton Police Department

Staffing/Training: Stockton Police Department serves a population of approximately 303,000 residents. The full-time supervisor has been working in the property room since 1991. The supervisor has attended multiple trainings and continuing education courses. It is common for other property clerks in the county to call Stockton for the supervisor's assistance based on knowledge and experience. There are four property room clerk positions and one police services manager position vacant. Stockton is in the interview process to fill these openings.

Audits/Inventory/Inspections: The Office of Professional Standards performs quarterly audits in the property and evidence room. The supervisor audits daily work and performs daily inspections. Stockton does not use Lexipol, but has its own general orders.

The property room supervisor is rigorous about every aspect of the property room functions. Stockton officers and field technicians enter and book their own evidence. The property room supervisor developed a property and evidence how-to reference manual with screen shots to guide the officers in booking evidence to reduce errors.

Purging/Disposition of Property: There are over 150,000 items in the property room. Stockton is aggressively purging to keep space open for future property/evidence.

Facility/Safety Equipment: The facility is clean and the property/evidence is neatly packaged and placed on the shelves. Space is a constant need as they are running out of room. Stockton has an emergency evacuation plan, first-aid kit. There is no respirator or defibrillator are onsite. City of Stockton Risk Management conducts yearly safety inspections of the property room.

The Grand Jury would like to acknowledge and commend the Stockton Police Department for the professional manner in which they operate their property and evidence room. This department is an outstanding example of property and evidence room management by following best practices and procedures.

Tracy Police Department

Staffing/Training: Tracy Police Department serves a population of approximately 85,850 residents. The property and evidence room operates under the direction and management of the department's forensic services. There are four crime scene technicians and a mid-manager with line level supervision responsibilities. The supervisor has 20 years in the forensic services unit, followed by technicians who have 18, 11, 10 and three years respectively. The supervisor also has collateral duties of fleet and facilities management. All property and evidence clerks have completed the POST Property and Management course. Employees are sent for training soon after hire. The supervisor and technicians are members of CAPE and regularly attend for training updates and networking.

Audits/Inventory/Inspections: Property and evidence audits are conducted by the department's Office of Professional Standards. Department records reveal that audits were conducted in August 2013, September 2014, and October 2016.

Purging/Disposition of Property:

There are approximately 51,000 items in the property room. Purging property is a priority to accommodate evidence in the future.

Four times a year firearms and drugs are destroyed. Identifying the status of cases is difficult due to the change between CJIS and FCE. Full Court Enterprise is difficult to navigate and more time consuming.



Facility/Safety Equipment:

Tracy maintains evidence storage units at a city facility. The facility is secured behind locked gates and is monitored by a surveillance video system. It is alarmed and monitored by Tracy police dispatchers in the communications center.



Tracy has respirators and two defibrillators onsite. The supervisor conducts safety training with staff and has an evacuation plan. POST manuals, policies and procedures and safety manuals are available for reference, both hard copy and online.

The Grand Jury would like to acknowledge and commend the Tracy Police Department for the professional manner in which they operate their property and evidence room. This department is an outstanding example of property and evidence room management by following best practices and procedures.

Stockton Unified School District

Staffing/Training: The Stockton Unified School District Police Department serves over 40,000 students, faculty and staff at more than 60 schools throughout 65 square miles. All officers within the department are sworn police officers per California Penal Code section 830.32, however, their authority as peace officers is limited by California Education Code section 38000. The Chief of Police answers directly to the Stockton Unified School District Superintendent. One sergeant is assigned to the property and evidence room who also has collateral duties as a patrol sergeant. All staff have attended POST property and evidence management training.

Audits/Inventory/Inspections: Audits were performed in 2009, 2014 and 2015. SUSD uses the ARMS software program for evidence tracking. They are in the process of completing their 2016 audit. Inspections have been conducted and a full inventory was completed when the property room relocated in 2015.

Purging/Disposition of Property: SUSD is actively purging items in inventory. Misdemeanor items that have past the statute of limitations have already been purged. Disposition of guns still need to be completed. There are 985 case items booked into property and evidence. Note that each case may have more than one item booked.

Facility/Safety Equipment: The property room is located within the SUSD Police Department building. The property area was moved from the basement of the old SUSD Police Department to an upstairs property room. Narcotics are now ventilated properly and flammables are stored outside. There is no respirator or defibrillator onsite. There is a first-aid kit and evacuation plan.

University of the Pacific Police Department

Staffing and Training: The Public Safety Department of the University of the Pacific (UOP) provides protection for the 7,000 students and university staff. UOP is one of two private universities in California whose officers have full police officer powers. Pursuant to a memorandum of understanding with the City of Stockton and the Stockton Police Department, which uses SPD Property and Evidence General Orders, UOP officers receive and maintain state mandated training standards. Though able to use their police officer powers off campus, their primary jurisdiction is the Stockton campus.

The property room is staffed by one, part-time clerk who works one day a week to maintain the evidence room. A UOP sergeant is the assigned supervisor and has a backup clerk. The property clerk, supervisor and lieutenant have all attended the POST Property and Evidence Management training.

Audit/Inventories/Inspections: Inventory/audits were completed in 2014, 2015 and 2016.

Purging/Disposition of Property: UOP actively purges property.

Facility/Safety Equipment: UOP property room is located in the Department of Public Safety Building. The property room is small, neat and organized. There are 611 items in the property room. UOP uses Revolution bar-code tracking system. Manuals are available for reference. A first-aid kit is on-site.

Conclusion

Law enforcement is government's most visible public agency. Interaction between the public and law enforcement often comes under scrutiny, whether it be for good or bad.

Property and evidence rooms are not just warehouses. The collection and safekeeping of evidence obtained from a crime scene is a vital component of the judicial process. Proper handling, packaging, testing, disposal and tracking of evidence can lead to the effective prosecution of criminal offenders or confirmation of innocence. Victims may find truth and closure as justice is served.

When doubt is cast on evidence handling, the impression is created that all entrusted evidence has been mishandled or tainted. A complaint alleging that a massive number of items are missing or lost from an evidence storage facility is very serious.

After exhaustive interviews, numerous site visits and review of copious, relevant documentation, the Grand Jury could not substantiate that there was any missing or hidden evidence as alleged in the complaint.

The integrity of the San Joaquin County Sheriff's Department was called into question by the complainant, for whatever reason. The security of evidence housed in law enforcement property rooms must be paramount. This requires periodic inventories of all items maintained.

This investigation will result in a higher awareness and positive change by law enforcement agencies in their management of property and evidence rooms in San Joaquin County. The priority of the property rooms will be elevated and result in a more effective way of handling, processing, storing and purging evidence. This will lead to greater transparency in evidence chain of custody. The residents of San Joaquin County deserve to have full confidence in the county's justice system.

Acknowledgements

The Grand Jury appreciates the guidance and cooperation of the State of California Commission on the Police Officer Standards and Training, Bureau Chief of Management Counseling and Leadership Development.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. The Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code sections 924.2 and 929).

Response Requirements

California Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report

San Joaquin County Sheriff

Findings: F1.1, F1.2, F2.1, F4.1, F5.1, F5.2, F5.3, F6.1

Recommendations: R1.1, R1.2, R2.1, R4.1, R5.1, R5.2, R5.3, R6.1.1, R6.1.2

Escalon City Council shall respond to the following findings and recommendations within 90 days of receipt.

Findings: Escalon F1.1, Escalon F1.2, Escalon F1.3

Recommendations, Escalon R1.1, Escalon R1.2, Escalon R1.3

Lodi City Council shall responds to the following findings and recommendations within 90 days of receipt.

Findings: Lodi F1.1, Lodi F1.2, Lodi F1.3

Recommendations: Lodi R1.1, Lodi R1.2, Lodi R1.3

Manteca City Council shall responds to the following findings and recommendations within 90 days of receipt.

Findings: Manteca F1.1, Manteca F1.2. Manteca F1.3

Recommendations: Manteca R1.1, Manteca R1.2. Manteca R1.3

Ripon City Council shall responds to the following findings and recommendations within 90 days of receipt.

Finding: Ripon F1.1, Ripon F1.2

Recommendation: Ripon R1.1, Ripon R1.2

The District Attorney shall responds to the following finding and recommendation within 60 days of receipt.

Finding: DA F1.1, DA F1.2

Recommendation: DA R1.1, DA R1.2, DA R1.2.1

San Joaquin Delta College Board of Trustees shall responds to the following finding and recommendation within 90 days of receipt.

Finding: SJDC F1.1

Recommendation SJDC R1.1

Mail a hard copy of the response to:

Honorable José L. Alva
Presiding Judge San Joaquin County Superior Court
180 W. Weber Avenue Suite 1306
Stockton, CA 95201

Or hand deliver to:

180 W. Weber Avenue, Suite 1306
Stockton, California 95201

Also, please email the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury
grandjury@sjcourts.org

Appendix A

BUTTE COUNTY PROPERTY RETENTION POLICY

PURPOSE

The purpose of this policy is to establish standard criteria for Law Enforcement Agencies with regard to property retention.

POLICY

This document gives all agencies within the authority to purge all property taken into their possession based on meeting the criteria outlined below. This was created with the input of all Butte County Law Enforcement Agencies, in conjunction with the Butte County District Attorney's Office.

PROCEDURE

Evidence Retention Considerations

- 1) Post conviction
- 2) Post dismissal
- 3) Case not filed
- 4) DNA/Biological evidence
- 5) Sexually Violent Predators (SVP) cases
- 6) Domestic Violence/Elder Abuse/Child Abuse
- 7) Juvenile cases
- 8) Drug diversion cases
- 9) Bench warrant vs. arrest warrant
- 10) Search warrant
- 11) General purge considerations
 - a) Statute of limitations considerations
 - b) Agency may initiate
 - c) Currency
- 12) Photograph and release option

Purge criteria

Absent a directive by the District Attorney, the following criteria shall apply permitting the purging of property or evidence.

1) Post conviction

If case was a plea or no contest, the investigating agency can purge property as soon as they receive the Butte County District Attorney's Evidence Release Memo (hereinafter referred to as Evidence Release Memo). There is no need to hold onto the evidence any longer.

If convicted by jury, evidence shall be held for 60 days on misdemeanors and 90 days on felonies for possible appeals. This time is based on the date of the case adjudication and is for those cases in which an Evidence Release Memo is received.

In 187 PC and life sentence cases, there will not be an Evidence Release Memo sent until the (s) is deceased or released from prison and is on parole. If the (s) dies while in custody, this information may come to either the DA or the local agency. Once this information is received, it is important that both are made aware of this information. Therefore, always ensure the other party involved has been contacted and is aware of the status. Once the suspect has been released from prison or is deceased, the property can be purged. In order to check on the status of a particular inmate, contact Chico Parole. They will be able to provide you with parole information or a deceased notification on your suspect.

2) Post dismissal

The District Attorney's office shall send an Evidence Release Memo for cases that are dismissed due to lack of sufficient evidence or in the interest of justice. These evidence releases shall state the reason for the dismissal. Once an Evidence Release Memo has been received, the property section will verify the status with their case agent prior to disposal of property. The District Attorney will not move forward with the case unless the case agent has further information.

In co-defendant cases, the first Evidence Release Memo will state the fact there is a co-defendant. The subsequent release will state the final release of evidence.

3) Case not filed

The District Attorney's office shall send an Evidence Release Memo for cases that are either declined due to lack of sufficient evidence, or declined in the interest of justice. These Evidence Release Memos shall state the reason of the case being declined. Once an Evidence Release Memo has been received, the property section will check with their case agent prior to disposal of property. The District Attorney will not move forward with the case unless the case agent has further information.

For any cases without an arrest, all property can be purged at statute of limitations. For further information regarding statute of limitations, see Attachment 1.

4) DNA/Biological evidence

DNA evidence used to convict must be maintained until the (s) is released from prison, unless authorized by the District Attorney. The (s) has the right to have the DNA evidence retested at any point in time during their incarceration. However, if the proper documents have been signed by the (s), the (s) attorney, the DA, and the judge, all property can be purged after conviction. This documentation would accompany any evidence release memo sent by the District Attorney. Each agency shall be held responsible for the retention of evidence when there is a John Doe warrant issued based on DNA. The agency shall verify status of any potential warrants prior to the disposal of DNA evidence at the statute of limitations.

5) Sexually Violent Predators (SVP) cases

CART interviews shall be conducted using DVD media and forwarded to the individual agencies.

Sexual assault cases have a statute of limitations of ten (10) years. No evidence in such cases, unless unfounded, can be purged prior to the statute of limitations. For the retention of any DNA evidence, refer to the DNA section of this document.

6) Domestic Violence/Elder Abuse/Child Abuse

All photos and interviews shall be maintained for a period of ten (10) years from the date of incident on all domestic violence/elder abuse/child abuse convictions. This is pursuant to California Evidence Code Section

1109. This is due to the fact that all prior convictions of such a crime are admissible for future cases. This allows the District Attorney to attempt to show a pattern of this behavior for the (s) to include motive, intent, and opportunity.

All property, other than photos and interviews, may be purged once the Evidence Release Memo is received from the District Attorney's office.

7) Juvenile cases

The District Attorney's office will send an Evidence Release Memo on Juvenile cases based on case adjudication. Property may be purged upon receiving these releases.

If an Evidence Release Memo is not received, each agency may look up the case status in HOD. Once the case shows closed in HOD, the investigating agency may purge the property.

For cases without a suspect, property may be purged based on statute of limitations

8) Drug diversion cases

All evidence seized in criminal cases that result in drug diversion will be maintained until the suspect completes their diversion process. Once diversion is successfully completed, an Evidence Release Memo will be sent to the investigating agency. If the suspect fails to complete diversion, the evidence will remain active. In all narcotics cases, the evidence will be considered active until an evidence release memo is received by the investigating agency.

In cases in which the suspect pleads, an Evidence Release Memo will be sent prior to the completion of drug diversion. The evidence will no longer be needed and can be purged.

All agencies are authorized to destroy all needles/syringes taken as evidence of Business and Professions Code Section 4140 after the seizing officer photographs (Xerox is also acceptable) the item and identifies the same with the agency case number. Hypodermic syringes containing suspected controlled substances are subject to the same procedure with the addition that a portion of the contents should be presumptively tested for proper criminal charging. The contents are then to be placed into a vacuum tube (void of preservative) and sent to the lab for analysis.

9) Bench warrant vs. arrest warrant

Bench warrant is issued after a person has appeared in court, but fails to show for additional court appearances.

Arrest warrants are issued for persons law enforcement maintains is a (s) in a case, but has yet to arrest with regard to the incident.

Firearms taken in cases in which there is an arrest or bench warrant, it can be purged after one year on possession cases only. Law Enforcement must document and photograph the firearm thoroughly, but can purge it as abandoned property after one year.

For purge criteria on misdemeanor cases, refer to Attachment 2. *This criteria is for those misdemeanor cases over seven (7) years old that have gone to warrant.*

10) Search warrant

All evidence taken as part of a search warrant must have a court order (1536 PC) prior to the return or purging of any property. If the original warrant service included a return (1536 PC) order, the property can be released by an evidence memo issued by the District Attorney upon case adjudication. All property considered to be stolen/recovered will be photographed and released to the rightful owner, refer to Attachment 3.

11) General purge considerations

a) Statute of limitations considerations

Purging of property in criminal cases is sometimes based on the statute of limitations. If there has not been an arrest on a case and there is not an outstanding warrant, purging is based on the statute of limitations. For the most part, the statute of limitations runs one (1) year on misdemeanor crimes and three (3) years on felony crimes. However, this is not a set standard. For clarification based on criminal code section, see Attachment 1. An example of crimes that do not meet this basic statute of limitations would be sex crimes or violent crimes against person.

b) Agency may initiate

Individual agencies may have individual purge criteria set up for various non-criminal or civil cases. A list of such cases includes, but is not limited to: 27491 GC, traffic collisions, and cases they deem are unfounded.

c) Currency

Any currency taken into the custody of local law enforcement agencies as part of a narcotics sales case will be handled by the District Attorney-Asset Forfeiture Unit.

In embezzlement cases, the money may be returned to the victim upon case adjudication.

If the victim has filed a claim with their insurance company and received compensation, the money would then be released to the insurance company.

12) Photograph and release procedure

Stolen/Recovered items will be photographed and released to the (v). There is no need to maintain stolen/recovered property as evidence. Proper documentation (which includes obtaining and photographing the serial numbers) and photographing of all evidence must occur prior to the release of any property. These photos should include the (v) with the items to be returned. The (v) must also be informed to maintain possession of this property until the criminal case is adjudicated, in case it is needed for prosecution.

San Joaquin County Civil Grand Jury



San Joaquin County Self-Governing Special Districts ***Who is Watching the Cookie Jar?*** **2016-2017 Case No. 0416**

Summary

The Escalon Cemetery District was a victim of employee embezzlement in 2014. This prompted the interest of the San Joaquin County Grand Jury (Grand Jury). The Grand Jury was surprised to discover the number and variety of special districts within San Joaquin County.

One of the main functions of the Grand Jury is to serve as a sentinel within the county for which it serves. Members are charged to identify instances of dishonest, inefficient or illegal actions and to make recommendations to correct those shortcomings.

Of the two types of special districts in the county, the Grand Jury concentrated on the independent self-governing special districts who only answer to their elected or appointed Board of Directors and applicable state laws. The lack of financial oversight and policies/procedures were found to be prevalent. The focus of the investigation centered around who is watching and who is in control of the special district funds.

Glossary

Footnotes

Explanatory and supplemental notes that accompany financial statements.

CA Government Code

A general set of statutes that outlines the responsibilities and provides legal parameters for governance bodies within the State of California. The Government Code is one of the 29 codes currently in effect.

Background

This report focuses on independent self-governing special districts, which by definition are outside the purview of the San Joaquin County Board of Supervisors. These districts only answer to their elected or appointed Board of Directors and applicable state laws.

There are over 200 special districts in San Joaquin County, including 106 independent self-governing special districts. The remaining districts fall under the authority of the San Joaquin County Board of Supervisors with specific financial requirements and mandated guidelines.

Independent self-governing special districts are agencies within the county performing governmental or proprietary functions within limited boundaries. These districts can include a county service area, a maintainance district or area, an improvement district or zone, or any other area where a property tax rate is levied to pay for a service or improvement benefitting that region.

Funding for special districts in San Joaquin County is primarily acquired through property tax apportionment. These are public funds and should be guarded from potential fraud and abuse. Although financial protections are in place, misuses can and have taken place. Dishonesty cannot be totally prevented but can be anticipated and safeguarded against. Using best practices and good financial oversight can mitigate theft. The Grand Jury investigation focused on audits, fraud and best practices in financial oversight and management.

The Grand Jury expanded its research to include a sampling of self-governing special districts' policies/procedures to find other instances of misuse of funds.

The San Joaquin County independent self-governing special districts and their functions are listed below:

Type of District	Number of Districts`	Function of District
Reclamation	52	Levee maintenance
Fire	18	Fire suppression
Irrigation	7	Water provision
Water Agencies	8	Provide potable water
Drainage	3	Flood control
Cemetery	2	Cemetery maintenance
Community Services	2	General services
Sanitation	2	Sewer services
Levee	1	Flood control
Mosquito Abatement	1	Vector control
Stockton Port	1	Port administration
Resource Conservation	1	Conservation promotion
Storm Drainage	1	Flood control
Miscellaneous Districts	6	Variety of services

Reason for Investigation

The Grand Jury initiated an investigation of the special districts of San Joaquin County prompted by news coverage of the Escalon Cemetery District embezzlement case. An Escalon Cemetery District employee was convicted of fraud and embezzlement.

This was not an isolated incident. The table covers the last three years of publicized fraud and embezzlement of public funds, not exclusive to special districts.

District Involved	Tax Payer Dollars Embezzled
Escalon Cemetery District	Over \$100,000
Panoche Water District, Fresno	Over \$100,000
Health Plan of San Joaquin	Over \$100,000
Kern County College District	\$16,400,000
Kern County School District	\$2,600,000
Mokelumne Fire District	\$11,500

Method of Investigation

Materials Reviewed:

- Voucher reports from the San Joaquin County Auditor-Controller;
- California Government Code sections 26881, 26909 and 29741; and
- The Record, April 17, 2015, “*Escalon Cemetery District Manager accused of embezzlement.*”

Interviews Conducted:

- San Joaquin County Auditor-Controller Staff;
- LAFCo staff; and
- Three Certified Public Accountants.

Site Visits:

- Escalon and Tracy Cemetery Board meetings

Discussions, Findings and Recommendations

1.0 Audits

The San Joaquin County Auditor-Controller is the repository for accounts of the various independent self-governing special districts in the county and is charged with disbursement of these funds. Districts with more than \$150,000 on account are required to undergo external, annual audits. Districts with less than \$150,000 on account can submit external audits in one, two or five year intervals, reporting on all years within that time frame. Independent certified public accounting firms are contracted by the individual district to conduct these audits.

As a result of the county's budget crisis, severe staff cuts were made in many county departments. Ten years ago, the Auditor-Controller had six auditors on payroll, currently there are only two. Due to staff size, time constraints and workload, only minimal internal auditing of the independent self-governing special districts is being completed and lacks detailed analysis.

By their nature, internal and external audits are not designed to expose fraud. Management letters, footnotes and other accounting tools can be used to perform a quick analysis for improprieties. The Record reported:

"...the second time in recent history that the district attorney has prosecuted a case with the assistance of the auditor."

April 17, 2015 – "Escalon Cemetery District Manager accused of embezzlement."

California Government Code section 26909 (see Appendix II) places the responsibility on the Auditor-Controller to see that independent financial audits are completed for each independent self-governing special district. Other California Government Codes exist to minimize the opportunity for theft. As demonstrated in the Escalon Cemetery independent self-governing special district example, the Auditor-Controller can be judicious in performing this function given adequate staffing.

Finding

F.1.0 The San Joaquin County Auditor-Controller performs minimal review of audits which can result in fraud being overlooked due to inadequate staffing.

Recommendation

R.1.0 The Auditor-Controller increase the number of auditors on staff within the financial audit department and budget accordingly for the subsequent fiscal year.

2.0 Fiduciary Responsibilities and Oversight

Independent self-governing special districts answer only to their board of directors and must follow applicable state laws. Each district develops self-generated by-laws to guide their boards regarding the operation and oversight of their district. Guides to develop these by-laws were not found.

California Government Code section 26881(see Appendix III) states in part:

“The county auditor shall be the chief accounting officer of the county and shall exercise a general supervision of all districts whose funds are kept in the county treasury.”

Guidelines from the Auditor-Controller containing a list of best practices need to be developed and shared with each district. This would provide a road map for board members to understand financial documentation.

The board of directors is mandated to review financial reports and audits. No requirements for financial expertise are included in by-laws or mandated for service as a board member. Board members believed they possessed adequate knowledge to review and understand financial documents. It is presumed that board members and staff of independent self-governing special districts will follow moral and ethical standards. However, theft still occurs.

It is incumbent upon all taxpayers to attend special district meetings that are supported by tax dollars and affect their lives. Taxpayer participation at board meetings creates a culture of transparency.

Finding

F2.1 Due to the lack of tools and guidelines, there are board members who do not understand their district’s financial reports.

Recommendation

R2.1 By Dec. 31, 2017, the Auditor-Controller develop, adopt and implement a list of best practices regarding financial reports to guide board members of independent self-governing special districts.

3.0 Embezzlers can be creative

Written policies/procedures are required and must be followed in order to fight fraudulent activity, both in the private and public sector. Board members of independent self-governing

special districts need to ensure that by-laws include requirements concerning receipt and disbursement of funds with adequate supporting documentation.

Special districts in the Central Valley have had several instances of embezzlement:

- Falsifying employee time sheets causing over payment;
- Creating non-existent employees;
- Authorizing payment to vendors for services or products never performed or received;
- Abusing credit cards; and
- Funneling money to friends and family for services not performed.

Circumventing written policies and procedures can lead to embezzlement. Lack of oversight by the independent self-governing special district board of directors and/or staff can have the same result. Enforcement of policy can only be accomplished by boards of directors monitoring the work of bookkeepers and general managers. When staff is not actively monitored, neglect can lead to resentment and feelings of entitlement. “I am doing all the work and deserve a bonus,” can be a personal justification to embolden someone to commit fraud.

Findings

F 3.1 The San Joaquin County independent self-governing special districts can be subject to fraud due to lack of oversight and the lack of documentation required for accounts payable.

F 3.2 There are minimal guidelines regarding financial processes for independent self-governing special districts which may lead to fraud.

Recommendations

R 3.1 By Dec. 31, 2017, the Auditor-Controller develop and distribute to all independent self-governing boards a list of best practices including, but not limited to: profit and loss statements, balance sheets, signatory requirements and general ledger items.

R3.2 The Board of Supervisors direct independent, self-governing special districts to review and revise fact sheets to include financial acumen of board candidates and provide financial training for all board members.

Conclusion

Property tax apportionment is the primary source of funding for independent self-governing special districts. This money comes from the taxpayers within the special districts' regions; therefore, residents have some authority over these funds. Merely entrusting the appointed or elected board directors with a blind leap of faith is not good business practice. The public is allowed and should be encouraged to attend special district board meetings. When the public does not attend meetings, the board operates with impunity.

Independent self-governing special districts' functions are to protect and monitor areas that directly affect public health and safety. It is imperative that these tax dollars allocated are monitored closely and used wisely. Careful financial oversight, along with knowledgeable, trustworthy directors and staff will protect the limited funding in these independent self-governing special districts' cookie jars.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. The Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code sections 924.2 and 929).

Response Requirements

California Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The Board of Supervisors shall respond to each Finding and Recommendation in this report.

Mail or hand deliver a hard copy of the response to:

Honorable José L. Alva, Presiding Judge
Superior Court of California, County of San Joaquin
180 E. Weber Avenue, Suite 1306
Stockton, CA 95202

Also, please email the response to:

Ms. Trisa Martinez, Staff Secretary to the Grand Jury at grandjury@sjcourts.org

Appendices

Appendix I

California Government Code section 26881:

The county auditor, or in counties that have the office of controller, the auditor-controller shall be the chief accounting officer of the county. Upon order of the board of supervisors, the auditor or auditor-controller shall prescribe, and shall exercise a general supervision, including the ability to review departmental and countrywide internal controls, over the accounting forms and the method of keeping the accounts of all offices, departments and institutions under the control of the board of supervisors and of all districts whose funds are kept in the county treasury.

Appendix II

California Government Code section 26909:

(a)(1) The county auditor shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every special district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided. In each case, the minimum requirements of the audit shall be prescribed by the Controller and shall conform to generally accepted auditing standards.

(2) Where an audit of a special district's accounts and records is made by a certified public accountant or public accountant, the minimum requirements of the audit shall be prescribed by the Controller and shall conform to generally accepted auditing standards, and a report thereof shall be filed with the Controller and with the county auditor of the county in which the special district is located. The report shall be filed within 12 months of the end of the fiscal year or years under examination.

(3) Any costs incurred by the county auditor, including contracts with, or employment of, certified public accountants or public accountants, in making an audit of every special district pursuant to this section shall be borne by the special district and shall be a charge against any unencumbered funds of the district available for the purpose.

(4) For a special district that is located in two or more counties, the provisions of this subdivision shall apply to the auditor of the county in which the treasury is located.

(5) The county controller, or ex officio county controller, shall effect this section in those counties having a county controller, or ex officio county controller.

(b) A special district may, by unanimous request of the governing board of the special district, with unanimous approval of the board of supervisors, replace the annual audit required by this section with one of the following, performed in accordance with professional standards, as determined by the county auditor:

(1) A biennial audit covering a two-year period.

(2) An audit covering a five-year period, if the special district's annual revenues do not exceed an amount specified by the board of supervisors.

(3) An audit conducted at specific intervals, as recommended by the county auditor, that shall be completed at least once every five years.

(c)(1) A special district may, by unanimous request of the governing board of the special district, with unanimous approval of the board of supervisors, replace the annual audit required by this section with a financial review, in accordance with the appropriate professional standards, as determined by the county auditor, if the following conditions are met:

(A) All of the special district's revenues and expenditures are transacted through the county's financial system.

(B) The special district's annual revenues do not exceed one hundred fifty thousand dollars (\$150,000).

(2) If the board of supervisors is the governing board of the special district, it may, upon unanimous approval, replace the annual audit of the special district required by this section with a financial review in accordance with the appropriate professional standards, as determined by the county auditor, if the special district satisfies the requirements of subparagraphs (A) and (B) of paragraph (1).

(d) Notwithstanding the provisions of this section, a special district shall be exempt from the requirement of an annual audit if the financial statements are audited by the Controller to satisfy federal audit requirements.

Appendix III

California Government Code section 29741:

The auditor shall audit and allow or reject claims in lieu of, and with the same effect as, allowance or rejection by the board of supervisors in any of the following cases:

(a) Expenditures which have been authorized by purchase orders issued by the purchasing agent or other officer authorized by the board.

(b) Expenditures which have been authorized by contract, ordinance, resolution, or order of the board.

(c) Expenditures under any statute authorizing payment of public aid or assistance which have been ordered by the board.

(d) Expenditures for charges incurred by the county pursuant to the provisions of Chapter 3 (commencing with Section 29600) of this division.

(e) Refunds of unearned business license fees, permit fees and similar fees authorized by resolution of the board of supervisors.

San Joaquin County Civil Grand Jury



Manteca Unified School District *Meeting the After-school Needs of Weston Ranch High School Students* 2016-2017 Case No. 0516

Summary

There is a great need for youth services in the Weston Ranch area. In this isolated community, high school students have few opportunities to participate in organized activities outside of school.

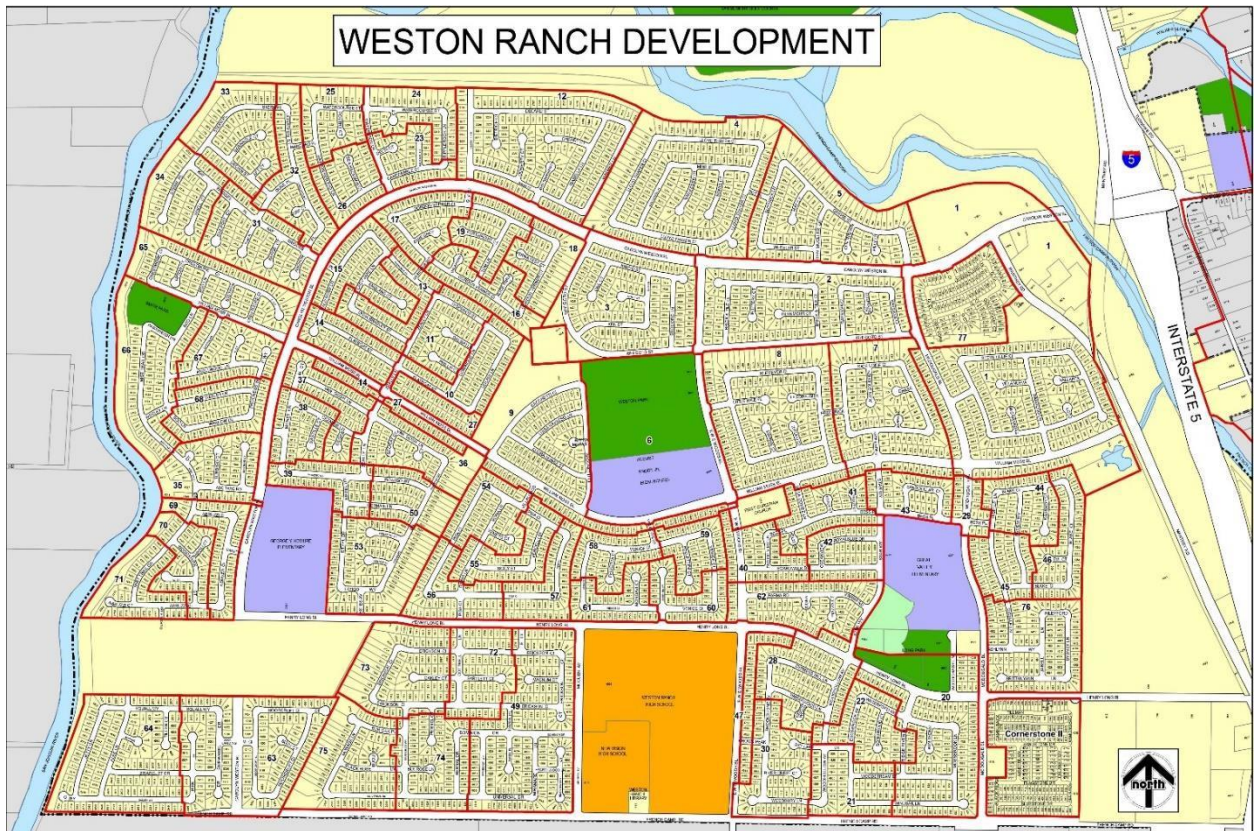
The Weston Ranch High School (WRHS) after-school program was terminated April 2017, leaving students with even fewer options. A movement has begun to solve this problem. The Grand Jury recommends that Manteca Unified School District (MUSD) and its community partners continue efforts to expedite the development of an after-school program in Weston Ranch.

Glossary

ASSETS	The 21st Century High School After School Safety and Enrichment for Teens is “ a state-administered, federally funded program providing five-year grant funding to establish or expand before-and after-school programs that provide disadvantaged kindergarten through twelfth-grade students ...with academic enrichment opportunities and supportive services to help the students meet state and local standards in core content areas.”
GECAC	Give Every Child a Chance, founded in 1998, is a non-profit organization serving children in the San Joaquin Valley. Tutoring and after-school programs make up the majority of these services in at least 41 locations.
LCFF	Local Control Funding Formula replaced the previous kindergarten through grade 12 (K–12) finance systems which had been in existence for 40 years. This gives California school districts some flexibility with expenditures.
MUSD	Formed in 1966, Manteca Unified School District serves more than 23,000 K-12 students in Manteca, Lathrop and the Weston Ranch area of Stockton.
MOU	A Memorandum of Understanding is a formal agreement between two parties.
SKC	The Stockton Kids Club is the successor to the Boys and Girls Club of Stockton. The Stockton Kids Club has partnered with MUSD to provide an after-school program at Weston Ranch High School.

Background

The high school students who reside in the Weston Ranch neighborhood are stranded. The area is isolated on all sides by natural and man-made barriers. Aside from school-organized sports and clubs, there are no other after-school activities for secondary students in the area. The 27-year-old Weston Ranch development is located in the southwestern corner of the City of Stockton. The students are served by Manteca Unified School District. Unlike other areas in the county, it is extremely inconvenient for high school youth to access a recreation center, a Boys & Girls Club, a library or any other facility where organized activities may be available. In order to access these types of activities, they must leave their community.



Elementary Schools

Weston Ranch High School

Parks

Younger students attend after-school programs at each of the three Weston Ranch elementary schools. These programs are funded by state grants and the services are provided by the non-profit organization, Give Every Child A Chance (GECAC).

The lack of after-school programs and activities for high school students prompted a MUSD board member to propose establishing an after-school program at Weston Ranch High School. An agreement with GECAC was approved by the MUSD Board of Trustees (Board) on January 28, 2014. The Board approved up to \$35,000 to begin the program. These funds were to be used from March thru June 2014. The after-school program was developed and operated by GECAC for that period of time.

GECAC had applied for a \$250,000 ASSETS federally-funded, state-managed grant to pay for the program. Unlike grant monies dedicated to elementary school programs, these funds are extremely scarce. There is \$17 million available statewide for secondary programs, compared to \$550 million for elementary programs. GECAC was not awarded the ASSETS grant.

Recognizing the extreme need for after school activities, the board allocated \$125,000 to partner with GECAC to continue the Weston Ranch High School after-school program for the 2014-2015 school year. These monies came from the Local Control Funding Formula (LCFF) funds. The GECAC after-school focus was on academics and enrichment, as described in the

Memorandum of Understanding (MOU). The following two sections from the MOU, attached as Appendix I, state:

“GECAC SHALL:

Section 4.” Provide daily homework assistance to students that are in need of assistance to reach their academic potential.

Section 5.” Provide academic enrichment and youth development activities ... and programs that support the school’s core curriculum and district/state standards.”

Two GECAC employees, a director and an assistant, organized and facilitated the program for approximately 40 to more than 100 students. Athletes were tutored during sports seasons, increasing enrollment during those periods. In addition to tutoring and homework assistance, the five organizations listed below provided enrichment activities. MOUs between these groups and GECAC show they were paid by GECAC from the contracted funds (\$125,000):

▪ Drain Athletics (various sports activities)	\$ 12,750
▪ Fathers & Families (self-awareness activities)	\$ 5,440
▪ I D&G Modeling (manners, appearance and fashion)	\$ 8,160
▪ Young Rembrandts (animation and cartooning)	\$ 720
▪ Taberna’s Tae Kwon Do (martial arts)	\$ 2,720

GECAC paid a total of \$29,790 to these organizations from their funds. This left approximately \$95,000 for GECAC to pay its employees and cover overhead costs.

MUSD provided a daily nutritional snack and supper for all attendees. In addition WRHS provided a cooking program for approximately 15 students.

Give Every Child A Chance successfully continued the program for the remainder of the school year. They did not reapply for the following year due to conflicts with some members of the school board. GECAC also determined that it was not cost-effective for them to continue.

The Stockton Kids Club (SKC) was the only organization that replied to the new request for proposal. They were awarded a \$125,000 contract with MUSD for the 2015-2016 school year. The services provided were said to be adequate during that year, though no evidence was found that SKC had agreements with organizations to provide enrichment activities. A letter from WRHS site administration in spring 2016 spoke positively of the program. (See Appendix II). The MUSD Board of Trustees agreed to continue with Stockton Kids Club for the next school year.

Reason for Investigation

The 2016-2017 Grand Jury received a complaint in the fall of 2016. Issues with the Stockton Kids Club after-school program at Weston Ranch High School were cited, among other concerns. The Grand Jury opened an investigation into the Weston Ranch High School after-school program provided by the Stockton Kids Club.

Method of Investigation

Materials Reviewed

- Stockton Kids Club and Manteca Unified School District MOU
- Give Every Child A Chance and Manteca Unified School District MOU
- Manteca Unified School District Board meeting agendas and minutes
- Give Every Child A Chance work plan, attendance and evaluation documents
- Stockton Kids Club work plan, attendance and evaluation documents

Interviews Conducted

- Manteca Unified School District administration and teaching staff
- Manteca Unified School District Trustees
- Give Every Child a Chance staff

Discussions, Findings and Recommendations

1.0 Setbacks in Second Year

At the beginning of the 2016-2017 school year, problems arose with the Stockton Kids Club after-school program and continued to occur until the contract was terminated in April 2017.

- The start of the program was delayed due to confusion with the background check of an employee.
- A conflict arose between MUSD and Stockton Kids Club over a partial payment for days when no after school services were provided.
- Monthly attendance reports were not consistently submitted, as required by the MOU.
- Daily homework assistance was not consistently provided, as required by the MOU.
- Stockton Kids Club supervision of the snack and supper program was inconsistent, causing the program to be suspended.

In addition to failing to fulfill contractual obligations, the Stockton Kids Club became the focus of an investigation that was widely covered by local and national media. An employee of Stockton Kids Club was charged with six felony counts of embezzlement and money laundering of the Stockton Kids Club and its predecessor, the Boys and Girls Club of Stockton.

The MOU states that either party may terminate the contract so long as 30 days' notice is given. (See Appendix III.) Manteca Unified School District gave notice to the Stockton Kids Club on March 3, 2017. The last day of the Stockton Kids Club Weston Ranch after-school program was April 3, 2017. As a result, Weston Ranch High School students have insufficient after-school programs and activities. The only remaining activities at WRHS are for students involved in athletics or social clubs.

Findings

F 1.1 The Weston Ranch High School after-school program has been terminated, leaving students without access to sufficient after-school programs and activities.

F 1.2 There is a great need for organized activities for high school students in the Weston Ranch area because students are geographically isolated from typical organized activities.

2.0 The Next Steps

Recognizing the dire need, Manteca Unified School District officials, including staff and board members, have opened discussions with Manteca-Lathrop Boys and Girls Club. A meeting was held with a variety of community stakeholders and government leaders who all agreed there is an urgent need for after-school programs and activities in Weston Ranch. MUSD agreed to provide facilities. A gymnasium and portable classrooms at New Vision High School, located adjacent to Weston Ranch High School are being considered. Manteca Unified School District demonstrated its commitment by providing \$10,000 for a Boys and Girls Club director to develop a program design, including a budget. It is understood that the program will be fully funded through Boys and Girls Club grants and fundraising efforts. A meeting to further discuss these ideas is scheduled for June 8, 2017. A group connected to the Boys and Girls Club in Stanislaus County is also exploring the possibility of providing services in Weston Ranch.

Finding

F2.1 Officials with Manteca Unified School District have met with Manteca-Lathrop Boys and Girls Club officials, community stakeholders and government leaders to discuss the possibilities of developing a program for the Weston Ranch area. This may provide a broader range of activities for Weston Ranch youth.

Recommendations

R2.1 By September 30, 2017, Manteca Unified School District develop an after-school program for the Weston Ranch area youth.

R2.2 By December 31, 2017, Manteca Unified School District adopt and implement an after school program for the Weston Ranch area youth.

Conclusion

Weston Ranch is an isolated community lacking organized activities for many high school students. It is common knowledge that idle youth can seek to alleviate their boredom with poor choices. Community leaders and stakeholders are working to develop programs to address these problems, however, the next school year is imminent and no after-school program is in place. It is imperative that community leaders move quickly to provide services for youth in this area.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. The Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code sections 924.2 and 929).

One grand juror did not participate on this investigation, which included reviewing material, interviews, site visits, preparation and approval of this report due to a perceived conflict of interest.

Response Requirements

California Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The Manteca Unified School District Board of Trustees shall respond to all findings and recommendations contained in this report.

Mail or hand deliver a hard copy of the response to:

Honorable José L. Alva, Presiding Judge
Superior Court of California, County of San Joaquin
180 E. Weber Avenue, Suite 1306
Stockton, CA 95202

Also, please email the response to:

Ms. Trisa Martinez, Staff Secretary to the Grand Jury at grandjury@sjcourts.org

Appendices

Appendix I



327 Sun West Place / Manteca, CA 95337
Administration: 209.823.6222 / Programs 209.825.7003
|www.gecac.net / Fax: 209.823.6255

MEMORANDUM OF UNDERSTANDING BETWEEN

Manteca Unified School District, Give
Every Child A Chance,
&
Weston Ranch High School/New Vision High School

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into, by and between Manteca Unified School District, hereinafter referred to as MUSD, Give Every Child A Chance, hereinafter referred to as GECAC, New Vision High School (NVH), and Weston Ranch High School (WRH), hereinafter referred to as WRH. GECAC will provide an after school program to the high school students at WRH. In exchange for services, MUSD will pay GECAC \$25,000. This contract will expire on May 31, 2015.

PURPOSE:

The purpose of this MOU is to continue to develop and expand a framework of cooperation between MUSD, GECAC, NVH and WRH, to develop a mutually beneficial program that benefits our students and community.

WR & NVH SCHOOL MUSD SHALL:

1. Provide dedicated or shared space of a minimum of 5 classrooms combined between WRH and NVH with storage space (it is preferred that one room be the cafeteria) with lighted walking path, from the time school is dismissed until at least 7p.m. for services to be provided throughout the year.
2. Have every student that is enrolled in WRH and NVH complete a after school program application.
3. Provide an office space for Academic/Site Manager (Office space can be placed in a classroom that the program is utilizing).
4. Provide a computer with internet access.
5. Agree to allow the students survey be distributed to students to assure we are meeting their wants and needs with programs offered.
6. Agree to have program enrollment forms distributed with school documents prior to the start of each school year.
7. MUSD will provide a nutritional snack and supper, daily, with space provided by WRH.
8. Coordinate with school faculty to have school clubs and sports programs to connect with the after school program.

9. Allow Academic/Site Managers or GECAC staff to attend staff meetings.
10. Allow GECAC to recruit students by class visits, speaking at assemblies, special school events where appropriate and staff meetings, etc
11. Distribute program information at back to school nights, special events, and newsletters.
12. Have access to bulletin boards or space to attach one.
1. Make announcements pertaining to the program.
14. Assign a school liaison for our Academic/Site Manager to communicate.
15. Allow GECAC to identify the site as an after school location.
16. Provide daily custodial services (usually just a change in cleaning schedule).
17. Allow access for deliveries during the school day (if needed)
18. Provide convenient access to bathrooms during program hours.
19. Provide a location for the pick-up of correspondence and messages.
20. Assist in the identifying and introduction of partners and collaborators to assist in program

GECAC SHALL:

1. Meet all guidelines required by Manteca Unified School Districts (MUSD).
2. Complete all required documents and reports and submit in a timely manner to MUSD.
3. Administer a quality After School Advantage Program.
4. Provide daily homework assistance to students that are in need of assistance to reach their academic potential.
5. Provide academic enrichment and youth development activities (that can include offsite field trips) and programs that support the school's core curriculum and district/state standards
6. Operate directly after school with a staff/student ratio of no less than 1 to 20. Ratio will include anyone providing programs (contracted staff, existing teachers etc.):
7. Provide appropriate and qualified staff & volunteers complete with Department of Justice background clearance, at no cost to the school or District.
8. All staff will be NCLB certified and attend on-going training events as scheduled.
9. Manage the GECAC employees and volunteers and subcontractors of the program.
10. Provide all the resources needed for the ASAP program, pens, paper, equipment, etc.
11. Prepare and manage annual budgets and finances as required by funding guidelines.
12. Partner and work closely with all on site after school activities.
13. Work closely with school faculty and administration in all aspects of the program.
14. Seek additional resources and in-kind services to supplement the program.
15. Provide access to community partners that will provide activities/information to broaden student interest/horizons.
16. Maintain current insurance policies per MUSD District requirements.

This MOU will be in effect until May 31, 2015, unless either party chooses to dissolve it with 30 days' notice. In the case of early termination GECAC agrees to refund the unexpended and unencumbered funds to MUSD. This MOU can be revised at the request and agreement of both parties.

APPENDIX II



Weston Ranch High School

Cougars...Roar to Success

4606 McCuen Avenue • Stockton, CA 95206 • 209-938-6245 • Fax: 209-938-6397

April 1, 2016

Stockton Kids Club After-School Summary

The Stockton Kids Club (SKC) After-School program has done a great job with the mentorship, enrichment and physical activity portions of the after-school program. Guest speakers from the community have been recruited to speak on relevant activities and units. SKC engaged the students in several projects as well as showcasing some of these projects outside of the principal's office. The activities and units are provided prior to being presented for approval by administration. The Program facilitator has done a great job of communicating with the administrator overseeing the program as well as the principal.

The Stockton Kids Club (SKC) After-School program has done a great job with the mentorship, enrichment and physical activity portions of the after-school program. Guest speakers from the community have been recruited to speak on relevant activities and units. SKC engaged the students in several projects as well as showcasing some of these projects outside of the principal's office. The activities and units are provided prior to being presented for approval by administration. The Program facilitator has done a great job of communicating with the administrator overseeing the program as well as the principal.

SKC has made a great effort utilizing media as well as site resources to actively recruit students' participation. We have advertised SKC's program weekly in our staff bulletin, through our counselors who refer students, by ensuring applications are available in the front office, as well as the Program facilitator updating our posted flyers as needed.

SKC makes it a priority to be present and well represented at school functions during school hours as well as after-hours. For example, SKC has a table set up to disseminate information on their program at all lunch rallies, lunch fun days on Fridays and Back to School Night. The Program facilitator has done a great job of being present at our WRHS sponsored activities and sporting events. They are working diligently to become a part of the culture and positive climate here at WRHS.

We have had a good experience with SKC thus far and look forward to seeing SKC expand in their programs on our campus.

Appendix III

MEMORANDUM OF UNDERSTANDING BETWEEN STOCKTON KIDS CLUB and MANTECA UNIFIED SCHOOL DISTRICT

This Memorandum of Understanding (MOU) is hereby made and entered into by and between Manteca Unified School District, hereinafter referred to as ("MUSD), Stockton Kids Club hereinafter referred to as ("SKC") and Weston Ranch area, hereinafter referred to as (WR) SKC will provide an after school programming in the Weston Ranch area. In exchange for services, MUSD will pay an amount invoiced monthly for ten (10) months. This contract will expire on June 1, 2016.

PURPOSE

The purpose of this MOU is to continue to develop and expand a framework of cooperation between MUSD, SKC and WR, to develop a mutually beneficial program that benefits our students and community.

WR/MUSD

shall:

- 1) Provide dedicated or shared space of a minimum of five (5) classrooms with storage space (it is preferred that one room be the cafeteria) with lighted walking path, from the time school is dismissed until at least 7:00 pm for services to be provided throughout the year.
- 2) Agree to allow student surveys to be distributed to students to assure we are meeting their wants and needs with programs offered.
- 3) Agree to have program enrollment forms distributed with school documents prior to the start of school year.
- 4) MUSD will provide a nutritional snack and supper, daily, with space provided by WR.
- 5) Coordinate with school faculty to have school clubs connect with the after school program.
- 6) Allow SKC to recruit students by class visits, speaking at assemblies, special school events where appropriate and staff meetings, etc., prior approval from site administration.
- 7) Distribute program information at back to school nights, special events, and newsletters.
- 8) Make announcements pertaining to the program.
- 9) Provide daily custodial services (usually just a change in cleaning schedule).
- 10) Provide convenient access to bathrooms during program hours.

11) Provide a location for the pickup of correspondence and messages.

SKC Shall

1) During the entire term of the MOU and any extension or modification thereof, the SKC shall keep in effect insurance policies meeting the following insurance requirements:

a. **Liability Insurance:** The SKC shall be required to provide comprehensive general liability insurance coverage in the amount of one million dollars (\$1,000,000.00), combined single limit per occurrence and \$3,000,000.00 aggregate providing damage liabilities with specific language referencing bodily injury, molestation, child abuse and property damage. A separate additional insured endorsement (CG 2010 or its direct equivalent) shall be endorsed to include the MIISD and its Governing Board, its Officers, its Agents, its Employees and its Volunteers as additional named insured in the policy. It is agreed that the insurance provided by the 81CC is endorsed as primary to any similar insurance or self-insurance carried by MUSD.

- b. Workers' Compensation: If the SKC employs any person to perform work in connection with this agreement, the SKC agrees to provide workers' compensation insurance for SKC employees and agents and agrees to hold harmless and indemnify MUSD for any and all claims arising out of injury, disability, or death of any of the SKC employees or agents. Proof of Workers' Compensation (waiver of subrogation to part of this coverage).
 - c. The SKC policy shall contain a contractual liability endorsement extending coverage to include the liability assumed by a hold harmless clause in the agreement between MUSD and the SKC. This hold harmless clause of the agreement shall provide that the SKC shall indemnify, defend, and hold MUSD, its governing board, its officers, its agents, its employees, and its volunteers harmless of and from any and all claims, demands, causes of action, and suits, accruing or resulting from any losses, damage, injury or whatsoever nature and howsoever the same may be caused or may arise resulting directly or indirectly arising out of, or any way connected with, the services covered by the agreement.
 - d. The SKC shall furnish MUSD Certificates of Insurance evidencing the coverage specified under this agreement and specifying that said insurance shall not be canceled without thirty (30) days prior notice to MUSD.
- 2) Meet all guidelines required by MUSD.
 - 3) Complete all required documents and reports and submit a monthly participation report to MUSD.
 - 4) Administer a quality After School Program.
 - 5) Provide daily homework assistance to students that are in need of assistance to reach their academic potential.
 - 6) Provide academic enrichment and youth development activities (that can include offsite field trips) and programs that support the school's core curriculum and district/state standards.
 - 7) Operate directly after school with a staff/student ratio of no less than 1 to 20. Ratio will include anyone providing programs (contracted staff, existing teachers etc.).
 - 8) Provide appropriate and qualified staff and volunteers complete with Department of Justice background clearance at no cost to the school or District. Documentation of clearance must be provided to MUSD prior to first day of employment on campus.
 - 9) Manage the SKC employees and volunteers and subcontractors of the programs.
 - 10) Provide all the resources needed for the After School Program, pens, paper, equipment, etc.
 - 11) Partner and work closely with all on site after school activities.
 - 12) Work closely with school faculty and administration on all aspects of the program.
 - 13) Seek additional resources and in-kind services to supplement the program.
 - 14) Provide access to community partners that will provide activities/information to broaden student interest/horizons.
 - 15) Maintain current insurance policies per MUSD district requirements.

This MOU will be in effect until June 1, 2016, unless either party chooses to dissolve it with thirty (30) days' notice.

San Joaquin County Civil Grand Jury



Countywide Dispatch for Fire *Two Are Not Always Better than One* 2016-2017 Case No. 0616

Summary

San Joaquin County Emergency Dispatch has changed considerably over the last 40 years. This report focused on emergency dispatch protocol, operations and infrastructure. The question of whether a single countywide fire dispatch center in San Joaquin County would improve public safety and reduce cost was explored. The Grand Jury's research and interviews determined that a countywide dispatch center would benefit the citizens of the county and provide cost efficiency.

Glossary

ACE	Accredited Center of Excellence by the National/International Academies of Emergency Dispatch (NAED/IAED).
AMR	American Medical Response.
AVL	Automatic Vehicle Locator – Identifies the exact location of emergency vehicles and routes the closest vehicle to the emergency.
CAD	Computer-Aided Dispatch.
EMS	Emergency Medical Services.
EOL	End-of-Life. Hardware and/or software no longer manufactured or supported.

EMT	Emergency Medical Technician.
Fire Agency	A fire department or fire district.
JPA	Joint Powers Agreement is a formal, legal agreement between two or more public agencies that share a common power and want to jointly implement programs, build facilities or deliver services.
JRUG	Joint Radio Users Group, a JPA comprised of 13 San Joaquin County rural fire districts.
LEMSA	Local Emergency Management Services Agency.
REDCOM	Redwood Empire Dispatch Communications Authority Emergency Medical dispatch center located in Sonoma County. A JPA run by AMR that dispatches for 44 fire agencies and eight ambulance services.
Stockton Fire	San Joaquin County Regional Fire Dispatch Authority, a JPA comprised of Stockton, Lodi, Tracy, Manteca and Lathrop-Manteca Fire Agencies.
UHF	Ultra-High Radio Frequency
VRECC	Valley Regional Emergency Communication Center, a JPA run by AMR that dispatches for 13 fire agencies and three ambulance services.

Background

From 1970 to 1990, Stockton Fire Department Regional Communications Division dispatched all fire and medical emergencies for San Joaquin County. Multiple private ambulance services provided ambulance transport. In the 1990s, American Medical Response (AMR) bought out many of the smaller ambulance companies and became the primary provider of ambulance service in San Joaquin County. In September 2002, the Stockton Fire Department initiated its own ambulance service.

In 2003, county officials divided the county into three zones for ambulance service: Stockton, Lodi and Tracy. Exclusive contracts were awarded for each zone. Ambulance services could bid on one, two or all three zones to provide service. A request for proposal was developed by San Joaquin County Emergency Medical Services (EMS) and issued to multiple vendors to provide ambulance service to these zones. In January 2006, the Board of Supervisors awarded AMR a five-year contract with a five-year renewal option to provide ambulance service and dispatch for all three zones. The AMR contract was renewed in 2016.

There are two fire dispatch centers in San Joaquin County. One center, located in Salida, CA, is known as Valley Regional Emergency Communications Center (VRECC) and is operated by AMR for the Joint Radio Users Group (JRUG). VRECC has upgraded its technology to “state-of-the-art” systems. The second center is operated by the Stockton Fire Department for San Joaquin County Regional Fire Dispatch Authority (Stockton Fire). A review of technology utilized by Stockton Fire revealed its’ communications infrastructure is nearing End-of-Life (EOL).

Reason for Investigation

The Grand Jury chose to focus on emergency fire dispatch in San Joaquin County. The following issues were identified:

- Lack of automatic vehicle locator (AVL) technology and automatic aid agreements between neighboring fire agencies can result in longer response times.
- There are two fire dispatch centers operating in the county which utilize disparate technologies; one center’s technology is nearing EOL.
- Fire agencies disagree on the content of EMS Policy 3202.
- Politics, egos and fear of change are key obstacles to the formation of a single countywide dispatch center.

Method of Investigation

Materials Reviewed

- California Fire Service and Rescue Emergency Mutual Aid System – Mutual Aid Plan
- California Emergency Medical Services Authority Website www.emsa.ca.gov
- San Joaquin County Joint Radio Users Group Policy Manual
- Joint Exercise of Powers Agreement San Joaquin County Joint Radio Users Group
- San Joaquin County Emergency Medical Services Policy 3202, Medical Priority Dispatch System Response and Mode Assignments for Cards 1-34 and related materials
- San Joaquin County Emergency Medical Services Policy 3109, City of Stockton Emergency Medical Dispatch Center Requirements
- San Joaquin County Emergency Medical Services Policy 3001, Guidelines for EMS Screening by Primary Public Safety Answering Points
- San Joaquin County Emergency Medical Services Policy 3101, Emergency Ambulance Service Provider Dispatch Requirements
- 2005-2006 San Joaquin County Grand Jury Report, “San Joaquin County Emergency Medical Services”
- San Joaquin County Emergency Medical Services website www.sjgov.org/ems
- EMS Legal Update. [Jun. 6, 2016] “EMS use of red lights and sirens is a dangerous sacred cow”

- Emergency Medical Services Evidence Based System Design White Paper
- Master Communications Plan, San Joaquin Operational Area, Jan. 7, 2005
- City of Stockton Legislative Text File #14-0363, Version 1
- Attachment A to File #14-0363, Management Partners Threshold Analysis – Regional Fire Dispatch Options
- City of Stockton Legislative Text, File #16-2699, Version 1
- City of Stockton Legislative Text File #16-2885, Version 1
- REDCOM's Organizational Packet

Interviews Conducted

- EMS administrators
- San Joaquin County Fire Chiefs
- San Joaquin County and City of Stockton IT administrators
- AMR management team
- City of Stockton administrators
- REDCOM operational staff

Sites Visited

- Valley Regional Emergency Communication Center, (VRECC) Salida, CA
- Redwood Empire Dispatch Communications Authority, (REDCOM) Santa Rosa, CA
- San Joaquin County Regional Fire Dispatch Authority, (Stockton Fire) Stockton, CA

Discussions, Findings and Recommendations

1.0 San Joaquin County Fire Dispatch, Stockton Fire or VRECC

There are 18 fire agencies within the County of San Joaquin. These fire organizations are dispatched from two separate and distinct fire dispatch centers.

The Fire Departments of Stockton, Lodi, Tracy, Manteca and the Lathrop-Manteca Fire District are dispatched by the San Joaquin County Regional Fire Dispatch Authority JPA (Stockton Fire) dispatch center. This JPA is a public service agency led by the fire chiefs from each of the organizations it services.



Stockton Fire Dispatch Center - Stockton, CA

The remaining 13 fire districts are dispatched by the Valley Regional Emergency Communications Center (VRECC) in conjunction with the Joint Radio Users Group (JRUG). JRUG has an oversight committee consisting of fire chiefs elected by its' members. VRECC is operated by AMR, a for-profit, non-governmental company under contract with the San Joaquin County Office of Emergency Medical Services (EMS). VRECC also dispatches all ambulance services for the entire County of San Joaquin.



VRECC - Salida, CA

Stockton Fire Dispatch Center and VRECC follow the same Medical Priority Dispatch Protocols to determine the type of equipment and resources required. There are several operational differences and sources of contention between the two centers as reported below:

- Stockton Fire Dispatch Center assigns dedicated dispatchers to major fire events to monitor fire broadcast channels. VRECC does not.
- Stockton Fire is a public service agency utilizing public employees versus VRECC, which is operated by AMR, a for-profit, non-governmental agency utilizing corporate employees.
- VRECC dispatches ambulances and fire equipment for both medical and fire emergencies. Stockton Fire dispatches only fire equipment for fire and medical emergencies. Both are mandated to follow San Joaquin County EMS Policy 3202 to dispatch for medical emergencies.
- Stockton Fire Dispatch Center supports predominately urban city fire agencies while VRECC supports rural special district fire agencies.

The vast majority of fire agencies are in favor of a single countywide emergency fire dispatch center; they agree it would be in the best interest of the citizens and the County of San Joaquin. County and city administrators and IT staff support this concept. There were significant differences of opinion as to how a single countywide emergency fire dispatch center would be structured. Existing dispatch centers utilize different operational procedures. Public versus private, oversight and cost were the major concerns expressed by fire chiefs. A long history of litigation between the County and the City of Stockton, politics and egos has hampered resolution of these differences.

Several counties in the State of California have a single regional emergency dispatch center. One example is the Sonoma County REDCOM Dispatch Center. Oversight is provided by both a governing and an advisory board. The advisory board is composed of Local Emergency Medical Services Agency (LEMSA) and several fire chiefs served by the center. This is a collegial body that determines policy and approves or disapproves changes recommended by the agencies it serves. REDCOM provides emergency medical and fire dispatch capability to Sonoma and part of Mendocino Counties. It provides fire dispatch services for 44 fire departments of which 6 (Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol and Sonoma) are urban cities. The dispatch center is operated by AMR, the same for-profit, non-governmental company that runs the San Joaquin County VRECC dispatch center in Salida, CA. The REDCOM dispatch center has operated since January 2003; none of the concerns that were expressed in San Joaquin County have been an issue at REDCOM.

On Mar 7, 2017, VRECC was approved as an emergency fire dispatch center of excellence by the National/International Academies of Emergency Dispatch. VRECC is now the 31st ACE accredited center in the world. VRECC is the only center in California with both Emergency Medical Dispatch and Emergency Fire Dispatch ACE certification.

VRECC utilizes state of the art fire dispatch technology. A recent contract renewal between San Joaquin County EMS and AMR required updates to the computer-aided dispatch (CAD) system. Once the information received by the VRECC call taker is input into the CAD system, the CAD

determines which medical priority dispatch protocols to use, which organization should respond and how to respond. Technology installed on emergency vehicles and on the CAD system called automatic vehicle locator (AVL) is utilized to determine which vehicles are closest to the emergency location. CAD then selects the vehicles to respond and displays the best route on the call taker's computer.

The CAD system utilized by Stockton Fire Dispatch Center has received two major upgrades since installation in 1995, yet remains seriously out of date. Due to lack of funding, the CAD infrastructure has not received all available upgrades. Many parts of this infrastructure are no longer manufactured, not available or EOL. In October 2016, the Stockton City Council approved approximately \$600,000 to replace the Stockton Fire CAD. A contract was subsequently awarded. Replacement is scheduled to be completed between the fourth quarter of 2017, and the first quarter of 2018. The existing CAD and emergency vehicles that are dispatched by this center do not have AVL installed. The CAD system cannot track and dispatchers cannot see the closest location of emergency vehicles. The CAD replacement selected to be installed is an emergency medical module on the Stockton Police Department CAD system, which is projected to be EOL within four years of this replacement. It will be at least six months after the replacement CAD is installed before AVL will be available for all fire agencies dispatched by Stockton Fire Dispatch Center.

The CAD systems at VRECC and Stockton Fire dispatch centers interface with one another. Because the CAD systems are manufactured by different companies, errors in what is communicated between these CAD interfaces occur daily. The CAD at VRECC is manufactured by Tri-Tech. Stockton Fire's CAD replacement is manufactured by Tiburon. These are two different CAD systems and errors will continue to occur. These CAD to CAD communication errors can result in serious public safety issues.

Prior to the 2016 renewal of the County of San Joaquin EMS contract with AMR, the City of Stockton was offered a no-cost replacement for their obsolete CAD/AVL technology by EMS. There were conditions attached to this offer, which the City of Stockton Fire Department was hesitant to accept. The offer was turned down by Stockton Fire administration at least twice and is no longer on the table.

Had the offer been accepted:

- both centers would be utilizing the same "state-of-the-art" technology;
- AVL would be available for all 18 fire districts in San Joaquin County;
- possibility would exist that the Stockton Fire Dispatch Operations could operate remotely at its existing location;
- each dispatch center would be able to back up the other dispatch center should there be an issue with either physical location;
- both centers would be able to share identical system training;
- it would have provided a first step towards operationally merging the two fire dispatch centers into one; and
- it would have reduced capital and operating costs for all fire agencies based upon increased economies of scale.

VRECC charges JRUG fire agencies \$23.77 per fire dispatch while Stockton Fire charges its member agencies \$49.77 per fire dispatch. In a 2014 report for the Stockton City Council, Management Partners (a consulting company hired by the City of Stockton) determined that Stockton could save over \$1.25 million annually by moving to VRECC and using AMR to dispatch their fire emergency calls.

The Motorola core UHF and tower radios utilized by Stockton Fire Dispatch are no longer being manufactured, and in many instances parts are being purchased from third parties, such as eBay. Federal regulations dictate that the existing core UHF radios be replaced. The City of Stockton will either have to negotiate with the County of San Joaquin to share in the ownership/cost of the County's UHF radio system, or will have to fund its own replacement infrastructure. The time needed to complete this migration is estimated to be between 12 and 24 months. A budget request to purchase new core radio and transmitter/receiver/repeater technology has not been presented to the Stockton City Council. Documentation provided by the City of Stockton describes replacement of this infrastructure by early 2017 and no action has been taken.

Findings

F1.1 The City of Stockton is spending hundreds of thousands of dollars to replace their obsolete CAD technology with a solution that will be end of life in less than four years from the date of implementation.

F1.2 The vast majority of fire agencies are in favor of a single countywide emergency fire dispatch center; they agree it would be in the best interest of the citizens and the County of San Joaquin.

F1.3 There is disagreement as how to organize, operate and fund a single countywide fire dispatch capability. This has led to a failure to pursue creation of a single countywide fire dispatch center.

F1.4 The City of Stockton has not developed a schedule to replace its outdated core UHF radio technology that supports city public safety agencies. This exposes the city to outages of the radio technology impacting public safety.

Recommendations

R1.1 By Oct. 1, 2017, the Stockton City Council complete an evaluation of financial and operational feasibility of Stockton Fire utilizing VRECC's CAD/AVL technology.

R1.2 By Oct. 1, 2017, the Stockton City Council determine the feasibility of cancelling or revising the existing contract to migrate the current Stockton Fire CAD technology to the Stockton PD dispatch CAD system.

R1.3 By Dec. 31, 2017 County EMS in collaboration with the City of Stockton, the Joint Radio Users Group and the San Joaquin County Regional Fire Dispatch Authority develop a task force and provide a plan to consolidate into a single countywide emergency fire dispatch center.

R1.4 By Dec 31, 2017, the City of Stockton develop a plan to replace the existing core UHF radio technology that supports public safety with San Joaquin County core UHF radio technology.

2.0 Borders, Automatic Aid and Automatic Vehicle Locator

Fire service in San Joaquin County is provided by 14 fire districts and four fire departments. A fire department is part of a city or county government, funded through the cities' or county's general fund. A fire district is usually independent of a city or county government and is funded by a portion of the property tax and a special assessment on properties within its district. Fire districts generally provide services to rural or unincorporated areas surrounding a city.

Fire agencies do not only respond to fires, approximately 80 percent of calls received are for medical services. There are no laws requiring coordinated dispatch or coordinated agency efforts to a fire-related event. Therefore, fire agency borders exist and divide the county.

Mutual aid agreements exist between fire agencies. Mutual aid is defined as:

“...if the need for personnel or equipment is called in and it is convenient, other fire agencies will respond.”

An automatic aid agreement is defined as:

“...the agency most in need receives all the help available.”

Not all fire agencies in San Joaquin County have automatic aid agreements with their neighboring fire agencies.

Automatic vehicle locator (AVL) technology identifies the exact location of emergency vehicles and routes the closest vehicle to the emergency. Not all fire agencies in San Joaquin County have deployed AVL technology on their fire vehicles. The Stockton Fire dispatch center does not support AVL.

A Joint Powers Agreement between all fire agencies for automatic aid would eliminate borders and could improve fire response times. An automatic aid agreement could increase efficiency by sharing resources such as training and equipment. Though a JPA between fire agencies would take effort and cooperation, it would not be uncharted territory. Other such agreements do exist and exploration in to these arrangements must be researched.

Findings

F2.1 Automatic aid agreements between neighboring fire agencies can reduce response times.

F2.2 AVL on all fire vehicles and AVL capability at dispatch centers can reduce response times.

Recommendations

R2.1 By December 31, 2018 have AVL deployed at the Stockton Fire dispatch center.

R2.2 By December 31, 2017 all county fire agencies, develop a plan to fund, purchase and implement AVL on all emergency fire vehicles.

3.0 San Joaquin County EMS Policy 3202

In 1980, the State of California created the Emergency Medical Services (EMS) Authority. The EMS Authority sets standards for the provision of pre-arrival emergency care instructions at dispatch centers. They also set standards for the training and scope of practice for EMS personnel; basic life support provided by Emergency Medical Technicians (EMTs) and advanced life support provided by paramedics. The day-to-day management of EMS is the responsibility of local and regional EMS agencies. The State Emergency Medical Authority allows local EMS agencies to coordinate EMS activity based on community needs.

The San Joaquin County Emergency Medical Services Authority is responsible for planning, implementing and evaluating emergency medical services and approving dispatch in San Joaquin County. The fire dispatch protocol for medical emergencies has been and continues to be, a contentious issue.

EMS agencies may take into consideration local community needs when forming policy. Community needs in rural fire districts can be very different from those in large fire departments that serve a more densely populated area.

San Joaquin County Emergency Medical Services Policy 3202 mandates how emergency medical calls are dispatched. The policy was revised to meet the National Academies of Emergency Dispatch (NAED) Version 13.x and the revision became effective Feb. 1, 2017. The policy revisions included lowering the fire agency response for some calls from Code 3 to Code 2. Code 3 is an immediate response using lights and sirens. Code 2 is emergency response using lights but no sirens. The revisions eliminated certain calls to which fire agencies can respond. Some fire agencies in San Joaquin County have been directed by their City Council or their Board of Directors to respond to all calls, which is not allowed by the revised Policy 3202.

Finding

F3.1 There is disagreement among San Joaquin County Fire Chiefs regarding EMS Policy 3202. Some believe EMS Policy 3202 does not allow responders to provide the level of service expected in their communities.

Conclusion

The vast majority of fire agencies are in favor of a single countywide emergency fire dispatch center; they agree it would be in the best interest of the citizens and the County of San Joaquin. Most county and city administrators, as well as IT staff support this concept. With such an overwhelming response, one should ask why no significant effort has been made to make this happen. While attempting to answer this question, the Grand Jury discovered;

- Egos, politics, and fear of change have impeded improving public safety in our county. This is a significant leadership issue. Our citizens deserve better.
- VRECC has additional emergency fire dispatch ACE accreditation that Stockton Fire does not have. Disparagement of VRECC emergency fire dispatch is unwarranted.
- VRECC dispatch center has deployed “state-of-the-art” CAD and AVL technology. Stockton Fire has not.
- Stockton Fire charges its JPA members twice the amount for fire dispatch than VRECC charges its JPA members.
- There are operational differences between the fire dispatch centers. Intelligent individuals can and should disagree based upon their experiences. This is normal. Not negotiating to seek a common solution through compromise to improve public safety is not.

REDCOM provides fire dispatch services for 44 fire departments of which six (Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, and Sonoma) are urbanized cities. The dispatch center is operated by AMR, the same for-profit non-governmental company that runs the San Joaquin VRECC dispatch center in Salida, CA. The REDCOM dispatch center has operated since January 2003; none of the concerns that were expressed in San Joaquin County have been an issue at REDCOM.

The 2016-2017 Grand Jury has determined that a single countywide emergency fire dispatch center is needed in the County of San Joaquin. Leadership must address this challenge head on, overcome politics and egos and negotiate in good faith to create a single countywide fire dispatch center. Now is the time for county, city and special district leaders to join together **“under one roof”** “in the interest of public safety.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. The Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code sections 924.2 and 929).

One grand juror did not participate in this investigation, which included reviewing material, interviews, site visits, preparation, writing or approval of this report due to a perceived conflict of interest.

Response Requirements

California Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The agencies listed below shall respond to the following findings and recommendations within 90 days of receipt:

The San Joaquin County Board of Supervisors:

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation - R1.3

The Stockton City Council:

Findings F1.1; F1.2; F1.3; F1.4; F2.1; F2.2; F3.1

Recommendations R1.1; R1.2; R1.3; R1.4; R2.1; R2.2

The Manteca City Council:

Finding F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Lodi City Council

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Tracy City Council

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Lathrop City Council

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Lathrop-Manteca Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Escalon Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Ripon Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Farmington Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The French Camp Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Collegeville Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Montezuma Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Linden Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Clements Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Woodbridge Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Liberty Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Mokelumne Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

The Waterloo Morada Fire District Board of Directors

Findings F1.2; F1.3; F2.1; F2.2; F3.1

Recommendation R1.3; R2.2

Mail or hand deliver a hard copy of the response to:

Honorable José L. Alva, Presiding Judge
San Joaquin County Superior Court
180 West Weber Avenue, Suite 1306
Stockton, CA 95202

Also, please email the response to:

Ms. Trisa Martinez, Staff Secretary to the Grand Jury at grandjury@sjcourts.org

San Joaquin County Civil Grand Jury



French Camp McKinley Fire District 2016-2017 Case No. 0716

Summary

The 2016-2017 San Joaquin County Civil Grand Jury (Grand Jury) investigated a citizen complaint alleging the French Camp McKinley Fire District Board of Directors was not following its policies and procedures. The investigation focused on the following allegations:

- Board members interfered with the day-to-day operations of the fire district.
- Board members violated the Ralph M. Brown Act.

The Grand Jury recommends the Board of Directors attend Brown Act training and provide documentation of completion.

Background

The Fire Protection District Law of 1987 states that local communities can provide fire protection, rescue, emergency medical and other services relating to the protection of lives and property by the creation of fire protection districts. Fire districts are usually independent of a city or county government and are funded by a portion of the property tax and special assessments on properties within its district.

The Fire Protection District Law of 1987 states that: 1) fire districts shall be governed by a board of directors, 2) the board shall meet at least once every three months and 3) meetings of the board are subject to the provisions of the Ralph M. Brown Act.

The French Camp McKinley Fire District was formed in 1946, and provides fire, technical rescue, and basic emergency medical services to a population of approximately 6,000 residents. The fire district has one station in French Camp and responds to over 900 calls per year in a service area covering 16 square miles in unincorporated San Joaquin County.

In September of 2015 French Camp McKinley Fire District established a cooperative partnership to provide services to the Mountain House Community. The Mountain House Fire Station services a population of 14,000 residents in a service area covering 3.2 square miles.

Within the boundaries of and serviced by the district are:

- San Joaquin County Jail
- San Joaquin County Juvenile Justice Center
- Honor Farm
- San Joaquin County Sheriff's Office
- San Joaquin County Hospital
- California Health Care Facility

The French Camp McKinley Fire District Board of Directors is composed of five elected members. Directors serve a four-year term and terms are staggered.

Reason for Investigation

The 2016-2017 Grand Jury investigated a citizen complaint against the French Camp McKinley Fire District Board of Directors. The complaint alleged that board members interfered with the day-to-day operations assigned to the fire chief.

Method of Investigation

Materials Reviewed

- French Camp McKinley Rural Fire Protection District Fire Policy Manual
- French Camp McKinley Rural Fire District Policy 1093 - Board of Director Guidance
- French Camp McKinley Fire District Board meeting minutes
- Fire Protection District Law of 1987
- The Ralph M. Brown Act

Interviews Conducted

- French Camp McKinley Fire District Board Directors
- French Camp McKinley administration and staff
- Complainant

Site Visited

- Attended French Camp McKinley Board of Directors meeting

Discussions, Findings and Recommendations

1.0 Board of Director Policy

The French Camp McKinley Fire District has an extensive 434 page Fire Policy Manual that details all aspects of administration, policies and personnel procedures. Section 1093.3(c) lists the responsibilities of the Fire Chief. Item 5 states:

“Oversees staff including hiring, evaluation, promotion and discipline of all line and management staff.”

The day-to-day operations of the fire district are the responsibility of the Fire Chief, **not** the Board of Directors.

Policy 1093.3(b) details the responsibilities of the Board of Directors as a group and its members as individuals states:

“To refrain from involvement in the day-to-day operations of the District.”

Board members interfered in the day-to-day management of fire fighter personnel by repeatedly calling the fire chief with questions regarding the disciplinary actions already levied against a fire fighter. Personnel matters are only to be discussed in closed session of board meetings. One of the board members inquiring about the status of the fire fighter in question was related to the fire fighter.

This could be perceived as a conflict of interest and a violation of Government Code section 53234. Government Code section 53234 (d) in part states:

*“Ethics laws include, but are not limited to the following:
(4) Laws relating to fair processes...disqualification from participating in decisions affecting family members.”*

The French Camp Fire District Nepotism Policy 1090 states:

“The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this district.”

Findings

F1.1 Members of the French Camp McKinley Fire District Board violated Board Policy 1093 and overstepped their authority by interfering in the day-to-day management of fire fighter personnel.

F1.2 A board member violated the Ethics Code by inappropriately discussing confidential personnel matters.

Recommendations

R1.1 By September 30, 2017, members of the French Camp McKinley Fire District Board review and agree to follow District Policy 1093. Submit a signed letter of completion to their clerk of the board.

R1.2 By December 31, 2017 all board members complete ethics training as required in Government Code section 53235.

2.0 The Ralph M. Brown Act

The Ralph M. Brown Act (Brown Act) was passed in 1953 and is contained in California Government Code section 54950 *et seq.* The Brown Act applies to California cities and county government agencies, boards and councils.

The Brown Act's original purpose was to guarantee the public's right to attend and participate in open meetings of local legislative bodies. The Brown Act has been expanded over the years to address public concerns over informal, undisclosed meetings held by elected officials. The Brown Act contains specific exceptions from the open meeting requirements where a need for confidentiality has been demonstrated. Closed-session meetings primarily involve personnel issues, pending litigation, labor negotiations and property acquisitions.

The Brown Act section 54963(a) states:

“A person may not disclose confidential information that has been acquired by being present in a closed session unless authorized ...to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.”

At least one member of the board violated this section by discussing closed-session personnel information outside of closed-session. It was further violated by discussing confidential information with members of the public. Section 54954.2 (a)(1) states:

“At least 72 hours before a regular meeting the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.

A brief general description of an item generally need not to exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one...."

French Camp McKinley Board of Director Policy 1093 contains two sections specifically addressing the Brown Act. Section 1093.1.1(k) states:

"The Board shall comply with all provisions of the Ralph M. Brown Act."

Section 1093.1.1(j) states:

At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review within the fire district office/station, meeting location and on the fire district website."

The French Camp McKinley Fire District website's last posting of board meeting agendas was May 2016.

Findings

F2.1 French Camp McKinley Fire District violated the Brown Act by not posting board meeting agendas on their website from May 2016 to April 2017. This violation left the public uninformed, resulting in a lack of transparency.

F2.2 French Camp McKinley board members violated the Brown Act by discussing personnel matters outside of closed session, resulting in a violation of their own Board of Director Guidance Policy 1093.

Recommendations

R2.1 The French Camp McKinley Fire District post all agendas within the 72 hour time frame on their website as stipulated by the Brown Act.

R2.2 By December 31, 2017, the French Camp McKinley Fire District Board Chair require all board members to complete training on the Brown Act and provide documentation of completion to the clerk of their board.

Conclusion

French Camp McKinley Fire District is governed by a Board of Directors. Their Board of Directors has specific and detailed guidelines governing the administration of the fire district. This does not include involvement in the management of the day-to-day operations of the fire district. Board members are elected by the citizens they serve and must have the trust of the community to effectively manage the budgets and set the policies of the fire district. When board members are in violation of their own policies and state law, trust is broken. This results in a disservice to the public they serve.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. The Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code sections 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code sections 924.2 and 929).

Response Requirements

California Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The Board of Directors of the French Camp McKinley Fire District shall respond to all findings and recommendations in this report.

Mail or hand deliver a hard copy of the response to:

Honorable José L. Alva, Presiding Judge
San Joaquin County Superior Court
180 West Weber Avenue, Suite 1306
Stockton, CA 95202

Also, please email the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury at grandjury@sjcourts.org

Section III

Overview.....119

Grand Jury Ride-Alongs.....121

San Joaquin County Juvenile Justice Detention Facility.....122

John Zunino Jail Complex.....124

..

California Health Care Facility.....126

Deul Vocational Institute.....127

San Joaquin County Civil Grand Jury



Law and Justice Report

2016-2017

Overview

California Penal Code sections 919(a) and 919(b) authorize the Civil Grand Jury to inquire into the condition of jails and public prisons operated by state, county and cities within the jurisdiction of San Joaquin County. The Grand Jury is charged with investigating matters pertaining to law enforcement including police, juvenile justice, public protection and probation issues. The Grand Jury is also responsible for inspecting court detention facilities within San Joaquin County.

California detention facilities are categorized by type:

- Type I holds inmates up to 96 hours, excluding holidays, after booking;
- Type II holds inmates pending arraignment, during trial and upon sentencing;
- Type III holds only convicted or sentenced inmates; and
- Type IV holds inmates eligible for work furlough or other programs in the community.

The Grand Jury participated in the tour and review of the following facilities:

- John Zunino Jail Complex and Honor Farm;
- O.H. Close Youth Correctional Facility;
- N.A. Chaderjian Youth Correctional Facility;
- Deuel Vocational Institution (DVI);
- California Health Care Facility (CHCF);
- San Joaquin County Juvenile Justice Center;
- San Joaquin County Juvenile Probation; and
- All county court holding facilities.

Glossary

Adjudicated Ward

A minor who has been found guilty by a judge of committing a delinquent act and can be committed to a juvenile detention facility.

Administrative Segregation

Prisoners are placed in solitary confinement, or administrative segregation (Ad Seg) for violent or disruptive behavior.

Court Holding Facility

Located in a courthouse and used to hold detainees for court.

Infirm Inmate

A person incarcerated that is not physically or mentally strong, especially through age or illness.

Jail

A locked adult detention facility that holds both those awaiting court appearances and convicted adult criminal offenders, operated by a city or county.

Lockup

A room or secure enclosure under the control of a peace officer or custodial officer; primarily for the temporary confinement of those recently arrested.

Prison

A secure facility operated by the State of California or a contracted prison provider that houses sentenced offenders under the jurisdiction of the California Department of Corrections and Rehabilitation, Adult Operations Division or the Division of Juvenile Justice.

Recidivism

The tendency of a convicted criminal to re-offend.

Temporary Holding Facility

Holds detainees up to 24 hours.

Ward

A youth offender confined in the Juvenile Justice Facility.

Grand Jury Ride-Alongs

Grand Jurors participated in 28 ride-alongs with various agencies. Police, fire, sheriff and animal control officers took the jurors to the streets and waterways to see firsthand behind the badge. The ride-alongs provided Grand Jurors an opportunity to observe the complex and demanding job of first responders.

Grand Jurors toured the headquarters of Stockton Unified School District (SUSD) Police Department and later shadowed the School Resource Officers (SROs) at Edison and Stagg High Schools. Both SROs enjoyed their work and clearly had positive relationships with students and staff.

Grand Jurors rode with officers from the following agencies:

- Delta College Police Department
- Lodi Police Department
- Manteca Police Department
- Ripon Police Department
- San Joaquin County Sheriff
- Sheriff's Boating Safety Unit
- Stockton Police Department
- Stockton Fire Department
- SUSD Police
- Tracy Police Department
- University of the Pacific Police



San Joaquin County Juvenile Justice Detention Facility

The Probation Department Programs focus on: anger management, family intervention, life and employability skills, gang intervention, teen parenting and victim awareness.

The living units house:

- Pre-adjudication wards (pending court hearing);
- Adjudicated wards; and
- Wards pending placement or relocated.

This facility serves as a high security risk detention facility. San Joaquin County Probation Department controls the operations within the facility, which is located in French Camp. Adjacent to the facility is Camp Peterson. To be assigned to Camp Peterson requires a six month court-ordered commitment for juvenile offenders at high risk of committing further delinquency.

The camp is structured to promote:

- | | |
|---------------------|----------------------|
| ▪ Self-discipline | ▪ Respect |
| ▪ Accountability | ▪ Sobriety |
| ▪ Responsibility | ▪ Physical education |
| ▪ Tolerance | ▪ Academics |
| ▪ Basic life skills | |
| ▪ Work readiness | |

San Joaquin County Probation Mission Statement states:

“The San Joaquin County Probation Department, as an integral part of the Justice System, provides safe custodial care for juveniles and upholds public safety by providing prevention, investigation, and supervision services for offenders. We are committed to excellence, professionalism, and integrity as we serve our community...

One of Probation's primary goals is to provide evidence based interventions to our clients to assist them in adopting prosocial behaviors, resulting in reduced recidivism, thereby increasing public safety and reducing victimization. San Joaquin County Probation has a shared set of values. We value excellence, importance of the individual, team concept, ethical conduct, professionalism, importance of community and a safe and healthy environment.”

San Joaquin County Probation partners with Youth Build San Joaquin to provide job training and pre-apprenticeship programming. Youth receive training in construction technology and gain trade experience needed for well-paid construction jobs.

The Grand Jury’s visit included a presentation by staff and administrators and a tour of the juvenile detention living units, intake, juvenile courtroom and Camp Peterson. The librarian was proud to show the new library. Wards can go to the library as a reward for good behavior.

The Grand Jury observed and interacted with the staff at the facility and they were engaged with and care deeply about their mission and goals to help rehabilitate these minors.

During the tour, it was noted one of the exit signs was not illuminated. The Grand Jury requested a copy of the fire inspection, but instead received the latest maintenance record. The Grand Jury later learned a fire inspection had recently been conducted and the corrections had been made.

John Zunino Jail Complex

The Grand Jury toured the John Zunino Jail Complex (County Jail). The facility has a 1431 average daily offender population. The jail appeared to be in good condition and well maintained. Jurors visited the main intake and booking area, medical housing unit, honor farm, kitchen and general population pods.

The Grand Jury learned the jail staff are understaffed by 20 positions. Shifts are being filled by mandatory overtime to fill the needs of the institution. Once the new courthouse is finished, an additional six to seven correctional officers will be moved from the jail to the courthouse. The Sheriff's Department is currently in the process of filling correctional officer positions.

The Grand Jury observed different types of holding facilities, from the administration segregation to a more open setting commonly referred to as a pod that is used for the general population. The officer to inmate ratio is 1:64 in the pods and 1:70 at the Honor Farm. This facility is staffed with nurses and other medical staff.

San Joaquin County General Hospital staffs a secured hospital wing designated for inmates from San Joaquin and Sacramento Counties needing medical care.

The Grand Jury was able to tour the inmate bus. It was clean and air conditioned with several secured compartments which separates different groups or classification of inmates.

The staff was helpful in answering questions from the Grand Jury. The Grand Jury commends the Sheriff's Department for their professionalism and dedication to the safety and security of the county.



**San Joaquin County Jail
Complex**



**Pod Housing
Unit**



**Honor Farm
Office**



California Health Care Facility

The California Health Care Facility (CHCF) is the state's largest individual investment. It provides medical and mental health care to the infirm inmate-patients who have severe and long term needs.

CHCF encompasses more than 144 acres. The 1.4 million square foot facility was built in 2013, is certified to provide intermediate level care for up to 2,951 inmates of all classification levels and to supplement less acute treatment provided in other prisons operated by the Department of Corrections and Rehabilitation. CHCF staff consists of 1,156 medical workers, 1,126 custody support and rehabilitation staff along with 700 psychiatric and clinical staff.

The facility is new and modern, providing intensive medical care to the inmate-patients and operates with an annual budget of \$481 million, see below:

- \$234.2 Million - CCHCS - California Correctional Health Care Facility
- \$151.2 Million - CDCR - California Department of Corrections and Rehabilitation.
- \$ 96.3 Million - DSH - Department of State Hospitals.

The cost of incarceration varies according to inmate population. The current cost is approximately \$163,000 per inmate per year. Many inmates will spend their final remaining days at CHCF. The staff at the facility was helpful and answered the Grand Jury's questions.

Deuel Vocational Institute

Deuel Vocational Institute (DVI) located in Tracy is one of 33 state prisons in California. DVI functions primarily as a reception center for 29 counties in northern California. Inmates convicted of a crime and sentenced to a state prison, must first go to DVI for classification and evaluation, prior to being sent to another prison to serve out their sentence. DVI also has low-level minimum security inmates that are classified as Level I and II serving out their sentences. Level I and II inmates provide general services for the institution such as ground maintenance, food service and janitorial services.

Inmates are offered job skill training in preparation of release such as auto body repair, heating and air conditioning, computer liter

The building is a three tiered, older facility. It first opened in 1953 and expanded in 1993



Deuel Vocational Institute, Tracy

Section VI

Follow-up Overview.....	129
San Joaquin County Registrar of Voters <i>“Make Every Vote Count”</i> Case No. 1503.....	132
San Joaquin County Public Defender Fees <i>“Collection of Fees from Indigent Defendants”</i> Case 1506.....	139
Homelessness in San Joaquin County <i>“Time for Collaboration, Commitment and Communication”</i> Case 1507.....	144
Stockton Municipal Utilities Department <i>“Struggling in the Mud”</i> Case 1412.....	152
It is Time to Come Together <i>“Consolidate the Eight”</i> Case 1401.....	158
Juvenile Justice Detention Facility.....	162

Follow - Up

San Joaquin County Civil Grand Jury



Review and Investigation of Responses to the 2015-2016 Final Grand Jury Report

The 2015-2016 San Joaquin County Civil Grand Jury (Grand Jury) issued its final report in June 2016, which consisted of three investigations, four law and justice reports, and six follow-up reports on government agencies, county departments, school districts and special districts throughout San Joaquin County. These investigations and follow-up reports generated 21 findings and 21 recommendations.

Submission of responses to final reports are an important component of the Grand Jury process. Governing bodies of public agencies and elected officials are required to respond to grand jury findings and recommendation that pertain to matters under their authority. California Penal Code (PC) section 933(c) requires that governing agencies submit their responses to the presiding judge of the superior court within 90 days after the Grand Jury issues a final report; elected officials must respond within 60 days. Elected officials or governing agencies must specifically respond to each finding and each recommendation.

PC section 933.05(a) requires that for each grand jury finding, the responding person or entity must indicate one of the following:

- The respondent agrees with the finding; or
- The respondent disagrees wholly or partially with the finding, specifying the portion of the finding that is disputed and including an explanation of the reasons for the dispute.

For each grand jury recommendation, PC section 933.05(b) further requires that the responding person or entity must report one of the following actions:

- The recommendation has been implemented, with a summary regarding the implemented action; or
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation; or
- The recommendation requires further analysis with an explanation and the scope and parameters of an analysis or study and a time frame 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 time frame shall not exceed six months from the date of publication of the final report; or
- The recommendation shall not be implemented because it is not warranted or is not reasonable, with an explanation included.

The succeeding grand jury may choose to review the agency's responses to the findings and recommendations and may elect to confirm compliance, investigate further or issue a new report if necessary. The 2016-2017 Grand Jury reviewed each of the responses to the 2015-2016 Grand Jury Final Report and conducted follow-up investigations to confirm that the respondent completed all required actions. Some of the follow-up reviews required interviews, additional documentation and site visits to discuss clarification of last year's agency responses.

All agencies except one complied with the response requirements. LAFCo did not respond within 90 days but did respond after additional requests.

The following reports include all Findings and Recommendations from the 2015-2016 Grand Jury Final Report, the agency responses, and the 2016-2017 Grand Jury determinations of the agency responses.

- Case 1401 Consolidate the Eight;
- Case 1412 Stockton Municipal Utilities Department;
- Case 1503 San Joaquin County Registrar of Voters;
- Case 1506 San Joaquin County Public Defender Fees; and
- Case 1507 Homelessness in San Joaquin County
- Law/Justice Juvenile Justice Detention Facility

The complete agency responses are located on the San Joaquin County Civil Grand Jury website under "Previous Grand Jury Rosters and Reports" at: www.sjcourts.org

Disclaimer

The agency responses to Grand Jury findings and recommendations are reprinted exactly as filed with the court. The agency responses and grand jury findings and recommendations are matters of public record per California Penal Code section 933(c) (d).

Follow-up Report to the 2015-16 San Joaquin County Civil Grand Jury Case 1503



San Joaquin County Registrar of Voters,

Make Every Vote Count

Preface

This report contains the methods the 2016-2017 San Joaquin County Civil Grand Jury (Grand Jury) used to determine if the County Board of Supervisors (BOS) responded to the 2015-2016 Final Grand Jury Report, “*San Joaquin County Registrar of Voters-Make Every Vote Count*”. Grand Jury recommendations, as well as The Board of Supervisors responses are presented verbatim in this report.

A complete copy of the original report and the BOS responses can be found on the San Joaquin County Grand Jury website:

<https://www.sjcourts.org/grandjury/previous>

Glossary

BOS	Board of Supervisors
ROV	Registrar of Voters
VBM	Vote by Mail

Method of Follow-Up Investigation

The current Grand Jury reviewed the 2015-2016 report No.1503 and the Board of Supervisors responses. The responses were reviewed for compliance, responsiveness and implementation of the recommendations. The 2015-2016 Grand Jury issued findings and recommendations that were meant to strengthen the transparency and accuracy of the Vote by Mail (VBM) ballots. Members of the 2016-2017 Grand Jury were invited by the ROV to serve as participants in the San Joaquin County Election Observation Panel on Oct. 24, 2016. The panel was designed to test the pre-election systems and processes. Grand Jurors marked real ballots, scanned the ballots and confirmed the final tabulation.

Grand Jury members were invited to observe the election night ballot processing at the ROV warehouse on Nov. 8, 2016. After the close of the polls, jurors observed the process of receiving sealed ballots from precincts and checking for tears and unusual markings. Ballots were taken to the scanner for tabulation of the ballots. Ballots were then loaded onto pallets for storage. ROV staff knew their assignments and carried them out effectively. Grand Jury members observed the organization, security and care taken by the ROV to ensure that this county's election processes were fair and accurate. The ROV should be commended.

Recommendations, Agency Responses and Grand Jury Results

Findings

F1.1: There is no documentation to verify when and by whom VBM ballots are picked up by ROV staff from the Postal Service.

Agency Response:

"Agree. Information Systems Division concurs with the Grand Jury's finding."

F1.2: The public was not informed for 328 days after election certification about the unusually high number of late ballots from the 2014 Gubernatorial Primary Election, June 3, 2014.

Agency Response:

“Agree. Information Systems Division concurs with the Grand Jury’s finding. The Information systems Division acknowledges that a press release was not generated notifying news organizations of the large number of VBM ballots received by San Joaquin County the day after the 2014 Gubernatorial Primary Election. It should be noted that the late receipt of VBM ballots was fully disclosed to the Secretary of State’s Office on June 4, 2014 (the same day the late VBM ballots were received.)”

Recommendations

R1.1: By September 1, 2016, ROV develop written policies and procedures for daily tracking of the VBM ballots picked up at the post office. Tracking should include who picked up the ballots, when they were picked up, how many were received and when they arrived at the ROV office.

Agency Response:

“This recommendation has been implemented. The recommended policies and procedures for the daily tracking of the VBM ballots picked up at the post office by the ROV staff were developed in April 2016. A complete copy of the procedures and associated forms were provided to the Grand Jury on April 21, 2016. The new procedures and associated forms were fully utilized by the ROV staff during the 2016 Gubernatorial Primary Election (held on June 7, 2016.) However, it should be noted that the day after the 2016 Gubernatorial Primary Election (June 8, 2016), ROV received over 1,400 VBM ballots that were post marked on June 7th (Election Day). This is the same situation experienced by San Joaquin County in 2014 when ROV received 799 VBM ballots from the post office the day after the election. Even with ROV’s implementation of detailed record keeping at the behest of the Grand Jury, the County still has no control over the timeliness of the VBM processing/delivery by the post office. Fortunately, the Legislature now allows ROVs statewide to process VBMs postmarked on or before Election Day, as long as the VBMs are received by ROV within three days of the election. This change in California Election Code became effective on January 1, 2015; a direct response by the Legislature to the late delivery of VBMs to ROVs that occurred across California.”

2016-2017 GRAND JURY RESULTS

The ROV received 2,976 VBM ballots after Election Day (between 11/9/2016 and 11/18/2016).

MAIL PICK UP LOG					ELECTION: November 8, 2016 PRESIDENTIAL									
Date	Time	Facility	Name	Name	Total Number of Ballots Received	Date and Time of Pick-Up from Facility	Date and time of Deposit with ROV	Unmetered	Metered	With Postage	Without Postage	No Signature	Supervisor Signature	
10/27/16	2:15p	Delta	K Van Nootern	L. Vang	6085	9:10a	9:30a	1375	4710	5919	106	28	D. Strange	
10/28/16	12:40p	Delta	D. Strange / S. Scott	D. Jimenez	3951	9:00a	9:30a	357	3594	3365	86	33	D. Strange	
10/31/16	2:15p	Delta	K Van Nootern / S. Scott / D. Henderson		7523	9:00a	9:30a	1103	6420	7299	224	43	D. Strange	
11/1/16	12:00p	Delta	K Van Nootern / S. Scott / D. Henderson		4432	8:50a	9:15a	610	4032	4522	110	14	D. Strange	
11/3/16	11:20am	Delta	K Van Nootern / S. Scott / D. Jimenez		7856	8:40a	9:20a	912	6944	7641	215	53	D. Strange	
11/3/16	11:25am	Delta	K Van Nootern / Nick Torda / Lu Vang		7065	8:55a	9:25a	964	6101	6837	228	59	D. Strange	
11/4/16	11:00am	Delta	K Van Nootern	D. Henderson	5164	9:15a	9:30a	930	4234	4971	193	36	D. Strange	
11/7/16	3:50pm	Delta	K Van Nootern / D. Henderson / S. Snider		11532	8:45a	9:30a	1361	10171	11108	424	70	D. Strange	
11/8/16	3:40p	Delta	D. Strange	G. Glover	7540	8:45a	9:30a	1280	6320	7124	416	49	D. Strange	
11/8/16	4:45p	Delta	D. Strange	G. Glover	77	4:45p	4:55p	7	70	76	1	0	D. Strange	
11/8/16	6:30p	West Lane	D. Strange	G. Glover	1267	6:45p	7:05p	2	1265	1181	86	9	D. Strange	
11/9/16	3:20p	West Sacramento	Lee Vang	N. Torda	1063	9:30p	11:00p	0	1063	1042	21	3	D. Strange	
11/9/16	9:30a	Delta	K Van Nootern / D. Henderson / S. Snider		1139	8:45a	9:00a	27	1112	1060	79	3	D. Strange	
11/9/16	9:35a	Delta	G. Glover	D. Womack	37	9:00pm	9:15pm	1	36	34	2	0	D. Strange	
11/9/16	9:30a	Delta	K Van Nootern	D. Womack	15	4:45pm	5:00pm	0	15	14	1	0	D. Strange	
11/9/16	9:40a	West Lane	G. Glover	D. Womack	37	6:30pm	6:45pm	0	37	35	2	1	D. Strange	
11/9/16	9:41a	W. SAC	T. Vang	L. Vang	890	6:20pm	7:30pm	23	867	832	58	6	D. Strange	
11/10/16	9:43a	Delta	K Van Nootern	D. Womack	256	8:45a	9:00a	13	243	236	20	5	D. Strange	
11/10/16	9:44a	Delta	D. Womack	A. Robles	38	4:40p	4:50p	1	37	38	0	0	D. Strange	
11/10/16	9:45a	West Lane	G. Glover	D. Womack	2	6:35p	6:50p	2	0	2	0	0	D. Strange	
11/10/16	9:45a	W. SAC	L. Vang	N. Torda	0	6:20p	7:30pm	0	0	0	0	0	D. Strange	
11/14/16	7H 3:05p	Delta	K Van Nootern	D. Womack	553	8:45a	9:00am	8	545	550	3	1	D. Strange	

(Sample page from the new Registrar of Voters Mail Pick Up Log)

The 2016-2017 Grand Jury determined no further action is required.

R1.2: By September 1, 2016, ROV develop and implement a written policy to publicize election discrepancies before election certification.

Agency Response:

"Agree. To determine if a "best practice" already exists for publicizing election discrepancies, San Joaquin County canvased ROVs statewide. San Joaquin County was unable to find any county in California that has a written policy addressing this matter. San Joaquin County ROV strives to be exceptionally transparent during each and every election. With that continuing goal in mind, ROV will develop a written policy to publicize all noteworthy election discrepancies before the certification of an election. The new written policy will be developed and implemented by September 1, 2016."

The 2016-2017 Grand Jury determined no further action is required.

Findings

F2.1: The ballots were moved from a secured 24-hour surveillance facility to a less secure location.

Agency Response:

“Agree. Information Systems Division concurs with the Grand Jury’s finding. The Stockton Metropolitan Airport warehouse (the warehouse temporarily used by the ROV) is not equipped with either a security system or camera system. However, it should be noted that unrestricted access to the Stockton Metropolitan Airport warehouse does require a background check and the Airport grounds (including the area surrounding the Airport warehouse) are patrolled 24-hours per day. Also, it is important to note that the ballots for the June 3, 2014 election were moved from a warehouse previously leased by ROV, to an interim warehouse facility located on the Stockton Metropolitan Airport grounds nearly a year after the June 2014 election process was completed. The ROV stored election materials at the Airport warehouse facility for approximately 10 months while the new ROV warehouse was prepared for occupancy (installation of a security system, electrical and other construction activities required for occupancy.)”

F2.2: The warehouse video was not viewable because the system overwrites itself every three to four months.

Agency Response:

“Agree. Information Systems Division concurs with the Grand Jury’s finding.”

F2.3: There is no documentation of material and equipment movement between ROV and the storage facilities.

Agency Response:

“Partially Disagree. Information Systems Division partially disagrees with the Grand Jury’s finding. ROV does utilize automated asset tracking for certain equipment and materials that move between the ROV warehouse and other locations during the election process. Automated asset tracking occur each election for key election equipment and materials. For example the movement of Voter Touch Screens and the rolling boxes (used for distribution of materials) are documented via the asset-tracking software during the election process. However, it is accurate to say that the movement of ROV materials and equipment outside of the election process are not documented.”

Recommendations

R2.1: By September 1, 2016, ROV store all ballots and equipment in a secured location with 24-hour surveillance.

Agency Response:

“This recommendation has been implemented. The San Joaquin County Board of Supervisors approved a lease agreement for a new ROV warehouse in October 2015. Tenant improvements

were required for the new warehouse to meet ROV's operational and security needs. The landlord made the required tenant improvements to the facility and the improvements were completed in March 2016. Tenant improvements made to the new ROV warehouse include implementation of a 24-hour video camera system that records the activities in the new warehouse, as well as installation of a monitored security alarm system. In April 2016, ROV ballots and equipment were moved from the Airport warehouse facility to the new ROV warehouse. As a result of these actions taken by the County, this Grand Jury recommendation was addressed in April 2016."

The 2016-2017 Grand Jury determined no further action is required.

R2.2: By September 1, 2016, ROV develop and implement a policy to keep and store all surveillance data per canvass procedures for the storage of all ballots.

Agency Response:

"This recommendation will be implemented by September 1, 2016. Information Systems Division/ROV will develop and implement a policy for the retention of surveillance video related to the storage of ballots. The surveillance video that is retained will cover the critical periods in the election process. The County will retain this video for a period of time that will correspond with the retention period for the related ballots and voting materials. The new written policy will be developed and implemented by September 1, 2016."

The 2016-2017 Grand Jury determined no further action is required.

R2.3: By September 1, 2016, ROV develop and implement a chain of custody for all materials brought into and removed from the storage facilities.

Agency Response:

"This recommendation will be implemented by September 1, 2016. For the last several years, Information Systems Division / ROV has utilized automated asset tracking to monitor the chain of custody of critical equipment and materials that move between the ROV warehouse and other locations during the elections process.

As noted previously, ROV does not currently document the "chain of custody" for some election materials that move between the ROV facilities once an election is complete. San Joaquin County ROV will modify its existing chain of custody practices so that the movement of critical election materials between the ROV facilities after an election is documented. The revised procedures will be developed and implemented by September 1, 2016."

The 2016-2017 Grand Jury determined no further action is required.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. The Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code sections 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code sections 924.2 and 929).

Follow-Up Report to the 2015-2016 San Joaquin County Civil Grand Jury Case 1506



San Joaquin County Public Defender Fees

Preface

This report contains the methods the 2016-2017 Grand Jury used to determine if the Board of Supervisors responded to the 2015-2016 Grand Jury Final Report No 1506 “*San Joaquin County Public Defender Fees*.” The 2015-2016 Grand Jury Findings and Recommendations, as well as the Board of Supervisors responses are presented verbatim in this report. The 2016-2017 Grand Jury follow-up results are presented after the agency’s response to each recommendation. A complete copy of the original report and the agency’s response may be found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org>

Glossary

BOS	Board of Supervisors
County/SJC	San Joaquin County
Court	San Joaquin County Superior Court
Feasibility Study	Assessment of the practicality of a proposed plan or method
Indigent	A person with little or no income
MOU	Memorandum of Understanding describes a bilateral or multilateral agreement between two or more parties

Method of Follow-Up Investigation

The current Grand Jury reviewed the 2015-2016 Grand Jury Report No. 1506 and the Board of Supervisors responses. Jurors reviewed data and documentation provided by the Public Defender's Office, conducted interviews and attended court arraignments.

Findings and Recommendations, Agency Responses and Grand Jury Results

Findings

F1.1 There are no established policies or procedures to assess indigent defendants' ability to reimburse the Public Defender's Office for court appointed counsel.

Agency Response:

"Disagree. There is a policy and procedure to assess fees. In March of 2010, the Department requested, and the Board of Supervisors approved R-10-95, which permitted San Joaquin County courts to assess a registration fee of up to \$50 upon appointment of counsel pursuant to Penal Code section 987.5(a.) The assessed fee was to be paid at the Office of Revenue and Recovery, a division of the Treasurer-Tax Collector. A survey of other counties' procedures and policies also lead our Department to the generation of a flat fee, rather than an hourly rate. In August 2010, a letter was sent to each judge, commissioner and court personnel requesting that the court assess a flat fee of \$125 for a misdemeanor case and \$175 for a felony case to every defendant who had the ability to pay. This amount included the registration fee pursuant to Penal Code section 987.5(d.) The location for payment was modified after it was determined that all fees paid by defendants for public defender services to the Office of Revenue and Recovery were to be applied to all other balances first to other county agencies before being credited to the department of the Public Defender. Other counties have also experienced this issue. For this reason, the court was notified that the location of payment was changed to the Public Defender's Office. This procedure continued for a period of time until the court gradually stopped informing and assessing defendant's registration fee or the flat fee. It is the intention of this Department to immediately resume the procedure by requesting that the court assess and order the indigent defendants to pay the flat fee of \$125 for a misdemeanor and \$175 for a felony to each client. The flat fee of \$50 would be payable at the Public Defender's Office. The money collected would be tracked by the Public Defender's fiscal staff. The Public Defender's Office does not have the personnel to track whether every defendant has paid. The Department will monitor the ongoing assessment of the fee through the Courts."

F1.2 There is no communication and oversight among the Public Defender's Office, the County Administrator's office and the Courts for the collection of the fees assessed to the indigent defendants.

Agency response:

“Disagree. As stated in Response to F1.1 above, the Public Defender’s Office established policies and procedures in 2010 to assess and collect fees from indigent defendants, which had also been communicated to the San Joaquin County Superior Court. The Department intends to resume such procedure by September 1, 2016.

In addition, County Administration reached out to other County departments to determine if a coordinated effort between several departments might make a County Evaluator position more effective. In short, the answer is no, primarily due to the differences in eligibility and the Department’s ability to provide services and payment plans based upon existing legislation.”

F1.3 Financial information required to determine indigence in the County is not being verified.

Agency Response:

“Disagree. Financial information, which includes household income, assets, (real estate, vehicles, money in the bank) and debts, is currently obtained from the majority of defendants in custody, during a Pretrial Services Interview conducted by the Pretrial Services Unit, a branch of the San Joaquin County Probation Department. At that interview, the defendant are told that the information reported will be shared with the court to determine eligibility for pretrial release. A defendant has an incentive to disclose employment and asset information, as those are evidence of stability and support a pretrial release.

Penal Code section 987.8 states that the court can order a defendant to appear before a county officer to make inquiry into the ability to pay all or a portion of legal assistance, impose liens, preside over noticed hearing to determine ability to pay and set amounts to be reimbursed and order the sum reasonable and compatible with the defendant’s financial ability. Penal Code section 987.8(e) outlines the defendant’s rights at a hearing. This process requires additional court appearances.

According to the Assistant Treasurer-Tax Collector, a position comparable to a County Evaluation Officer within San Joaquin County is a Senior Collection Clerk, which has a total cost of \$82,491 per year and the total cost of a Collections Supervisor is \$95,254 per year. It is anticipated that the County would need to hire six Senior Collections Clerks and one Collections Supervisor to staff San Joaquin County three courthouses (Stockton, Lodi and Manteca). In addition, the Office of Revenue and Recovery states that they would charge our Department their hourly rate to track down delinquent payments. It would also be ineffective to vet financial information through these positions. The majority of defendants appointed to the public defender’s office have low to no income, outside of public assistance. It is anticipated that the majority (estimated at over 80%) of defendants would be financially unable to pay more than the flat fee that our Department has previously implemented. In addition, the majority of defendants accused of felony charges that remain in custody have lost any job that they may have had. A flat fee has greater likelihood of being recovered, eliminates the need for county officers and ability to pay hearings and is an equitable cost for indigent defendants.

At the completion of the defendant’s case, the Court will be asked to access the full \$125 or \$175, minus the \$50 registration fee, payable to the Public Defender’s Office.”

Recommendations

R1.1 By September 1, 2016 the Board of Supervisors conduct a feasibility study to determine if the county can support a Chief Financial Evaluation Officer or designee to vet defendants' ability to pay, and track and collect public defender fees.

Agency Response:

"This recommendation was implemented by County staff. As stated above, to vet defendants' ability to pay, track and collect public defender fees would be costly and ineffective due to most indigent client's modest income to no means.

The ability to pay assessment to determine if defendants are able to pay the registration/flat fee can be conducted by the Court, using the Pretrial Services information and any follow up with the defendant in court. Fees can be collected at the Public Defender's Office and tracked by the Defender's fiscal staff."

The 2016-2017 Grand Jury determined no further action required.

R1.2 By December 31, 2016 the Board of Supervisors develop policies and procedures to vet defendants, track and collect fees due the county from the indigent defendants for court appointed counsel.

Agency Response:

"This recommendation will be implemented by September 1, 2016. The department will follow-up with all parties involved with the policies and procedures outlined in F1.1."

See section 2016-2017 Discussion, Findings and Recommendations.

R1.3 By December 31, 2016 the Board of Supervisors implement a policy to vet defendants, track and collect assessed fees from the indigent defendants.

Agency Response:

"This recommendation will be implemented as described in Response F1.1 above. The Department will follow-up with all parties involved with the policies and procedures outlined in F1.1."

See section 2016-2017 Discussion, Findings, and Recommendations.

R1.4 By December 31, 2016 the Board of Supervisors develop a MOU with the court to inform all defendants of the assessable fees.

Agency Response:

"This recommendation will be partially implemented. The Board of Supervisors has approved the \$50 registration fee, and in the past the courts have worked with the County on the process of

assessing the \$125 flat fee for a misdemeanor case and the \$175 for a felony case (with credit given for the \$50 registration fee). The Public Defender's Office intends to re-implement this process by September 1, 2016 and will work with the Presiding Judge in reinstituting the assessment procedure to be part of the court hearings going forward."

The 2016-2017 Grand Jury determined no further action is required.

2016-2017 Finding and Recommendation

Finding

F1. The Board of Supervisors response to F1.1 stated that the Public Defender's Office does not have the personnel to track whether every defendant has paid. Defendants have no incentive to pay, and there are no consequences for non-payment.

Recommendation

R1. By December 31, 2017, the Board of Supervisors implement a policy to track and collect all assessed fees for the services of the Public Defender and forward total assessed fees and total collected fees to the County Administrator.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (penal Code sections 911, 924.1(a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code sections 924.2 and 929).

Response Requirements

California Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The Board of Directors of the French Camp McKinley Fire District shall respond to all findings and recommendations in this report.

Mail or hand deliver a hard copy of the response to:

Honorable José L. Alva, Presiding Judge
San Joaquin County Superior Court
180 West Weber Avenue, Suite 1306
Stockton, CA 95202

Also, please email the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury at grandjury@sjcourts.org

Follow-Up Report to the 2015-2016 San Joaquin County Civil Grand Jury Case 1507



Homelessness in San Joaquin County

Preface

This report contains the methods the 2016-2017 Grand Jury used to determine if the Board of Supervisors responded to the 2015-2016 Grand Jury Final Report, “*Homelessness in San Joaquin County: Time for Collaboration, Commitment and Communication.*” Grand Jury Findings and Recommendations, as well as the Board of Supervisors responses are presented verbatim in this report. The current Grand Jury follow-up determinations are presented after the agency’s response to each recommendation.

A complete copy of the original report and the agency’s response may be found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org>

Glossary

CDBG	Community Development Block Grant
CDD	Community Development Department
CVLIHC	Central Valley Low Income Housing Corp.
ESG	Emergency Solutions Grant
HOME	HOME Investment Partnership
HUD	Department of Housing and Urban Development

Method of Follow-Up Investigation

The current Grand Jury reviewed the 2015-2016 Grand Jury Report No. 1507 Report, the Board of Supervisors responses, the San Joaquin County Homelessness Task Force Annual Report and Board of Supervisors Task Force Presentation dated November 16, 2016. The Grand Jury attended Board of Supervisors meetings.

Findings, Recommendations, Agency Responses and Grand Jury Determinations

Findings

F1.1 The Consolidated Plan does not contain a clearly defined strategic plan to address homelessness. It does reference a “Homeless Prevention Plan.” (See Appendix I)

Agency Response:

“Disagree. The Consolidated Plan is not intended to be a single document that contains the plan to address homelessness in the region. It identifies local needs and how funds given by the Department of Housing and Urban Development (HUD) will help address these needs, and it addresses how the San Joaquin Urban County will use the funds for the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Emergency Solutions Grant (ESG) programs. The San Joaquin Urban County is comprised of the unincorporated San Joaquin County and the cities of Escalon, Lathrop, Manteca, Ripon, and Tracy. The cities of Lodi and Stockton operate their own programs through HUD and submit their own Consolidated Plans.

“Programs covered under the Consolidated Plan do not solely address the homelessness issue. The ESG program is the only program that is operated for the benefit of the homeless by providing funds to sub-recipients who offer emergency housing, permanent housing, and supportive services to the homeless. The CDBG program targets programs that benefit low and moderate income households and communities, and the HOME program is used to assist low income persons in housing acquisition and rehabilitation.

The Homeless Prevention Plan is part of the Continuum of Care program that is just one tool for helping to address the homelessness issue. The Continuum of Care covers the whole County including all the seven incorporated cities, but only in relation to the homelessness issues that pertain to Community Development and the agencies and nonprofits who work with us. The Homeless Prevention document is a guideline that contains general goals and objectives of the homeless prevention plan. It states what the programs can do for the target population, who qualifies for the benefits, and how the benefits can be implemented.”

F1.2 County staff members responsible for addressing homeless programs were not involved in the creation of the Consolidated Plan and have limited working knowledge of the report. Some statements in the Plan, i.e. expanding the number of beds available, are not substantiated.

Agency Response:

“Agree. There has been turnover at the top of the Neighborhood Preservation division of the Community Development Department, which administers the various HUD programs. Vast institutional knowledge in the programs and operations were lost in this change in personnel. This happened abruptly and was not anticipated. As such, it was a difficult process to get the requires annual documents and reports submitted to HUD on time (March, 2015 through March, 2016). Vacant positions are being filled, and once fully staffed, the programs will run more efficiently. With the help of consultants, staff is becoming more knowledgeable of the programs.”

F1.3 No upper management County staff member is involved with the “Community Coalition on Homelessness Interagency Council.”

Agency Response:

“Agree. The Community Coalition on Homelessness Interagency Council is a presidential cabinet level organization for the federal government. This Council reference was erroneously used by consultants for CDD in the Consolidated Plan to describe the local jurisdictions, agencies, and nonprofit organizations who meet to discuss the various issues affecting the community. The Community Development Department (CCD) is in the process of reevaluating the operations of the Continuum of Care to ascertain improvements to the efficiencies and communications among the local jurisdictions, agencies, nonprofit organizations, and community groups to enhance the coordination and operations of the programs funded. After this reevaluation (still underway), it is anticipated that there will be an increase in the number of times that all of these interested organizations will meet to discuss and plan strategies to address homelessness, and have a more efficient coordination among those involved.

“Currently under consideration by the County’s Homelessness Taskforce, upon such time that its members have determined that the Taskforce has fully realized its purpose and intent of its original work plan, the Task force may transition into becoming and serving as the Continuum of Care program.”-

F1.4 The scope of the problem is compounded by a lack of accurate and comparable data.

Agency Response:

“Agree. There is an annual count and a bi-annual count of the homeless. Both counts are done by Stockton based, Central Valley Low Income Housing Corp. (CVLIHC). The annual count is for the sheltered homeless, but CDD is not involved with it. The bi-annual count is for the

sheltered and unsheltered homeless and CDD takes part in this count. Both counts are The counts are all done in January. The next biannual count required by HUD will be in January 2017.”

Recommendation

R1.1 By January 1, 2017, the County develop and implement a strategic plan to address homelessness in San Joaquin County that includes measureable long-and short-term goals and objectives with an established timeline and an annual evaluation process.

Agency Response:

“This recommendation will be implemented but not by January 1, 2017. It may take longer than six months for the current Homelessness Task force to establish a strategic plan. The County does not intend to implement this recommendation on its on. In February of 2016 the Chairman of the Board of Supervisors recommended the addition of the Homelessness Task Force with two Board members assigned. The Homelessness Task Force is a discretionary committee. The role of the Board members is to be a convener among the local non-profit organizations and governmental bodies in yielding positive outcomes and best practices in reducing homelessness in San Joaquin County. The County has a commitment to the development and implementation of a strategic plan to address homelessness in San Joaquin County though extensive involvement and leadership of the Homelessness Task Force, which is a county-wide collaboration of representatives from a cross-section of public and private organizations dedicated to addressing homelessness. The County does not intend to implement this recommendation on its own. There have been 8 meetings of the Homelessness Task Force so far. In addition to the full Task Force, there are work groups in the following areas:

- 1. Outreach/Temporary Housing Work Group*
- 2. Data Collection Work Group*
- 3. Diversion Court/Law and Justice Work Group*
- 4. Prevention Work Group*

Each of these work groups is working on short term actions but keeping long-range vision in mind.”

The 2016-2017 Grand Jury determined no further action is required.

Finding

F2.1 Departments within the County’s organizational structure have no consistent or focused strategies to work together in addressing homelessness.

Agency Response:

“Agree. HUD disperses funds separately to CDD and to the cities of Stockton and Lodi. These funds are to be used for specific purposes according to strict requirements from HUD. When submitting annual reports to HUD regarding the usage of funds, there are guidelines and milestones that each County department must reach in order to continue receiving funds. CDD files one report with HUD that covers the unincorporated County and the five cities we represent. These requirements from HUD are unique to the program funds received. The HUD requirements are the first priority to be achieved. Therefore, to reach the goals and objectives for the program funds related to each department, coordinating with agencies and nonprofits that have direct involvement with the funds granted is a higher priority than coordinating with other County departments. Also, because there is a limited amount of time and money that can be used to administer these programs, (based on the number from 2014-15, CDD gets approximately 14% of the HUD funds to cover administrative costs, this number was approximately \$476,000, which did not fully cover the salary portion for the Neighborhood Preservation Division). There are also very limited resources that can be devoted to coordination with other departments.”

F2.2 There is no lead County department or agency coordinating efforts directed toward the homeless.

Agency Response: “Agree.”

Recommendation

R2.1 By January 1, 2017, The Board of Supervisors should appoint one individual within County government to oversee all matters related to homelessness reporting directly to the County Administrator. That person needs the authority and resources to bring together the necessary entities to develop and implement the County’s Strategic Plan on Homelessness.

Agency Response:

“This recommendation will not be implemented. Homelessness is a broad problem which requires community based solutions through a collaboration of committed public and private partners. Focus from a variety of sources, such as those public and private organizations contributing to the ongoing collaborative effort of the Homelessness Task Force, is necessary. The Board of Supervisors is acting in a leadership role on this matter and will coordinate as appropriate with other government entities, including City Leadership, non-county organizations, the County Administrator, and County Department Heads to help develop a Strategic Plan on Homelessness.”

The 2016-2017 Grand Jury determined no further action is required.

The County Administrator responded on February 28, 2017 to the Homelessness Task Force recommendation with the statement “During the discussion with the County Departments Heads, there was support for the creation of a position to oversee homelessness within the County. The position is not being recommended at this time by the County Administrator since we are in the

midst of budget preparation for 2017-2018 and would appreciate Board direction on adding ongoing position costs for services that are occurring in various County Departments.”

Recommendation

R2.2 By January 1, 2017, the Board of Supervisors fund a position to oversee this initiative, even if it requires reprioritizing and reallocating other resources.

Agency Response:

“This recommendation will not be implemented for the reasons stated in Response to R2.1”

The 2016-2017 Grand Jury determined no further action is required.

Findings

F3.1 The City of Lodi along with private individuals and agencies have taken encouraging steps to address the homeless issue. The success Lodi has achieved can be attributed to the coordinated efforts of public agencies, non-profit groups and churches (See Appendix 2).

Agency Response:

“Agree. The County agrees with the finding that the success the City of Lodi has achieved can be attributed to the coordinated efforts of public agencies, non-profit groups and churches.”

F3.2 The County’s “2010-2015 Consolidated Plan” listed seven “Weaknesses in Organizational Structure” to address the homeless population and actions necessary to eliminate those weaknesses. The County’s “2015-2019” Consolidated Plan” provided no evidenced (sic) the issues were addressed.

Agency Response:

“Partially disagree. The seven actions that should be considered to improve effectiveness, what the Grand Jury refers to as the “Weaknesses in Organizational Structure”, are some of the drawbacks to the HUD program as a whole. The weaknesses listed in the Consolidated Plan are:

- *Coordinate decision making: Each jurisdiction makes their own funding decisions because they are separately responsible for the funds they receive.*
- *Expansion of outreach: New nonprofit organizations may not be aware of the HUD funds available to become involved.*
- *Improve timely implementation of projects: Some problems that cause implementation issues are funding from multiple sources, loss of staff, banking of funds for larger projects, and the length of time and permitting requirements to develop housing projects.*

- *Expand availability of technical assistance: Developers need outreach and technical training for project implementation.*
- *Advocate for changes in Federal regulations that discourage interagency cooperation: The way that HUD funds are disbursed encourages agencies to be grant-driven in their approach.*
- *Partnerships needed: Need to find ways to encourage public/private partnerships in developments.*
- *Expand interagency communication: Communication with and among nonprofit organizations needs to be enhanced.*

This discussion of the strengths and gaps or weaknesses in the delivery system is a requirement of HUD as part of the Consolidated Plan report. These “weaknesses” are institutional in nature, and thus, do not have a readily available solution. They are a part of the system because of the way HUD operates and oversees each program. They cannot be addressed as an action item in one document from one jurisdiction and be expected to be solved by the next report cycle. By acknowledging it in the Consolidated Plan, it is a way to document the inherent deficiencies in the program that will need to be addressed sometime in the future by HUD. San Joaquin County does not have a timeframe for when HUD may address these issues.”

The 2016-2017 Grand Jury determined no further action is required.

Recommendation

R3.1 The County should use Lodi’s efforts as a framework to start a strategic planning process.

Agency Response:

“This recommendation will be implemented but not by January 1, 2017. The Homelessness Task Force includes representatives of public and private agencies involved in the Lodi effort and a presentation summarizing Lodi’s effort has been made to the Homelessness Task Force. This recommendation has not been implemented, but will be proposed to the Homelessness Task Force.”

The 2016-2017 Grand Jury determined no further action is required

Recommendation

R3.2 By January 1, 2017, the Board of Supervisors formulate a plan to eliminate its self-identified “Weaknesses in Organizational Structure.”

Agency Response:

“The recommendation will not be implemented for reasons explained in Response to F3.2.”

The 2016-2017 Grand Jury determined no further action is required

Conclusion

The San Joaquin County Homelessness Task Force 2015-2016 Annual Report Dated November 16, 2016 listed 58 member organizations comprised of government, non-profit housing/service providers and other community benefit groups. The report's 'Statements of Purpose' includes: "San Joaquin County and the cities within San Joaquin County should participate in and contribute toward a shared, coordinated plan to address homelessness in San Joaquin County". The Board of Supervisors and the Task Force are focusing on the issue of Homelessness and have brought many organizations together to help formulate a coordinated plan.

Disclaimer

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**Follow-Up Report to the
2014-2015 San Joaquin County Civil Grand Jury
Case 1412**



Stockton Municipal Utilities Department

Preface

This report contains the City of Stockton's response to the 2015-16 San Joaquin County Civil Grand Jury (Grand Jury), Follow-Up Report regarding improvements needed at the City of Stockton's Municipal Utilities Department (MUD). The city was unable to complete the 2014-15 report's recommended improvements in the prescribed time because additional tests and studies were required. Grand Jury recommendations, as well as the City of Stockton's responses are presented verbatim in this report. The 2016-2017 Grand Jury determinations follow the agency's response to each recommendation.

A complete copy of the original report and the agency's response may be found on the San Joaquin County Civil Grand Jury website at: <https://www.sjcourts.org>.

Glossary

H2S	Hydrogen Sulfide
IPS	Intake Pump Station
OSHA	Occupational Safety and Health Administration
MUD	City of Stockton Municipal Utilities Department
NES	Network Environmental Systems, Inc.

Method of Follow-Up Investigation

The 2016-2017 Grand Jury reviewed:

- 2014-2015 Grand Jury Case Number 1412;
- The city's responses to Case Number 1412;
- 2015-2016 Grand Jury follow-up report;
- The City's responses to the 2015-16 follow-up report;
- The Collections Division, Gravity Sewer Collection Systems 7 and 8, Hydrogen Sulfide Study, conducted by staff ;
- The Levee Settlement Problems and Improvements Study of the Delta Water Supply Intake Plumbing Facility conducted by HDR; and
- MUD Monthly Operations and Maintenance Reports.

The 2016-2017 Grand Jury verified that the additional studies had been conducted, and that the four remaining recommendations had been implemented.

Findings, Recommendations, Agency Responses and Grand Jury Determinations

Finding

F1.1 The city said the Intake Pump Station (IPS), ground settling draft plan to help predict future conditions is in need of further development with anticipated completion in the summer of 2016. At that time, MUD will prepare a summary report of ground settling at the IPS and recommended associated repairs and costs for the City Council.

Agency Response:

"HDR, Inc. was retained by the MUD to study the impacts of levee settlement on structural, electrical, drainage, and pipeline components of the IPS facility. In addition, the study prioritized a list of recommended improvements and estimated costs for the recommended improvements. The study (enclosed) was completed in July, 2016. A number of repairs have been completed and additional repair are scheduled in the current fiscal year as specified below."

Recommendation

R1.1 The 2015-2016 Grand Jury requests Stockton City Council direct (through the City Manager) the Director of MUD by October 1, 2016 follow-up on the draft plan recommendations to help predict future conditions, and the summary report of ground settling and recommended associated repairs and costs.

Agency Response:

“The July 2016 study identified a list of IPS improvements to driveways, doorways, masonry walls, site grading, electrical conduits, drainage, sewer system, 54-inch and 16-inch pipelines, and water well necessary to correct the damage caused by the settlement. The list of improvements were ranked based on criticality. The highest priority and the most critical repairs are corrections to all issues that will prevent the pump station facility from functioning properly and providing raw water to the Delta Water Supply Treatment Plant. The next priority of repairs were those relating to safety, followed by security issues, future functional and non-functional issues, and finally, issues relating to aesthetics. Some of the improvements are as follows:

- *Repairs to electrical conduits compromised because displacement (Criticality 1)*
- *Repair to non-potable well (Criticality 1)*
- *Repairs of driveways displaced (Criticality 2)*
- *Repairs to leaning masonry wall (Criticality 2)*
- *Repairs to uneven pavement (Criticality 2)*

“The cost of the listed improvements was estimated at \$590,000. IPS repair costs are programmed in the 2016-2021 Capital Improvement Program (CIP), with \$500,000 budgeted in the current fiscal year to address Criticality 1 repairs. Additional ongoing repairs will be budgeted in the five year CIP.

“The improvements completed to-date at the IPS, include: installation of flexible transitions to electrical conduits to mitigate for stress on electrical systems caused by settlement; replacement of expansion and offset joints on the 54-inch pipeline to ensure continuous and reliable raw water delivery to the treatment plant; and repair of well utilized to supply water for pump station operations.”

The 2016-2017 Grand Jury determined no further action is required. The Levee Settlement Problems and Improvement Study dated Aug. 4, 2016 addressed all issues identified in recommendation 1.4.

Finding

F1.2

Regarding the H2S pilot study, MUD will prepare a pilot test report and an H2S reduction summary for the City Council in the summer of 2016.

Agency Response:

“MUD completed the H2S pilot study (enclosed) in July 2016.”

Recommendation

R1.2 The 2015-2016 Grand Jury requests City Council direct (through the City Manager), the Director of MUD by October 1, 2016 provide the 2016-2017 Grand Jury a copy of the pilot test report and H₂S reduction summary and the settlement design plan described in R1.1 in the 2014-2015 report scheduled to be completed by summer 2016 to be forwarded to the 2016-2017 Grand Jury.

Agency Response:

“MUD completed the H₂S pilot study that documented the effective application rate of sodium hydroxide in Collection Systems 7 and 8 to control atmospheric H₂S. In short, the pilot study helped to determine the appropriate chemical treatment to effectively control corrosive gases in the collections system. The pilot study commenced in June 2015 and was completed in December 2015 and concluded the following for Collection System 7&8, hydrogen sulfide control:

- *A one-time 2,000 gallons dose of sodium hydroxide recommended by US Peroxide significantly increased the pH level of incoming sewage and impacted the treatment process*
- *Chemical addition to Collection System 7 has been temporarily suspended and MUD staff is continuing to monitor hydrogen sulfide levels and chemical addition will be re-introduced if needed*
- *Continue to apply sodium hydroxide to Collection System 8 but at a modified dosage and frequency. The new recommended dosage is 700 gallons of sodium hydroxide per day, three times per week*

“Response to the settlement design plan described in R1.2 is provided in response to R1.1 above.”

The 2016-2017 Grand Jury determined no further action is required.

Finding

F1.3 Of the original 29 safety program areas; 12 have been completed, three are in progress, six have yet to be started and eight are on hold pending additional funding or alternative training options. MUD will not complete the program until early 2017.

Agency Response:

“MUD continues to make progress towards completing the development and training associated with all 29 safety program areas. Most notably, MUD hired a Safety Manager and an Occupational Health/Safety Specialist earlier this year to take over program development and implementation from NES, Inc.

Recommendations

R1.3 The 2015-2016 Grand Jury requests City Council direct (through the City Manager) the Director of MUD by October 1, 2016 prepare a report describing the high priority repairs to be completed in 2016 be forwarded to the 2016-2017 Grand Jury.

Agency Response:

“Provided in response to R1. above.”

The 2016-2017 Grand Jury determined no further action is required.

R1.4 The 2015-2016 Grand Jury requests City Council direct (through the City Manager) the Director of MUD by January 1, 2017 to assign and meet benchmarks for the Safety Programs being developed by NES, Inc. and report to the City Council annually on its progress.

Agency Response:

“As stated above in response to Finding F1.3, MUD hired a Safety Program Manager and an Occupational Health/Safety Specialist to assume management of MUD’s Safety Program from NES, Inc. As of July 28, 2016, of the original 29 programs, 15 have been completed. Three are completed pending review and signature, which include Industrial Hygiene, Chemical Hygiene and Fall Protection. Six are in progress including Confined Space (due August 30), Lock Out-Tag Out (due September 30), Injury, Illness and Prevention Plan (October 30), Respiratory Protection (due October 30), Excavation, Trenching, Shoring (due November 30) and Emergency Preparedness (due December 30). Five programs have not been started or have limited development.

“For 2017, development of the safety programs will be completed by staff as reliance on the safety consultant is reduced and eventually discontinued. MUD staff scheduled the completion of one program or program update every 90 days until the final five programs are completed and approved. Annual training will be facilitated for all current programs as well as any programs that have received updates through the Safety Division in 2017. We are currently conducting daily, weekly and monthly safety audits to determine the best use of resources and the inspections will be prioritized based upon our findings from current 2016 inspections and audits going forward. Updates to the Safety Program will be contained in the MUD Monthly Operations and Maintenance Reports beginning in September, 2016.

“There are no budget issues as alternative training options have been completed to include the hiring of an OSHA Compliance Specialist and a Safety Manager to replace the consulting contractors from NES.”

The 2016-2017 Grand Jury determined no further action is required.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (penal Code sections 911, 924.1(a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code sections 924.2 and 929).

Follow-Up Report to the 2015-2016 San Joaquin County Civil Grand Jury Case 1401



It's Time to Come Together Consolidate the Eight

Preface

This report contains the methods that the 2016-2017 Grand Jury used to determine if the Local Agency Formation Commission (LAFCo) responded to the 2015-2016 Grand Jury Follow-Up Report, "*It's Time to Come Together-Consolidate the Eight.*" Grand Jury recommendations, as well as LAFCo's responses are presented verbatim in this report. The current Grand Jury follow-up results are presented after the agency's response to each recommendation.

A complete copy of the original report and the agency's response may be found on the San Joaquin County Civil Grand Jury website at: <https://www.sjcourts.org>

Glossary

LAFCo	Local Agency Formation Commission
MSR	Municipal Service Review

Method of Follow-Up Investigation

The current Grand Jury reviewed the 2015-2016 Grand Jury follow-up report to the 2014-2015 Report No. 1401 and LAFCo's responses.

Recommendation, Agency Response and Grand Jury Results

2014-2015 Grand Jury Recommendation

R3.2 "No later than December 31, 2015, LAFCo and the fire districts are to begin providing quarterly updates of the consolidation progress to LAFCo Commissioners, rural fire districts boards of directors, and the public."

Waterloo-Morada Fire District Response: "Agree"

French Camp-McKinley Rural Fire District Response: *"The Fire District agrees to participate with other agencies and report them out accordingly."*

Montezuma Fire Protection District Response: *"The District will be an active participate (sic) to such reports."*

Linden-Peters Fire District Response: *"LPFD Board of Directors agree that a quarterly report should be presented. This report should be based on the progress and finding of the meetings held between LAFCo and the Fire Chiefs'."*

Clements Rural Fire District Response: *"Our district will be represented in future discussions and meetings."*

Woodbridge Fire District Response: *Did not respond.*

Liberty Fire District Response: *"We hope that this issue can be combined with the new LAFCo MSR. It certainly would be more efficient to do one study instead of two. Liberty Fire District will be a part of the study on consolidation."*

LAFCo response: *"Partially agrees. LAFCo agrees to report on the consolidation progress."*

The 2015-2016 Grand Jury recommends that LAFCo provide to the 2016-2017 Grand Jury a copy of the Municipal Service Review (MSR) for the Rural Fire Protection Districts in San Joaquin County that is to be completed in December 2016.

Agency Response, April 12, 2017: *"This agency was unaware that a response was necessary since the Municipal Service Review, when completed, will be a public document and would, as a matter of course, be transmitted to the Grand Jury. LAFCo has made progress but has not yet completed this document and anticipates completion later this calendar year."*

"We look forward to completing this document and transmitting our findings to the Grand Jury."

2016-2017 Findings and Recommendations

Findings

F1.1 LAFCo failed to complete the MSR by 2016, resulting in a delay to the potential consolidation of these eight districts.

F1.2 LAFCo agreed to coordinate a series of meetings with the fire districts to discuss consolidation. Failure to conduct such meetings has led to a delay in the potential consolidation of these eight districts.

Recommendations

R1.1 By September 30, 2017, LAFCo complete the MSR for the rural fire protection districts in San Joaquin County.

R1.2 By November 30, 2017, LAFCo establish a schedule of meetings with the eight fire districts to discuss consolidation and provide quarterly progress reports to the grand jury.

Conclusion

LAFCo Municipal Service Review Guidelines requires that an MSR be completed no later than every five years. LAFCo's last MSR was filed October 2011.

It is imperative that LAFCo complete the Municipal Service Review by September 2017. Completion of the MSR will enable the rural fire districts to meaningfully discuss possible consolidation. LAFCo agreed the subject of consolidation is deserving of discussion with all of the fire districts. Elected officials and community members must be engaged in the process. Consolidation may result in more effective and efficient fire protection services.

Disclaimer

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Response Requirements

California Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The Local Agency Formation Commission Board of Directors shall respond to each finding and recommendation issued by the 2016-2017 Grand Jury within 90 days from receipt.

Mail a hard copy of the response to:

Honorable José L. Alva
Presiding Judge San Joaquin County Superior Court
180 W. Weber Avenue, Suite 1306
Stockton, CA 95202

Also, please email a copy of the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury, at_grandjury@sjcourts.org

Follow Up Report to the 2015-16 San Joaquin County Civil Grand Jury



Juvenile Justice Detention Facilities

Preface

This report contains the San Joaquin County Probation Department's responses to the 2015-2016, San Joaquin County Civil Grand Jury (Grand Jury) report regarding improvements needed at the Juvenile Detention Facility. Grand Jury findings and recommendations as well as the Probation Department's responses are presented verbatim in this report. The 2016-2017 Grand Jury determinations follow the agency's response to each recommendation.

A complete copy of the original report and the agency's responses may be found on the San Joaquin County Civil Grand Jury website at: <https://www.sjcourts.org>

Method of Follow-Up Investigation

The 2016-2017 Grand Jury reviewed the agency's responses, requested updated documentation and toured the facility for verification.

Findings, Recommendations, Agency Responses and Grand Jury Results

Findings

F1.1 Carpeting throughout the facility was extremely dirty and stained. It presents a health hazard not only for clients, but also for staff and visitors.

Agency Response: *"Agree."*

F2.1 Audio, intercom and video cameras, especially in high risk and suicide prevention rooms and hallways are outdated.

Agency Response: *"Agree."*

Recommendations

R1 By December 31, 2016, remove, replace or clean carpeting throughout facility.

Agency Response: *"The recommendation is in the process of being implemented."*

"The Probation Department is currently in the process of replacing the carpet throughout Juvenile Hall and Camp Peterson: Unit 1, Unit 2, Unit 3, Unit 4 and classrooms, Unit 5 and classrooms, Unit 6, Camp Peterson, In-Custody Intake office, and Detention Administration.

"The San Joaquin County Plant Engineering Division is overseeing the carpet replacement project. All materials and supplies are scheduled to be delivered during the last week of July, with installation beginning during the first week of August.

"There are four areas that will not be re-carpeted at this time because they were deemed to be in viable condition and did not meet the rate (age and wear) to be replaced at this time. Those four areas are Visiting, Court Transportation, the hallway outside door 9-9 and Intake Booking.

"The Probation Department is working with Purchasing and Support Services to have the carpet that is not being replaced professionally cleaned. The cleaning will be completed in the next 30 days."

The 2016-2017 Grand Jury determined no further action is required.

R2 By December 31, 2016, upgrade audio, intercom and video cameras throughout facility.

Agency Response: *“The recommendation requires further analysis.”*

“Implementing this recommendation will require fiscal resources from San Joaquin County (“County”) not currently budgeted. The County will initiate the process to determine an estimated cost to replace the audio, intercom, and video camera systems throughout Juvenile Hall as well as the video system at Camp Peterson. Once the cost is known, the County will explore options to determine a timeline for funding the project in its entirety or in phases. It is anticipated that a rough estimate will be received within 60 days with a tentative decision made within 90 days.”

See section 2016-2017 Discussion, Findings and Recommendations

2016-2017 Discussion, Findings and Recommendations

The 2016-2017 Grand Jury reviewed additional information from the San Joaquin County Probation Department concerning the upgrade to the audio, intercom and video cameras throughout the facility. The county is in the process of procuring the services and equipment necessary to replace the intercom system in Unit 5. The engineer is now in the midst of developing the strategy to address the remaining juvenile hall intercom and video surveillance systems.

Finding

F1.1 The funding to replace the intercom system in Unit 5 was included in the 2016-2017 fiscal year budget and work was started May 8, 2017. Quotes for services to repair and replace the remaining intercom, central control and video surveillance camera recording systems have been received. The San Joaquin County Probation Department is appearing before the Board of Supervisors on May 23, 2017, to request funding to complete the upgrade throughout the facility. If the requested funding is not sufficient to rectify the problems, the Probation Department will return to the Board of Supervisors to request additional appropriations.

Recommendations

R1.1 By Sept. 1, 2017, The Board of Supervisors approve the funding to upgrade the audio, intercom and video cameras throughout the Juvenile Detention Facility.

R1.2 By June 30, 2018, the Probation Department complete all upgrades to the intercom, central control and the video surveillance camera systems, as funding allows.

Conclusion

The 2016-2017 Grand Jury determined that the San Joaquin County Probation Department responded in a timely manner to the findings and recommendations made by the 2015-2016 Grand Jury. The Grand Jury appreciates the Probation Department's cooperation in addressing the issues raised in last year's report.

Disclaimer

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Response Requirements

California Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The San Joaquin County Board of Supervisors shall respond to all findings recommendations in this report.

Mail a hard copy of the response to:

Honorable José L. Alva
Presiding Judge San Joaquin County Superior Court
180 W. Weber Avenue, Suite 1306
Stockton, CA 95202

Also, please email a copy of the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury, [at grandjury@sjcourts.org](mailto:at_grandjury@sjcourts.org)

Section V

Table of Tours and Presentations.....167

Tours and Presentations

**2016-2017 Grand Jury
Tours and Presentations**

Tours

9/21/2016	San Joaquin County Jail, Honor Farm and Morgue*
9/28/2016	Mary Graham Children's Shelter
10/19/2016	Deuel Vocational Institution*
11/2/2016	San Joaquin County Juvenile Detention*
11/30/2016	California Health Care Facility*
12/14/2016	O.H. Close and N.A. Chaderjian*
4/19/2017	Port of Stockton

*Mandated Tours

Presentations

8/17/2016	San Joaquin County Sheriff's Department
8/24/2016	District Attorney's Office - Public Integrity Unit
9/7/2016	Human Services Agency - Elder Abuses
9/14/2016	Lodi Electric
9/14/2016	Housing Authority of the County of San Joaquin
10/5/2016	Stockton Police Department - Public Safety Issues
10/26/2016	Stockton Municipal Utilities Department
10/26/2016	County Behavioral Health Services
12/7/2016	Office of Emergency Services

Section VI

About the Grand Jury.....169

How the Grand Jury is organized.....169

Desirable attributes and benefits of a Grand Juror.....170

Qualifications.....170

Citizen complaints.....171

Complaint Form.....172

Grand Jury Process and Organization

About the Grand Jury

The San Joaquin County Civil Grand Jury's duty is to address citizens' concerns regarding the operation of local government entities.

The Civil Grand Jury is comprised of 19 citizens who are impaneled annually for a one-year term. The Grand Jury has a separate and different function than that of a trial jury and does not hear cases in a courtroom. Instead, grand jurors examine and investigate local governmental activities within San Joaquin County.

The responsibilities of the civil Grand Jury encompass the examination of all aspects of county government, including school and special assessment districts, to ensure that the county is being governed lawfully, efficiently and that public monies are being handled appropriately. The Grand Jury may conduct investigations of public agencies and the administration and affairs of any city within the county.

The Grand Jury is authorized by law to:

- Inquire into the condition and management of public prisons within the county;
- Investigate and report on the operations, accounts and records of city and county offices, departments and their functions;
- Inquire into the allegations of willful or corrupt misconduct of public officials;
- Investigate into the activities of all school and special assessment districts within the county;
- Submit a final report of its findings and recommendations to the Presiding Judge of the Superior Court.

How the Grand Jury is Organized

The Presiding Judge of the Superior Court empanels 19 Grand Jurors to serve for one year, fulfilling the duties as outlined under state law. The judge appoints a foreperson who presides over the grand jury. The grand jury elects other officers and organizes itself. The jurors meet in a weekly general session. Smaller investigative committees meet throughout the week.

In addition, jurors meet with county and city officials, visit county detention facilities, and conduct independent reviews on matters of interest or concern. Each of the working committees report to the full Grand Jury. Conclusions are reached after study and thorough discussion of the issues and they may appear as part of the grand jury's final report.

Desirable Attributes of a Grand Juror

Grand Jury service is a volunteer position with modest monthly compensation for meetings and mileage. Members receive a wealth of experience and provide a vital service to their community.

- Good health
- Open-mindedness
- Knowledge of and interest in local government and community affairs
- Skill in working productively with others in a group setting where respect and patience are essential
- Skill and experience in fact-finding, investigative techniques and report writing

Benefits of Being a Grand Juror

The benefits of being a grand juror are many:

- You will enjoy the satisfaction and pride of doing an important job.
- There is the experience of being a member of a respected panel.
- You will become part of a body of people with the unique authority to see local government workings not available to most county citizens.
- As a grand juror, you have an opportunity to make a difference for your community.

Qualifications

To be considered for nomination, you must meet the following legal requirements:

- Be a U.S. citizen;
- Be at least 18 years old;
- Be a resident of San Joaquin County for at least one year immediately prior to the beginning of your service;
- Possess intelligence, sound judgment and good character;
- Have sufficient knowledge of English language to communicate orally and in writing;

You cannot be considered:

- If you are serving as a trial juror in any court in California;
- If you have served as a Grand Juror in any California county within the previous year;
- If you have been convicted of malfeasance in office or any other high crime;
- If you are serving as an elected public officer.

Citizen Complaints

The Grand Jury receives complaints regarding all levels of local government. They may include, but are not limited to, allegations of misconduct by public officials or employees and inefficiencies in local government. Any citizen may submit a complaint by completing a Complaint Form.

Complaints are treated as confidential. This allows a complainant to come forward without intimidation. Generally, the Grand Jury provides to the complainant written acknowledgement of receipt of a complaint. However, with so many possible investigations, it is necessary for the Grand Jury to make hard decisions about what investigations to undertake during their term.

The complaint form should be submitted only after all attempts to correct an issue have been explored.

The Civil Grand Jury complaint form can be found on the next page and at:

<http://www.sjcourts.org/sites/default/files/pdfs/grandjury/CompForm.pdf>

Send your completed form to:

San Joaquin County Superior Court
Attn: Trisa Martinez, Judicial Secretary
180 E. Weber Avenue, Suite 1114
Stockton, CA 95202

Forms also can be obtained by visiting or writing to the address above. The Grand Jury does not accept complaints via e-mail.

To Learn More

For more information about the San Joaquin County Civil Grand Jury visit:

<http://sjcourts.org/general-info/civil-grand-jury>

SAN JOAQUIN COUNTY CIVIL GRAND JURY
180 E. Weber Ave., Suite 1114 Stockton, CA 95202
Phone: (209) 468-3855

COMPLAINT FORM

All communications to the Grand Jury are confidential.

The Grand Jury is the avenue for county residents to bring attention to what they believe are injustices not resolved by public agencies, after other reasonable efforts have failed.

What is your name, address and phone number?

What agency and/or person are you complaining against? *(Name of agency and all individuals, including their addresses and phone numbers)*

Please explain the nature of your complaint providing as many details as you can, including dates, times, and places where the events took place. *(Attach extra sheets if necessary)*

Action taken. *(Please list other persons and/or agencies you have contacted in an attempt to resolve this complaint and any actions you have taken yourself.)*

Witnesses. *(Please provide names and telephone numbers of anyone else who can substantiate your complaint.)*

The information in this form is true, correct and complete to the best of my knowledge.

SIGNATURE: _____

DATE: _____